

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

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

August 24, 2023

Via Email Only

Richardson Bay Regional Agency (RBRA)

c/o Marin County Community Development Agency, Planning Division

3501 Civic Center Drive, Room 308

San Rafael, CA 94903-4157

ATTN: Brad Gross, (Executive Director), Senior Advisor, Regional Government Services

SUBJECT: Settlement Agreement Interim Extension Request from October 15, 2023 to October 15, 2024, to Remove the Post-2019 Vessels from Richardson Bay; (BCDC Enforcement Case No. ER2010.038)

Dear Director Gross:

Thank you for submitting the request, dated June 29, 2023 (attached) for a one-year-long extension of time to comply with Agreement Provision 9, Management of Vessels Arriving on the Richardson Bay Anchorage After August 2019, which requires removal of the occupied post-2019 vessels by October 15, 2023. You have requested an extension of time to October 15, 2024, to remove these vessels, of which there are 17.

At the time of signing of the agreement there were approximately 20 vessels in this category and a total of 88 vessels/houseboats in RBRA waters. As of July 12, 2023, the RBRA monthly reports states that there are 17 post-2019 vessels and a total of 52 vessels/houseboats in RBRA waters, the majority which are occupied.

You provide two primary reasons for this request. First, that there was a misunderstanding of the agreement that you inherited when you assumed the role of Executive Director; and second, there was a delay in receiving the Temporary Housing Voucher (THV) funds that the RBRA applied for from the State of California Health and Human Services Agency that will allow the rehousing of anchorage occupants concurrent with removal of their vessels from Richardson's Bay. During your conversation with Adrienne Klein about this request in the first Agreement Provision 12, Extensions of Time for Vessel Removal, states:

“The RBRA and BCDC agree that so long as the overall rate of vessel removal remains consistent with the rate specified in this agreement, RBRA may elect, after consultation and approval from BCDC, to delay, to a date not to exceed



October 15 2026, removing specific vessels or individuals from the anchorage when additional services or resources are necessary to protect the health and safety of the occupants. Otherwise, *the time periods set forth above for removal of occupied vessels shall be extended only for good cause. For purposes of this agreement, good cause may include (1) local, state, or federal orders relating to pandemics or emergencies that preclude RBRA from implementing this agreement; (2) the issuance of any court order precluding the RBRA from complying with the terms of this agreement; and (3) any other factor outside RBRA's control that RBRA and BCDC agree could not have been reasonably foreseen at the time the agreement was signed.* (Emphasis added.)

After careful consideration, BCDC grants your request for a one-year-long extension of time to comply with the removal of the post-2019 occupied vessels for the following good cause reasons (1-6) and subject to the following three conditions (7-9):

1. The RBRA has worked with diligence to obtain the necessary funding from the State of Ca Health and Human Services Agency to pay for temporary housing for anchorage residents and could not commence relocation of anchorage occupants until said funds became available. The RBRA commenced the application process in February 2022, and despite receiving approval of its application the spring/summer of 2022, the RBRA did not receive the funds until late March 2023. The nearly year-long delay in receiving the Temporary Housing Voucher funds was outside the RBRA's control.
2. A secondary delay outside the RBRA's control was a staffing vacancy at Marin County's Social Services Agency, which will administer issuance of the THVs to the anchorage residents. Without the staff to conduct outreach, program implementation was delayed. As of August 15, 2023, this critical position is now staffed, a contract between Marin County Health and Human Services and Episcopal Community Services, who will provide a caseworker, was approved by the Marin County Board of Supervisors, one anchorage resident has received THV funds and another one is poised to imminently receive THV funds next week.
3. The RBRA has stated that now that the funding has become available, it believes it can relocate the anchorage residents and their vessels at a rate of two (2) vessels/month.
4. At this rate, the RBRA could remove the remaining 52 vessels in 26 months. Commencing in October 2023, the RBRA could remove 52 vessels and their occupants by December, 2025, one year ahead of the final date set forth in the agreement.
5. With 12 "extra" months to address an anticipated irregular rate of removal that may not track a rate of 2 vessels/month, it appears feasible for the RBRA to meet the final October 15, 2026, deadline to remove all vessels from the anchorage even though it will not have removed the 17 post-2019 vessels by October 15, 2023.

6. Therefore, BCDC believes the RBRA has demonstrated good cause to request and receive an interim extension because factors outside of the RBRA's control that could not have been reasonably foreseen at the time this agreement was signed have precluded relocation of the 17 post-2019 vessels and their occupants according to the original schedule.
7. As required by Provision 10 of the agreement, the RBRA must meet the October 15, 2026, end date to remove all vessels from the anchorage and must notify BCDC as soon as possible of any circumstances that may preclude achievement of this term.
8. As soon as possible and no later than October 15, 2023, the RBRA must notify the occupants of the 17 post-2019 occupied vessels that they must be off the anchorage by October 15, 2024.
9. The RBRA must include in its future monthly reports the number of occupied vessels removed in the reporting period and the total number of occupied vessels still to be removed. In both cases, the reports must distinguish the number of pre- and post-2019 occupied vessels.

Sincerely,

LAWRENCE J. GOLDZBAND
Executive Director

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, California 94105
Tel: 415-352-3600
Email: info@bcdc.ca.gov
Website: www.bcdc.ca.gov

Enclosure: Email from Brad Gross to Adrienne Klein, dated July 29, 2023

LJG/AK/mm



From: Brad Gross [REDACTED]
Sent: Thursday, June 29, 2023 1:10 PM
To: Adrienne Klein (adrienne.klein@bccdc.ca.gov) <adrienne.klein@bccdc.ca.gov>
cc: Jim Malcolm [REDACTED]
Subject: Recap of our meeting

Adrienne,

I have been thinking about our conversation last week. Specifically, the 15 vessels on our spreadsheet you pointed out. As we discussed, and yes, I misunderstood that those 15 vessels should have been included in the October 15, 2023, deadline that includes the three floating homes and two vessels (pre-2019 but not occupied).

Since I arrived in mid-January, I have been working on the assumption that since those 15 vessels are occupied, they were included in the October 14, 2024, departure date and waiting for our Temporary Housing Voucher Program (THVP) to begin.

We may have been able to accommodate these 15 vessels and their occupants with housing if the funding for the THVP arrived promptly. We began the process of requesting these funds back in February of 2022. Unfortunately, once approved, the state funds from this program were delayed for months, thus delaying the start of the THVP until May of 2023, a full 15 months after we began the requests for state grant funds to support these vessels and their occupants.

As I stated in our meeting, transitioning these 15 vessels to October 15, 2023, departure deadline will devastate not only the vessels' occupants but also RBRA's ability to continue to work with these people seeking housing assistance. We all realize that forcing these vessels from RBRA's jurisdiction will move the challenges of working with these mariners and their vessels to another jurisdiction on the Bay, or the possibility that the occupants simply abandon their vessels to live on the streets, exacerbating the already difficult homeless situation in our surrounding communities. That said, I am unaware of another jurisdiction with programs or services to assist these 15 vessels and their occupants wishing to transition to shoreside housing.

As I read our 2019 agreement, under 12. Extension of Time for Vessel Removal, item, "(3) any other factor outside RBRA's control that RBRA and BCDC agree could not have been reasonably foreseen at the time this agreement was signed." I believe you can agree that this certainly qualifies for an agreed extension of time for these 15 vessels.

I hope that a reply from you to this casual communication can serve as your concurrence and allow extending the transition date for these vessels and their occupants to October 15, 2024, as we discussed.

I look forward to hearing from you soon.

Brad

Brad Gross

Senior Advisor

Regional Government Services



Assignment:

Executive Director

Richardson Bay Regional Agency



The Richardson Bay Regional Agency is a local government agency serving Belvedere, Mill Valley, Tiburon, and unincorporated southern Marin County. The RBRA is dedicated to maintaining and improving the navigational waterways, open waters, and shoreline of Richardson Bay.