

**From:** Maria Abrahms

**Sent:** Tuesday, September 13, 2022 2:11 PM

**To:** BCDC PublicComment <publiccomment@bccdc.ca.gov>

**Subject:** Allow More Live Aboards!

Some people who received this message don't often get email from [mozlgb@yahoo.com](mailto:mozlgb@yahoo.com). [Learn why this is important](#)

I lived in San Francisco and the Bay Area for almost 35 years. Had and raised my children there and considered San Francisco my home (still do). I moved to Seattle seven years ago after all three of my adult children had made the move because San Francisco, where they were born and raised, was unaffordable. For me, it was also just the madness of the real estate and rental costs, just madness. But, it has been devastating to me to lose San Francisco, and especially my sailboat. While I visit often and am still a member of my S.F. boat club, the only way that I can ever have a place in S.F. again is through a live-aboard berth. I have begun the process, but more berths are needed to help maintain the sailing life and supporters of the Bay.

Please increase the number of live aboard berths allowed in San Francisco!

-Maria Abrahms



## Board of Harbor Commissioners

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Trisha Ortiz, District Counsel

September 12, 2022

Mr. Zachary Wasserman  
Chair  
San Francisco Bay Conservation and Development Commission  
375 Beale Street, Suite 510  
San Francisco, CA 94105

Dear Chair Wasserman,

As the General Manager of the San Mateo County Harbor District, I am writing in support of temporarily accommodating displaced Oyster Cove Marina live-aboards at Oyster Point Marina. I understand this item will be considered at the September 15, 2022 Commission Hearing as Agenda Item #8.

The San Mateo County Harbor District operates the Oyster Point Marina through agreements with the City of South San Francisco, the property owner. The Harbor District has the capacity and the facilities to accommodate additional liveaboards. The Harbor District will be able to meet BCDC requirements including having appropriate pump out facilities, restrooms, showers, parking spaces, and trash receptacles. Live-aboards will have negligible impacts on the facilities or maintenance requirements. The Harbor District will be maintained in a manner that does not cause services to spill over into required public access areas within the marina and along the shoreline. Required public access, including parking, Bay Trail and other amenities will not be impacted.

Thank you for your consideration. I am happy to answer any questions you may have and may be reached at [jpruett@smharbor.com](mailto:jpruett@smharbor.com).

Sincerely,

James Pruett  
General Manager  
San Mateo County Harbor District

CC: BCDC Commissioners  
San Mateo County Harbor District Commissioners  
City of South San Francisco City Council  
Mike Futrell, South San Francisco City Manager

**Subject:** Commission Meeting 9/15, Agenda Item #8

**Date:** Thursday, September 15, 2022 at 9:55:27 AM Pacific Daylight Time

**From:** Stewart Port

**To:** BCDC PublicComment

To The Commisioners:

In 1985, BCDC took its best guess at what would be a reasonable number of live-aboards and pronounced 10%. The commission then was working with limited data and a lot of assumptions, both legal and behavioral. Nearly 40 years on, it's time to examine old assumptions and integrate new data.

A live aboard community such as the one at Oyster Point / Oyster Cove is an asset to both the Bay and all those around it. Live-aboards are stewards. Live-aboards are links between water and land. Live-aboards are affordable housing. That community is now threatened with decimation at the hands of an out of town developer who hasn't yet stated what he intends to do with his soon-to-be-cleared marina, and both the Bay and its neighbors stand to lose by this. The Commission must act to mitigate a potential ecological, civic and human disaster.

The very least the Commission can do is accept staff's recommendation of a one year deferred enforcement of the over-allowance condition that would be created at Oyster Point Marina if they take in the displaced live-aboards from Oyster Cove, but the Commission ought to do more. From the point of view of the benefits to the community and the Bay provided by the live-aboard community (security, stewardship, connection), the percentage-of-slips reckoning is much less relevant than the actual number of live-aboards. The two marinas are in such close proximity that they ought to be thought of as a single community, and the Commission ought to insure that the actual number of live-aboard eyes on the water and human connections to the landslide community is not diminished. I ask the Commission to think not in terms of "What is the most live-aboards we can countenance?", but rather, "What is the minimum number of live-aboards for the good of the bay and its surrounding communities?".

Thank you for your consideration,

Stewart Port  
Oakland Ca

**Subject:** Thank you and Yes! on Oyster Point emergency relocation for Cove refugees

**Date:** Thursday, September 15, 2022 at 10:14:08 AM Pacific Daylight Time

**From:** Alison Madden

**To:** BCDC PublicComment

Dear Commission and Staff

First, thank you very much for working with Supervisor / Commissioner Pine and Commissioner Adieggio and the City of South San Francisco and the San Mateo County Harbor District, to address the impending evictions of liveboards from Oyster Cove Marina (OCM).

The developer Kilroy and the management company Tideline "very" "very" much could have operated with more sensitivity. The OCM residents in the past had been advised that their living situation was secure. Then only 4 months ago they were given notice of termination of leases and an eviction date of Oct 15, 2022.

It takes "months" to prepare a boat to leave a marina. Even when responsibly maintained and working and navigable, to go to a new marina a survey must be obtained, usually at a cost of \$800 to \$1200. Work must inevitably be done, sometimes a degree of upgrade (bottom paint, certain repairs) that a person planned to do and was budgeting for, now must be done after survey and confirmed by a follow up.

Kilroy and Tideline "still" have not met face to face with the residents to discuss more time and relocation benefits to all. Kilroy over the past several months to a year or more, engaged in a pattern and practice of forcing liveboards to sign that they they never had a proper permitted LA spot. But they did. People signed and were moved to "extended stay", a device that is not recognized nor appropriate to BCDC permit compliance. If someone had two boats, they were "wink/nod" moved "off papers". These people are not being offered ANY relocation benefits assistance.

The Staff memo was very well done and reflected the situation at hand, and the urgency and emergency status. I would like to point out:

1. The memo shows even now an excess of the permit, which was maintained for months and years, and does not even reflect all worthy "BFP"s (bona fide purchaser is the acronym but generally means "innocent third party").
2. The "Mein" case is an upland house case. It is not a marina, nor boat, nor anchor out nor liveboard case. It is not very helpful for the marina context. The State Lands Commission (SLC) which has a seat on the BCDC "regularly" permits private docks and piers for upland residential lots, at Lake Tahoe, American River and indeed, all over California. Hence, a good lawyer would have and should have prevailed for Mein by showing this accepted and approved public trust use.
3. The memo made steps to clarify "houseboat" which is good. The BCDC for years has advised marina operators and owners, and harbor masters, that they (those entities and individuals) cannot accept working boats, navigable, with working engines, that had a "flat top". "Houseboat" is defined as a barge structure hooked to a sewer and/or a former vessel that has been modified to be, and/or is, no longer navigable. A working "flat top" vessel form factor, just because it can be called a "Delta Cruiser" or "Cruz a home" and people "colloquially" call it a "houseboat", these are NOT barred by the McAteer-Petris Act (MPA) or Bay Plan. I know doctors, veterans, and more, who have been denied at EVERY Bay Area marina b/c their working flat top vessel can be "construed" "as" a "houseboat". It is a ridiculous situation and scenario that must be clarified, and ended. And this memo in my opinion through its clear definitions helps establish that.
4. The OCM folks must have the 1 year "safe harbor", and it will even be difficult to find a spot locally, in Brisbane, Oyster Point and/or Redwood City, which is less impactful than Alameda or Oakland. These (Alameda/Oakland) are

nice, but far. People's lives will be disturbed. It bears keeping in mind that flexibility for all the neighboring marinas over the next few years will help accommodate the displaced LAs, and management and attrition can re-calibrate marinas to 10% through such flexible management.

5. I endorse up to 20% or "harbor master" good faith management in the long run. Harbormasters know the market, they boats they desire, the applications they get, the security they need. etc. Also it must be taken into account that a LA presence under BCDC policies is to 'support and enhance' the boating community, which is done through so much more than "safety and security" although that is important. Safety and security involves noticing theft, vandalism, break-ins, and also sinking, fires (after-hours when harbormaster not around), shorts in the electrical wires, and more. Harbormasters find this advisement function incredibly helpful. Also, usually clubs are upland (yacht and boating clubs) and LAs do all kinds of activities, sailing and safety and knot-tying events, sail-ins, lighted boat parades, opening day activities, and more.

6. OCM is a sailors marina, opens to the Bay, does not interact with other recreational boating as much as some locales (paddle boarding, etc.), and we are losing marinas at a clip and pace that is truly disheartening. We lost over 800 slips in Redwood City through losing Pete's Harbor, the former Pensinsula Marina, and Docktown.

7. Please continue to discuss allowing ALL the displaced boaters to remain in the Bay Area local to South S.F., by allowing Brisbane, OPM, Redwood City and Alameda/Oakland, as well as Alviso or any other potential locale, to flexibly accommodate and manage their LA # to place all displaced persons in a floating home (by this I mean their liveaboard afloat, navigable and working ;-)

8. I very much support stewardship of the public trust. Liveaboard is a privilege not a right or entitlement. When extended, the responsibility must be high to be stewards of the public trust, and LA communities restore wetlands (Galilee), clean Creeks (Redwood City), run maritime days, engage in the Yacht Club boating activities mentioned, and much more. With such a privilege comes responsibilities and I fully advocate working vessels, well maintained and supportive communities.

Thank you very much,  
Alison Madden

**Subject:** Re: Thank you and Yes! on Oyster Point emergency relocation for Cove refugees  
**Date:** Thursday, September 15, 2022 at 10:24:22 AM Pacific Daylight Time  
**From:** Alison Madden  
**To:** BCDC PublicComment  
**Attachments:** BCDCEmailREsponePetesHarbor\_MarinaFill.pdf

My apologies,

I had wanted to make one more point.

I also appreciate the discussion on "fill". As to Mein (the court case) I mentioned that the SLC approves private docks and piers for upland residential all over the state (this is shown on their monthly agendas, many agenda items).

The Staff memo did discuss "fill". Overall (very high level) I agree with the concept and approach that "a stick put in the Bay (a big one, like a piling) is "fill", and taking it out is generally "dredge".

First, it is likely an EIR is needed to remove this marina.

Second, we should keep as many marinas as possible.

Third, the Staff memo did acknowledge that marinas, harbors, ports, airports, docks, quays, wharves etc. are DESIRED fill under the McAtreer Petris Act (MPA) and Bay Plan. Thus, everything that goes "in" these desired fill projects, which are water-borne and water-based (inherently, ports, docks, slips, quays, wharves, etc.) is ALSO desired. It is not only desired it is specifically ANTICIPATED.

Thus, boats of any kind, working or not working, are not "fill". Harbormasters move boats around all the time, including even FLOATING HOMES hooked to sewers, because they can be, and are, moved by two dinghys wihtin the harbor and hooked back up, to another connection. This was routine at Docktown and is VERY much a part of management of the light and water flow getting to the bottom. ALL of the objectives of environmental management and impact can be, and are, mitigated by proper management.

The attached memo shows a 2012 perspective on Pete's Harbor, where it was viewed somehow that the marina was not DESIRED fill, in contradiction to the MPA and Bay Plan.

Thank you,  
Alison Madden

Hello Ms. Fambrough,

Thank you for your comment. I have included it in our file. Unfortunately, BCDC does not have a process for an appeal or reconsideration after a permit has been issued by the Commission. **BCDC was created to regulate fill in the Bay and as a result BCDC has a** strong bias toward removing fill from the Bay. Although we learned that other entities were interested in operating a marina at Pete's Harbor, BCDC does not have jurisdiction to judge an application against a hypothetical project -- that type of planning decision must be made by the property owner and the local government. This project will remove deteriorated private piers and docks from the Bay and would enhance the water quality and wildlife value of the Bay. As owner of the private marina piers and docks, Pete's Enterprises, Inc. is entitled to a permit to remove these structures under the terms of the authorization in its permit.

Thank you,

Erik Buehmann  
Coastal Program Analyst  
San Francisco Bay Conservation & Development Commission  
415.352.3645  
erikb@bcdc.ca.gov

**From:** Francesca <[francescafambrough@yahoo.com](mailto:francescafambrough@yahoo.com)>  
**Reply-To:** Francesca <[francescafambrough@yahoo.com](mailto:francescafambrough@yahoo.com)>  
**Date:** Thursday, August 22, 2013 11:47 AM  
**To:** Erik Buehmann <[erikb@bcdc.ca.gov](mailto:erikb@bcdc.ca.gov)>

Dear Mr. Buehmann,

I am writing to you to urge you to reconsider your issuance of a permit that would allow the demolition of a historic public marina for private, exclusive gain. This is wrong. Please do the right thing and protect our local marina from destruction for the sake of the public and for future posterity for all.

Thank You,

Francesca Fambrough