

## Author's Note and Acknowledgments

When the planners for the new Eastshore State Park proposed that a history of the campaign to create the Eastshore State Park be written, I leapt at the opportunity to do this. As a participant, I realized that any history I wrote would be colored by my own recollections and involvement. Nevertheless, I felt that it was important for others to have some sense of what it was like to be actively involved in a citizens' movement to create a major public park for the entire Bay area. I also believed it was important and necessary to preserve the memory of many of those who are still involved and to record for posterity the deeds of those who are no longer with us to share their memories. I also wanted to make people aware of the connection between the campaign to create the Eastshore State Park and the Save the Bay campaign, one of most important citizen movements and environmental campaigns in all of the San Francisco Bay area since the end of World War II.

This is a history from the point of view of activists in that park campaign. I use the term "park advocates" as a short hand for them. It is not intended to be a definitive history of this campaign. To do that would require much more time and support than I had. It would also require access to the Santa Fe Railroad's archives, which I suspect would not be opened up to me or to anyone else, for that matter.

There were many people I sought to interview, who, for whatever reason, did not want to be interviewed or chose not to respond. I tried to interview enough people to get a solid understanding of the history that would go beyond my own recollections and which would challenge my own perceptions and understanding. I can assure anyone who reads this that many more people could be interviewed and that others could write a history that would not only supplement this one, but also challenge many of my observations and conclusions. That is nature of writing history.

As someone who was a participant, I could have referred to myself in either the first or third person. I chose the third person in order to keep some distance between the history that I have written and what I remember. Since my source materials came from interviews, people's private collections of papers, and other primary source materials that have not been catalogued, I chose not to footnote references. All I can ask is that people who read this history understand that I tried to be factually accurate and that I would not allow bias to contradict an accepted fact or the greater weight of opinion that I gathered from others.

I would like to thank the State Coastal Conservancy for providing the funding for this project as part of the planning for the Eastshore State Park, the East Bay Regional Park District and its Interagency Planning Manager Larry Tong for administering this grant, the State Parks Department for its support for the park planning that includes this grant, and the planning team working on the park planning. I would also like to thank those who allowed me to interview them for this project or allowed access to their private papers. I especially want to thank Dwight Steele and Sylvia McLaughlin for their willingness to read a draft of this history and provide me with their comments and suggestions. Needless to say, any opinions or conclusions I have expressed in this history are mine and mine alone and do not reflect the opinions of any of the public agencies involved or those who reviewed the draft of this document. I also bear sole responsibility for any factual inaccuracies.

January 1, 2001  
El Cerrito, California

Norman La Force

**CREATING THE EASTSHORE STATE PARK**

**AN ACTIVIST HISTORY**

**BY NORMAN LA FORCE**

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Map (Zone of Interest Study, East Bay Shoreline Feasibility Study, December, 1982,  
Department of Parks and Recreation, State of California)

Cover Photo: Berkeley Meadow, March 1986 by Norman La Force

## **Introduction**

In 2000 the California Department of State Parks in conjunction with the East Bay Regional Park District began the public process for the plan for the Eastshore State Park (ESP or the Park). This park stretches along the waterfronts of Oakland, Emeryville, Berkeley, Albany and Richmond from the Northern side of the approach to the Oakland Bay Bridge north to Port of Richmond. The history of the creation of this park goes back to 1961 when the founders of Save San Francisco Bay Association organized to oppose Berkeley's proposal to double the city's size by filling 2,000 acres out from Berkeley's then existing shoreline. This park is both the progenitor and the child of the citizens' movement to save San Francisco Bay. The proposed fill of the East Bay along this same shoreline sparked the efforts of Sylvia McLaughlin, Esther Gulick, and Kay Kerr to create the Save San Francisco Bay Association (Save the Bay) in 1961 and to start a campaign for legislation to stop the fill of San Francisco Bay and to provide more public access to the shoreline. The Eastshore State Park is the result of that effort in the East Bay.

As one will see from the history of the effort to create the Park, the dominant theme from the beginning was a continued and sustained effort by individuals and organizations to accomplish four key goals. One was the halt to further fill of the Bay along this stretch of San Francisco Bay shoreline for any purpose. A second goal was to stop proposals for the commercial development of the privately owned but undeveloped filled lands along the shoreline in order to accomplish the third goal. That goal was the public acquisition of the privately held lands and the creation of the Eastshore State Park. The fourth goal was the use of this park for public access to the Bay, recreation, and the preservation of sensitive upland wildlife that the landfilling had created and of some of the last remaining wetlands in the Bay. A few people have held key leadership rolls in this effort from the beginning. A few others have followed, taken the

colors from those who preceded them, and continued that same long term and sustained effort. Many others have participated at key moments and in the individual cities for short periods of time. Regardless of each individual's involvement, the actions of all were absolutely essential in the effort to create the Eastshore State Park.

In a similar manner a few citizens' organizations have participated in this effort from the beginning while other citizen groups have sprung up in the individual cities provided key support for the Park until their job or goal was accomplished. As with individuals, the participation of all of these organizations was critical for creating the Eastshore State Park.

This history is an attempt to document the role of those individuals and groups from their perspective as citizen activists. This is not intended to be a comprehensive history of this effort from all perspectives. In documenting this effort, one can draw the following conclusions. First, contrary to the popular notion that a single person cannot impact political decision making, individuals did matter and made a difference. Second, by sticking to a simple and clear message, park proponents were successful. Third, active grassroots participation was vital to establishing the Park. Fourth, individuals could not have accomplished their goals without working within established organizations or creating citizens' groups to meet their needs. Grassroots organizations gave individuals the power and resources necessary to create the park.

## **The Pre-1960's Proposals for Development of the East Bay Shoreline**

The first major proposal for filling the East Bay shoreline from Oakland to Richmond came in 1913. In that year Lt. Colonel Thomas Rees of the U.S. Army Corps of Engineers put forward a plan to turn this portion of the East Bay Shoreline into a huge port city with a major harbor for the United States Pacific fleet. In addition, to offices, stores, and housing, which would have doubled the population of Albany and Berkeley, Rees' plan called for airport facilities and naval yards and docks deep enough to handle battleships and ocean freighters. In addition to filling land to expand the East Bay cities, Rees' plan provided for a ship channel between those urban areas and new island parks that would buffer and protect the docks. This plan fortunately died from internecine feuding among the East Bay cities. Some prominent citizens opposed it because it was not big enough, while Oakland opposed it as too big.

Other ideas were put forward between 1918 and 1930's. In 1926 Berkeley leased lands to the Golden Gate Ferry Company for the construction of a pier primarily to accommodate ferries to transport people and autos to San Francisco and other Bay locations. The ferry opened up three years later and jutted three miles into the Bay. In 1938 when the Bay Bridge opened the ferries stopped service. The city then charged for access to the pier. At around this time the federal government constructed what is now Interstate 80 along the shoreline, creating what became Aquatic Park. Stephan Child in 1926 and R.L. Vaughan in 1939, proposed to develop piers and harbor facilities for ocean going ships. From the mid 1920's to the mid-1930's the Santa Fe Railroad under the guise of a company called the Berkeley Waterfront Co. bought up large portions of the Berkeley and Emeryville shoreline. It had already bought up Albany's shoreline in the early 1890's. One parcel that it did not acquire at the time was what is known as the

Berkeley Meadow. This came to be held by George Murphy, who was a different George Murphy from the actor.

Albany's and Emeryville's lands remained undeveloped during the 1920's and 1930's. In the 1930's the Golden Gate Turf Club proposed a race track on the waterfront lands leased from Santa Fe. The company chose Fleming Point in Albany as the site for the track because the point would provide fill material for the track. The project was completed in 1940, but due to weather and, probably, poor fill practices the track was initially a sea of mud and unusable. Horse racing did not return until 1947. The 1940's saw other plans such as Robert Sibley's which included shops and office buildings on large areas of Bay fill in a "fried egg" plan, envisioning a cloverleaf shaped type fill.

The Second World War turned the Bay Area into a major wartime port and production area for the war effort. The population increased 60%. The Albany lands that are now the Golden Gate Field's race track held one of the largest dock areas for navy ships. One photograph shows the entire area holding hundreds of the landing craft used for the island invasions in the Pacific Theater.

After the war in 1946 the Golden Gate Turf Club was reorganized into the Golden Gate Fields and opened in 1947 on a much improved field. Golden Gate Fields entered into a 50 year lease with Santa Fe, which expired in 1997.

Following the war John Reber, a retired actor and theater director, proposed a substantial development in Berkeley. His plan called for a huge fill expansion of the East Bay shoreline with dikes, closing off San Pablo Bay and the southern portion of San Francisco Bay just south of Yerba Buena Island. Although Reber garnered much support for his plans, the grandiose nature of them and the multiple issues they presented in terms of their size and impact on water

resources, probably prevented them from being realized. Through the 1950's his plan was discussed and studied, but not implemented. He died in 1960 just prior to the last major effort to fill the Bay and first organized citizens' opposition to such fill proposals.

Meanwhile, in 1948 Santa Fe proposed substantial waterfront development in Berkeley. This apparently did not get anywhere at the time. Berkeley rezoned the Santa Fe lands in 1951 from industrial to unclassified, which allowed any use, but required Santa Fe to obtain a use permit for any development proposals. In 1955 Berkeley's master plan proposed an expansion of the city into the Bay with fill of up to 3 miles west of current Interstate 80 on 2,500 acres of wetland. After some studies on this plan Berkeley proposed doubling the size of the city with fill of 2,000 acres. This fill would have been for industrial and residential development and included an airport. It is this proposal that brought forward Esther Gulick, Kay Kerr, and Sylvia McLaughlin to oppose this plan and to form Save the Bay.

A 1956 Shell Oil Co. map for the East Bay shows much of the existing Richmond waterfront in the area south of the marina and port. Hoffman marsh, however, is not shown as closed off. Point Isabel and the area where Costco and the U.S. Postal Service Center are currently located are shown as newly filled areas. The map shows the Albany Fields race track, but the disposal areas that became the Plateau and Albany Bulb had not yet been created by fill. Berkeley has a rectangular breakwater for the Berkeley yacht harbor, but no fill on what we now call the Meadow, and Brickyard or the Marina and Cesar Chavez Park. The fill known as the North Basin Strip and Stables does exist. Emeryville has a small area of fill north of Powell Street and immediately adjacent to the freeway.

## **Save the Bay**

The story of the creation of Save the Bay and the work that the three UC Berkeley faculty housewives did to stop the fill of the Bay has been told before, and this history will not repeat that work here. It is clear from the interviews of the three women done for the oral history project on Save the Bay, and in the subsequent interview with Sylvia McLaughlin for this history, that the proposed Berkeley plan for fill was the impetus for Save the Bay. The Berkeley fill was one component of a more ambitious idea that vast areas of the Bay could be filled. In 1959 the U.S. Army Corps of Engineers released the 2020 Report for the U.S. Chamber of Commerce which described with a diagram the fact that 70% of the Bay was shallow enough to be filled. As we shall see, Save the Bay arose out of the campaign to stop the fill along the East Bay shore. According to Save the Bay co-founder, Sylvia McLaughlin, the effort to stop the fill in Berkeley came first, to be followed by the Save the Bay campaign.

The proposed fill was not only for Berkeley, but also for Emeryville and Albany. Events in Albany and Emeryville will be discussed separately, but it is important to note that the Save the Bay effort provided the activist energy for citizens in those communities to begin their efforts to stop Bay fill and save their shoreline.

The protagonist in the political drama to fill the East Bay shoreline was the Santa Fe Railroad and its related companies. Its ownership of the East Bay Shoreline and its continued efforts to develop its properties would become the theme of the shoreline from the 1960's to the early 1990's when it finally agreed to sell all of its undeveloped holdings to the state for the Eastshore State Park. This was a political Thirty Years War for the shoreline. Indeed, the analogy to the Thirty Years War is apt for as with that conflict, it was fought for a time in one place, then stopped, to be fought again later or in a different location. It also represented a conflict between

two different belief systems that would determine the fate of the communities involved. In the case of the East Bay Shoreline, the difference was between the belief, on the one hand, that the waterfront should be used for private development that would enrich the private owner and provide tax revenues to the cities along the shoreline, and the belief, on the other hand, that the shoreline should be held for the public with three objectives in mind. One was that the waterfront should be for public use and enjoyment. The second objective was to protect and preserve precious environmental and ecological resources that faced destruction from various development plans if they were not saved. The third objective was to retain the beauty of the open waterfront of the Bay. So far as park advocates were concerned, the resolution of this conflict was always in doubt, even in “progressive and radical” Berkeley, until Santa Fe agreed to sell its East Bay waterfront lands to create the Eastshore State Park. Just how the citizens triumphed is a story that hopefully can provide useful methods for others facing similar issues in their communities.

## **The 1960's City by City**

### **The Early Efforts in Berkeley**

In 1955 the Berkeley master plan for the city proposed a new urban site on the waterfront with 2,500 acres of filled land extending three miles west of the freeway and existing shoreline. A Tudor Engineering study in 1956 found that while reclamation was feasible, the amount of fill needed was less than initially proposed. Berkeley funded a further study, which the city received in 1961. This study proposed fill of 2,000 acres, extending two miles into the Bay, with commercial, and industrial uses, including an airport and other transportation facilities. This proposal along with the ideas floated for the fill of the rest of the Bay spurred Esther Gulick, Kay Kerr, and Sylvia McLaughlin to start Save San Francisco Bay Association.

The 1961 fill proposal would use the Berkeley waterfront as its garbage disposal site. Sylvia McLaughlin and others in Berkeley opposed this idea. As early as 1960 she had written a personal letter to the president of Santa Fe asking the company about its intentions for the property it owned along the Berkeley waterfront. In 1961 she wrote to the city and spoke out against the use of Berkeley's waterfront as a waste disposal site. Despite this initial opposition, the city approved a limited amount of garbage fill. The fill for Berkeley's waste disposal created the contours of the Berkeley shoreline that we see today.

Various proposals were put forward at this early stage. One development proposal for the Berkeley waterfront was for three drive-in theaters. Berkeley turned this down in 1962. In 1963 Santa Fe presented the Victor Gruen Plan for the development of the East Bay tidelands from Emeryville to Albany. This plan called for fill out about two miles from I-80 for a whole

new city with a full transportation infrastructure that included an airport. The Berkeley city council rejected this proposal in December 1963.

In 1963 Save the Bay and Professor Mel Scott at UC-Berkeley proposed a bay conservation and development commission. In 1964 Berkeley created an advisory committee on waterfront planning. This committee would make recommendations on the conservation and development of the waterfront. The staff report for this committee noted that Emeryville was planning 80 acres of fill with residences, commercial office space, and municipal offices located on over 80 acres of fill into the Bay.

In this same time period, the city council also called for preserving a portion of its shoreline for public recreation, and in 1964 the city manager reported to the council on the feasible methods of acquiring Santa Fe's lands. In 1963 and 1964 the City also turned down use permit requests for hotel-motel complex on the waterfront.

New development proposals kept cropping up. A 1965 Oakland Tribune article noted that the City of Berkeley had called upon the U.S. Army Corps of Engineers to preserve a boat fairway from its yacht harbor to the portion of the Bay that would remain open after its proposed fill project. It further noted, erroneously according to Sylvia McLaughlin, that even though Berkeley was the home of Save the Bay, the city had actively sought financing for fill projects that would extend the dry land from the then present shoreline to halfway to Alcatraz island. In fact, Berkeley's city council had voted to restrict garbage fill to the present contours of the waterfront.

In August 1965 the McAteer-Petris Act passed to become effective on September 17, 1965. The act suspended all fill in the Bay unless permitted by the newly formed San Francisco Bay Conservation and Development Commission (BCDC). Initially, the commission was an

interim planning agency to be reviewed in 1969 for legislative approval as a permanent body. The newly formed commission was also charged with preparing comprehensive studies of the Bay and developing a Bay Plan.

In 1966 Santa Fe apparently proposed twin office towers on the Berkeley Meadow. Sylvia McLaughlin recalls opposing this proposal. It was defeated by one vote on the Berkeley city council although there does not appear that the proposal generated a large outpouring of opposition to it. That same year in April the Berkeley Advisory Committee on Waterfront Planning recommended an extremely restrictive fill policy. The city manager's report of this recommendation, however, put it in the context of the city's overall policy restricting fill, but noted that the city council had approved plans for 137 acres of fill on the waterfront. Moreover, the report noted that the Peralta Junior College was looking for a site for its campus and was considering the Berkeley Meadow. The city manager's report concluded with a recommendation that the council increase the amount and broaden the type of development that would be approved on the waterfront.

In 1966 the city council also voted by one vote to preserve the unclassified zoning for the Berkeley Waterfront. It further retained Garrett Eckbo to develop three plans for the waterfront, each with a different emphasis. One of those plans preserved the waterfront as open space. This plan, however, included a heliport and trees on the freeway overpass. That same year that Sylvia McLaughlin -- as chair of the Berkeley Commission on Land Acquisition -- asked Santa Fe to give, exchange, or sell all of its Berkeley Waterfront property to the public. Santa Fe rejected this idea. This request appears to be the first time that Santa Fe was asked to divest itself of its Berkeley lands. Ed Bennett, who was the serving on the Berkeley Recreation Commission at that time, wrote that same year to the city manager, proposing that the city float a bond issue to buy

the Santa Fe land, principally the Meadow. At that time Ed Bennett believed that the land was worth about \$3,000,000. The city did not take him up on this suggestion.

1967 saw further efforts to deal with the waste disposal and what to do with the land once filled. One proposal was for a 60-acre golf course. The city staff and council came to the conclusion that the waste fill operation was not good for Berkeley.

Although 1968 was a momentous year in other respects for the United States and its political culture, little occurred in regard to the Berkeley waterfront. In 1969 the state legislature approved the Bay Plan and the establishment of a permanent Bay Conservation and Development Commission, but it was a relatively quiet year for the waterfront in Berkeley. Peralta Jr. College ended its efforts to acquire the Berkeley waterfront for its new college, apparently out of concerns for the high price of the land. The issue for the city in regard to the waterfront was the concern the city had for the continued unclassified character of the Santa Fe and Murphy waterfront lands. It was felt that this situation could not go on indefinitely because it would be too hard to justify this designation in the face of development requests. All of this would change in 1970 when Santa Fe and the other owner of the Meadow, George Murphy, who was not the famous actor, proposed their shopping mall on the Meadow.

### **The City of Albany**

In 1919 the California State legislature made a grant of tidelands to Albany for the purpose of a harbor and other structures necessary for the promotion of commerce and navigation. We discussed earlier the fill that occurred for the racetrack. In 1960 the city's Small Craft Harbors Commission presented a plan to the city, which was not followed up. In December 1960 the city sought to amend the tideland grant, but the City attorney cautioned that a plan

should be developed prior to any request to the state legislature. Albany decided to see what it could do.

In 1961 the legislature amended the tideland grant. Under this amendment the lands could be used for purposes for which there was a general statewide interest including harbors, airports, transportation and utility facilities, public buildings, parks, recreational and fishing facilities, and other uses incidental, necessary, or convenient for the promotion and accommodations of any of such uses such as hotels, apartments, residences, boat sales, parking areas, roadways, and landscaped areas. The amendment further required that within ten years of its effective date, the lands “shall be substantially improved” or the additional grant of uses would automatically terminate.

Nothing significant appears to have happened until 1963. In July of that year the city hired Ruth and Krushhov as planning consultants to develop a master plan for the entire city. In September 1963 a proposal was made to turn the Albany landfill on the waterfront into a recreation area, but the city council apparently took no action. But in December 1963 the City confidentially negotiated a contract for waste disposal that called for the filling 109 to 160 acres of the Albany tidelands. When this became public, it caused opposition to the fill to develop among some Albany residents.

In February, 1964, the city’s citizen committee called the Waterfront Development Subcommittee of the Goals and Objectives Committee submitted a report in regard to the Albany Bayland, stating that “filling would not be to the advantage of the people of the City of Albany— Rather the existence of the Bay of Albany should be accepted as a valuable natural resource, and should be utilized as such.” The city council and its planning consultants disregarded this recommendation from its hand picked committee members. Instead, the landfill operator began

fill operations. As 1964 progressed into 1965 the fill at what is now the Buchanan Street extension became more evident to residents.

In 1965, when BCDC was initially created, Albany amended its contract with the landfill operator in an attempt to circumvent BCDC and restrictions on the fill of the Bay. Albany residents then mobilized when the city's general plan came up for hearings that same year. In October 1965 at the planning commission hearing around 60 people spoke, most in opposition to the continued fill of the Albany shoreline. Some spoke out against high rise development on the waterfront that had been suggested in the plan. Sylvia McLaughlin for Save San Francisco Bay Association wrote a letter opposing the fill. Leon Rimov, an Albany architect with an office in Berkeley, spoke out against the plan.

While the planning commission and the city council held further hearings in October and November 1965, Albany residents met to create the Albany Bay Committee. The committee was opposed to the continued dump operation in the absence of any development plan and in derogation to the tideland grant. It supported limited development of the Albany Bay land for water-oriented recreation to beautify the shoreline and to enhance the community.

The two leaders were Ruth Ganong and Ann Berry. They both have credited Sylvia McLaughlin and Save the Bay with spurring them to political activism on this issue. Other key members were Leon Rimov, Betty Heath, Clay Berling, Herbert Rubin, Dr. Robert Twiss, Cheryl Kleinhammer, William Woolworth, Richard and Polly Gleason, Ray Redel, Blanche Varanna, and Mrs. George Ferreira. They organized the Albany Bay Committee. This public outcry appears to have had some effect. Albany's Mayor Lewis Howell was quoted as saying in December 1965 that he favored a marina and recreational uses instead of high rise and industrial development.

The Albany Bay Committee organized its first general meeting of Albany citizens for January 5, 1966 at the Cornell School in Albany. Ruth Ganong and Ann Berry felt both at that time and now that it was a success in getting people active on the issue. Ninety-seven people showed up, an especially impressive showing for a city the size of Albany. The Albany Bay Committee later reported a membership of 130. Leon Rimov, Ann Berry, Donald Lockwood, Herbert Rubin, and Lois Lyness spoke. According to Ruth Ganong and Ann Berry, the Albany Bay Committee prepared a letter that was mailed or hand delivered to each Albany resident. The press also reported on the meeting. The key to the success of this meeting was due to the work of Ann Berry and Ruth Ganong. Ann Berry recalls that they enlisted the support of the Boy Scouts to lick stamps for the 6,000 letters they sent out and that they also went door-to-door to get people to come to the meeting.

The Albany Bay Committee was not against all development. It favored a plan with water oriented land uses including a launch ramp, a small boat harbor, and some limited commercial uses. The committee called for widespread discussion and participation in a plan for developing the Albany waterfront and immediate tidelands. It also advocated the immediate cessation of unplanned fill of the Bay in Albany. The committee wanted to promote a beautiful and useful shoreline and to cooperate in regional planning for the natural resources of the Bay.

Herbert Rubin, Thelma Rubin's husband, spoke at the January 17, 1966 city council meeting on the issue, urging the city council to suspend fill operations until the jurisdiction of the State Lands Commission and BCDC were clarified. Later that month, Leon Rimov, as Chair of the Albany Bay Committee sent a letter to the mayor recommending a master plan for the waterfront with recreational and marina type uses. At the same time, however, it was clear that

because the city had executed contracts with the dump operator to dump the city's garbage in the Bay as fill, any attempt to stop the Bay fill in Albany could result in a suit by the waste operator.

In February of that same year, the Albany middle school students at the Marin School also become involved in the issue. They debated the issue of filling the Albany waterfront and took a vote with the overwhelming number of students opposed to more fill of the Bay. The vote was 27 against further fill and 3 in support. The mayor of Albany and all but one of the city council members fell into a paroxysm of anger and outrage over seventh grade students having the temerity to engage in the fundamental right of free speech. They claimed the children had not heard both sides of the issue, but the teacher had taped the debate, showing that there had been a presentation of both sides, and the city council members later apologized. In considering the political tenor of Albany at this time, it is perhaps worth noting that until the mid-1980's the John Birch Society had a store front office in Albany on San Pablo Avenue just south of Solano Avenue.

The Albany Bay Committee continued to organize with a focus on the Albany planning commission and changes to the proposed plan for development on the waterfront. In late January, 1966 the Albany Planning Commission held a hearing where the proposed high rise and industrial plan for the waterfront was criticized. The planning consultants had put forward a plan that included 120 acres of fill north of Golden Gate Fields for high rise and industrial use and another 480 acres west of proposed shoreline freeway for a marina and recreational facilities.

In 1966 the Albany Bay Committee also participated in the hearing that the Bay Conservation and Development Commission held on the action to take in regard to Albany's fill of the bay. The just created BCDC faced two fill operations that many considered illegal. One was Emeryville, which will be discussed below. The other was Albany. In July 1966 BCDC

considered the action to take against Albany after having sued Emeryville to stop its fill. E. Clement Shute, the deputy attorney general handling the matters for BCDC, recommended suing Albany. The mayor, city manager, and chamber of commerce of Albany all opposed any attempt to stop the filling of the Bay. The Albany Bay Committee spoke in favor of stopping Albany's fill until a plan for the development of the Bay could be completed. According to Ruth Ganong, the Albany Chamber of Commerce voted to support the city after the Albany Bay Committee had noted that there was no citizen support for the city's fill proposals. The city council decided to counter the BCDC suit by filing its own suit against BCDC, contending that BCDC had no legal ground for stopping the fill operation.

In all of this the Albany city council demonstrated a remarkable pettiness that seems to go with development disputes. It returned a \$13.50 contribution the Albany Bay Committee had sent to the City for a city fountain outside of city hall, stating that it did not need the money for the fountain's construction. In returning the contribution the city council noted that the money could have had a more useful purpose in helping to pay for its suit against BCDC.

On August 10, 1966 the court ruled in Albany's favor and denied BCDC's request for an injunction to stop Albany fill on the grounds that the city's contract with the waste hauler was a project as defined in the McAteer-Petris Act. The case was then appealed. In the meantime the Albany Bay Committee continued its work. In early 1967 it hosted then Mayor Richard Clark to talk about the future of Albany's fill. The Committee still maintained its position to stop fill now and conduct planning first. Clark later attacked Save the Bay and its president Will Siri for urging other local governmental entities to not join in regional bay planning until Albany stopped its fill. Albany also sought to be exempt from BCDC jurisdiction through a special bill that Senator Lewis Sherman of Berkeley proposed in 1967. Albany's elected officials tried to link

opposition to the bill to outside agitators. They branded the Albany Bay Committee as a group of Albany residents “influenced by outsiders to turn against their city and attempt to sabotage the project.” As Ruth Ganong and Ann Berry both noted in their interviews, the rallying cry for supporting fill was the same refrain park advocates would hear over the years: Fill meant commercial development that in turn resulted in tax revenues to the city and its schools. The San Francisco Chronicle weighed in on this East Bay issue and opposed the landfill.

Save the Bay apparently tried to approach the city to negotiate a resolution of the dispute, but was unsuccessful. Meanwhile, the Albany Bay Committee continued to oppose the fill operation and question its legality. Albany Committee Member Ray Redel appeared at a number city council meeting with questions about the landfill operation. The committee also organized against the Sherman bill. The City of Berkeley came out against the Albany fill; and in response, the Albany city council discussed annexing the Thousand Oaks area of Berkeley. Assemblyman John Knox of Richmond was finally able to kill the Sherman bill, ending Albany’s legislative end run around BCDC.

In 1968 Save the Bay, Sierra Club, Ann Berry, Richard Gleason, Ray Redel, Herbert Rubin, Robert Twiss, Milton Nason, all of Albany, John Sutter of Oakland, Catherine Kerr of El Cerrito, Ralph Jones and Ellis Shamp sued Albany to stop the fill on the grounds that the city violated the public trust grants.

Meanwhile, the city began planning to develop a plan similar to the Rimov plan, which called for a marina with commercial and office development on a set of islands off Albany’s shoreline. This plan became known as the Albany Isles Plan. It provided for two islands situated West of what is now called the Albany plateau, connected by a road that would have been an extension of Buchanan Street. The closer of the two islands was to hold a boatel (hotel for

boaters and their boats) and commercial community. It called for just under 300,000 square feet of development with an additional 370,000 square feet in parking, walkways, and roads. The boatel was to have between 300-350 rooms. The outermost island was to be a park, planted with pine, cypress, eucalyptus and other trees and vegetation. A third and much smaller island would be built by fill to the North of the plateau in what is called the Albany mudflats and was intended as a bird refuge.

The city adopted the Albany Bay Isles Plan at its July 8, 1969 meeting. The Albany Bay Committee did not support this plan and many members were distressed with Leon Rimov because he had lobbied members of the city council on his own to support the plan even though he was a well-known member of the Albany Bay Committee. He then left the committee.

At the time the city council adopted this plan, Rimov warned the city that with the plan the general configuration and methodology of the fill operation was firmly established and that any deviation risked the possibility that the State would find the tide land grant invalid and the tidelands would revert back to the State. In November 1969 Rimov alerted the city that the filling operation was not proceeding according to the sequence of filling shown in the adopted plan. This problem would set the stage for the end of the Rimov plan in the 1970's.

### **The City of Emeryville**

Emeryville has been referred to as the city in search of residents. A small wedge between Berkeley and Oakland, it looked to the Bay for expansion in the 1960's. Emeryville's story is one that is wrapped up closely with the creation of BCDC. In the 1960's there was hardly any community opposition to its development schemes.

Seizing on a loophole in the McAteer-Petris Act, which Emeryville leaders had insisted be included in the act, it was able to fill 185 acres west of the freeway. The enabling legislation for BCDC barred any fill that had not obtained a permit and begun fill operations after September 17, 1965. Literally just a few days before McAteer-Petris went into effect, the Emeryville city council and planning commission granted a permit to fill 185 acres west of the freeway for offices, residential and marina development and filling began immediately. BCDC sued Emeryville but lost. There was one political protest when 125 protestors most from outside of Emeryville picketed city hall to protest. They were arrested for disturbing the peace, and ten were prosecuted. This grandfathered fill resulted in the Emeryville marina, Watergate residential condominiums, the office high rises, the Holiday Inn, and the other buildings one sees today.

### **The City of Richmond**

Richmond had some very grandiose ideas for its waterfront in the area that now comprises the Eastshore State Park. There was a proposal for a regional airport on fill at what is now Point Isabel. Save the Bay, Sierra Club, and the City of El Cerrito opposed this idea. The airport proposal never got beyond the concept stage. So far as can be determined there was little else proposed or done along the shoreline where the park now runs except for the commercial development, public water treatment facility, and park lands one sees today.

### **The City of Oakland**

In the 1960's Oakland's port proposed a large-scale fill of the Oakland portion of the Emeryville Crescent west to the tollbooth of the Bay Bridge for container shipping facilities. This proposal did not go forward apparently because of doubts in the city's planning department

as to the city's need for these facilities. The proposed fill was for 1,000 acres and would have boosted the City's container capacity to 36. BCDC, however, estimated the capacity that would be needed by 1990 was only 20.

### **The Idea of a State Park**

Although Sylvia McLaughlin, Ed Bennett, and others had urged Berkeley to create a shoreline park on its waterfront, the vision that open space of the Eastshore waterfront from the Oakland Bay Bridge to the Richmond Marina should be a state park had yet to be articulated. It is important to note, however, that one key duty of the newly created Bay Conservation and Development Commission was the development of a Bay Plan. Between 1966 and 1969 BCDC worked on this plan. In 1969 when the legislature made BCDC a permanent agency, the Bay Plan designated the East Bay shore for park use. The actual ownership and status of that park use was not delineated, however.

## **The 1970's**

The 1970's saw the principal focus of fill and development activities on the Berkeley and Albany waterfronts. The most contentious was Berkeley.

### **Santa Fe's Shopping Center for the Berkeley Waterfront**

In 1971 Santa Fe and Murphy proposed a large development for the Meadow that they owned. It did not propose any more fill of the Bay in Berkeley. The shopping center had a square footage of 1,000,000 square feet on the Meadow. One can see what the Berkeley waterfront would have looked like by traveling to the Richmond Hilltop Mall, which was where the shopping mall was developed after Berkeley rejected it.

This plan ignited immediate opposition from many Berkeley residents. According to an Urban Care newsletter from 1977, the 1971 Berkeley City Council election focused on this issue with the winning candidates all opposed to the shopping center. The politicians' opposition derived from what the citizens had done to mobilize residents against the Santa Fe proposals. Loni Hancock, who was elected to the city council that year, recalls that the shopping center was a major issue in the campaign and credits her opposition to it as helping her get elected.

Although both Save the Bay and Sierra Club opposed the shopping mall, the key organization in Berkeley for stopping this development proposal was Urban Care. Its founders and guiding lights were the husband and wife team of Albert and Roz Lepawsky. Albert was a professor at UC Berkeley. He had come from Chicago and recalled the Grant Park waterfront park developed on Chicago's old railroad yards. He died in the 1990's. Rosalind was the key organizational leader of Urban Care. She passed away in 2000. A co-founder of Urban Care was the ubiquitous Sylvia McLaughlin.

Urban Care was founded in 1970 to make Berkeley a more livable city. It advocated many ideas that are now embodied in what is called New Urbanism. One of its main focuses was the Berkeley Waterfront and its creation as an open space and recreational resource. It had a sophisticated multi-page newsletter, an office in Berkeley, and a large following. Its board of directors in the early years included Sylvia McLaughlin, Ariel Parkinson, and Frederic Weekes, who later served on the Berkeley City Council. Shirley Dean, who went on to serve on the City Council and then as Mayor of Berkeley, was also a member of Urban Care. The organization also served as an incubator for many other Berkeley political leaders.

In 1972 the issue came to a decision in Berkeley. A broad based citizens group formed to oppose the Santa Fe shopping center. It called itself the Citizens Against A Waterfront Shopping Center. In addition to the Lepawsky's three other people in Urban Care were major figures in opposing Santa Fe's proposal. They were Sylvia McLaughlin, Ed Bennett, and Ariel Parkinson. Ariel recalls getting involved through Sylvia McLaughlin. The key event was the planning commission meeting to decide Santa Fe's application for development. Sylvia, Ed, and Ariel all recall a large scale effort to bring out residents to oppose the development. Urban Care set up a telephone tree for getting people out to the meeting, and Roz Lepawsky organized the list of speakers and what they would say for that meeting. It is Ariel Parkinson's recollection that about 400 people showed up at the Planning Commission hearing. She gave a presentation at the Commission that included a series of slides of the Meadow showing pictures of the wetlands, native wildflowers, and the wildlife that lived on the Meadow in order to show how wonderful and valuable the Meadow was as protected open space. Ariel recalls that the slides of the Meadow focused people's attention on the value of the Meadow as a habitat area.

Sylvia, Ed, and Ariel have all stressed the importance in their effort to learning the facts, getting information, and being able to discuss the issues based on the facts. They also stressed the organizing efforts of Urban Care in getting people out to the public hearings and meetings on the issue. Another important factor was the opposition to the Santa Fe-Murphy Plan from Berkeley's business community. It feared that the shopping mall on the waterfront would have had a devastating impact on Berkeley's downtown retail stores. Roz Lepawsky is credited with getting the business community to oppose Santa Fe.

Urban Care along with Save the Bay and Sierra Club did not just oppose the Santa Fe Plan, but also proposed that the city acquire the Meadow and Brickyard as open space. Urban Care called for the Meadow, which at that time had a large pond, to be left as unstructured open space for picnics, walking, biking, nature study, kite flying, and unorganized games on its perimeter. The plan noted in particular the wildlife and habitat values of the Meadow and urged that these be protected. It took similar view of the Brickyard area. It identified the area now called the North Basin Strip for playing fields. The various community and citizens groups advocated that the City find sources of money for the acquisition of these lands as park and open space. In late 1971 Ed Bennett, as Chair of Berkeley's Parks and Recreation Commission wrote to the Berkeley city council, planning commission, and Citizen's Advisory Committee on Waterfront Planning calling for the Santa Fe lands to be acquired for public use.

Given the outpouring of opposition to the proposed shopping mall, the planning commission voted 10 to 1 against the Santa Fe Proposal. At the appeal before the city council, the vote was an equally lopsided 5 to 2 vote to deny the appeal. Despite these lopsided votes against the shopping center proposal, Sylvia, Ed, and Ariel all recall that they felt the vote would have been in favor of the shopping mall but for the outpouring of opposition to it from citizens.

Immediately after Berkeley turned down the shopping center proposal, Santa Fe and Murphy filed suit against the City for inverse condemnation, each claiming a taking of property at a value of at least \$12 Million. This suit would not be resolved until the California Supreme Court ruled on it in 1980. Santa Fe and Murphy contended in part in their lawsuit that individuals such as Sylvia McLaughlin, Ed Bennett, and Ariel Parkinson had worked behind the scenes to improperly influence the planning commission and city council to deny them their development proposal and to enlist the city in support of designating the lands as open space, thus accomplishing a taking of their property at a vastly reduced value, well below fair market value, or to make the property totally without value as parkland. Santa Fe deposed these three and other people such as council member Loni Hancock for many days, trying to get them to admit that they had tremendous behind the scenes influence that they wielded over the planning commissioners and city council members. While these depositions were long and tedious for the deponents, they did not prove successful for Santa Fe. It simply could not prove its conspiracy theory.

Prior to this date the East Bay Regional Park District had not shown much interest in shoreline lands as parks within its system. In 1972 the East Bay Regional Park District engaged Stewart Udall and Overview Corps to do a Master Plan for the Park District, and Sylvia McLaughlin wrote to both the Park District and Overview Corps on behalf of the Urban Care Waterfront Committee, urging the Park District to include the Berkeley waterfront lands into the plan as an acquisition of the Park District. She urged that all shoreline areas should be given high acquisition priority. Garrett Eckbo also wrote a letter that included Urban Care's concept for the waterfront that Eckbo had worked on with Ariel Parkinson and Paul Kelley.

In 1976 two important political events happened for the future of the Eastshore State Park. The first event was the election of Tom Bates as the area's State Assembly person. He would become a long time legislative advocate for the Park. His continued service in the state Assembly for the period from 1976 to 1996 was critical to park advocates in their work to create a park. His longevity in office not only gave him a historical memory of the issue and what had been done and what still needed to be accomplished, but also a continued presence in Sacramento in any dealings with career officials in the State Parks administration. State officials knew year after year that Tom Bates would be there to push the Eastshore State Park. His long service also gave him the political knowledge on how to work the legislative process to obtain funds for the park or to successfully block the diversion of funds set aside for the park. After California voters passed term limit legislation in 1990, he had to leave the State Assembly, but has continued in a leadership role in Citizens for the Eastshore State Park. While his work was ably carried on by his chief of staff Dion Aroner, Tom Bates' departure from the State Assembly was a loss for park advocates.

The second major event was the passage of the 1976 Park Bond Act that included \$2.5 Million for use for acquisition of an East Bay shoreline park. This was the initial seed money for the acquisition of the private lands for the park.

Urban Care meanwhile continued to advocate for the protection of the Berkeley Waterfront as a park. It devoted its entire Volume 5, No.1 issue dated September 1976, to the park idea. The organization called on the city to maintain the Meadow as it was, stating:

“So far as Berkeley’s own value-system is now concerned, it would seem that the ‘highest and best use’ for the Murphy-Santa Fe Meadow is to let it remain as open space. Specifically, this means continuation of the Meadow in its present popular role as an ‘old field habitat’ botanically speaking, for gorse and heather, wild radish and coyote brush, heron and egret, dog-walkers and hikers, and on its margins, kite flyers and cyclers. This happens to be, currently, its natural or ecological function, and at the same time, its cultural or economic role.”

This vision of the Meadow to be preserved for its habitat and natural values has remained a core value for all of those who have lead the effort to create the Eastshore State Park.

In 1977 the Lepawskys formed a new group called the Berkeley Bayfront Council. It developed out of Urban Care for the purpose of focusing exclusively on the waterfront issues. It called for the creation of a common park land waterfront from Emeryville to Albany and met with people in Emeryville and Albany discuss common issues and concerns regarding the waterfront. Hence, within Berkeley there was not only a re-commitment to the preservation of the Berkeley waterfront lands as open space park land, but also a growing movement to create a common shoreline park.

### **Emeryville's Waterfront Issues in the 1970's**

After winning its fill battle with BCDC in the late 1960's, Emeryville sought additional fill in a marina at the end of the hook. In exchange, it promised that it would dedicate to open space the remaining 200 acres of tidelands owned by the town as open space. Throughout the 1970's Emeryville embarked on development of its small area. It revised its master plan in the early 1970's to give Santa Fe the right to develop 60 acres of its lands from the Ashby spit South to the peninsula into a stilt city of high rises. Apparently, the idea was that building on stilts did not constitute fill of the Bay that was prohibited. In exchange, Santa Fe would turn over as open space its remaining waterfront lands, including the Emeryville Crescent, which due its soil characteristic was unbuildable. Santa Fe's stilt city never got far because even the stilts were considered fill, and BCDC simply would not approve the stilt city. Hence, for the remainder of the 1970's there was little activity in Emeryville regarding shoreline development. But even though little development activity occurred on Emeryville's mudflats and tidelands, the city's own open space plan at the time called for the rezoning of Crescent lands for high density residential and commercial/office development

It was in this time period, however, that the Emeryville Crescent became known as a place for artists to erect large driftwood sculptures. Apparently, at some point in the late 1960's and early 1970's students from the California College of Arts and Crafts initiated the activity based on their study of a German artist. Emeryville began to plan for the access to those sculptures, but no formal access paths or areas were developed.

Because of those proposed access plans into the Emeryville Crescent and BCDC's proposed access plans for a bike trail through the Crescent, along with the use of the Crescent as an artists' workshop, the Golden Gate Audubon Society became very concerned about access to

the Crescent. In 1978 it distributed information about its opposition to a proposed bicycle trail that the East Bay Regional Park District proposed to construct along the Crescent. It also discontinued its own field trips into the Crescent.

The Golden Gate Audubon Society then commissioned the Bodega Bay Institute to do an environmental assessment of the Crescent and to make recommendations about what should be done with those lands. The Institute made it clear in its letter to the Golden Gate Audubon Society that it would not tailor its report and its conclusions to the viewpoint of the Audubon Society. The Institute's report concluded that the Emeryville Crescent was the "single most diverse wildlife habitat in the Bay." It identified many endangered species that relied on the Crescent for breeding and feeding. It concluded that human access would have extensive negative impacts and should be limited and the area should be identified as a wildlife preserve.

### **Albany Waterfront Issues in the 1970's**

Those who supported the fill and development of Albany's waterfront did not fare as well as those proponents in Emeryville. In August 1970 the landfill operation for the Rimov Plan was about 25 % complete, but a complaint from a citizen, Dr. Robert Twiss, a UC-Berkeley professor who had been on of the plaintiff's in the earlier lawsuit, to the U.S. Army Corps of Engineers resulted in an Army Corps inspection and determination that the fill had exceeded the original Rimov Plan. In June 1972 the Army Corps of Engineers ordered Albany to discontinue all fill operations. That same year Albany lost its 1961 tideland grant from the State. This was due, in part, to Albany's failure to have the fill placed in accordance with its adopted plan for the waterfront. This loss meant the end of both grandiose plans for filling and developing Albany's

waterfront and for the Rimov Plan. New plans were developed to reflect the reality of Albany's waterfront.

The Albany Bay Committee continued to challenge the fill activities that were going on in Albany. Its members also challenged Albany's tideland grant that specifically required Albany to make substantial improvements to its filled lands. The State Lands Commission, which had jurisdiction over the State grant, conducted public hearings in 1971 and 1972, State Lands concluded on March 1972 that Albany had not made substantial improvements to the lands. Instead, it concluded that it had simply allowed a debris dump to be built in the Bay.

Albany vowed to fight the State Land's decision on a 4-1 vote of the City Council over the objections of the Albany Bay Committee and others. Initially, Albany won the lawsuit, mainly on the grounds that the State Lands Commission was unconstitutional. This decision was appealed, and the City lost the appeal. The California Supreme Court refused to hear any appeal of that decision. This case was then resolved with a settlement between the State and City. Meanwhile in September 1983 the landfill operator exercised his option to renew his contract in 1974 for another 10 years. He also filed a cross-complaint against the State in November that was also settled.

In June 1974 the Albany Waterfront Committee was formed as an official city committee to develop a new plan for the Albany waterfront since the Rimov plan was dead. Planning went forward with the culmination in 1976 of the Waterfront Master Plan that called for a marina with associated commercial development related to the marina and open space on the Albany Bulb. As one can see, Albany's plan at the time for the waterfront still envisioned significant commercial type development and did not include Albany in the idea of a local, regional, or state

park at this time. This would begin to change in the 1980's, and by 1995 a different plan would replace the 1976 Waterfront Master Plan.

### **Developments Affecting the Idea of the Park at the State Level**

In 1978 voters in California passed Proposition 13, to change in the state's property tax system. This constitutional amendment cut property taxes for owners of real property to the level they were at in 1977 and limited local and regional governmental taxing authorities in the amount they could raise property taxes from that 1977 level. Property tax increases could not exceed those set forth in Proposition 13 unless the increase was put to a vote and 2/3rds of the voters voted in favor of the tax increase. The impact of the loss of revenue on cities and agencies such as the East Bay Regional Park District was devastating. Indeed, Prop. 13's impact is still felt today. Prop. 13 would have a major impact on citizen's efforts to create a shoreline park. It focused more attention on how the State could create and run the Park since the State's own taxing authority was not affected by Prop. 13. The cities along the East Bay shoreline could no longer think about acquiring their own waterfronts as parkland of their own without asking their residents to approve a tax increase that needed a 2/3rds vote to win.

While holding the major financial reins for local and regional needs, the State was also strapped for cash because it had to cover the initial cuts in local budgets with the State's own budget surplus. Thus, it was not a simple matter for park advocates to turn to the State for the money for acquisition and development of the waterfront lands as a park.

Moreover, the loss of property tax revenue at the local level made the need for commercial retail development all the more important. It became widely recognized, for example, that a city that turned itself into an automobile sales depot would be able to reap huge

tax sales tax receipts not subject to Prop. 13. As a consequence, developers, city staffs, and city councils viewed open lands for development as sites to locate commercial development that would generate large sales tax revenues. In addition, the right to tax hotel rooms also turned hotel development into a perceived cash cow for a city or agency. The stage was set for a major conflict over the East Bay Shoreline and what its future would be.

## **The Early 1980's and The Decade of Decision**

Viewed in retrospect the period from 1980 to the June 1990 Albany election on three waterfront measures was the most important and pivotal period in the history of the East Bay shoreline since Sylvia McLaughlin, Esther Gulick and Kay Kerr created Save San Francisco Bay Association and brought about the creation of the Bay Conservation and Development Commission. Two conflicting visions of the waterfront came head-to-head in a battle for the people's support. On the one hand, Santa Fe proposed major projects totaling ten million square feet of development on its lands in Emeryville, Berkeley, and Albany, promising jobs and tax revenues to those cities. On the other hand, individual citizens and citizen organizations in each of those cities proposed the alternate vision of a large waterfront park spanning those same three cities and portions of the Oakland and Richmond Waterfronts. Which vision would prevail was not obvious at the beginning. Among park advocates there were also differences of opinion as to the scale of development that some would accept as a compromise that threatened to divide the park advocates. Had Santa Fe been able to exploit those differences, its chance of success would have increased greatly.

## **The Call for an Eastshore State Park**

At its March 22, 1980 meeting members of the Berkeley Bayfront Council discussed what do in light of the desire to create a park and the fact that funding would be available under stand bond acts for parks. At this meeting were the Lepawskys, Sylvia McLaughlin, Curt and Stephanie Manning, Mary Jefferds, Yale Maxon, L.W. Francis, and Erika Kunkel. They discussed the issue of the public trust doctrine over Berkeley's lands and making the Berkeley Bayfront a State Park. Mary Jefferds, a member of the Board of Directors for the East Bay

Regional park District, recommended that the city nominate the Berkeley lands for an expenditure under the Proposition I funds for parks.

On March 29, 1980 Sylvia McLaughlin made a presentation to the State Parks Commission on behalf of Save the Bay, nominating the “East Bay Shoreline from Emeryville to the Hoffman Marsh” as a First Priority site for the a State Park under the Coastal Projects Allocation. The area was to span from the Emeryville Crescent to the Hoffman Marsh. This was the first time park advocates had publicly asked the State to establish a state park along this shoreline area. The Sierra Club followed up by proposing the creation of the Eastshore State Park as a first priority site for funding out of a proposed state bond act that was going on the ballot in June of that year.

Support quickly gathered for this proposed park. The Berkeley Bayfront Council also supported this idea along with Alameda and Contra Counties, the Golden Gate Audubon Society, East Bay Regional Park District, and the Bay Conservation and Development Commission, and the Cities of Albany, Berkeley, and Emeryville. Other organizations included the Northern California Chapter of the American Society of Landscape Architects, the Planning and Conservation League, the West Contra Costa Conservation League, the Trust for Public Land, and the California Native Plant Society. The support for an Eastshore State Park did not delineate all of the properties or areas of the shoreline that would be included in this new park. Nevertheless, the fact that park advocates had garnered so much support among citizens, organizations, and locally elected bodies meant that the idea of the Eastshore State Park was formally launched as a unifying vision for the East Bay shoreline. The issue would now focus on which lands and how much of those lands would be included in the vision of the park.

Once again the Berkeley Meadow figures prominently as wildlife habitat area. At an April 1980 meeting of the Berkeley Bayfront Council attended by Bruce Chisholm, Bertha Underhill, Katherine Caldwell, Yale Maxon, Joan Cohn, and Sylvia McLaughlin, Bruce Chisholm compared the Berkeley Meadow to Walpert Ridge, which had just been nominated for Prop. I funds and was an undeveloped area in southern Alameda County rich in wildlife. John Denton on the Berkeley City Council proposed a resolution from the City in support of a Northern Alameda County Shoreline Park.

In response, the State Parks Commission placed the East Bay Shoreline on the list of priority projects for funding in May 1980. In addition, in March the State allocated \$45,000 to be expeditiously used for pre-planning work for the Eastshore State Park.

In June 1980, Proposition I, the park bond, lost. In response, Senator John Nejedly co-sponsored a bill for a similar bond for the November ballot. This ballot measure also received the support of the same groups and did pass. It included \$4,000,000 for the East Bay Shoreline. The Berkeley Bayfront Council worked hard to get out the vote for the November ballot measure.

In November 1980 the California Supreme Court published its long anticipated decision regarding the 1972 Santa Fe case against Berkeley. By that date Murphy had sold out his interest in the Meadow to Santa Fe. Overall, it was a loss for Santa Fe. The Court decided that the existing tidelands were subject to the public trust and could not be filled at all and could not be developed in a manner inconsistent with the public trust. As for the dryland areas, the Court agreed with Santa Fe that the act of filling had extinguished the trust rights over those lands, but did not find a taking of property. Instead, the Court remanded the case for further proceedings. The suit remained open for another two years as the Santa Fe and City considered their next

steps. The city then moved to dismiss Santa Fe's remaining claims on the ground that Santa Fe had failed to prosecute them within five years of filing the suit as required by law. The trial court agreed with this argument and in 1982 dismissed the case. As will be discussed later, Santa Fe considered appealing that decision and tried to use the last bits of the suit as leverage against Berkeley, but finally ended up dropping the case.

In December 1980 following the Court decision, Dwight Steele for Save the Bay wrote to Huey Johnson the State Resources Secretary requesting that the \$45,000 in preplanning money be expedited. Dwight Steele would become a major leader in the effort to create the Eastshore State Park. He had previously been involved with Sierra Club and Save the Bay in the effort to establish BCDC, the adoption of the Bay Plan, and in saving Lake Tahoe. He now turned his attention to the Eastshore State Park.

That same month, Save the Bay passed a resolution supporting the preservation of the Emeryville Crescent as a wildlife sanctuary under state and federal auspices. This resolution followed from the early effort of Golden Gate Audubon Society to protect the Emeryville Crescent from human intrusion. In a February 1980 position paper the Golden Gate Audubon Society identified the special habitat and wildlife characteristics of this area, which included a breeding colony of the very endangered California Clapper Rail.

In January 1981 at a hearing of the State Parks Commission, Sylvia McLaughlin for Save the Bay and Paula Carrel for Sierra Club nominated the East Bay Shoreline Park from the Bay Bridge to the Hoffman Marsh as a priority acquisition. Later in August of that year the State Coastal Conservancy began holding a number of workshops and meetings on the plan for the proposed East Bay Shoreline State Park. These were held from August 1981 through December 1981. Meanwhile, in August 1981 the state legislature gave approval to Albany for its new

Albany Bulb plan which was the 1976 Albany plan that included the marina. In early December 1981 over 60 people participated in a workshop sponsored by Save the Bay on preserving the East Bay Shoreline. Later in December over 80 people attended a similar workshop put on by the State Coastal Conservancy. At these workshops the participants identified the need to preserve the wetlands and shoreline of the East Bay with a special emphasis on the Brickyard and Meadow in Berkeley.

In February 1982 the State began with a draft of a "Preliminary Investigation," for the East Bay Shoreline State Park. In March of that year, Sylvia McLaughlin, Kay Kerr, Esther Gulick, and Dwight Steele held a critical meeting with Huey Johnson and State Parks Director Peter Dangermond at the Nut Tree Restaurant along I-80 near Fairfield. At that meeting the State officials agreed to prepare a feasibility study for the new park with the name of the East Bay Shoreline Park. This was a critical step in getting funding for the park.

The State Coastal Conservancy also continued its planning meetings on the East Bay Shoreline Park. In March 1982 the Coastal Conservancy presented its recommendations. They included the purchase of the Brickyard and Meadow as parkland with a lease back to Santa Fe for a portion of the property for commercial development, the acquisition of the Emeryville Crescent and Albany mudflats as protected marsh and wetland habitat areas. It held workshops on its recommendations, and also set up an advisory committee that engaged in a lengthy process to polish the plans for presentation for approval to the East Bay Cities. In June 1982 it issued its East Bay Shoreline Report, recommending the establishment of an East Bay Shoreline Park. This report identified the lands from the Emeryville Crescent to Hoffman Marsh for inclusion in the new park.

The citizens who played a role in this effort were Mary Jefferds of Save the Bay, Bruce Chisholm, Berkeley Bayfront Council, Curt Manning, Berkeley Beach Committee, David Nesmith of the Sierra Club, David Amme of DAWN, Brian Wiese of Northern California Land Trust, and Kate Nichol, Friends of Berkeley Parks. Members of the East Bay Shoreline Advisory Committee were Paula Carrell, Rosalind Lepawsky, Emy McKinnon, Sylvia McLaughlin, Paul Kamen, Bill Porter, and John Zablackis. Albany Representative were Mayor Ruth Ganong, City Manager, Bill Haden, and Director of Public Works, Bob Guletz. Berkeley's representatives were Councilwomen Barbara Lashley and Shirley Dean, Betty Croly of the Berkeley Waterfront Commission, and Barry Rosen of the Planning Dept. Oakland sent planner, Anu Raud. Emeryville sent the administrative assistant to the city council, Joe Close. The state agencies and legislators also sent representatives.

One of the issues that this group discussed was the future of any planning process in Berkeley with regard to Santa Fe's lands. As a precursor to what was initially proposed, the group discussed the use of a Negotiated Development Agreement between Santa Fe and the City. Many expressed concern about this method because of the initiative it put into the hands of the developer and the lack of public input.

That year the legislature also voted \$4 Million to purchase and renovate the areas along the shore. Assemblyman Tom Bates proposed that \$4 Million come from the 1980 Park Bond Act. Bates wanted the money to be used for purchase of the Brickyard and the marshes and wetlands in Emeryville and Albany.

In December 1982 the State published the East Bay Shoreline State Park Feasibility Study. The study found that the proposed park was feasible and had values in terms of protecting habitat and for recreational uses. It identified the Brickyard and Meadow in Berkeley

along with privately held lands on the Albany peninsula as key acquisitions for the new state park. This study was the culmination of a number of workshops and public meetings beginning in August 1981.

Unfortunately park planning fell victim to the 1982 gubernatorial election. In November 1982 Republican George Deukmejian was elected governor. His election resulted in a change of priorities and focus for State Parks. When the Deukmejian administration took over in January 1983, it placed the Eastshore State Park on the back burner. Meanwhile, Assemblyman Tom Bates was able to get \$2.5 Million in the budget for the Eastshore State Park planning. At this point Santa Fe renewed its efforts to develop its East Bay shoreline properties, and the focus turned to those efforts with the first proposal for its Berkeley lands.

### **Albany Runs Into Dump Problems**

In 1980 at the BCDC hearing on projects for support, the Albany waterfront plan for a marina came up again. At this hearing, representatives of Sierra Club, Save the Bay, Golden Gate Audubon Society, and the East Bay Regional Park District suggested that the East Bay Shoreline Park include the Albany lands. Albany's representatives indicated their support for that idea.

In this very early period of the 1980's Albany saw a number of lawsuits over the landfill operation run by the City's landfill operator, Nicora. Nicora sued the city for breach of contract, alleging the City was preventing it from filling in the Bay where it could fill. The City also filed suit. These suits cast some doubt on the scope of the Eastshore State Park in Albany at that time.

In July 1982 city officials, environmentalists, and others put forward the idea of Albany requesting that the State Lands Commission assert the public trust over the Albany mudflats in order to protect them.

### **Santa Fe Initiates Its Last Proposal for the Berkeley Waterfront**

In late 1982 and early 1983 both Santa Fe and the City of Berkeley remained locked in legal battle in the remaining issues of the earlier Santa Fe lawsuit. Santa Fe maintained that the City had taken its property while Berkeley responded that Santa Fe could come forward with a development proposal for the dry land areas because the City had never rejected all development proposals.

The fact that Berkeley had left the waterfront lands in an “Unclassified” zone under the city’s zoning regulations was a legal two-edged sword. For the City it gave it some flexibility to deny or approve anything Santa Fe proposed. However, while the City could turn down a proposal, the fact that the zone was “Unclassified” left Berkeley open to a taking claim if it kept rejecting Santa Fe’s proposals. Moreover, as an “Unclassified” area, the City had a hard time justifying its rejection of Santa Fe’s proposals. As for Santa Fe, it faced the problem that while it could propose anything it desired, the City could turn it down, leaving Santa Fe with the costly alternative of litigating the denial as a taking of its property, which it might or might not win.

Santa Fe then apparently decided to see how far it could push the City to approve a development plan under the threat of the continued prosecution of its lawsuit. In a move that park activists considered ominous, Santa Fe proposed that the city side step the regular planning and zoning process and engage in a negotiated development agreement, or a contract between the City and Santa Fe, spelling out what it could and could not do. Such a development agreement would have limited public input and once approved by the City would bind the City as any other

contract would. Once the City agreed to the contract it would be unable to change the terms of the plan or the agreements made with Santa Fe unless Santa Fe as the other contracting party agreed. In other words, Berkeley would sign away its rights as a public agency in order to make a deal with Santa Fe; and if the City breached the agreement, Santa Fe could sue the City for contract damages under a breach of contract claim that would be easier to prove than a claim of a taking of public property. Santa Fe made this offer with a quid pro quo: if the City approved it, Santa Fe would agree to drop its tenuous inverse condemnation suit that was all that was left of its suit begun in 1972 after the Supreme Court's decision in 1980.

Many park advocates in Berkeley became concerned that the city staff and city council would support the idea of a negotiated development agreement. While everyone, including Santa Fe, supported the idea of the Eastshore State Park, there was no consensus within the Berkeley city council as to what that meant in terms of areas that would be included in the park and the location, type, and intensity of any private development.

To achieve its goals, Santa Fe also put together a strong consultant team. It included Jerry Kaiser of Kaiser Marston Associates, the real estate and economic consulting firm, to handle economic analysis issues. Jerry Kaiser would often appear for Santa Fe to tout the economic benefits to various cities from Santa Fe's proposals in terms of tax revenues and for Berkeley the alleged job creation its plan would provide. The architect for the project was Gordon Hall. Hall was a low-key, soft-spoken advocate. He also had experience with conservation organizations and the State Parks administration. Santa Fe also retained Jefferson Associates, headed by James Jefferson, an African-American. Jefferson and Associates worked to create support for the Santa Fe proposals among labor groups and the African-American community. Santa Fe later added Bert Bangsberg, an experienced redevelopment professional

from Oakland, as the project manager for Santa Fe's development proposals along the East Bay shoreline. Santa Fe also worked behind the scenes to create support for its proposal and created a number of front groups in Berkeley. Over the course of the next year, the local community paper Grassroots investigated these groups and discovered the connection between them and Santa Fe and exposed it to the public.

At this time the Berkeley City Council was divided into council members who were associated with the Berkeley Citizens Action (BCA) and those associated with the All Berkeley Coalition (ABC). Although in other places in the country, both the BCA and ABC would be considered liberal, in Berkeley the BCA had the cachet of being considered the more radical of the two coalitions. Mayor Gus Newport, Wesley Hester, John Denton, and Veronika Fukson were associated with the Berkeley Citizens Action, although John Denton was considered by some to be more of an independent. Leo Bach, Andrea Washburn, Gilda Feller, Barbara Lashley, and James Sweeney were associated with the All Berkeley Coalition. Among many park activists the feeling was that Leo Bach, Barbara Lashley and James Sweeney were very supportive of Santa Fe and development of the waterfront to the detriment of the park. Gilda Feller and Andrea Washburn of the ABC, and Mayor Gus Newport, Wesley Hester and Veronika Fukson of the BCA all supported the idea of the park but appeared to be concerned about the issues of economic development, tax revenues to the city, job creation, and how to resolve the continuing legal issues between Berkeley and Santa Fe. Hence, they did not publicly state outright opposition to Santa Fe's proposal, and park advocates were concerned that they might support a Santa Fe proposal that was not acceptable to them. In contrast, only John Denton was outspoken in his opposition to Santa Fe at this early stage.

Thus, the political divide in Berkeley did not necessarily translate into one faction being in favor of opposing any development proposals from Santa Fe. The issue was more nuanced with the focus and debate over the scale and amount of development in relationship to the amount of land that would be devoted to a park. Moreover, park advocates considered the city manager, Daniel Bogan to be very pro-development in regard to waterfront issues and were aware that the city staff took direction from him as the city manager. In this respect Santa Fe actually had a golden opportunity at this juncture to obtain city council approval for a negotiated development agreement. Santa Fe, however, insisted on pushing the city council to make a quick decision on the negotiated development agreement on its terms and without public notice. This turned out to be Santa Fe's first mistake in along line of misjudgments.

Thus, the stage was set at the opening of 1983. The issue initially came up on the Berkeley City Council meeting for January 11, 1983. The city manager put on the agenda a resolution authorizing him to negotiate a development agreement with the Santa Fe. This resolution was put before the city council without any prior notice or consultation with the city's Waterfront Advisory Board, Planning Commission, or Park and Recreation Commission.

The City staff recommended that the City engage in a process culminating in a development agreement. This resolution engendered intense opposition. The rallying cry was that the city needed to know first what it wanted for the waterfront before its representatives could sit down and negotiate any agreement with Santa Fe.

The city manager's resolution had virtually no support in the community. Opposition came from Save the Bay with Sylvia McLaughlin; CAUSE (Citizens for an Appropriate Urban Shoreline Environment) led by Ariel Parkinson; Friends of Berkeley Parks, led by Kate Nichol; Urban Care led by Albert and Roz Lepawsky; the Friends of All Living Things at the Berkeley

Waterfront; and Berkeley's own Waterfront Advisory Board, which included Ora Huth, Ed Bennett, Larry Orman, and Maudelle Shirek. The Berkeley Waterfront Advisory Board, which was holding its meeting that same night excused member Betty Croly to go to the Council to state that the Advisory Board did not support the staff's recommendation and that the city needed to develop its own policies and guidelines before it engaged in a negotiated development agreement with Santa Fe.

At this juncture, Norman La Force became active in the Sierra Club's East Bay Shoreline Park Task Force after moving to the East Bay in late 1982. He had gone to graduate school at UC-Berkeley between 1974 and 1976 and like many others wanted to save the waterfront as open space especially the Meadow. He spoke for Sierra Club at this meeting and took over as chair of the Sierra Club's task force shortly thereafter.

In addition to very strong beliefs that land use planning should follow from agreed upon policies and guidelines, many park activists believed it was essential to play for time. Berkeley would have another municipal election in November 1984 and the belief was that the waterfront could become a campaign issue with the result that more pro-park candidates would win.

In response to this outpouring of opposition and concern, a majority on the city council punted. It referred the matter to the city's boards and commissions, specifically the Planning Commission, Parks and Recreation Commission, and the Waterfront Advisory Board. It also set a date for early April for a decision on what process to use. The defeat of Santa Fe on this initial issue, set the stage for a very long and drawn out contest between the City staff and pro-development council members, on the one hand, and the environmental community and its supporters on the city council.

In response to this decision the League of Women Voters sponsored a Berkeley Waterfront Information day for March 12, 1983. Save the Bay, Sierra Club, The Friends of Berkeley Parks, Urban Care, and the Council of Neighborhood Organizations all co-sponsored this event. This program was intended to inform the public about the issues concerning the Berkeley waterfront, its history and development, and the idea of the Eastshore State Park, the City's responsibilities, and the Public's and Santa Fe's rights.

City Manager Dan Bogan spoke on the City's role. State Parks had a spokesperson on its role. Peter Brand of the Coastal Conservancy spoke on its role. Gordon Hall and Jerry Kaiser consultants for Santa Fe, spoke for Santa Fe. Boris Dramov of ROMA and the city's consultant spoke on what various urban waterfronts looked like. Ed Badgett, Assistant City Manager, for the City of Berkeley discussed the negotiated development agreement process. Fred Collignon, Chair of UC Berkeley's Dept. of City and Regional Planning spoke about the other two options: (2) a Master Plan/Zoning Amendment; and (3) the Use permit process. Alan Goldfarb, former program manager of the U.S. Dept. of Housing and Urban Development compared the three processes, and Marge Macris, Director of Planning for Marin County gave an analysis of the three processes. This information day was a tremendous success with over 400 people attending.

At the following April 1983 Council meeting, the city council again took up the issue of what process to use for the development of the city's guidelines. Many park advocates spoke: Sylvia McLaughlin for Save the Bay, Ariel Parkinson for CAUSE, and John Tucker, a Berkeley resident spoke for the Sierra Club. All pointed out that there was a public consensus for a park on the waterfront and that large scale development was not appropriate.

The Council voted to establish a process for determining the City's policies and guidelines for waterfront planning. . It still had not decided on which of the three processes to

use, and there was a strong feeling among the park advocates that a majority on the city council favored a negotiated development agreement. The City organized a series of workshops on the Waterfront that would culminate in a final report and recommendation to the City Council in November, 1983. At the same time the park advocates met and worked from their end to bring out as many people as they could to these workshops.

At this juncture, the Sierra Club's East Bay Shoreline Park Task Force began to meet on a regular basis. In June 1983, after meeting almost weekly, it had put together a set of goals and land uses for the waterfront. These goals and land uses became the guiding principles for the waterfront of park advocates. They were later adopted without any substantive change by the Citizens for the Eastshore State Park and by other groups and organizations dealing with the waterfront matters. They have remained the basic principles of these organizations for planning for the East Bay Shoreline since then.

The Sierra Club goals and policies were sent to the City on June 23, 1983. This date was chosen because the city staff came back on that night with the results of the initial workshops on the City's goals. This initial document from the city staff was disappointing to park advocates. After months of meetings and workshops, the city's report did not reflect what the park advocates and the vast majority of the public-at-large had said at the workshops. It was also clear that within the city staff, documents were massaged in ways to support a more pro-development view of the waterfront.

This was amply confirmed in September, 1983. On September 7, 1983, the Berkeley Voice on page 1 reported that the city staff would recommend that instead of a negotiated development agreement process, the city should do a master plan/specific plan for the waterfront, a method that Santa Fe vigorously opposed. Santa Fe's representative Gordon Hall was quoted

as saying that specific plan process would be a “slap in the face” of Santa Fe and would not be accepted.

On September 21, 1983, also on page 1, the Berkeley Voice followed up with a further story. It reported that when the September 7<sup>th</sup> story became public it created a major brouhaha at the city. An unnamed planner was quoted as saying that when the story broke, “all hell had broken loose within the city staff and that the city manager called the staff on the carpet for the press leak because he had been taken to task by members of the city council.

The Voice article also quoted Gordon Hall as telling it not to run the story. The paper quoted him as saying, “I advise you to pull that story immediately. I don’t believe that will be the recommendation.” He was also quoted as saying that the Voice would “regret” running the story. The paper also reported that the city delayed the release of its report because the new Assistant Manager, Vicki Elmer who was handling waterfront issues, was a perfectionist.

When the revised staff recommendations came out around September 21<sup>st</sup>, the staff report appeared to eliminate the negotiated development agreement. But, in fact, it came back in a different guise. The Staff rejected the prior options and proposed three new ones. The first new option was a two-step process that included a master plan amendment and then an amendment to the general plan, which the staff felt was too costly.

The second new option was the simultaneous preparation of a master plan amendment and specific plan. The staff opined, however, that if the city could not resolve basic policy issues, then it would not have a plan for the site under this option.

The third option was to include Santa Fe in the planning process under option two leading up to a negotiated development agreement that would be put to the voters in 1984.

Meanwhile, as Berkeley conducted its workshops culminating in the December city council meeting, Dwight Steele met with the new State Parks Director, Bill Briner in October to discuss the Park. This meeting was not very productive, and Steele came away with the feeling that Briner had been lobbied extensively by Santa Fe.

At the same time that this early planning work occurred in Berkeley, the State Coastal Conservancy continued its planning of areas that would be park under the State Feasibility Study. This work culminated in a charette, or a design workshop done by a number of respected design professionals and architects. Most park activists were not part of this charette other than as observers. The charette's result was for a major urban development on the Meadow. It faced immediate criticism from park activists. The Sierra Club, which had originally endorsed the charette process, disavowed any connection with this charette and expressed disappointment that only design professionals were the charette participants. Save the Bay and other park advocate groups also expressed similar views. The Coastal Conservancy unfortunately lost considerable credibility in the minds of park activists as a result of this charette because it was not in keeping with what people had been saying at the Berkeley planning meetings and only design professionals were involved in the charette.

Others began to promote their shoreline development plans. One of those was Francis Violich, a professor of planning at UC-Berkeley. Through the Berkeley Design Advocates, a group of East Bay architects, he urged a more developed waterfront on the Meadow that would include housing.

In October the City released its second report on planning guidelines policies. This again came under criticism from park advocates because it completely slighted park and open space concerns despite the fact that workshop participants made that the key and most important issue.

Park advocates could not believe their eyes when they read this report because it had changed little from the first one.

Then in November Santa Fe began a major public relations campaign. Although it had presented its plan for the Berkeley waterfront to the city council in March 1983, it had not made an effort to promote it with the public. Santa Fe's plan, however, became the showcase presentation at Mayor Gus Newport's citywide conference on Berkeley's future economic development. The prominence given to Santa Fe's plan revived fears among many park advocates in Berkeley that the mayor had reached an agreement with Santa Fe to support its plan for the waterfront. The mayor denied any such agreement or that he supported Santa Fe's plan. He insisted that he had wanted to get Santa Fe's plan public exposure because people needed to know what Santa Fe proposed.

Santa Fe used its presentation at the mayor's conference as a springboard for a major public relations effort in Berkeley. It mailed to all Berkeley residents a 16 page glossy mailer that put its development in the best possible light. This was followed by more citywide mailings. The Santa Fe plan emphasized that it would donate the Brickyard and a portion of the Meadow for the Eastshore State Park while downplaying the fact that this green space was designed as a major amenity to its development. It also did not mention that by donating this green space for the State Park, Santa Fe would not bear the cost of maintaining it, even though these park areas would greatly enhance the value of its development.

Santa Fe also included analyses showing that Berkeley would enjoy substantial tax revenues from its proposal along with substantial job creation. The development called for 4.15 Million square feet of office, retail and hotel space in 30 buildings, some eight stories tall along the North Basin strip and on the Northern half of the Berkeley Meadow in a crescent shape. The

mailer also emphasized how much Santa Fe would give in money to community groups in a very obvious attempt to purchase support for its plan from those groups and their supporters. It also touted the number of jobs it would set aside for Berkeley residents. Park advocates would later have a noted labor economist point out that the number of jobs Santa Fe promised to Berkeley residents was actually less than the market on its own would generate for Berkeley residents. Santa Fe also did not show any development in Albany, although Santa Fe must have been working on plans in-house because it would shortly thereafter make a development proposal to Albany on the race track site. Nor did it show the two 18 story hotel towers that it would soon propose for Emeryville.

Santa Fe also worked hard to garner support from other groups. It had William Penn Mott of the California State Parks Foundation write a letter of praise for the Santa Fe Plan. Mott openly supported Santa Fe's plan to dedicate, or gift to a non-profit, a narrow shoreline strip, plus the Emeryville Crescent wetlands, Berkeley Brickyard and parts of the Meadow and North Basin Strip in exchange for support from Save the Bay for Santa Fe's development plans.

The new State Parks Director William Briner also expressed the support of State Parks for the plan. Santa Fe garnered support from the Contra Costa Black Chamber of Commerce, Associated General Contractors of California, and the Building and Construction Trades Council of Alameda County. Santa Fe also hired Carl, Boyir, Arnold, Palmer, & Noble, the third largest public relations firm in the country, to spearhead its public relations campaign. Jerry Noble himself appeared at the December 8<sup>th</sup> hearing.

On November 29, 1983 Dwight Steele, Sylvia McLaughlin, Kay Kerr, Esther Gulick, Mary Jefferds with Save the Bay met with William Penn Mott of California State Parks Foundation and Santa Fe's Gordon Hall, Greg Archbald and Leong Cheu. At this meeting Santa

Fe and Mott lobbied Save The Bay to endorse the Santa Fe plan. Mott told the Save the Bay representatives that he felt Santa Fe's plan for the park was going to be the best they could ever hope for or get. Save the Bay's representatives did not agree with Mott's analysis or his pessimism over what the public could get. Save the Bay later sent a letter to Santa Fe in an attempt to keep communication open with Santa Fe that included some words of praise for Santa Fe's plan. These words of praise raised concerns among the Sierra Club, CAUSE, and other Berkeley park advocates that Save the Bay was willing to compromise far more than they were on the park and Santa Fe's plan. Save the Bay immediately cleared up any misunderstanding that its letter created.

Santa Fe then further enraged park advocates, but especially those in Save the Bay, in a second misjudgment when it sent out a second campaign piece for its development that took a quotation from the Save the Bay letter on their proposal out of context to give the appearance that Save the Bay actually supported its plan. This had a negative impact instead. Park advocates used the misuse of the Save the Bay letter to show the public that Santa Fe could not be trusted. Santa Fe's tactic also made it harder for park advocates to discuss issues with Santa Fe without a concern that slip of the tongue or a remark would be taken out of context and used for Santa Fe's public relations campaign thus inhibiting communication between Santa Fe and park advocates.

Santa Fe dropped a major bombshell when it submitted to Berkeley a use permit application for its development at 4:15 p.m. just three hours before the public hearing on December 8, 1983. With the filing of a use permit, the City would be forced to process Santa Fe's plan regardless of whatever planning process the City decided upon. This was Santa Fe's third misjudgment because it was a clear indication to park advocates and the public-at-large that

it had no interest in following through with the planning process that the city had begun or would decide to undertake in the future. Instead, it wanted to force the city to respond to its proposal and tie up the city's staff and resources in processing its proposal. Santa Fe's action actually angered many within the Berkeley city planning staff who felt that Santa Fe was acting in bad faith and trying to do an end run around the planning process which the staff had spent much time and effort working on and which they believed Santa Fe had agreed to follow.

The stage was set for a major decision at the December 8, 1983 Berkeley City Council meeting regarding waterfront planning and the options the staff report had previously set forth. Park advocates organized for this meeting. One campaign group met at Ariel Parkinson's house and put together a flyer for the meeting. Another met at Sylvia McLaughlin's house. The Sierra Club's San Francisco Bay Chapter sent out a mailing to all Berkeley members, some 6,500, under the names of David Brower, the famous Sierra Club leader, American environmental activist and Berkeley resident, David Nesmith, the Chapter Conservation Director, and Norman La Force, the Chair of the East Bay Shoreline Park Task Force. Save the Bay mobilized people through Sylvia McLaughlin. The Lepawsky's had Urban Care participate. Ariel Parkinson led the effort for CAUSE. Kate Nichol led Friends of Berkeley Parks. Clifford Fred with the Council of Neighborhood Associations was also active at this time.

Over 50 people spoke at the first night of the public hearing, which had to be adjourned at midnight with more speakers to follow. Santa Fe helped organize a group of black business people and labor union supporters to come out in support of its proposal, waving expensive signs in support of Santa Fe.

Santa Fe also put political pressure on State Parks to send a representative to the City Council meeting to read a letter from State Parks Director Bill Briner in which he stated that the

Santa Fe plan was in substantial compliance with the state's recommendations for an East Bay Shoreline Park. This letter and its public reading at the meeting disturbed park advocates greatly.

Park advocates had two major criticisms of the city's proposal. First, the planning guidelines that the City had put together did not reflect what the public had expressed at the public workshops. It was still skewed towards justifying and supporting major development on the waterfront. Indeed, parks were hardly even mentioned in the document. Thus, it appeared to be nothing more than a justification for Santa Fe's proposal. Park advocates criticized the city staff for not listening to what people had said at the workshops.

Second, the city appeared to be favoring the negotiated development agreement with Santa Fe, the third option that the staff had proposed. As with the initial proposal, the park advocates believed this would put Santa Fe into the controlling position on planning the waterfront since the discussion would begin with its proposal and not from the City's own planning or zoning for the waterfront. Santa Fe could also threaten to pull out of the process if it did not get what it wanted, leaving the City Council in an embarrassing situation and looking bad. Finally, park advocates feared that even if the proposal were put to a vote, there would be too much pressure to support the result on the grounds that Santa Fe had compromised and that the result was the best the city could get. Park advocates wanted a vote on a master plan that expressed what the city wanted for itself. They also feared that Santa Fe would spend huge amounts in the election to support the development agreement. They all recognized that Santa Fe could easily outspend opponents with the same glossy mailers that it had already sent to every resident. Thus, park advocates called for the City to first do a master plan for the waterfront and then to entertain any zoning plan or specific plan after the master plan had been approved. There

also was talk of developing an initiative to require a master plan if the City did not take that route.

On December 14, 1983 State Parks director Briner met with Kay Kerr, Sylvia McLaughlin, Dwight Steele, of Save the Bay, Larry Orman of People for Open Space, Tom Graff of EDF, and Norman La Force for Sierra Club in a further fruitless meeting about the park. Briner reiterated the need to work with Santa Fe and to come to a compromise. He also promised to make the Eastshore State Park a high priority. All those present stressed the need for State Parks to take an active role on the issue of the Eastshore State Park and to work closely with park advocates and took State Parks to task for failing to work with them and instead to appear to be favoring Santa Fe.

This meeting reinforced park advocates concerns that Santa Fe had a strong say in what State Parks would be willing to do. There was so much concern that Assemblyman Tom Bates had to make sure that the existing \$4,000,000 for the State Park was not lost. There was a real concern that Santa Fe would use its muscle in Sacramento to have that money diverted to another park in order to put pressure on State Parks and park advocates to compromise with it on its development plan.

### **Albany Seeks A Developer and Moves Toward Development**

As Berkeley became embroiled in a battle over the nature of its planning process, Albany in 1983 began to search for developers to implement its Environ Plan with the Marina on the Albany Bulb. Albany realized that it would probably have to pay for many of the infrastructure improvements unless it could get a developer to pay for those. Given this situation the Albany Waterfront Commission recommended that the City be willing to entertain significant changes to the plan in order to entice developers to undertake it. This raised grave concerns with the Sierra

Club and park advocates in Albany because it appeared that the City was more willing to entertain more commercial development than the park advocates wanted.

### **1984: The Focus Is On Berkeley**

The Berkeley City Council agendized the continuation of its December 8<sup>th</sup> hearing on the waterfront planning process for the January 12, 1984 meeting. It also changed the agenda and set aside time for Santa Fe to present its plan to the City Council. The Council also set aside time for Sierra Club and State Parks to present their ideas on the waterfront. The Sierra Club had not asked for this, and was not aware that this had been done until January 6, 1984 when Norman La Force reviewed the proposed agenda.

In the meantime, the Sierra Club's East Bay Shoreline Task Force met and planned for the hearing. The Club was fortunate to have Rod Stevens as a member of the Task Force at that time. Rod was a professional in the field of real estate development, working for a major developer in the South Bay. Thus, he was able to analyze Santa Fe's numbers and figures on job creation and revenue generation with an expert's eye. He began work on taking apart Santa Fe's employment and revenue projections. Over the next four years, while Rod Stevens remained in the Bay Area, the Sierra Club used his expertise to challenge Santa Fe's own consultants on their assumptions and conclusions concerning the economics of Santa Fe's proposal and Santa Fe's revenue and job projections. Rod Stevens gave credibility to the Sierra Club's criticisms of Santa Fe's numbers and enabled the Sierra Club to go toe-to-toe with city staffs and city council members over these same issues. Santa Fe could not question Rod Stevens' expertise.

In addition, the Sierra Club obtained the expertise of an architect. Michael Pyatok offered his services to the Sierra Club. Sierra Club commissioned him to draw up some quick

architectural renderings of the Santa Fe proposal, thus showing with a picture what Santa Fe's development would look like from the vantage point of a Berkeley resident viewing the proposal from the freeway. Because he was an architect, Santa Fe found it difficult to challenge his drawings. These drawings were used with great effect at meetings to show the public the massive nature of Santa Fe's plan.

The January 11, 1984 City Council hearing was characterized as rancorous in the press. It was estimated that 200 people showed up. Santa Fe had supporters come as did park advocates and those opposed to Santa Fe. At the outset in the staff report at the beginning of the meeting, the assistant City Manager Vicki Elmer stated that the City did not consider Santa Fe's use permit application to be complete. Thus, if Santa Fe wanted to pursue that option it would have to submit additional information before the clock would start on the processing of that application. Santa Fe disputed that analysis, but ultimately put the application on hold or withdrew it.

The staff also recommended that the City begin a 22 month process that would include a master plan with a specific plan for the waterfront, an analysis of different alternatives for the waterfront, and an environmental impact report. The process would end in November 1986.

This process was acceptable to park advocates even though they wanted a process that first had the development of a master plan and its approval before any consideration of a specific plan or alternatives. The hearing, however, focused on Santa Fe's proposal. Jerry Kaiser, Bert Bangsberg, and Doug Hall, vice-president of the company were in attendance for Santa Fe.

At the hearing, after Santa Fe presented its plan, the agenda also called for Sierra Club to present its viewpoint. Norman La Force and Rod Stevens spoke for Sierra Club. They laid out the Sierra Club's vision and also presented a critical analysis of Santa Fe's claims concerning job creation and revenue generation. They also made two other arguments. One was the same

argument that had been used in the 1970's against the shopping center. They, and other park advocates, contended that Santa Fe's development would destroy Berkeley's existing and then declining downtown because the influx of 12,000 office and professional workers would lead to as shift of the Downtown to the waterfront. This argument had resonance with the Berkeley business community. Berkeley's Chamber of Commerce, for example, did not come out in favor of Santa Fe's plan, but instead urged the city to support the 22 month planning process. This lack of support was important for gaining the support of the ABC council members for the 22 month process. As noted above, Rod Stevens was very effective at this meeting because he could address the economics of both the Santa Fe plan and the Sierra Cub's position in the language of a developer.

The second argument Norman La Force and Rod Stevens made was that Santa Fe's proposal for development would lead to tremendous gentrification of South and West Berkeley, pushing out many of same people who were supporting Santa Fe. This argument helped the BCA council members support for the planning process.

The City also invited State Parks to make a presentation. Lon Spharler, a career park official, came. He gave a mostly non-committal commentary regarding what State Parks wanted to do and was effusive in praise in discussing Santa Fe's plan. Other park advocates also spoke. Ed Bennett, Sylvia McLaughlin, Clifford Fred, Curt Manning, Kate Nichol, and Ariel Parkinson were among those who spoke.

The council voted 8-1 in favor of the 22 month planning process. The one vote against was John Denton's, but that did not concern park advocates because he held out for the process that they had wanted originally.

This vote was a major success for park advocates. It did not mean they were anywhere closer to realizing the dream of the Eastshore State Park, but it did mean that they had put Santa Fe into a community planning process over which they could exercise some control and say. It also meant that any final decision on the waterfront would come after the 1984 city council elections and that any final decision would be placed on the 1986 November ballot.

There were four key reasons for this success. First, there was a strong outpouring of support in the community for Sierra Club, Save the Bay, and CAUSE and their position. Second, park advocates lobbied all council members, using those persons who knew the city council member best or had developed a rapport with that city council member. Third, park advocates were able to show that the Santa Fe plan could create more problems for Berkeley than solutions. The potential for destroying Berkeley's downtown was an important consideration, as it had been when Santa Fe proposed the shopping mall. Park advocates were also able to show that there would be major unmitigatable traffic impacts from the 12,000 workers that Santa Fe's plan would generate. Fourth, the Sierra Club's critical analysis from a real estate and development professional on job creation and revenue generation showed that Santa Fe's numbers could be challenged and were not necessarily accurate.

The hearing also showed weaknesses among the park advocates. There was no single vision or central organization. Moreover, it was painfully obvious that the state agencies could not be looked to for support. State Parks would have to be kept neutral in the face of Santa Fe's lobbying in Sacramento. Finally, the issue still remained of the place for Santa Fe and its plan in the planning process.

Santa Fe did not end its own lobbying. It had its supporters begin an attack on the park advocates and to use the race card in those attacks, which was another misjudgment on the part

of Santa Fe. In an article in the Berkeley Gazette on January 20, 1984 on page 3, James Jefferson referred to the "Gang of 30" that allegedly ran the city. Shortly thereafter in the Berkeley Voice of January 25, 1984 on page 2 group of Berkeley African-Americans attacked some of those who spoke against Santa Fe, calling them the "Gang of 30." They singled out Barry Wofsy, Art Goldberg, and Norman La Force as three of the "Gang of 30" and attacked them as racists. It is doubtful these attacks gained much support for Santa Fe.

Santa Fe also paid for a telephone survey to try to show that Berkeley residents supported their plan. It refused, however, to release the list of questions its pollster had asked or to explain the details of the survey. Hence, whatever gain Santa Fe thought it would get out of this survey was quickly lost, and Santa Fe rarely referred to it later.

For Norman La Force it became clear that it was not enough for park advocates to oppose Santa Fe's Plan, they must also formulate an alternative development plan and get that plan into the planning process so that the city could adopt it instead of a compromise plan which met with Santa Fe's approval. The reason for this concern was that without funding for the purchase of Santa Fe's lands, the Berkeley city council would be pushed to reach a compromise with Santa Fe over the amount of development on Santa Fe's lands that the city would allow. Unless the city had an alternative it could turn to, many park advocates believed the city would be forced to approve a plan that would probably allow more development than park they would be willing to accept and would probably have to allow development on the Brickyard and Meadow. Any alternative plan acceptable to park advocates, however, would have to provide Santa Fe with a level of development that would provide the company with an economic return on their property to survive a challenge that the city had taken their property for public use, yet preserve the

Brickyard and Meadow as open space while also giving the city the basis for designating the Brickyard and Meadow as open space in order to protect them for future acquisition as parkland. Thus, the first step the creation of an “environmental” alternative to Santa Fe’s plan.

Initially, when this issue was discussed at the Sierra Club’s East Bay Shoreline Park Task Force, there was concern that any Sierra Club plan would be taken as the minimum and that the city would seek a compromise somewhere in the middle between Santa Fe’s proposal and the Sierra Club plan. There was also concern that the by putting together a plan, the Club was forsaking its ultimate goal of acquiring the waterfront for a park.

Despite these concerns, the Task Force Sierra Club began work on a plan. Developing this plan required bi-weekly meetings of the Club’s Task Force. Members of the Task Force who worked to put this plan together were Barry Wofsy, Rod Stevens, Clifford, Fred, Ed Bennett, Warren Steward, Kate Nichol, John Tucker, Shirley Barker, Amy Skewes-Cox, and Steven Bedrick. From the ideas the committee generated and in conjunction with all the information that had come out of the public workshops, the Task Force Chair Norman La Force drafted an initial version of the plan, for which Rod Stevens prepared a revenue and jobs analysis. Other members of the Task Force then reviewed and critiqued the draft. Out of that review process, changes were made, and the final plan then approved by the Club. This plan not only identified the area for open space and development, but also included an economic analysis by Rod Stevens of the amount of revenue and jobs it would create. The Club sought to reconcile the clear demand among most people in Berkeley for the maximum amount of open space with the minimal amount of development to provide Santa Fe with an adequate return and to provide the City with a reasonable amount of tax revenues and employment opportunities. It provided for keeping the Brickyard and Meadow as open space while providing for 80,000 square feet in

retail space, a 250-room conference center, and 300-room hotel. The plan showed how much tax revenue would be generated from each type of development and the number of entry-level jobs one could expect along with the assumptions made to reach those numbers. The Sierra Club debuted the plan in the April, 1984 issue of its monthly membership newspaper, the *Yodeler* as the “Community Park and Development Plan.” On May 29, 1984 the Sierra Club submitted this plan to the City Council for consideration in the planning process.

The next step was to get the Sierra Club plan into the planning process as one of the plans for consideration. The City began the 22-month planning process; the park advocates still faced many issues over the scope and nature of this planning process. Chief among those was the number and range of alternative plans for analysis in the process. Santa Fe, of course, insisted on its plan being one of the alternatives. Initially, park advocates opposed this, but realized this opposition probably would not succeed. The alternative then was to get the City to analyze the Sierra Club’s plan along with plans that included even less development than the Sierra Club plan.

Once again key waterfront issues came to a head in December City Council hearings. This time, however, the park advocates felt they were in a stronger position due to the results of Berkeley’s city elections in November. In that election the BCA swept the city council, winning all seats up for election. Thus, Ann Chandler, Nancy Skinner, John Jelinek, and Maudelle Shirek joined Mayor Gus Newport, and then sitting council members John Denton, Wesley Hester, and Veronika Fukson. The remaining ABC council member was Barbara Lashley, who had not been up for re-election. The BCA group of candidates had all expressed support for the Sierra Club plan, which the Club had made an issue in the campaign, urging Club members to ask the candidates running for election if they supported the Club plan. Incumbents Gilda Feller and

Andrea Washburn, who ran for re-election, did not come out in support of the Sierra Club plan. They lost. Incumbent Leo Bach, who was the most supportive of Santa Fe, did not run for re-election, even though he wanted to after the Berkeley Democratic Club failed to endorse him.

At the December 7<sup>th</sup> public hearing park advocates focused their comments on the failure of the City's consultants, ROMA, to include the Sierra Club plan as one of the alternatives. Once again, the same group of park advocates lobbied the city council members and spoke at the meeting. Once again, the city put off a decision until January. At the city council meeting in January, 1985 the council voted to include the Sierra Club as one of the alternatives, over the strong opposition of Santa Fe.

Another result of the November election was the departure of city attorney Natalie West. While West had never shown outright hostility to park advocates in her role as city attorney, many felt that she was too closely allied with those on the staff that were willing to compromise with Santa Fe and that she was unwilling to probe deeply to find the legal grounds for resisting Santa Fe's legal claims. Manuela Albuquerque took her place. In addition, the City retained the services of the outside attorney Clem Shute, a well-known attorney in private practice who often represented environmental activists, environmental organizations such as Sierra Club, and municipalities in land use cases with developers. Park advocates considered Clem Shute an excellent selection as outside counsel for Berkeley because of his expertise and his long-time work for such organizations as Save the Bay and Sierra Club.

Meanwhile, while park advocates had to spend huge amounts of time and energy closely watching the city's consultants and city staff and keeping an eagle eye on Santa Fe, park advocates continued their lobbying efforts with State Parks. One reason for this effort was to respond to offers of compromise that State Parks carried to the park advocates from Santa Fe.

Another was to keep up the pressure on State Parks to be more assertive and focused on the Eastshore State Park.

This effort included many meetings with State Parks representatives and Sylvia McLaughlin, Dwight Steele, and Norman La Force. While the effort was necessary, it yielded little in tangible action on the part of State Parks. Park advocates felt there were three reasons for this lack of interest. One was that State Parks had rarely dealt with urban parks, although it did have the example of Candlestick State Park near Candlestick Stadium. Second, Santa Fe lobbied the State Parks administration to keep a low profile so that it could argue that the East Bay communities would need to cut a deal with Santa Fe in order to get the Eastshore State Park. Third, the Republican governor had no interest in assisting the development of a park in the political region of the state that was probably one of the most, if not the most, Democratic areas in the State.

State Parks officials gave as their reason for not being more active, the need for each of the local communities to reach a decision about their plans for their waterfronts. This stated reason placed park advocates in a catch-22 situation. So long as State Parks kept a low profile, park advocates could not represent to the cities that State Parks would be willing to begin the process for acquiring the lands for the Eastshore State Park with sufficient funding to accomplish the acquisition goals set forth in the 1982 Park Feasibility Study. Therefore, the cities had to plan as though there would be no state park. This was what Santa Fe wanted because it dangled the the gift of some of its land as a park in exchange for development and argued that this was the only way the public could ever hope to obtain any land for a park. Of course, planning as though there would be no state park meant that the cities had to consider approving the scale and type of development that Santa Fe would find agreeable. Once approved this level of

development would more likely make acquisition of the lands prohibitively expensive and therefore unobtainable as parkland.

This was the Gordian Knot in Berkeley at the time, and it became clear to park advocates that they would need to get Berkeley either to approve the Sierra Club plan or something close to it so as to cut that knot and bring closure to the Berkeley planning process. It was also clear that no real change would occur at State Parks until there was a major change in the political direction in Sacramento and sufficient state funds were available for the purchase of parklands.

In the meantime, the State Coastal Conservancy provided funds to Berkeley for the planning of its North Waterfront Park, now Cesar Chavez Park. By 1984, \$9,000,000 had been allocated for the Eastshore State Park. \$2.5 Million came from the 1976 Urban/Coastal Park Fund, \$4 Million in the 1980 Parklands Act, \$2.5 Million from the SAFECO funds and in June, 1984 the voters passed Proposition 18, the Park and Recreational Facilities Act, and Proposition 19, the Fish and Wildlife Habitat Enhancement Act, with votes of 63% and 64% for parks. These two measures provided a total of \$4.5 Million for the Eastshore State Park.

This same year saw the first discussion of a broad based environmental coalition for the Eastshore State Park. In July 1984 Dwight Steele for Save the Bay and Norman La Force for Sierra Club met in July to discuss this idea. They reached a mutual conclusion that a coalition would be important and necessary. Both agreed to give it more thought. Both they and many others like Sylvia McLaughlin realized that the disparate groups that made up the park advocates needed to organize as a unified force and agree on a common strategy if they were to be successful in their goal. They also needed to coordinate their actions for the maximum positive effect. At this time, however, the demands of time in dealing with the Berkeley Waterfront planning and in keeping pressure on State Parks meant that the idea did not go any further.

Meanwhile, Albany began again to ponder its waterfront and Santa Fe began to look to what it could accomplish in Albany, too. These actions culminated in October with the Albany City Council voting to begin a planning process for its waterfront that included the race track site. It included plans from Santa Fe for 31/2 million square feet of development on the rack track site and plateau area of the waterfront. Park Advocates were highly critical of including Santa Fe's plans in the mix.

Park advocates now had to focus on Albany in addition to Berkeley. This was a positive development since Albany had not been the focus of park advocates for some time. Now Albany issues became important because of Santa Fe's extensive ownership of the Albany waterfront. Moreover the race track provided Albany with around 9% of its discretionary revenues, a significant amount of tax revenues for a city the size of Albany. Park advocates became very concerned that Albany's political leadership would be more interested in development of the waterfront and in cutting a deal with Santa Fe than Berkeley. This was a particularly strong concern because the race track was not viewed by many in Albany as the best use of the Albany waterfront. There was much support for seeing the track leave, and having something else to replace it. Park advocates wanted to see the track lands included in the Eastshore State Park, but others in Albany saw the departure of the track and Santa Fe's development proposal as a way to redevelop the race track site with some amount of commercial development while also gaining some lands for parks. Fortunately, for park advocates Robert Cheasty was elected to the Albany city council in 1984. He was a strong supporter of the Eastshore State Park.

## **1985-Planning Continues in Berkeley While Santa Fe Moves Forward With Proposals in Emeryville and Albany and Park Advocates Create The Citizens for the Eastshore State Park**

As noted above, in January 1985 the Berkeley City Council voted to include the Sierra Club's Community Park and Development Plan in the alternatives for consideration in the planning for the waterfront. Santa Fe strenuously opposed this. Park advocates experienced a sense of irony when they reflected on their criticisms of the 1983 Berkeley planning workshops as they read Santa Fe's frantic and belligerent correspondence to Berkeley, complaining about the planning process and critiquing the city's consultants' work when it did not reflect Santa Fe's viewpoint.

In January 1985 the Sierra Club sought to gain wider public knowledge and support for its plan. Norman La Force envisioned a four page pull-out from the Club's monthly newspaper for the Club's East Bay members, some 7,000 in the communities through which the Eastshore State Park would run. This same pull out could be used as a stand alone campaign piece for distribution in the community. Steve Rauh, the Yodeler's Editor indicated that he knew how to put one together that would be very effective. Working with Renate Woodbury on layout, and Jane Scher for photographs, the four of them put this piece together. This piece was very effective and was used for many years afterwards as an advocacy piece for the Eastshore State Park.

During the course of 1985, the Berkeley Design Advocates under Francis Violich began lobbying for housing on the waterfront in an idea that was reminiscent of the old Coastal

Conservancy Charette. The park advocates did not support this type of use because they did not believe it was compatible with the development of the area as a park. In order to evaluate this proposal, the Sierra Club retained the services of architect and affordable housing advocate Michael Pyatok. He provided detailed expert analysis of the Berkeley Design Advocates' proposal which showed that housing would not be economical and would be more costly to build in terms of site preparation costs. Thereafter, the Berkeley Design Advocates proposal was considered infeasible and not appropriate for the waterfront.

More important for the Eastshore State Park effort was the creation of the initial coalition of Park advocates called Save Our Shoreline (SOS). Citizens for the Eastshore State Park (CESP) had its origins in this first coalition. The first meeting was March 18, 1985. Dwight Steele personally contributed \$4,000 and Sylvia McLaughlin gave \$3,000.00 as start up money. This funding was critical to the success of what later became CESP. Dwight Steele and Norman La Force were named the Co-Chairs. In October the name was changed to the Eastshore State Park Coalition. In December the name is changed again to the one it holds today, the Citizens for the Eastshore State Park. Among its members at this early time in addition to the three people already identified were Nicki Spillane, Ed Bennett, Robert Cheasty, Erika Kunkel, Will Siri, Jim Rosenau, Barry Nelson, Clifford Fred, Esther Gulick, Kay Kerr, John Denton, Mary Jefferds, Doris Sloan, Melissa Wischhusen, Bruce Walker, John Shively, Phoebe Watts, and Stuart Flashman. Many other people joined in the organization over the years. The first work of the new group was to hire a staff person. The first staff person was Viviane Woo, who had a background in planning, which the group felt was important.

The creation of CESP was critical to the success of park advocates because it brought park supporters together in a single unified body where issues could be discussed and decisions

made that could then be implemented by the organizations whose leaders on this issue attended the group's meetings. The three key organizations were Save the Bay, Sierra Club, and Golden Gate Audubon. Other groups that were also important were the League of Women Voters, the Emeryville Shoreline Committee, and later the Citizens for the Albany Shoreline or CAS. Dwight Steele recalls that another important aspect of CESP was and is that it is open to anyone, thus promoting dialogue and discussion of issues among different points of view. Another important function that CESP played was as vehicle for raising funds for the information campaign that park advocates needed for their campaign for the park. As a non-profit corporation, CESP was able to attract significant grant money for its work, estimated to be around \$200,000 over the course of CESP's existence to date.

While Berkeley ploughed through its planning process, the new coalition continued to meet with State Parks personnel. A major revelation occurred in November when Dwight Steele and Sylvia McLaughlin for CESP met with Resources Secretary Gordon Van Vleck, State Parks Director Bill Briner, and Lon Spharler. At this meeting Dwight Steele and Sylvia McLaughlin were disturbed to learn that Van Vleck had never heard of the Eastshore State Park and did not know about its funding needs. CESP representatives urged the State to take a leadership role regarding the Eastshore State Park, but this request seemed to fall on deaf ears when Governor Deukmejian deleted \$2 Million from the State budget for the Eastshore State Park.

While park advocates remained disappointed with the State Parks administration, Santa Fe was keeping everyone busy. In May Santa Fe proposed two 18-story hotel towers at the Emeryville Crescent with fill of the Crescent to provide for this development. This galvanized Emeryville activists, already active on the issue of the city's revision to its general plan. In July the Emeryville Shoreline Committee was created. The key leaders were Stuart Flashman, Bruce

Walker, Melissa Wischusen, Norma Garrett and Alan Garrett. Bruce Walker played a pivotal role on the committee. He was known as “Captain” because he wore a sailor captain’s hat. An artist, he loved the Emeryville Crescent and was a major organizer for the committee. He later died in the early 1990’s of a rare form of cancer. Melissa Wischusen also was very active on the committee and was critical to its success. She, too, passed away in the early 1990's from cancer. Norma Garrett had been active in Emeryville politics. She and her husband Alan opened up their Watergate apartment for the meetings of the committee and provided financial support. She also died of cancer in the early 1990's. Her husband later passed away, too. Of the leadership Stuart Flashman remains. He was also critical to the success of the committee, especially when it came to drafting campaign pieces and the shoreline initiative.

Santa Fe’s proposal in Emeryville concerned park advocates because it threatened the viability of the Emeryville Crescent wetland, but on its face appeared to protect it by offering to dedicate 81 acres of the Emeryville Crescent tidelands to the public in an attempt to buy off opposition to its proposal. Park advocates were concerned that because of the political complexion of the city council at the time, a majority could be found to approve it. Members of the Emeryville Shoreline Committee already believed at that time that the Emeryville planning commission would vote to approve the Santa Fe proposal, if it came up for a vote.

In Albany Santa Fe presented its plan to Albany’s waterfront committee in September 1985. This proposal galvanized citizens as the proposal in Emeryville had in that city. John Shively was the leader at this stage in Albany. There was great concern that the City would agree to much of Santa Fe’s proposal. CESP heard a presentation from Howard McNenney who was on the Albany Waterfront Committee that September. He presented a very pro-development point of view concerning Santa Fe’s proposal. Robert Cheasty, who was Mayor of Albany at this

time, was one who was committed to opposing Santa Fe's proposal. Through his efforts and those of others in Albany, Albany did proceed with the exercise of the public trust over the Albany mudflats to preserve them and to protect them as an ecological unit of study.

In addition, Albany secured the agreement of State Parks for the State to lease from Albany the Albany Bulb as a part of the Eastshore State Park with \$2.5 Million for the capping and sealing of the Bulb. Robert Cheasty recalls that he worked with Tom Bates to have the Albany Bulb included in the new park in order to develop momentum for the park. As he put it, he wanted to establish a "beach head" for the park and also to secure funding for the closure of that former landfill site. He also felt that with the Bulb as a piece of the park, park advocates would have a better chance of getting other properties into the park and to connect those pieces together. State Parks, however, remained ambivalent about the Albany Bulb. In fact, when the planning for the new Park began in 1999, the Albany Bulb was not included as a parcel in the park even though the lease was still in effect. Recently, however, the State has agreed to include the Bulb in the planning process.

Other events in Berkeley demonstrated how desperate Santa Fe had become in Berkeley. In yet another major misjudgment Santa Fe literally bulldozed away any remaining support for it among undecided residents. In early October 1985 Santa Fe sent bulldozers onto the Meadow and basically stripped away all of the vegetation and habitat for wildlife. It also attempted to fill in areas of seasonal wetlands. When this was found out, its explanation that it did it for fire hazard abatement did not have support in the documents and communications with the City. Santa Fe's action enraged park advocates. Santa Fe lost any remaining goodwill it enjoyed among Berkeley's residents by its bulldozer tactics. BCDC issued a statement finding that Santa Fe was in violation of its regulations for what it did. All that Santa Fe gained for this exercise

was further confirmation that it was a big bad railroad. In an ironic twist on this story, the bulldozing actually helped create more wetland areas as various park advocates demonstrated through photographs of the bulldozed landscape in March, 1986 after a season of heavy rains.

In October 1985 some of the leading park activists formed a private corporation for the purpose of buying all or portions of the Berkeley waterfront. Albert Lepawsky, Sylvia McLaughlin, Norman La Force, Carolyn Merchant, chairwoman of the UC Berkeley Dept. of Conservation, and Carroll Williams, former Berkeley school board president were the directors of the Berkeley Bayfront Conservancy Fund, Inc. Lepawsky was the moving force behind this new entity, mainly because he was never in favor of the Berkeley waterfront becoming part of a State Park. He always advocated that the waterfront should be a local park. Carroll Williams was relatively new to the waterfront issue. After serving on the school board, he turned his attention to the waterfront issues. He was a professor in UC Berkeley's Dept. of Forestry and added the presence of an African-American conservationist to the new organization. All of the directors saw the Fund as a potential vehicle for raising funds through donations to buy the Santa Fe lands especially given the lack of interest at State Parks in the Eastshore State Park. The Fund did not attract the kind of support the directors had hoped, and it gradually faded away.

On December 14, 1985 Santa Fe's executives Doug Hall and Jim O'Gara, and project manager Bert Bangsberg and their attorney for this project Michael Wilmar met at Sylvia McLaughlin's house with Sylvia McLaughlin, Dwight Steele, Norman La Force, Mary Jefferds, Esther Gulick, Melissa Wischhusen, and John Shively to discuss Santa Fe's development and the park advocates opposition to it. Park advocates hoped to create a channel of communication with Santa Fe outside of the public eye so that both sides could engage in a more frank dialogue on the issues that divided them and their resolution. Out of this meeting came a series of

monthly meetings with Bert Bangsberg and Michael Wilmar for Santa Fe and Sylvia McLaughlin, Dwight Steele, and Norman La Force for CESP.

Thus, did the eventful year 1985 end. Despite apparent success, the park advocates were still in a difficult position. They could oppose Santa Fe and try to stop it, but Santa Fe still had political clout and so long as State Parks remained inactive, Santa Fe could still play its strongest card; to wit, absent a commitment from State Parks to acquire the Santa Fe lands, the cities and citizens did not have the financial resources to acquire Santa Fe lands for a park and would have to cut a deal with Santa Fe in order to get a park. Park advocates felt strongly that the park that would come out of any deal would not be the kind of park they had worked so long and hard for.

## **1986: Santa Fe Is Defeated In Berkeley**

The issue in 1986 for Berkeley and its waterfront was how to put together the final plan for the waterfront that would protect the Brickyard and Meadow from development while giving Santa Fe sufficient development potential on the remaining portions of the land to insulate the city from a legal challenge of inverse condemnation. The City's planners and consultants with the advice of the outside city attorney Clem Shute put forward a plan for city council approval that limited development to 565,000 square feet. No development would occur on the Brickyard, but the eastern 22 acres of the Meadow were set aside for development with most development allowed in the North Basin Strip and Horse Barn area.

The Sierra Club, Save the Bay, CESP, and other leading park activists called upon the City Council to adopt in full the Sierra Club plan, which had garnered the most public support. This plan kept development entirely off the Meadow and Brickyard. The park activists also called upon the city to enact Council member John Denton's wetland resolution to protect the wetlands on the Meadow. At this juncture, Toni Mester, a Berkeley resident led the Sierra Club's effort in Berkeley while Norman La Force remained in overall charge of the Club's entire East Bay Shoreline effort. Steve Bedrick, an attorney, also was a key member of the Berkeley Sierra Club effort. Sylvia McLaughlin remained as indomitable as ever for Save the Bay, CESP, or herself as a respected Berkeley citizen.

The City Council voted at its February 18, 1986 meeting to follow the city planner's proposal. This was still not acceptable to the park activists, however. They still insisted on preserving all of the Meadow as open space. Following this vote, an ad hoc group of park advocates met with two of the Berkeley city council members who were focused on the waterfront issues and city staff to try to work out a plan that would be acceptable to the park

advocates. The council members were Nancy Skinner and Don Jelinek. The city staff included Marge Macris, the head of planning for the city, Assistant city manager Vicki Elmer, and outside counsel Clem Shute. The park advocates were Sierra Club members Norman La Force and Steven Bedrick, and Clifford Fred. Over the course of a number of months, they engaged in a series of discussions and meetings to work out a resolution of this issue.

The Sierra Club representatives insisted on the Meadow remaining undeveloped. The sticking point was the Santa Fe lease to Golden Gate Fields. The Berkeley plan for the waterfront derived from the Sierra Club plan put the development in Berkeley on the North Basin Strip and Stables area. Clem Shute, the city's attorney, raised the issue that if Santa Fe could not develop that area immediately, it could contend that the plan had essentially engineered a taking of Santa Fe's property. To get around this problem, the ad hoc group worked on legal ways to resolve this issue. They arrived at a solution that allowed Santa Fe to develop a portion of the Meadow, that area closest to the Frontage Road, if Santa Fe could prove to the satisfaction of the City Council on a vote of at least seven council members that it could not develop the North Basin Strip and Stables area because of the race track lease. This provision in the waterfront plan also required Santa Fe to produce to the City Council the lease with the race track in order to verify that it could not develop on the North Basin Strip. The City then began the steps to place the plan on the ballot for approval.

This solution, however, caused a split among park advocates. Many in CESP did not support the provision that could allow development on the Meadow. Clifford Fred and others in Berkeley working with council member John Denton were against any provision that could allow any development on the Meadow. They believed that allowing Santa Fe development rights on the Meadow even under the strict conditions set forth in the city's plan was unnecessary to

protect the City from a lawsuit Santa Fe would bring alleging that the City's plan constituted a taking of its property. They worked to put a citizens initiative on the ballot that would only allow development on the North Basin Strip and Horse Barn areas. This plan qualified for the ballot as Measure P. The city council placed the city's specific plan embodying the Sierra Club's agreement on the ballot as Measure Q. The opponents of Measure Q dubbed the solution worked out between the Sierra Club and the city as the Measure Q loophole.

May 1986 also saw a development that once again confirmed the fears of all park activists that despite their best efforts city officials sought to reach agreements about development of the Meadow outside of public purview that would allow development on the Meadow. In early May, 1986 park advocates were shocked to learn that Mayor Gus Newport had quietly negotiated with Japanese officials behind the scenes and without any public input to develop a large "peace park" on the Berkeley Meadow. The proposed park included a peace center, shrines, a library, museum and conference center. Opposition from park activists, other Berkeley city council members, and the city's Waterfront Commission erupted immediately upon learning of this proposal, and just as fast it died, leaving a lingering bitter aftertaste of suspicion among park advocates that within the city offices, officials and politicians still sought ways to develop the Meadow.

The November election over Measure P and Q issue divided park advocates. CESP and Save the Bay voted to support both Measures P and Q. Later CESP agreed that its name could not be used on Measure P literature. Measure P supporters enlisted the support of the legendary environmentalist David Brower. The Sierra Club and the BCA voted to support Measure Q, or what was called the Sierra Club plan for the waterfront. The Sierra Club considered Measure P to have many flaws and to be less protective than Measure Q. Initially, Loni Hancock, who was

running for Mayor on the BCA slate to replace Gus Newport, was leaning towards Measure P. Her opponent Phil Polakoff supported Measure P. After discussing the issue with many park advocates and city council member Nancy Skinner, she endorsed Measure Q. The ABC and candidates either endorsed Measure P or did not endorse either of the two measures and opposed them. The Berkeley Democratic Club, which was one of the main organizations in the ABC, came out against both P and Q. Surprisingly, Santa Fe did not attempt to interject itself into the issue either overtly or through dummy campaign committees despite fears from park advocates that it would fund a lavish campaign against both measures or target Measure Q for defeat.

One of the legal twists in the vote on Measures P and Q was the need for both measures to pass because there was strong fear that if each did not get more than 50% of the vote that Santa Fe could contend that those portions of that measure that contradicted the other measure were null and void for both measures. Hence, the Berkeley voter was asked to read and understand a very sophisticated ballot issue. The Pro-Q campaign emphasized the Sierra Club endorsement and the need to “mind ones P’s and Q’s.” In the end, both received well more than a simple majority and measure Q garnered more votes than P. Measure Q had 67.8% out of 36,340 votes cast on that measure. Measure P had 57.5% out of 34,561 votes cast on that measure. Measure Q’s victory was due in part to the fact that the years of debate over the waterfront had educated the Berkeley public to the issues, but also to the political clout that the Sierra Club endorsement carried in Berkeley where somewhere between 5 to 10% of registered voters were members of the Club.

As Berkeley headed for its resolution of the waterfront issues, CESP’s representatives continued to meet with Santa Fe’s executives and the State Parks’ representatives. In May, 1986 Dwight Steele and Sylvia McLaughlin even traveled to Sacramento to meet with Governor

Deukmejian in an effort to get his support for the Park. CESP and Santa Fe agreed on a method for proceeding with each other in further talks. The CESP negotiators were Dwight Steele, Norman La Force, and Sylvia McLaughlin. The principal Santa Fe representatives were Bert Bangsberg and the Michael Wilmar.

Publicly Santa Fe remained as intransigent as ever. It continued to push its twin hotel towers in Emeryville, its 3.7 million square feet of development in Albany, and its Berkeley proposal. It even gained the support of the Oakland Tribune in an editorial on July 20<sup>th</sup>. Santa Fe continued to be very optimistic about Albany. Privately, however, Santa Fe expressed an interest in supporting CESP's efforts to obtain the bond funds necessary to buy out its Berkeley property, although it would not yet give up on Emeryville or Albany.

The Emeryville Shoreline Committee continued its opposition to Santa Fe. Two important events occurred in Emeryville in 1986 to give Santa Fe pause. First, in August, 1986 the U.S. Army Corps of Engineers held a public hearing on the scoping for the EIR/EIS for the Santa Fe towers. The Emeryville Shoreline Committee, Save the Bay, CESP, Sierra Club, Golden Gate Audubon Society and many others spoke out against the proposal. Most significantly, from a regulatory point of view, William Travis, the Deputy Director for the Bay Conservation and Development Commission commented that the two towers were a "goofy" idea and suggested that BCDC would not approve them. Park advocates were heartened by the public opposition to Santa Fe's proposal and the response of the regulatory agencies.

As Santa Fe proceeded through the regulatory process, the Emeryville Shoreline Committee decided to take the initiative to convince the city council and city staff that Emeryville residents did not support the Santa Fe proposal. They drafted and circulated within Emeryville a petition to keep the Emeryville shoreline as open space. In a short space of time,

the committee had gathered several thousand signatures. Stuart Flashman recalls that at the time Emeryville had around 3,500 residents and that they had gotten the signatures of at least half the residents of Emeryville. The committee members were very disappointed, however, when they turned in the petition to the city council in June. The city council accepted the petition and then did nothing, giving the impression that it would simply ignore it.

In addition to the petition, the Emeryville Shoreline committee began to push the city to exercise the public trust over the Emeryville Crescent. The committee, CESP, Save the Bay, Golden Gate Audubon, and Sierra Club all urged the city and the State Lands Commission to exercise that trust so as to protect the Emeryville Crescent as wildlife habitat area and area for ecological study off limits to public access. In this way, park advocates believed that the Emeryville Crescent could be protected and put off limits to development. Park advocates were delighted when the first hearing on the public trust issue occurred in September. Thirty speakers supported the park advocates' position while only five spoke in favor of allowing Santa Fe the right to develop its project. Park advocates remained concerned, however, that the City of Emeryville would come out in favor of a broader range of trust uses that could provide a loophole for Santa Fe to develop its hotels. Santa Fe seemed to confirm that fear when it dropped the housing component from the project, leaving only the hotel component because housing was not a public trust use while hotels could arguably be considered a trust use. Of special concern to the Emeryville Shoreline Committee and many park advocates was that the city attorney at the time appeared to be extremely pro-development and thus could not be counted on for legal help in this regard.

Park advocates became even more concerned about Emeryville when Stuart Flashman lost his re-election to the city council by just eleven votes to Thomas Fox, a reporter turned

public relations professional. Park advocates were very concerned about Fox's election because he had run on a platform supporting development in Emeryville. Park advocates viewed Stu Flashman's defeat a grievous setback for saving the Emeryville shoreline.

In Albany park advocates also remained very concerned. The Albany planning process seemed headed in the direction of a plan that would grant Santa Fe significant development rights with the track still operating and no park land for the Eastshore State Park other than a thin shoreline strip for public access which Santa Fe would have to provide anyway to meet BCDC shoreline access requirements. Albany's planning process assumed Santa Fe's termination of the race track lease, and the Albany Waterfront Committee appeared to be inclined to support two development proposals that allowed for development of the Albany waterfront that park advocates considered to be very dense. The planning process proceeded to assume a first phase of development that would be built in time to generate a revenue stream to the city to replace the loss of revenue the city expected to see when the track closed.

As the year progressed, however, a question arose as to whether Santa Fe would terminate the track lease. If Santa Fe would allow the track to continue and it obtained approval for its first phase of development, then while the city would see an increase in revenues from this first phase of development, it would also have to deal with the environmental impacts of both the existing racetrack operation and the additional impacts from the Santa Fe development. Moreover, if the track remained and Santa Fe were allowed to develop a first phase of development, then the city would be dependent on both the revenues the track would generate and those that the Santa Fe development would provide the city. Thus, when Santa Fe did terminate the track lease, the city would still be left in the same position it was seeking to avoid, i.e, how to prevent a cut in city services which would result from a loss of the revenues from the

racetrack. For park advocates it appeared that Albany was planning itself into a corner where it could only approve more and more development for Santa Fe with no way to ever have a chance of obtaining any of the waterfront for inclusion in the Eastshore State Park. Santa Fe consistently maintained in public that it intended to terminate the racetrack lease and not renew it.

Fortunately, Santa Fe came to the rescue of the park advocates. It came out that secretly Santa Fe was actually negotiating an extension of that lease for five years with two ten year options. Once revealed to the public, Santa Fe lost much good will since it appeared to be dealing in bad faith with the public and the city.

Meanwhile, Citizens for the Eastshore State Park took a big step in August 1986 when it incorporated as a non-profit corporation so it could pursue grants for its work on advocating for the Eastshore State Park. Dwight Steele was elected President and Chair. Norman La Force was elected Vice-President and Vice-Chair. As a consequence, CESP received a \$30,000 grant from the Goldman Foundation and \$1,000 from the Strong Center. This enabled CESP to employ an Executive Director. In August CESP hired Stana Hearne for that position after Viviane Woo left to pursue a further career in planning. Stana Hearne's presence as the staff person for CESP was important for its success. She was able to make the presence of CESP felt in each of the cities and provided the kind of necessary logistical support volunteers and volunteer organizations like CESP often lack, but need. Stana has remained as executive director to July 2003. CESP continued to discuss a potential agreement with Santa Fe on a range of issues. From August to October CESP and Santa Fe exchanged drafts of a possible "Cooperative Agreement" to identify and restrict development on the shoreline, but no agreement could be reached.

1986 ended with success in Berkeley in terms of stopping Santa Fe's plan. Both Albany and Emeryville remained question marks. But still the goal of public ownership of the waterfront remained an elusive goal. For his work on the Berkeley waterfront issues, the *East Bay Express* ranked Norman La Force as one of the 20 East Bay residents who made a difference in 1986 in its end of the year issue.

## **1987: Year of Decision In Emeryville and the Campaign for a State Park Bond Is Initiated**

The early part of 1987 saw a number of different activities that the park advocates undertook. Jerry Meral of the Planning and Conservation League (PCL) began discussions around the State and in the Bay Area with CESP and Sierra Club for a proposed a citizens' initiative for a state park bond. This would require hundreds of thousands of signatures just to qualify the initiative on the ballot. PCL proposed that groups commit to obtaining a number of signatures or funding the signature gathering and in exchange they would get a portion of the funds from the bond measure for parks of their choice based on a formula for calculating the number of signatures for an allocation of funds out of the bond measure. For the Eastshore State Park this translated into a \$25,000 contribution and a commitment to gather 50,000 signatures for \$25 Million dollars in the bond measure for the Eastshore State Park. CESP, Save the Bay, Sierra Club, and the Golden Gate Audubon Society joined together to meet gather the requisite 50,000 signatures. The San Francisco Bay Chapter of the Sierra Club contributed the \$15,000 for the monetary contribution. Captain Bruce Walker of Emeryville was hired as the staff coordinator for this effort with additional funding from the Bay Chapter of the Sierra Club. Bruce Walker proved to be an excellent choice. He conducted a well-run signature gathering operation that resulted in the collection of more than the 50,000 signatures required. Park advocates all agreed that his work on the campaign was essential to its success.

At the beginning of the year, Dwight Steele, Norman La Force and Sylvia McLaughlin met with the Secretary of the State Resource Agency, Gordon Van Vleck, Bill Briner, the Director of State Parks and other State Park's officials to discuss the current status of the East

Shore State Park. This meeting kept the lines of communication open but made no change in the State Park's approach of the administration to the Eastshore State Park.

Meanwhile Assemblyman Tom Bates moved forward with AB 765 to appropriate \$3 Million for the acquisition of the Emeryville lands. Emeryville was viewed as the most likely place for an early acquisition due to the fact that Santa Fe was facing mounting opposition to its proposed twin towers on the Crescent. Disappointed with the lack of support for its petition to preserve the shoreline as open space, the Emeryville Shoreline Committee decided to put an initiative on the November ballot to preserve the Emeryville shoreline as open space and to stop Santa Fe's development in its tracks. In addition, despite Santa Fe's efforts to stop it from going forward and delays from the State Lands Commission, the City of Emeryville went forward with the public trust study leading up to an exercise of the public trust.

In March Santa Fe filed its lawsuit against Berkeley as was expected and anticipated. The suit contended that Berkeley had engaged in a process culminating in Measure Q to so plan Santa Fe's Berkeley lands as to devalue them in order to acquire them as open space. Santa Fe claimed a minimum of \$85 Million in damages for the alleged taking of its property. It later increased that claim to \$100 Million as the value of the development on the Berkeley lands. Park advocates feared that as had happened in the 1970's lawsuit, Santa Fe would seek to depose many of the environmental leaders in order to try to establish that the City of Berkeley simply followed their bidding to plan the end so as to make it worthless. The City employed outside counsel Clem Shute who moved to dismiss the suit as premature since Santa Fe had not made any application to develop its property under Measure Q or show that such limited amount of development was so economically infeasible as to constitute a taking of its property.

Meanwhile, State Parks representatives met with Dwight Steele and Sylvia McLaughlin and agreed to make Emeryville the top priority for acquisition. State Parks Director Bill Briner proposed that Santa Fe agree to an appraisal of the Berkeley lands and assigned Al Koster as liaison with CESP and to attend CESP meetings. Beginning in April 1987 Koster attended CESP meetings regularly; his attendance gradually ended.

CESP, Golden Gate Audubon Society, Save the Bay, and Sierra Club also continued to urge the East Bay Regional Park District to take a more active role and to inform the state that it would be willing to do this. Longtime Berkeley director Mary Jefferds helped in getting the President of the Park District Board, Ted Radke, to write a letter to the State Parks administration offering to begin discussions about future operational responsibilities after acquisition of the park, citing the Park District's experience operating Del Valle and Crown Beach parks, owned by the state but operated by the Park District.

While the Emeryville Shoreline Committee mounted its effort to gather the necessary signatures for its initiative, Santa Fe and the State began negotiating over the Emeryville Crescent lands. The Santa Fe appraiser gave a value of the Emeryville Crescent at this time of \$9,155,200. Park advocates found that number to be ridiculously high. The State General Services Administration gave a value of \$6.9 Million, which park advocates still considered too high. By October 1987 the State was willing to offer \$5.3 Million, but Santa Fe wanted \$6.9 Million. The State Coastal Conservancy offered to contribute \$3 Million for the Crescent acquisition from funds it had for the Eastshore State Park. CESP stated it could support a purchase price of \$6 Million prior to the vote on the Emeryville shoreline measure for the purpose of getting the first acquisition for the park underway, even though it felt that this number

was too high. But Santa Fe took a hardline and refused to take anything less than \$6.9 Million for the Emeryville property and claimed that the Berkeley property was worth \$100,000,000.

The November 1987 election in Emeryville brought further success to park advocates. After the city council appeared to ignore the Emeryville Shoreline Committee's petition to keep the shoreline as open space, the Emeryville Shoreline Committee proceeded to gather signatures for a measure that would permanently protect the Emeryville shoreline from development. The Emeryville measure provided that the Emeryville shoreline was to be maintained as open space and any action to amend the zoning or land use designations or entry into any development agreement for the Emeryville shoreline areas, would require the passage of ballot measure approved by a majority of the voters voting. The committee again gathered signatures of over 50% of the Emeryville voters and presented the measure to the city council, requesting that it vote to put the measure on the ballot. On a 3 to 2 vote the city council refused to do so. So the measure went on the ballot as an initiative, and the Emeryville the voters resoundingly supported the Shoreline Protection Measure, Measure D, by 87%. The persons critical to the success of the Emeryville vote were Bruce Walker, Melissa Wischusen, Norma and Alan Garret, Stu Flashman, and Greg Harper. Stuart Flashman also singles out attorney Harry Pollack for his work on writing the initiative. Park advocates particularly singled out Bruce Walker for his tireless work on the campaign. At the same time park advocates saw this success in Emeryville, Santa Fe managed to convince the State Lands Commission to delay the release of the public trust study for the Crescent.

In Albany the proposed draft environmental impact report on the Santa Fe Albany shoreline plan received so many critical comments and objections that Albany decided to

withdraw the document and agree to revise it. The withdrawal of the Albany Draft EIR was an important development. The feeling among park advocates was that except for Robert Cheasty a majority on the City Council favored development of the waterfront along lines that were closer to Santa Fe's than to park advocates. Of concern for the City Council was that the racetrack still provided between 5 to 10% of Albany's general fund revenues so any loss of that revenue would require major budget cuts in Albany's city budget. But Park advocates also felt that among the Albany City council members Ed McManus, Robert Nichols, Robert Kruse, and Thelma Rubin, there was just a different view of what should be done with the waterfront. Park advocates believed that these council members were willing to see more development on the Albany waterfront than park advocates were willing to agree to. They also felt that many on the city council wanted to see the racetrack leave to be replaced with some other kind of commercial development, making it much harder to ever acquire the racetrack site for the future Eastshore State Park. This rift or division colored the entire Albany process from that point forward, and Santa Fe tried to exploit this to its own advantage. By doing so, it fueled the fires of concern among park advocates in Albany that the city council could not be trusted to make the final judgment on the waterfront. This would have significant consequences for Santa Fe and Albany in the next two years.

In this same year Santa Fe also made a proposal for the development of an office and high tech research and development facility north of Point Isabel in Richmond called Battery Point. This development threatened to sever Hoffman Marsh from the Bay. The toxic clean up issues related to this site proved to be the undoing of this proposal. The area is a former dumpsite for batteries. Its clean-up resulted in a capped and sealed area that was included in the lands purchased for the Eastshore State Park.

The end of 1987 also saw the passage of SB 100, authorizing the Bay Trail around the Bay. In the next few years energy would be devoted to identifying where the Bay Trail should go in the Eastshore State Park. The end of the year also saw Berkeley resume negotiations with State Parks concerning the transfer of what is now Cesar Chavez Park to the State. Previously, in June the State committed \$500,000 to Berkeley to use for planning and development of Cesar Chavez Park pending its transfer to the State. In an effort to foster more of a connection with the State Parks administration, Ruth Ganong took one of the new Commissioners for State Parks on a tour of the shoreline, and Mary Jefferds arranged for a tour of the shoreline in the East Bay Regional Park District's helicopter for the new State Parks Director Henry Agonia with herself and Dwight Steele.

## **1988: Money Is Found for the Acquisition of the Eastshore State Park**

The focus of work in 1988 for park advocates was the passage of the State Park Bond in June and then in November the passage of the East Bay Regional Park District's AA. Both passed and together provided for \$40 Million for acquisition of lands for the Eastshore State Park. These two bond measures were essential for the creation of the Eastshore State Park because they provided the necessary funds for the purchase of the Santa Fe lands for the Park.

When first discussed, the Park District's AA measure was not going to include any funds for the Eastshore State Park. CESP, Sierra Club, Golden Gate Audubon Society and Save the Bay were all very upset about this lack of funding in the measure and lobbied the Park District to include money for the park. Initially, Tom Bates refused to support AA unless it included \$15 Million for the Eastshore State Park. His refusal to give automatic support for AA without the funds for the Eastshore State Park was an important reason for their inclusion in the final measure put on the ballot that included \$15 Million for the park.

Bruce Walker was the campaign coordinator for both measures in the East Bay. Both campaigns required extensive grass roots organizing and campaigning. Measure AA almost did not pass. It barely squeaked by with the requisite 2/3rds vote. The success of these two bond measures meant that there were finally significant funds for the purchase Santa Fe property.

Meanwhile, Norman La Force, Dwight Steele, and Sylvia McLaughlin as CESP's representatives continued to meet with Santa Fe's Bert Bangsberg and Mike Wilmar to seek agreement on issues. The CESP representatives hoped for agreement on Santa Fe's part for the sale of its waterfront lands. One stumbling block remained the Berkeley lawsuit. Until there was a definitive decision either for or against Santa Fe, Santa Fe did not have an incentive to sell.

In Emeryville, Santa Fe worked hard to continue to delay the public trust study in an effort to prevent its lands from losing more value. It also contended that the Emeryville Shoreline Protection Measure constituted a taking of its property since it limited its use to open space. So long as the public trust rights were not exercised over Santa Fe's shoreline holdings, it could make this argument. Once these trust rights were exercised to protect the Emeryville Crescent as a habitat area, this argument would no longer be legally viable. On a positive note in Emeryville, the BCDC agreed to settle its litigation with the City over past illegal fill for the development of the Ashby Spit into Point Emery with Save the Bay holding the funds for that work as trustee. Dwight Steele was instrumental in getting that issue resolved.

Santa Fe did not give up on Albany, where it still maintained the hope of gaining important development rights. At the same time citizens in Albany who wanted to see the Eastshore State Park in Albany formed the Citizens for the Albany Shoreline (CAS). The key persons involved with CAS were Robert Cheasty (who had left the city council this same year in order to work on the 1988 Presidential campaign for the Democratic Party), Bob Arnold, Loretta Hawley, John Shively, Joseph Cutler, Vince DeGrazia, Bill Dann, Claus Boehm, Robert Blanchard, Peter Brehm, Carole Fitzgerald, Georgia Peterson, Mathew Rinaldi, and Evelyn Frank. CAS then joined CESP. CAS was an important addition to CESP because it provided park advocates with a strong grass roots organization in Albany.

CESP retained attorney Roy Gorman to do a legal critique of the Albany EIR. CAS and the Sierra Club kept up the pressure on the city of Albany, too. CESP, the Sierra Club, and the CAS all advocated the City adopt the CESP plan for limited development which had been developed from the Sierra Club plan for the Albany waterfront. As with the Sierra Club for Berkeley, this plan originally derived from a plan that the Sierra Club had put together for

Albany to show that the city could approve a limited amount of commercial development to replace any revenue lost from the closure of the racetrack. The Albany plan benefited from the expertise of Rod Stevens who put together an analysis showing the tax revenues to the city that the plan would generate and how those revenues would equal those Albany received from the racetrack. Rod also challenged Santa Fe's revenue analysis for its Albany development.

In July 1988 CESP nominated the Emeryville Crescent and Albany mudflats for rehabilitation funds out of Prop. 70. After consultation between representatives of CESP, State Parks, Berkeley, and the Coastal Conservancy, it was agreed to have the Trust for Public Land try to negotiate for the purchase of the Emeryville Crescent and the Berkeley Meadow. TPL agreed to undertake this task, but had to bow to Santa Fe's insistence that TPL not keep CESP informed of its negotiations with Santa Fe. This decision deeply distressed the leadership of CESP, but there was little that could be done at that time.

In November 1988 Sylvia McLaughlin on behalf of CESP made a request at the State Parks' Commission meeting in San Diego to prioritize the Eastshore State Park for acquisition and development under Prop. 70. That same month saw the formation of an Oakland Shoreline Committee led at the time by Catherine Stinus.

## **1989: Waterfront Planning Efforts Shift to Albany**

The year 1988 had ended on an undecided note with issues remaining in the air. The next year brought efforts by the Governor to divert 3.77 Million in the budget for the Eastshore State Park for other purposes. Although the legislature defeated these attempts, the Governor later sought to use his blue pencil to delete the money from the budget. Dwight Steele made a special trip to Sacramento to meet with Gordon Van Vleck, the Secretary for Resources and Assembly man Tom Bates to have the legislature restore the blue penciled \$3.77 Million. Dwight Steele and Tom Bates were successful in June when the funds were restored. Despite those successes, in February 1989 State Parks downgraded the priority rating for the Eastshore State Park from a one to a three. The Emeryville Crescent was also lowered from one to a two.

In April, 1989 the State finally agreed to approve TPL's purchase the Emeryville Crescent for \$5.8 Million. The State Lands Commission continued to delay its Public Trust Report so in May the Emeryville city council, having read the tea leaves from the Emeryville Shoreline initiative vote and realizing it could cut-off Santa Fe's taking claim, approved on a 5-0 vote the exercise of the public trust over the Emeryville Crescent. This trust exercise limited uses on the Crescent to an area of study for its ecological value and greatly restricted human activity or use on the property. Ironically, once the public trust was exercised over the Crescent, State Parks did an about face and said that it was not interested in purchasing the Crescent. The reason for this change, which only came out in 1990 in a meeting between Dwight Steele and Resources Secretary Van Vleck, was that with the exercise of the public trust over the lands, the State felt that the Crescent was no longer in danger of development and that the money could be used better elsewhere. Nevertheless, CESP, the Emeryville Shoreline Committee, and other park advocates still felt it was important to proceed with the purchase of the Emeryville Crescent

because of it would be a major first step in the creation of the Park and would place the State in the position of going forward with additional purchases.

Meanwhile, Santa Fe's lawsuit against Berkeley came to an end for Santa Fe. At both the federal district court and appellate court levels, Berkeley had prevailed on its request to have the suit dismissed because Santa Fe had never filed an application for development under Measure Q and had no basis for its claim that the ballot measure was legally invalid on its face. Santa Fe's last recourse was a petition to the U.S. Supreme Court. On May 31, 1989 the U.S. Supreme Court denied Santa Fe's petition and the case was formally dismissed. This meant that Santa Fe had lost its lawsuit against Berkeley over Measure Q. It now had two options at that point. It could file an application for development under Measure Q, or start the process of trying to negotiate the sale of the property to the State.

In Albany, however, Santa Fe moved forward with its plan in the face of mounting opposition. CAS, CESP, and Sierra Club attended many meetings of the Albany Waterfront Committee, Planning Commission and City Council. During the course of these meetings, it became more and more evident to park advocates that an initiative similar to that in Emeryville would be needed in Albany. The Citizens for the Albany Shoreline (CAS) under John Shively and with Robert Cheasty, Bob Arnold and Albany supporters previously mentioned began work on an initiative that would require any change in the zoning of the Albany waterfront from its current designation as waterfront commercial with limited kinds of uses to be put to a vote of the citizens. Hence, if the City Council approved any plan for development, it would have to put it to a vote.

Santa Fe considered this a major threat. It sent out a mailing to Albany residents claiming that CESP and Sierra Club were Berkeley organizations set out to bankrupt Albany.

They attacked John Shively as a pawn of CESP, Sierra Club and Berkeley environmentalists. This effort backfired for Albany had changed from an insular and more conservative community to one with many residents who considered themselves environmentalists and one that had many members in Sierra Club. Moreover, the Albany Shoreline Committee was such an active force in its own right that residents could see that it spoke for the concerns of Albany residents and was the leading citizens action committee on the waterfront issues. This active role belied Santa Fe's claim that it was a mere front for CESP or the fellow traveler for Sierra Club.

The Albany City Council, however, was very much against the CAS initiative and began an effort to derail it. This effort made CAS redouble its efforts to get the matter on the ballot.

This same year saw major activity in Oakland as the Oakland Shoreline Committee became more active. Catherine Stinus, Bob Eagle, Joanna Klassen, Catherine Stinus, and Judge John Sutter were the key members along with Stana Hearne, an Oakland resident and also the CESP executive director. After retiring from the bench, John Sutter was elected to the Board of the East Bay Regional Park District. The Oakland Shoreline Committee sought to convince the Port of Oakland to donate to the Eastshore State Park the Radio Beach area that were north of the Bay Bridge and the western portion of the Emeryville Crescent in Oakland for inclusion in the Eastshore State Park. These lands still remain outside the park. John Sutter credits the committee with ensuring that the Port of Oakland did not try to develop these wetlands under its more ambitious port expansion plan. The committee also helped to pass the city parks measure, Measure K, which provided \$1 Million for the Eastshore State Park.

## **1990: Victory In Albany and Santa Fe Gets Serious About A Sale of Its Lands**

The major focus of park advocates in the first part of the year was Albany and the waterfront initiative that became known as Measure C, which Robert Cheasty helped to draft. The city council refused to put this measure on the ballot, so CAS had to gather a sufficient number of signatures to place it on the ballot as an initiative. Bob Arnold recalls that they gathered one of the highest percentages of valid signatures that anyone could recall in Albany's history.

In an effort to sabotage this initiative, the City Council put two rival measures on the ballot at the same time. One was Measure B which amended Measure C which would sunset Measure C after a short period of time. The other was Measure D, which was a weaker waterfront measure that gutted Measure C's voter approval section if it passed and kept decisions about the waterfront in the hands of the City Council. For park advocates it was important to persuade voters voted Yes on C and No on B and D since either of those ballot measures would gut Measure C.

The campaign featured a major grassroots effort on the part of the CAS with support from CESP, Golden Gate Audubon, Save the Bay, Sierra Club and other groups and organizations. The final result was a 75% vote against Measure B and a 60% vote against Measure D. In contrast and in a major repudiation of the Albany City Council, the voters overwhelmingly approved Measure C by 72%. Bob Arnold credits Robert Cheasty's political organizing skills as important for the success of Measure C. He also singles out John Shively, Georgia Peterson, Loretta Hawley, Evelyn Frank, and Rich DeGrazia for their contribution to the passage of Measure C. Bob Arnold also feels that the mailing the Sierra Club did to its 600 some

odd members in Albany was also an important contribution to the passage of Measure C. Bob Cheasty recalls that Bob Arnold was an important leader in the campaign. Cheasty also feels that the Measure C victory broke the back of Santa Fe in the East Bay since it had lost in the one city where it probably had the best chances of having a project approved. The defeat in Albany coupled with those in Emeryville and Berkeley were a clear signal that Santa Fe had not convinced the citizens of these communities that its plans were in their best interest.

A number of the residents such as Ann Berry and Thelma Rubin who had fought the original landfill battles, were very distressed over the Measure C victory. Ann Berry still has hard feelings and blames the Sierra Club for the victory of Measure C. Without that victory, however, park advocates believe that Santa Fe would not have stopped its development efforts in Albany because the City Council either would not or could not for legal reasons refuse a major development proposal from Santa Fe. Park advocates such as Robert Cheasty were deeply concerned that once the city began to discuss the idea of development with Santa Fe, the city would have to approve more development than it may have wanted because Santa Fe would argue that it required a minimum amount of commercial development to make the project as a whole pencil out economically for it.

Santa Fe did not play a role in the Albany campaign. This may have been because in May Santa Fe had a major reorganization following its purchase of Southern Pacific. New management came on board. The company spun off the railroads and became a land development company called Catellus. The management let Bangsberg go and decided to drop plans for developing the Albany shoreline in the wake of the Measure C victory.

Shortly after the Albany election, Dwight Steele met with the new CEO of Catellus, Vernon Schwartz to discuss a buyout. It was clear at this point that Catellus now looked for a

way to package a sale and transfer of its property on the best terms it could get. Later in June a further meeting with Tom Bates, Dwight Steele, Vernon Schwartz, and Jim O’Gara of Catellus at Schwartz’s office, Tom Bates proposed a sale of all the Emeryville and Berkeley lands plus a strip for the Bay Trail in Albany for \$25 Million. Catellus demurred at this proposal, looking for more money and some development.

Schwartz later met with the CESP leadership at Sylvia McLaughlin’s house and reiterated the new attitude of the new company including a willingness to sell. Now the major sticking point came from the State, which was still unwilling to proceed with the acquisition of this park. Much of the remaining period of 1990 was spent in trying to get State Parks to take the initiative and to get the candidates for governor to endorse the Eastshore State Park. Park advocates got both Democratic contenders for governor to endorse the park. The Republican candidate Pete Wilson also endorsed the Park and even staged a press event for that at the park site in Berkeley. This press event got swallowed up by American and allied offensive to oust Iraq from Kuwait that had begun that same day. In the general election for governor that followed Pete Wilson won so park advocates saw little change in the position of State Parks regarding the Eastshore State Park..

The close of 1990 brought a new Santa Fe now Catellus to the point of negotiating the sale of its lands. The combination of the raising the money for the acquisition from public bonds and defeating Santa Fe’s proposals for development through a variety of different strategies had worked. Now the challenge of getting State Parks to proceed with appraisals and acquisition remained.

This was important because the three cities, Albany, Berkeley, and Emeryville all saw a pot of \$15 Million in the AA funds waiting to be used. The city staffs began efforts to create a

joint powers agreement by which the cities would agree on how to use this money for other purposes. The initial agreement was for Albany to use a significant portion of this money to cap and seal the Albany Bulb and Neck. CAS, CESP, the Emeryville Shoreline Committee, Golden Gate Audubon, Save the Bay, and Sierra Club all opposed this effort to divert the funds for acquisition of parklands for other purposes, and this effort to transfer the AA funds was thwarted.

In this same time period, Oakland voters passed Measure K, which provided \$1 Million for the Eastshore State Park, and CESP formed the Friends of the Eastshore Bay Trail to work on the Bay Trail planning.

## **Park Advocates Focus On the Acquisition of Lands for Inclusion In the Eastshore State Park**

### **The Early 1990's: Nudging the State Towards Acquisition**

While 1991 saw further efforts to have the sale of Catellus property occur, the year was a disappointment due to the continued failure of the State Parks administration to move forward. In January of that year Dwight Steele met with O'Gara of Catellus to discuss a Memorandum of Understanding regarding the sale of Catellus property. At this point Catellus still wanted to hold onto the North Basin Strip and Stables area in Berkeley and get all development rights for development in Berkeley (565,000 square feet) moved to the North Basin Strip area. While Dwight Steele agreed to present this proposal to CESP, he expressed his doubts that it was a fair trade or that it would meet with support. His forecast proved correct. CESP and Sierra Club opposed the trade of what was called the "Q Entitlement."

Despite this lack of agreement on Berkeley, Catellus was discussing dedication of its Emeryville Crescent property for development rights East of Interstate 80 in Emeryville and arrangements for the transfer of the Ashby Spit property to the City. This last issue was resolved in January and on January 26, 1991 Catellus dedicated the Ashby Spit to Emeryville. CESP and Sierra Club considered this to be part of the Eastshore State Park, but Emeryville resisted dedicating the property legally to the new park.

One February 13, 1991 Dwight Steele and Norman La Force met with Jim O'Gara of Catellus to discuss the "Q Entitlement." Steele and La Force believed that the only possibility for the transfer of this entitlement to occur would be if the development were transferred to the

lands North of Virginia Street. O’Gara said that this would mean higher densities and building heights than allowed by Q and that he did not believe the voters would support this change to the waterfront. Thus, this proposal went nowhere.

There was still no progress from State Parks. In March Dwight Steele discussed the lack of progress with Les McCargo of State Parks, but received no assurances that any action would be undertaken in the near future to secure the sale of the property.

In the meantime Tom Bates had put into the legislature AB 754 a bill to try to move the process along. Over the years Tom Bates had worked closely with CESP, including the drafting and implementing of AB 754. Norman La Force, Dwight Steele, Sylvia McLaughlin and CESP’s Executive Director Stana Hearne had met with Tom Bates to find a way to move the logjam on the acquisition process by getting the East Bay Regional Park District involved.

In July 1991 an issue arose over \$3.8 Million of the money allocated for the Eastshore State Park. Since it had not been allocated from the 1980 Bond Act, there was a concern that the State would declare it unspent. Tom Bates met with Dwight Steele and Norman La Force of CESP and the Sierra Club along with representatives of the Cities of Berkeley and Albany and Emeryville, the Coastal Conservancy, East Bay Regional Park District and the State Dept. of Parks and Recreation to discuss how to save, transfer or allocate this money. A one-year extension was provided for these funds.

In August, 1991 the Friends of the Eastshore Bay Trail and the Bay Trail team reached agreement on the route for the Bay Trail along the proposed Eastshore State Park. Both Sierra Club and Golden Gate Audubon Society, however, remained opposed to an alignment around the Albany Mudflats that put the trail between the Freeway and the mudflats. The trail ultimately did run along the edge of the mudflats from Richmond to Albany.

In a continued effort to spark more activity from State Parks, the East Bay Regional Park District offered its helicopter for use to show Doug Wheeler, the new Secretary for the Resources Agency, the Eastshore State Park. CESP and Sierra Club later held discussions with one of Wheeler's assistants, William Shafroth. None of these efforts resulted in the State Parks administration altering its glacial pace in pursuing the purchase of the property.

In an effort to move the process along, Tom Bates decided to use his legislation in the form of AB 754 to place the Park District as the agent for the acquisition of the properties for the Eastshore State Park. The language for this approach was worked out with Dwight Steele, Norman La Force, Sylvia McLaughlin and Stana Hearne of CESP. As this approach was undertaken the State Dept of General Services announced that it was starting new appraisals for the Catellus property.

As Catellus, the park advocates, and State Parks began a new minuet over the purchase of the Catellus property, Albany focused on a number of other issues. One of those was the extension of the lease between Catellus as owner of the racetrack property and the operator of the racetrack. Ladbroke, the large British racing conglomerate, had purchased the lease from Golden Gate Fields. The lease was set to expire in 1999 so Catellus and Ladbroke began to discuss extensions of the lease. Although Park advocates had long hoped to include the race track site in the Eastshore State Park, they knew that they could not hope to get the State or Park District to condemn the race track site and that if Catellus wanted to extend the lease for the track, there was little they could do to prevent this from happening.

Meanwhile, Albany embarked on a planning process for the Albany bulb and the lands known as the neck and plateau. The Albany Waterfront Commission was charged with this planning. It was made up of a large group of Albany residents. Many park advocates were on

this panel, including Bob Arnold, Victoria Wake, Steve Granholm and others. Also on the panel were residents who had a different vision of the waterfront. They still saw the land as a location for some amount of commercial development. Thus, the committee divided into two groups over the issue of commercial development on the waterfront. Park advocates supported those who wanted a park on the Albany planned lands. Fortunately, for the park advocates a number of dedicated and skilled Albany residents who shared that same vision of a park led the committee and took the laboring oar in running and organizing the committee. Through a long process, over a number of years, they produced the Albany plan for the Waterfront that gained widespread support among the community and the city council. That plan and how it evolved will be discussed below.

By the end of the year, the State Coastal Conservancy gave Berkeley an additional \$600,000 for the North Waterfront Park perimeter trail. In addition, the Cities of Albany, Berkeley, and Emeryville submitted a plan for the allocation of the 1980 bond money that included \$500,000 for repairs on Berkeley's North Waterfront Park, \$200,00 for a Bay Trail Corridor Study, some money to help on the legal drafting of the Joint Powers Agreement they were working on, and an additional \$3,090,000 for Albany's closure work on the Albany bulb. Park advocates continued to oppose this joint powers arrangement because they felt that the cities were trying to use money for operational expenditures that instead should be used for acquisition.

1992 saw continued slow movement on the creation of the park. Tom Bate's AB 754 wound its way through the state legislature. Initially, it included a specific role for CESP as a participant in the implementation of the park, but that was taken out prior to passage of the bill in September. At the time park advocates believed that the passage of the bill would herald a major

acceleration of the pace of acquisition and planning for the new park, but at first this did not happen.

AB 754 was amended several times and as signed by the governor in September 1992, provided that the Park District was to act as the agent for the State, “for the purpose of the acquisition, planning, and development of the shoreline park” and that the District develop “a land use development plan” consistent with the general plans of the affected cities, to be submitted to State Parks for approval. It specified that the plan “shall use the 1982 Feasibility Study as the initial planning document for the shoreline park, recognizing that the park shall be a recreational facility harmonious with its natural setting.” At the completion of the acquisition and planning the District and the State were to negotiate in good faith a mutually acceptable agreement for the management and operation of the shoreline park.

As this legislative effort went forward, park advocates faced a number of issues along the waterfront that threatened the park. First, Emeryville began discussions with the Episcopal church regarding a proposed 28 story high rise residential tower right on the waterfront. CESP, Save the Bay, Golden Gate Audubon and Sierra Club all opposed this.

During this same time period, after the defeat of the Sierra Club’s lawsuit over the proposed widening of Interstate 80, park advocates fought a rear guard action on various segments and specific issues concerning the widening. One of those was the proposed HOV flyover that threatened the Emeryville Crescent. This battle was lost, although the impact on the Crescent was lessened by mitigation fees used by Caltrans for Bay Trail public access, viewing areas, habitat improvement, and other amenities along the Eastshore Park shoreline.

Park advocates also sought to close down the Knapp permit for earth storage on the Brickyard. Some years previously the city had issued a permit to Knapp to allow it to store large

quantities of clean earth on the Brickyard which would be moved later for fill operations. Park advocates did not consider this to be an appropriate use of the waterfront and sought to terminate the permit. Berkeley revoked the permit in April, but Knapp fought this decision and ultimately prevailed on the revocation issue. For some reason Berkeley was unwilling to simply terminate the permit. One victory out of this defeat was that Knapp was kept to a stricter height limitation on its fill.

Park advocates began to focus more energy on the Richmond shoreline. In July the University of California proposed that a portion of its field station in Richmond be used for an EPA building. This proposal threatened the coastal prairie grasslands found at the field station. These grasslands were some of the last remaining native habitat along the Bay. Again despite opposition to this proposal, the University prevailed in the approval of the project. Although the project did not have a major impact on the grasslands, its location destroyed some of the grassland habitat.

Despite these defeats park advocates continued to work to save the wetlands and coastal prairie habitat along the Bay and called for the inclusion of Richmond lands from the Albany and Richmond border to the Port of Richmond for inclusion in the Eastshore State Park. CESP representatives met the Port of Oakland's General Manager Charles Roberts to discuss a proposed wildlife refuge along the shore and the Bay Trail. Roberts stated that the Port would cooperate on an alignment of the Bay Trail on their lands in Oakland near the Bay Bridge approach.

1993 brought modest progress and success for park advocates. At first the park advocates won a victory on the flyover issue. The Bay Conservation and Development Commission initially voted to deny CalTrans its permit for the flyover on a tie-vote. The East Bay Regional

Park District and the State signed the MOU under AB 754 and the Park District then took over the acquisition process. In February and March CESP proposed closing the Berkeley frontage road to through traffic and requested that Caltrans move I-80 further from the wildlife habitat area between Central Avenue and Buchanan Street.

## **The Mid-1990's: Acquisition of Lands Begins**

1994 did not begin auspiciously for park advocates, but it ended on a high note as the first acquisition for the new park was begun. In March over the objections of the environmental community BCDC approved CalTrans' Emeryville flyover, after some design changes and the addition of further mitigation funds. One of the issues was the public access along the Emeryville Crescent. Once again, the idea of a trail along the edge of the Crescent reared its public head when the Mayor of Emeryville, Ken Bukowski, proposed it. Once again this was defeated.

In February Vernon Schwartz resigned as CEO of Catellus and was replaced in July by Nelson Rising. Tom Bates knew Rising from earlier political days when Rising was involved in organizing for the Democratic Party and Bates was involved in Alameda County politics.

In June the State bond measure for parks that would have included \$10,000,000 for the Eastshore State Park lost at the polls. This was a hard defeat to take given the funding that would have helped the new park.

The issue that created tremendous controversy was the proposal for a cardroom at Golden Gate Fields. After the Measure C victory in Albany, Santa Fe decided to sell its Albany lands to the owner of the racetrack, Ladbroke. In 1995 working with the Mayor of Albany Michael Brodsky, Ladbroke proposed to add a 400 seat cardroom at the racetrack. In exchange Ladbroke agreed to grant easements for the Bay Trail along the shoreline at the track site and also agreed to provide some additional park amenities.

Albany split on this proposal. Some opposed it because they opposed gambling. Many, however, viewed it as an attempt by Ladbroke to expand the uses at the racetrack. This expansion was opposed in its own right, but opponents also felt that if this were approved the

track would remain a permanent fixture on the waterfront and that there would never be a time when it would be closed, giving park advocates no opportunity to acquire the property. In addition, many believed that this was the first step in a continued expansion of the uses at the racetrack facility.

The City of Albany created another issue regarding the cardroom when it proceeded to approve the proposal and place it on the ballot without first doing an environmental impact report. The City claimed that it did not need to do an impact report. It also maintained that it had to rush approval for the cardroom in order to get approval before a state law went into effect that would have banned further cardrooms in the State unless they had already been approved.

Although CESP voted 17 to 2 to remain neutral and neither support nor oppose the cardroom, the issue engendered much debate within CESP. CESP continued to urge Ladbroke to dedicate areas for the Bay Trail, access to the shoreline, restoration of marshes and other public benefits if the cardroom measure succeeded. The Sierra Club also voted to remain neutral on a very close vote, despite overwhelming opposition from many Club activists.

The November election over the cardroom turned into a bruising political debate that deeply divided Albany. Ann Berry recalls that on her block some people who supported one side of the issue would not talk to those on the other side.. Ladbroke reportedly spent close to \$150,000 in the campaign in a city of around 20,000 people and about 5,000 voters. The opponents raised people's ire by taking \$70,000 from the rival Oaks cardroom in Emeryville. The vote in November was very close. Ladbroke won by just under 200 votes. The fall out from this election divided Albany and park advocates for some time thereafter. It still remains a topic that is not voluntarily brought up at CESP meetings and is only discussed obliquely, if at all.

The victory at the polls, however, did not result in victory for Ladbroke. A group of Albany voters opposed to the cardroom then filed suit challenging the approval on the grounds that the City had failed to do an EIR. The litigation brought a halt to the cardroom.

The bright spot in 1994, however, was the purchase of the Emeryville Crescent and Albany Mudflats along with a portion of the Hoffman Marsh for the Eastshore State Park. The Crescent was bought for \$3.2 million, well below the \$6.9 million the State had claimed just a few years earlier was a reasonable amount for the marsh. The small portion of the Hoffman Marsh cost \$1.7 Million and the Albany Mudflats and Fleming Beach area were bought for \$456,000. CalTrans' mitigation funds for the I-80 expansion also went to the clean up of toxics. These purchases were celebrated at a press conference in October at Emeryville with Resources Secretary Doug Wheeler as the master of ceremonies for the event.

January 1995 began with CESP, Sierra Club, Save the Bay, all other environmental groups, and the individuals fighting a proposal by then Governor Pete Wilson to eliminate BCDC as a state agency. Save the Bay's BCDC Committee led by Roy Gorman joined forces with the Bay Planning Coalition, Sierra Club, Golden Gate Audubon and other organizations to oppose the governor's proposal. The governor's efforts fail, but his campaign took much energy away from other issues for a while.

January also saw the completion of the Albany Waterfront Committee's plan. CESP and Sierra Club reviewed the Plan but took no formal position for or against it. Sierra Club and CESP later supported the plan except for the playing fields and active recreational facilities on the Plateau.

The plan was the product of a number of years of work. Victoria Wake, who was chair for a good part of that time, recalls that when she joined the committee it was deeply divided

among those who seemed to still favor a plan that included commercial development and those who wanted a park. Bob Arnold, who was also a member of the committee, also recalls the same division at the beginning. Bob credits Victoria Wake with being instrumental in chairing the committee to a point where there was consensus. Victoria recalls the work on the committee with much pleasure, feeling that the committee not only accomplished a lot but also did it through a process that respected each member's point of view and was successful in reaching a consensus. She recalls that Bob Arnold's contribution was critical to breaking through the logjam that had prevented the committee from reaching an agreement. At a critical juncture, Victoria recalls that Bob drafted the initial concept plan that seemed to bring together many elements that people supported or approved of yet also stimulated further debate in a positive way.

The committee also worked hard to reach out to the greater Albany community with a survey published in the local paper, seeking out public input, and preparing a video to explain the plan to Albany residents. For both of them the Albany plan reflects the consensus opinion of Albany residents regarding the types of uses Albany should have on the Albany portions of the Eastshore State Park.

Meanwhile, in March Catellus proposed leasing the Battery Point next to Point Isabel for a gold driving range, CESP opposed this, and the idea died.

In 1995 CESP also received \$10,000 from the City of Berkeley and \$3,000 from Albany. In addition, in June, CESP Executive Director Stana Hearne received the American Planning Association's Distinguished Leadership Award for her work as the staff person for CESP.

This year also saw the appraisals under the direction of the Park District move forward on the Meadow and Brickyard. One of the glitches in all of this is that the Regional Water Quality Control Board required extensive toxic assessments. The toxic analysis while necessary and

important would delay the final acquisition. These assessments, however, would later be used to reduce the price Catellus wanted for the property because of the costs of the cleanup.

In Albany, however, the issue of toxic clean up of the Albany Bulb posed a different and much more dangerous problem. The Water Board continued to insist that Albany had to undertake a closure plan for the Bulb that would have required removal and bulldozing of much of the areas that had become habitat for wildlife. In addition, the Board was requiring a clay cap and seal over the site, which would have further degraded and destroyed the habitat value of the area. Albany resisted this effort and through extensive toxic testing demonstrated to the Board that such elaborate closure plans were not needed. CESP, Golden Gate Audubon, and Sierra Club all supported Albany and objected to the Water Board's plan as an effort to destroy the environment to save it.

That summer the Park District, CalTrans, and CESP worked on plans to assure a continuous Bay Trail along the shore and CalTrans agreed to build most of the trail as a mitigation. In August, Berkeley favorably reviewed plans for a pedestrian/bike overpass from Aquatic Park to the Brickyard.

This same year saw the decision on the Bay Trail around the Albany mudflats, which put it adjacent to the Freeway between the freeway and the mudflats with special protection for the wildlife. CESP also reviewed Berkeley's plans for the Bay Trail and urged early completion of the trail. CESP also supported the Bay Trail along the railroad right of way from Central Ave. in Richmond to the Port of Richmond. This same year CESP voted to support passive recreational use of the Berkeley lands in the Eastshore State Park. Specifically, the Meadow was to be protected as a wildlife habitat area. This followed the Sierra Club's long-standing position on

the types of uses that should be allowed in the Meadow, which Golden Gate Audubon Society also supported.

### **The Late 1990's and the Initial Acquisitions for the Eastshore State Park Are Completed**

1996 opened auspiciously for CESP. In January Sylvia McLaughlin received the Points of Light award and CESP received \$5,600.00 for this award. In that same month, Catellus granted a 30-foot easement in Berkeley from Virginia Street for the Bay Trail and also suggested that the entire waterfront be put into one package for acquisition. Now the effort would focus on wrapping up a sale of the Catellus property.

In May Catellus once again sought to go around the park advocates and the East Bay Regional Park District to get a better deal. Following discussions between Secretary of Resources Douglas Wheeler and Catellus' CEO Nelson Rising, Catellus submitted a proposal for a sale of its property to the State for \$37+ Million. The proposal intentionally cut the East Bay Regional Park District out of the picture. Dwight Steele for CESP discussed this issue with Wheeler and sought a copy of the agreement, which was finally given to CESP in late June.

In July CESP and Sierra Club met with the East Bay Regional Park District to discuss this proposal from Catellus. All parties agreed to convince the State that the proposed sale price was too high and that the East Bay Regional Park District needed to be a participant in the process. In the end the Catellus end run failed. In November the Park District submitted a counter proposal to Catellus based on the appraisals it had done. This counter-proposal was for a much lower price for the property. On December 19<sup>th</sup> Catellus and the Park District reached an agreement on the sale of lands. For \$27.5 Million Catellus agreed to sell all of its Berkeley property except for the areas under the Ladbroke lease, i.e., a northern portion of the North Basin

Strip and the Stables area along with Battery Point. Catellus also agreed to spend up to \$3.5 Million for toxic remediation from Emeryville to Albany and committed to completing the Bay Trail. Of the \$27.5 Million, \$24 Million came from the State Proposition 70 funds and \$3.7 Million from the Park District's AA bond money. On December 30<sup>th</sup> the State Public Works Dept. approved the agreement. A major goal for park advocates had been accomplished.

With the acquisition of the Catellus property, at least at this time, CESP turned its attention to the process for planning the park and its role in that process. CESP proposed that it would coordinate the public participation and act as the "mother" organization for public input on the park. The Park District meanwhile approved the terms of the purchase and the \$3.37 Million from the \$15 Million in acquisition funds for this purpose.

The courts meanwhile handed the opponents of the cardroom in Albany a major victory in 1997, striking down the voter approval for the cardroom on the grounds that the City failed to prepare and certify an EIR before placing the matter on the ballot and also for misleading and improper ballot arguments. The announcement of the suit also coincided with a drop in patronage at other cardrooms in the East Bay, and Ladbroke announced that it would not pursue the card room proposal in the future, and then sold its interest to Magna Corporation, a Canadian company.

In Berkeley, however, a very troublesome and contentious issue arose. Dog owners sought park areas for running their dogs without a leash. Many in CESP, Golden Gate Audubon Society, and Sierra Club opposed this because of the impacts that dogs had on the land environment and the wildlife in addition to the threats that off leashed dogs posed to young children. Berkeley proposed a large off leashed dog run in Cesar Chavez Park. Through negotiation, this area was reduced somewhat in size, but was approved for a one year trial.

The signal event of 1998 was the actual completion of the sale of the Catellus property that occurred on December 24, 1998. The Park District and the State agreed on a Joint Powers Agreement which provided that the Park District would hold title as trustee on an interim basis pending a joint decision on title and responsibility for operation and maintenance.

But with the success, storm clouds were never far away. 1998 saw the idea of ferries around the Bay take a major step forward, which included the idea of a commuter ferry terminal at the end of Gilman Street. The commuter ferry issue posed serious issues regarding environmental impacts on the wetland habitat and the proposed park. At this juncture, however, CESP took a neutral position on the commuter ferry idea while Sierra Club opposed it.

It also became very evident in this year that the prior commitment from the City of Berkeley to put the Cesar Chavez Park into the Eastshore State Park no longer existed. With the rise of the dog owner lobby for an off leash dog park and the State Parks' regulations against off leashed dog parks, this made the inclusion of the Berkeley park area less likely.

Another disappointment was the loss of \$2,000,000 for the Albany clean up. For reasons that remain, and probably always will be, murky, the State diverted the \$2,000,000 from Albany. The State claimed that Albany failed to meet deadlines for paperwork and certain tasks, but Albany hotly denied these claims. Despite efforts of Tom Bates, his successor Dion Aroner, CESP, Sierra Club, Albany, and others, this money has yet to be restored.

Despite these disappointments a major goal of park advocates had been accomplished. They had won the creation of the Eastshore State Park. The bulk of the lands that park advocates had fought to save and to have placed into public ownership were transferred to the State in 1998. The next phase would be to focus on the planning for the development of the Park, and the inclusion of lands that still remained in private hands or were not yet placed into the park.

These included lands held by the Port of Oakland to the South and West of the Emeryville Crescent adjacent to the Oakland Bay Bridge toll booth and the Radio Beach. These are prime wetlands and would connect the Eastshore State Park with Oakland's Gateway Park on the South Side of the Bay Bridge. The other lands were the wetlands and adjacent uplands along the Richmond shoreline from the Richmond-Albany border to the Port of Richmond. These lands still need to be formally included in the new State Park.

With the major portions of the land in public hands for the new Park, the end of 1998 presents a good stopping point for this history. The initial primary focus is on the park planning process and this reflects a different approach and strategy along with a different set of issues and concerns from that of saving the Bay front and how to get the land in public ownership. The exception to this remains the fact that Oakland and Richmond lands remain outside the Park. Park advocates are now focusing their energy on the planning for the new state park which is a story better left for another day.

## **Conclusion**

The effort to create the Eastshore State Park was the result of the work of many people over the course of close to 40 years. As a citizen effort it demonstrated what individual citizens could accomplish with perseverance and by organizing and using membership organizations to accomplish their goals. While it was important that so many people were involved, it should also be evident that over the years there were key individuals whose dedication and commitment to the creation of the Park made the ultimate success possible.

The most important point to take away from this history, though, is that individuals do count. In a representative democracy this remains a vital lesson. If the citizens' effort to create the Eastshore State Park teaches anything, it is to show that individuals can make a difference and to demolish the shibboleth that an individual's voice in public affairs does not count.

The history of this effort also shows how important it was to build and create organizations and coalitions of groups and individuals to achieve the goal of creating the Park. Alone or singly one person could not have accomplished much, if anything, but organized with others and with people willing to take on leadership roles, much could be accomplished. In this regard CESP provided a unifying organization for bring together many different groups and points of view so that a common vision could be agreed upon and then articulated to the public and to public officials. This was and remains an important function of CESP.

Success in creating the park also required a diversity of character traits and leadership methods. Each leader brought a different set of leadership skills to the effort, all of which were important when put together in a collective effort to achieve the common goal. No one method would have made success possible by itself. Just as valuable was the ability of the park advocates to use the special skills or connections that different leaders brought to the campaign. Those

who were more effective at the grassroots level focused their energy on that work while others worked more at the regional and state level. Another important asset for park advocates was the continued long-term support of their member of the assembly who could bring his skills and experience in the legislative arena to bear when necessary. Equally important was the ability of many different citizen leaders to subsume their egos and work together for the overall goal.

Another important element in the success of this campaign was perseverance. At any one point, people could have just given up. Had that happened, no park would have been created. Again, key individuals were critical. Their perseverance and continued presence over long periods of time kept the idea alive and preserved the institutional memory of the effort that was a vital component for the ultimate success of the effort.

The creation of the Eastshore State Park was a logical extension of the campaign to save the Bay which itself arose out of the citizen effort to stop the fill of the Berkeley waterfront. Ground zero for both Save the Bay and Eastshore State Park campaign was in a tangible and real sense the Berkeley Meadow. From its beginning in Berkeley, park advocates focused on preserving the Meadow. As the effort spread out from Berkeley, others joined to save their city's waterfronts. Yet among those involved with the park campaign, a major focus of the entire campaign has been and remains the preservation of the Berkeley Meadow as open space and natural habitat. If anything, the Meadow should be identified as the birthplace of one of the most important environmental and citizen movements in the Bay Area in the 20<sup>th</sup> Century.