

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov Q&A

FAQ: Liveboards at Oyster Cove Marina

What is BCDC?

The San Francisco Bay Conservation and Development Commission (BCDC) is a California state agency with a mission to protect and enhance San Francisco Bay and to encourage the responsible and productive use of the Bay for current and future generations. BCDC has planning and regulatory responsibility for development located in and around San Francisco Bay and along the shoreline of the nine counties surrounding the Bay. BCDC is guided in its decisions by laws it implements, the Coastal Zone Management Act, the McAtteer-Petris Act, and the Suisun Marsh Preservation Act, its policy documents, the San Francisco Bay Plan, and Suisun Marsh Protection Plan, and other policy documents for specific planned areas around the Bay.

What is BCDC's role in regulating marina operations?

The Commission is empowered by the McAtteer-Petris Act to regulate fill in San Francisco Bay. The Commission can authorize fill so long as it is determined to be a water-oriented use and meets the other requirements of the McAtteer-Petris Act. The San Francisco Bay Plan contains policies on marinas, including liveboards. Residential uses of the Bay are not a water-oriented use and are not consistent with the public trust. However, the Bay Plan recreation policies recognized that in small numbers within marinas, the liveboard boats can offer security benefits to a marina and that these boats may be incidental to and support the marina use. Specifically, the Bay Plan requires that the number of liveboards at a marina does not exceed ten (10) percent of the total number of berths, unless a great number is needed for security or other incidental uses. Additionally, it requires that the marinas provide sufficient facilities to support the liveboards, including showers, restrooms, parking, and adequate sewage pump out facilities, and that adequate tidal circulation is maintained within the marina.

Why is BCDC holding a discussion on liveboards today?

At several Commission meetings this summer, Oyster Cove marina tenants, including live-



aboard boaters, provided public comment regarding their impending evictions from the Oyster Cove Marina, and the challenges associated with finding new housing or marina slips in the short time afforded. Many live-aboard boaters currently have no upland alternative to living on their boats, face financial hardship and other barriers impeding them from other potential options, and fear that they would perhaps need to anchor outside of a marina if they were not able to find a marina in the Bay Area that will accept them. These commenters implored for Commission assistance with this issue, and to potentially allow for an increase in the ten percent live-aboard allowance at adjacent marinas to permit them to go to these marinas.

At the Commission meeting on August 18, 2022, BCDC Commissioner and San Mateo County Supervisor Dave Pine requested that staff agendize the matter for consideration of potential actions to address the Oyster Cove liveaboard issue. Commissioner Pine and BCDC Commissioner and South San Francisco City Councilman Mark Addiego have requested that the Commission allow those liveaboards at the Oyster Cove Marina to temporarily move to the adjacent city-owned Oyster Point Marina while they find other long-term arrangements for the evicted live-aboards.

At the Commission meeting on September 15, 2022, the Commission will receive a briefing by Commission staff on its recommended course of action that may be displaced by the impending closure of the Oyster Cove Marina in San Mateo County.

What is BCDC's proposed course of action?

Staff has considered a range of actions to address the issue, and concluded that while the proposed increase in live-aboards would be out of compliance with the existing Oyster Point Marina permit live-aboard allowance limit, the best course of action is to delay initiating enforcement while the displaced live-aboards work towards legal berthing spots and provide up to one year to resolve the issue without initiating formal enforcement action, subject to the expectations discussed below. Staff intends to send a letter of intent to the City of South San Francisco and the San Mateo County Harbor District explaining staff's proposed approach, unless the Commission objects.

What will happen to the liveaboards in a year?

BCDC expects that the City and Harbor District, and the live-aboards themselves, will work actively to try and find alternative upland housing options or legal live-aboard spaces at other

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marinas over the course of the next year to resolve the issue.

