

OYSTER COVE MARINA LIVEABOARD DISCUSSION AGENDA ITEM #8

ANNIKEN LYDON

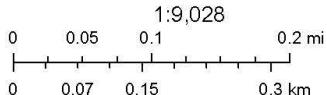
STAFF PRESENTATION – SEPTEMBER 15, 2022 COMMISSION MEETING

BCDC Webmap



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-  Water Trail
-  Public Access
-  Waterfront Park, Beach
-  Priority Use Areas



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 Bay Conservation and Development Commission

HISTORY OF LIVEBOARDS IN SAN FRANCISCO BAY

- Since about the mid-1800s, small numbers of boats have been used as primary residences around San Francisco Bay.
- Increase in liveaboard boating during World War II.
- Liveaboard boats have historically not been concentrated in certain locations of the Bay, but rather were found throughout the Bay's recreational marinas.
- BCDC was founded September 17, 1965.
- BCDC adopted policies on live-aboards within marinas in 1986.



DEFINITION

- Live-aboard – (Regulation Section 10128) - a “boat that is not a transient boat, that is capable of being used for active self-propelled navigation, and that is occupied as a residence as that term is defined in California Government Code Section 244.”



OYSTER COVE LOCATION & ISSUE

- Eviction of all Oyster Cove Marina tenants by October 15, 2022, including those living on boats.
- Oyster Cove Marina has a permit (1982.004.11B) that allows up to ten percent liveaboards, which is 23 live-aboard boats.
- Currently, about 30 people living on their boats.
- Liveaboards expressed that they have no place to go, including other existing marinas



OYSTER POINT MARINA

- Oyster Point Marina is owned by the City and operated by the Harbor District.
- Oyster Point Marina has empty berths and space to temporarily accommodate Oyster Cove Marina liveaboards.
- Oyster Point Marina is authorized for up to ten percent liveaboards in their existing permit (1977.001.18)
- All current liveaboard berths are taken
- The marina appears to have facilities to temporarily take the Oyster Cove Marina liveaboards and maintain compliance with all other permit conditions, except the ten percent allowance.



San Mateo County Harbor District (smharbor.com)

LAW AND POLICY ISSUES

- McAteer-Petris Act only allows Bay fill for water-oriented uses.
- Residential use of the Bay is not a water-oriented use and is not a public trust consistent use.
- The *Houseboats and Live-board Boats* (1985) Planning Report recognized that liveboards provide security benefits and support the water-oriented marina use.
- In 1986, the Commission adopted the Bay Plan Recreation policy on liveboards.
- The Oyster Cove Marina liveboard situation brings up relevant Bay Plan policies related to Recreation, Water Quality, Environmental Justice and Social Equity, and others.
- The Environmental Justice and Social Equity policies of the Bay Plan require the staff and Commission to consider how the various options may impact low-income and socially-vulnerable residents

LAW AND POLICY ISSUES (CONTINUED)

- Bay Plan Recreation Policy 3.c allow for liveboards so long as the marina meets a number of requirements, including:
 - Not to exceed ten percent liveboards for the number of berths, unless necessary for security;
 - Boats further the recreational boating use;
 - Marina provides sufficient facilities, including showers, restrooms, parking, etc.;
 - Marina provides adequate vessel sewage pump out facilities; and
 - Adequate tidal circulation is maintained within the marina.

STAFF STRATEGY TO ADDRESS THE SITUATION

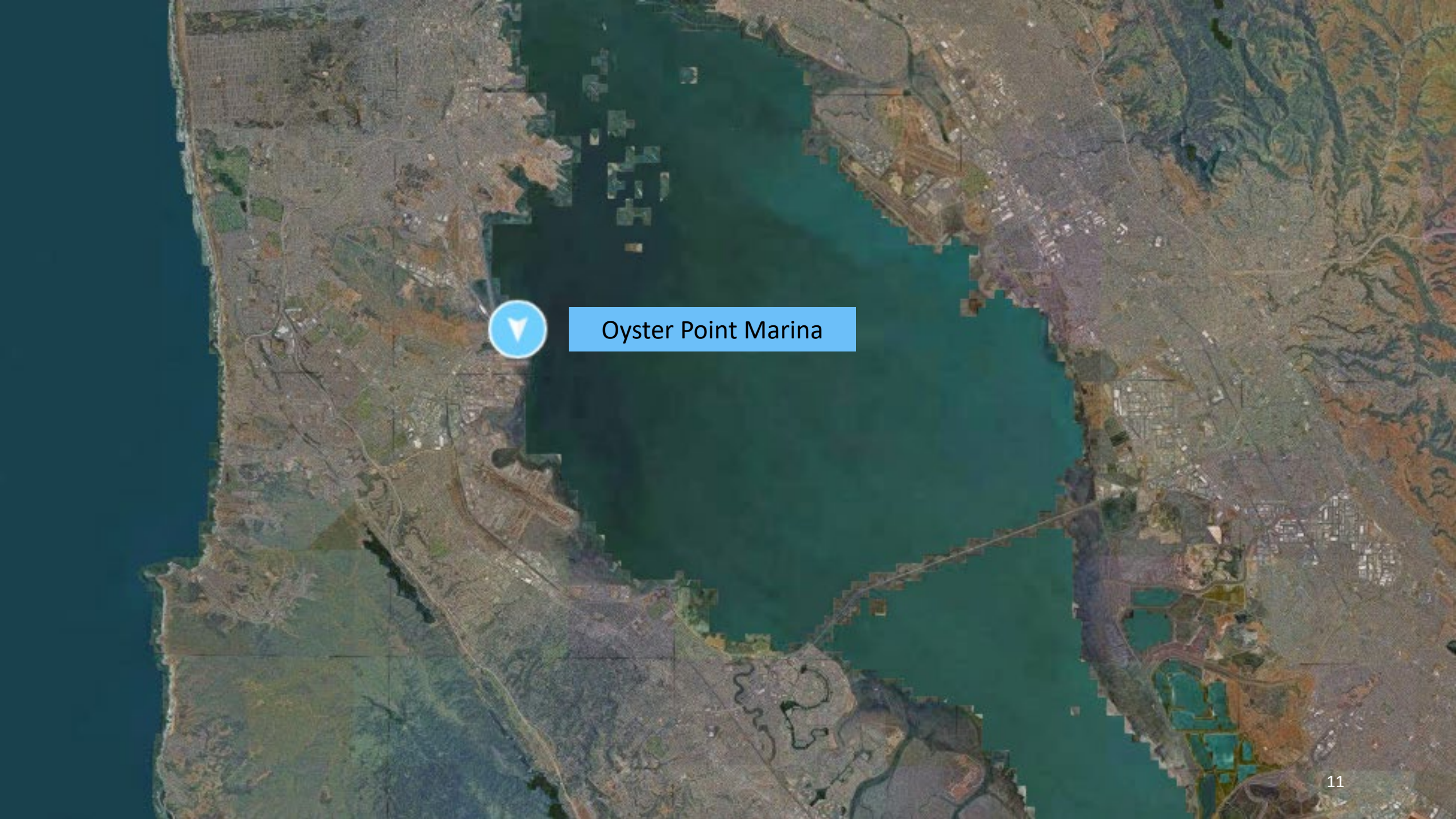
- Staff intends to proceed with the Letter of Intent that will include the following:
 - Staff will not initiate formal enforcement action related to the temporary increase in liveboards from Oyster Cove Marina above the allowed ten percent at Oyster Point Marina.
 - The liveboard residents will work to find additional, legal places to move.
 - Liveboards are expected to comply with all conditions of the existing liveboard requirements in the permit.
 - The City will continue to work with the Oyster Cove Marina liveboards to try and find them additional accommodations at another marina or upland areas.
 - This will be limited to up to a maximum of a one-year period to allow for transition time for the liveboards to other legal locations.

OYSTER COVE MARINA LIVE-ABOARD DISCUSSION

CITY OF SOUTH SAN FRANCISCO

SEPTEMBER 15, 2022





Oyster Point Marina

Oyster Cove
Marina



Oyster Point Marina



OYSTER COVE MARINA

- Private Marina owned by Kilroy Realty
- 140 boat slips
- Notice to close the marina permanently: June 15, 2022
- Date of closure: October 15, 2022

- Approximately 30 liveaboards, extended stays, and other habitual tenants still searching for someplace to go

- Many are elderly and/or disabled and on a fixed income, needing substantial subsidy to afford housing



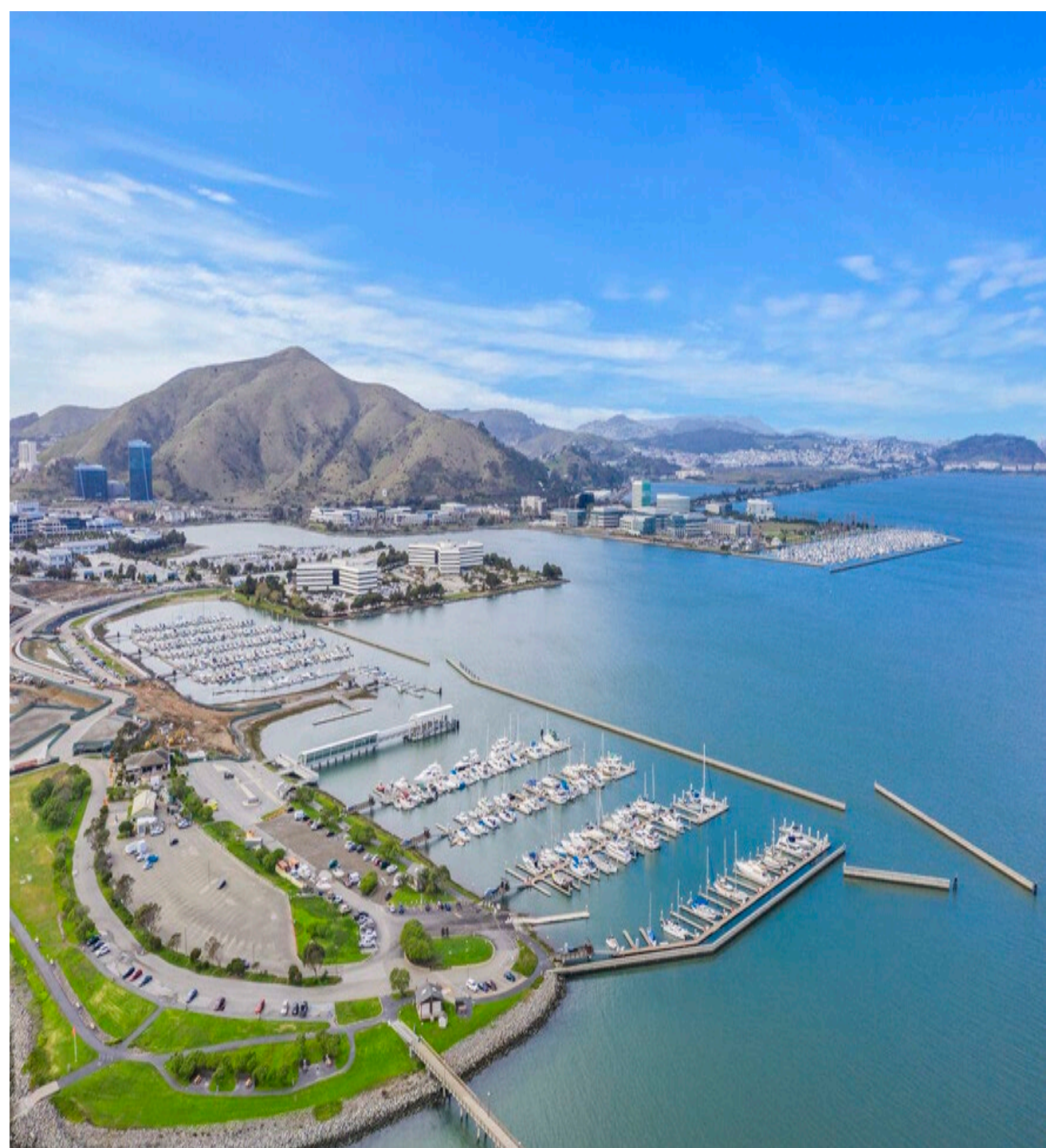
OYSTER COVE MARINA LIVE ABOARDS & OTHER TENANTS

- City staff have made multiple attempts to connect with all those living at Oyster Cove to offer assistance in finding an alternate marina and/or housing onshore
 - Emails, phone calls, in-person visits
 - Townhall scheduled for next week
- South San Francisco City Staff continuing to work with Oyster Cove Marina residents to find alternate housing



OYSTER POINT MARINA

- Owned by the City of South San Francisco
- Operated by the San Mateo County Harbor District
- 408-berth facility
 - 29 permitted live-aboards
 - 285 slips occupied
 - 123 vacant



OYSTER POINT MARINA – WILLING AND ABLE LIVEBOARDS

- **Liveboards dispersed throughout facility**
- **Three separate restroom/shower facilities**
- **Mobile pump out facilities**
- **Sufficient public and tenant parking**
- **No impact to public access**



QUESTIONS & DISCUSSION

THANK YOU

- BCDC
 - Anniken Lydon, Bay Resources Program Manager (anniken.Lydon@bcdc.ca.gov)
- City of South San Francisco, City Manager
 - Mike Futrell (Mike.Futrell@ssf.net)