

From: [Alison Madden](#)
To: [Melanie Hadden](#)
Subject: [EXTERNAL]Fwd: Information to commissioners on the Oyster Cove "safe harbor" workout - misunderstandings
Date: Wednesday, January 18, 2023 10:02:50 AM
Attachments: [OysterCovePointSafeHarborDocs.pdf](#)
[Gmail - Re \[EXTERNAL\]Re Oyster Point.pdf](#)

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**** External
Sender ****

Hi, Melanie,

I have looked at the website and the Agenda and am not sure exactly how to send email public comments. Myself and perhaps 1 to 2 others will dial in to speak for 2 minutes during general public comments of the meeting, and I am sending now by this email, my written public comment that I wish to be included in today's packet if possible for the commissioners.

This is a forward of a public comment sent to BCDC for their meeting tomorrow. I sent it Monday, as they desire extra days when attachments are included.

The attachments are the Harbor District and South San Francisco's memo (bulleted highlights) and Relocation Interest Form and Acknowledgment (HD's).

I spoke at the last meeting of 2022 to the Commissioners of the Harbor District and was unable to listen to the whole meeting. Apparently at the end Mr. Pruett addressed the issues and items I spoke on, and may have stated that the reality was different than what I had spoken on.

But this is not true. There is an Aug 31 end date of the "one year" that BCDC commissioners approved on Sept. 15. I do not believe they expected it to be less than one year from the Oyster Cove noticed lease termination date (in our view, not properly noticed under the Tenant Protection Act of 2019). We are asking that the one year end Oct 15 2023.

Also there was talk from the harbormaster and Ms. Lydon of BCDC of a "deadline". This was not a "South City" "assistance" deadline. South City continues to render assistance when asked. It was spoken of as a "deadline" to move over from OCM. However, the 6 remaining at OCM are insisting that their legal rights be acknowledged and that they be properly noticed. They can not and should not be denied any government offered safe harbor for standing on their civic and civil rights to proper UD and TPA treatment.

Finally there is a less than 6 months April 1 initial expiration of the initial temporary relocation agreement. This originated, we believe, from a totally unnecessary bureaucratic requirement of the BCDC enforcement staff for South City and the District to come up with a "compliance plan". But this is not necessary. Any boat that comes over should have a 1 year liveaboard right and upon expiration, just like any non liveaboard, they know they cannot stay o it more than 3 nights a week. Blu allows 2 days, Redwood City Muni as well, Stone Boatyard in Alameda allows 4, Westpoint allows 3. THis is just a harbormaster management issue and no April 1 time frame was EVER on the BCDC commissioners' radar.

We ask that you get rid of the April 1 contrivance. It is totally out of step with how slips operate and has resulted in people feeling rushed and stressed, taking unsafe slips, not moving over, and more. I have heard reports that the harbor master or GM or another person TBI is walking around reminding people of the April 1 deadline in a way that feels like pressure to them. The material provided by the district and South City say that "every reasonable effort" must have been made to have found a slip by then. This was during a stressful time, with 2x rent, over the holidays and winter storms. There is utterly no need for this April 1 insertion, and quite simply grown ups know that their LA lease will expire Oct 15 (our ask, vs. Aug 31, less than a year from BCDC approval).

Thank you for hearing this with compassion and understanding. It is very easy to clean this up. Also it was the district that relayed that BCDC's policy is 10% of occupied slip, an error... It is 10% of total # of slips in the marina.

Thanks, Alison

----- Forwarded message -----

From: **Alison Madden** <maddenlaw94062@gmail.com>

Date: Mon, Jan 16, 2023 at 9:57 PM

Subject: Information to commissioners on the Oyster Cove "safe harbor" workout - misunderstandings

To: BCDC PublicComment <publiccomment@bcdc.ca.gov>

Dear Commissioners,

I am attaching two documents for this submitted written public comment.

One is the 2 documents given to Oyster Cove Marina (OCM) residents by the South San Francisco City Manager and one by the Harbor District.

The documents were given at a town hall held six days after the Commission's Sept. 15th approval of the "LoI" (letter of intent) approach to allow a "one year" exceeding of the currently set 10% allowable # of Liveboards (LAs) in any given BCDC marina.

First, the Harbor District miscommunicated that the BCDC's policy was "10% of occupied slips in a BCDC marina"(vs. total # of slips overall existing in the marina).

Second, the "one year" ends Aug 31, 2023. Why this is the case vs. Sept. 15 or, more appropriately Oct. 15 (the noticed lease-termination date) isn't apparent.

Third, it was communicated by BCDC staff (Ms. Lydon) and the HD harbormaster for Oyster Point that there was a "deadline" for coming over. Perhaps this was a mis-statement as the only date mentioned in the documents is that the District and City wanted people to indicate by Oct. 3 if they had an interest in potentially coming over.

*There are people still at Oyster Cove who are insisting that Kilroy and Tideline properly notice the lease termination under the Tenant Protection Act of 2019, they are observing all marina rules and are proffering rent monthly (which Kilroy won't accept). When they are properly noticed, with the no fault just cause stated, and the final month rent waived, they will

move. But they should be able to come to Oyster Point under the safe harbor. They should not be forced to lose a benefit extended to all for insisting that their legal rights be honored.

Fourth, there is a "1st lease period expiration" (initial relocation term) expiration on April 1! The City documents state that residents leaving Oyster Cove must have made "every effort to find a permanent home". This appears to have arisen from the BCDC enforcement staff requiring a "compliance plan" to be developed before the Town Hall that would result in no excess LAs as of the end of the 1 year.

Quite simply, any vessel being relocated does not in itself mean it is a LA. If someone is granted a LA status under the safe harbor, their LA right and entitlement simply expires as of Aug. 31 (but it should be Oct. 15). If they have not been able to find a slip, they may only stay at OPM 3 nights a week. They may have made arrangements to have another slip that permits 4 nights a week, or developed some other arrangement or they may elect to put their boat for sale, etc. There is no need to contrive an April 1 cutoff with no logic or consistency to this date or among all LAs.

Also staff turns over. The City Manager of South City is now City Manager of Riverside, and he is gone, as is some of his staff. Whatever the intent, that is one key player that is gone. The harbor master and/or GM may also elect to change locations or positions. This April 1 time frame was not necessary, is too soon, is a blunt instrument and has resulted in some people having moved in the fall and winter because they located "some" slip, even in remote or dangerous locations, including one person whose power keeps going out. The inflexibility and the shortening of the one year and the introduction of the standard of best efforts and "Aug 31" being the end date, were all unnecessary to effectuate the goals of the safe harbor.

I am bringing this to your attention because I was not able to speak on this after your staff member's Staff Report last meeting, when they spoke on Oyster Cove status update, because there was not public comment after that line item, for whatever reason.

I would like to ask that the Commissioner ask the enforcement staff to communicate to the district that October 15 is the end date, there is no deadline for moving over, there is no "best efforts" standard to be shown during the year, but it is understood to be a harbormaster enforcement issue to monitor the 3 nights a week after Oct. 15 (which all harbor masters do, whether it is 2 nights, 3 or 4 that a marina allows, in this case it is 3). And we have advised the district that the BCDC's policy is not 10% of occupancy.

The email string with the harbor district is also attached for reference. We believe all of these misunderstandings would not have occurred but for having to contrive an unnecessary compliance plan vs. just managing their LAs as they always do

Thank you very much,
Alison