

City of Sausalito Update

Item 7

August 23, 2023

BCDC Enforcement Committee Meeting

Adrienne Klein, Principal Enforcement Analyst

2020 Settlement Agreement

- 1. Management of vessel influx
- **2. Removal of unlawfully anchored vessels**
- **3. Regional Cooperation**
- **4. Eelgrass Habitat Mitigation and Damage Avoidance**
- 5. Waterfront Management
- 6. Reporting
- 7. Reservation of Rights
- 8. Authority
- 9. Governing Law
- 10. Effective Date

2. Removal of Unlawfully Anchored Vessels

- 100-foot-long vessel (Vadura) to be removed by December 31, 2023
- City's presentation will outline its efforts to meet this deadline

3. Regional Cooperation (1 of 2)

3. a. Sausalito will continue to ... develop resources and necessary actions to create housing opportunities for residents of unlawfully anchored or moored vessels. Working with the regional participants, the City will ensure that planning for housing considers the need to house the existing anchor-outs in Richardson's Bay. **The City will present BCDC with a plan to implement measures to provide housing by June 30, 2023....**

3.b. In discussions regarding the planning for and allocation of City resources, Sausalito will ensure that it is able to devote resources necessary to fulfill its commitment to participate in the regional effort to resolve the issues on Richardson's Bay.

3. Regional Cooperation (2 of 2)

- August 12, 2022 - City circulated draft housing element that allows marinas to increase their live-aboard and houseboat berth capacity by 5% (up to a total of 15%) and to consider a rent-control program for these new berths to ensure rents remain naturally affordable to lower- and moderate-income households.
- September 16, 2022 - BCDC submitted comments to City on proposed housing element
- January 30, 2023 - City adopted its housing element
- March 30, 2023 – BCDC submitted comments to State Department of Housing and Community Development (HCD)
- May 5, 2023 – HCD deemed housing to be in substantial compliance with State law
- August 24, 2023 – BCDC and City staff will meet to discuss housing element’s inconsistency with SF Bay Plan Recreation Policy 4 that has a 10% limit on live-aboards

4. Eelgrass Habitat Mitigation and Damage Avoidance (1 of 2)

- **Provision 4:** Sausalito will restore, create or enhance eelgrass habitat to mitigate for damage caused by vessels anchored or moored unlawfully in City waters.
- **Provision 4.a excerpt:** After completing the analysis of damage to eelgrass habitat, the City will work with BCDC, RBRA, National Marine Fisheries Service, California Department of Fish and Wildlife and other state and local agencies to develop a plan for mitigation of eelgrass habitat damage in City waters that will be submitted to BCDC no later than June 30, 2022. Goals in the plan will include compensatory mitigation at a ratio of no less than 1.2 to 1 (mitigation area to impact area).
- **Provision 4.c:** The City agrees to review the findings of Pilot Programs to restore eelgrass habitat being undertaken in Richardson's Bay and to incorporate any proven measures that are feasible in City waters into the plan that it develops for mitigation.
- **Provision 4.c:** The City will monitor and adaptively manage eelgrass restoration activities for at least 10 years from the date the efforts are implemented.

4. Eelgrass Restoration Plan (ERP) (2 of 2)

- First draft of ERP received on June 29, 2022 - Proposed to count passive restoration in non-impact areas toward reducing area of active restoration.
- BCDC letter of response issued on December 14, 2022 – ERP revisions necessary to be settlement agreement compliant
- First revised ERP submitted on May 4, 2023 – Proposed to restore 6.28 acres of impact area at 1.2 mitigation area to 1.0 impact area ratio as per settlement agreement
- BCDC letter of response issued on June 16, 2023 – Revised ERP much improved though aspects need revision and/or development
- BCDC preparing a second letter of response to ensure the second revised ERP is based on best available science and addresses BCDC's 6/16 comments and subsequently received third party expert input

City of Sausalito Presenters

- Joan Cox, Council Member
- Brandon Phipps, Community & Economic Development Director
- Catie Thow Garcia, Resiliency & Sustainability Manager
- Robert Mooney, Marine Taxonomic Services