

From: [Bruce Bennett](#)
To: [City Clerk](#)
Cc: [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)
Subject: [EXTERNAL] Please apply the regulations correctly to boats and floating homes
Date: Tuesday, July 12, 2022 10:18:23 PM

My name is Bruce Bennett. I have been a boater all my life. My wife and I live aboard our boat at Marina Village Yacht Harbor. We both work in Alameda county. We have recently learned that the City of Alameda intends to apply an interpretation of City of Alameda Ordinance No. 3317 that will make that ordinance applicable to boats with live aboard privileges in recreational marinas in Alameda.

If this is true, we are writing to urge the city to reconsider this position and limit the application of the ordinance only to floating homes as defined in the ordinance and in the California Health and Safety Code. Including liveaboards in the application of this ordinance will damage the boating community in the City of Alameda. It will endanger the safety and security of all the tenants of Marina Village Yacht Harbor, as well as the tenants of other marinas within the jurisdiction of the City of Alameda. It is critical that marinas be able to respond quickly and effectively to dangerous and hazardous situations and conditions that arise from boats and boaters berthed in a marina. An interpretation of City Ordinance No. 3317 to include liveaboards will limit and encumber a marina's ability to rapidly address and remedy situations that may jeopardize the lives and property of the people who berth their vessels in Alameda marinas. It may also hinder a marina's ability to quickly and effectively prevent or limit environmental damage and harm to the estuary and surrounding wetlands caused by a liveaboard boater either intentionally or through their negligence.

In addition to the above concerns, I would submit that by your own definition of floating homes, as indicated in the ordinance and as referenced in the California Health and Safety Code, liveaboards in a marina are **NOT** floating homes.

Pursuant to Health and Safety Code Section 18075.55(a), floating homes are, "subject to real property taxation pursuant to Section 229 of the Revenue and Taxation Code". California Revenue and Taxation Code Section 229(a) states, "A floating home shall be assessed in the same manner as real property". Recreational vessels, whether liveaboards or not, are not subject to real property taxes. Recreational vessels are subject to a personal property tax only. Thus, basic statutory interpretation would indicate that recreational vessels were not intended to be included in the definition of a floating home.

Further, H&S Code Section 18075.55(d) which is referenced in the City Ordinance, and which sets forth the criteria for determining what qualifies as a floating home, does not apply to a recreational vessel.

H&S Code Section 18075.55(d)(1) requires a floating structure to be, "designed and built to be used, or is modified to be used, as a **stationary waterborne residential dwelling**." Recreational boats, sail or power, are not designed or built to be stationary waterborne residential dwellings. They are designed to move. Unless a vessel is removed from the water and/or has the engine(s) removed, it is completely mobile and able to move about the navigable waters under sail and/or motorized power.

H&S Code Section 18075.55(d)(2) requires that a floating home, "has **no mode of power of its own**". This cannot apply to a recreational vessel. All recreational boats have their own modes of power. Sail boats have their own mode of power. Sails for wind power and some have engines for motorized power. Power boats obviously have engines for motorized power.

H&S Code Section 18075.55(d)(3) requires the structure, (floating home) to be, "**dependent** for utilities upon a **continuous utility linkage** to a source originating on shore". This does not apply to recreational vessels as a whole. Utilities consist of electricity, gas, water or sewage. Many recreational vessels, especially sailboats, do not make use of shore power for electricity. Many vessels have generators that are used for electrical power. All boats have batteries for direct current electrical needs, and some have inverters to convert DC power to AC power. Boats that rely on gas for cooking and heating have their own self-contained tanks for that purpose. Most boats have water tanks for their potable water.

Finally, H&S Code Section 18075(d)(4) requires, "a **permanent continuous** hookup to a shoreside sewage system." I have been a marine mechanic and a boater/sailor since I was 7 years old. (I'm 58 years old now). I have seen the floating homes on the bay. They are not boats. They are not subject to state, federal or USCG regulations. A floating home has to have a permanent and continuous hookup to a shoreside sewage system. Recreational vessels, liveaboards and non-liveaboards alike, have self-contained systems for sewage. Smaller boats have camping type toilet systems. Larger boats have holding tanks to hold sewage, which are emptied at local pump out stations or by a mobile pump out service. Boats are never permanently connected to shore via electric, water, sewage or physical connection to shore in any way. Boats are not real property. Boats are mobile. If these overreaching regulations are forced on marinas and boat owners, this will drive rents up, cause live aboards to stop and ultimately see tax revenue for the city to fall.

Thus, it would seem that attempting to extend the provisions of Alameda City Ordinance 3317 to liveaboards in recreational marinas, by "labeling" them as floating homes, would be detrimental to the safe and efficient operations of Alameda marinas. It would also be contrary to the clear intent and meaning of the definition of floating homes as set for in California law.

For these reasons I would urge the City of Alameda to limit the application of City Ordinance 3317 to true floating homes.

Sincerely,

Bruce L. Bennett

From: [Park Street Landing Marina](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Marina License Agreements
Date: Tuesday, July 12, 2022 7:16:08 PM

Dear City Clerk,

The proposed ordinance amending the municipal code to incorporate rental maritime residential tenancies is of concern and could create hardship on our marina as well as others.

Currently Park Street Landing Marina offers License Agreements for in water boat storage. Also an additional Live-Aboard fee is available on a limited basis. The marina does not rent vessels for tenancy. Fees for Live-Aboard arrangement are of a very generous amount of \$250.00 per person. This is in addition to the on average \$256.00 - \$288.00 boat berth monthly fee. These fees are minimal compared to the cost of doing business as a marina.

Below are items listed to help you understand what types of operating costs our marina experiences. These are also common for the industry. Included is the current berth rate and the last time a License Agreement holder experienced a rate increase from PSLM.

1. 3/1/2015 is the last rate increase for the marina baseline monthly License Agreement from \$7.00 foot - \$8.00 foot
2. 4/1/2017 is when a live-aboard fee of \$250.00 was implemented per person to offset expenses (no known live-aboard fee prior).
3. We planned on raising rates just as Covid hit. However we did not, realizing the marina License Agreement Holders were dealing with a possible hardship.
4. Park Street Landing Marina has continued to delay repairs and maintenance due to increased costs and limited funding. These include; plumbing, electrical, paint; in addition to structural repairs.
5. The Marine Environment takes a quick and harsh toll on docks. We deal with things like rust and decay on an ongoing basis. As well as significant repairs due to docks floating on a continuously moving environment.
6. Security is becoming more of an issue in recent years. Costs to keep marinas safe and clean continue to rise.

We are requesting a review of Marina operations, costs and services prior to setting a mandatory ordinance for Alameda marinas to fall under a "city" tenancy situation. Please keep in mind marinas have a unique situation providing berths for boats and do require License Agreement holders to maintain their boats to a certain level for

safety, clean water and to avoid very costly sinkings. In addition boats stored on the water are in close proximity to others. Boat owners need to maintain a certain level of courtesy with others.

If any of these requirements are breached by a License Agreement Holder the marina requires the ability to take quick and timely action. Sometimes resulting in a 30 day notice to vacate the marina. Please consider the unique situation marina's fall under. Operating a marina requires a variety of different issues compared to land rental units or land recreational uses for vehicles.

I appreciate you taking the time to read this letter.

Best Regards,

Michele Hansen
Park Street Landing Marina
Harbormaster

If I can jump on the zoom meeting I'll let you know.

Thank you,

From: [Dennis](#)
To: [City Clerk](#)
Cc: [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#); [Suzy Savage](#); [Brian Linke](#); [Robert Nelson](#)
Subject: [EXTERNAL] Rent Control - Live a board boaters...Yes!!
Date: Tuesday, July 12, 2022 6:46:11 PM

To whom it may concern:

As a disabled (visually impaired) person living on a sailboat since January 2015, I fully endorse a boating live a board city rent control ordinance for Alameda. After losing most of my eyesight and unable to work, becoming a live aboard was the only affordable options available. It has allowed me a quality of life, walkable services and stores, and also access to good transportation. Additionally, when I was sick, the boating community really stood by me and made sure I wasn't isolated. It truly is a wonderful affordable lifestyle!

Concerns:

- 1: Information access from city hall about important meetings is not getting out to the boaters and this is a problem. I learned about this meeting at 5pm from a fellow boater. I was in the marina office today asking if there was any information about this topic and I was told no, that it doesn't apply to boaters. This came from the harbor master. City information only goes to the marina office only. I'm also a property tax payer, why am I not getting this information? I want to participate in the city meetings.
- 2: I've heard from some residents of fear of reprisal from the marinas if they publicly speak out.
- 3: Seeing what happened at Barnhill Marina, I'm afraid of something similar happening to me, especially being on a limited income.
4. Developers have used the marinas to designate their allotment for "afordable housing." If this is the case and the marinas are used for "affordable housing, why isn't it part of Alameda renters control ordinance?
5. Living a board a sailboat is something that makes our community very special. Isn't it important to preserve this element and continue to make it accessible and affordable, especially for the disabled?

Respectfully,

Dennis O'Hanlon
602-264-8100

From: [Beverly Wagstaff](#)
To: [City Clerk](#); [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#)
Subject: [EXTERNAL] Please DO NOT bring Alameda marinas under Rent Board purview - #ord 3317
Date: Tuesday, July 12, 2022 6:14:57 PM

Members of Alameda Senior Leadership,

I'm writing to urge you to allow the City's marinas to remain autonomous and to manage their affairs and tenant relationships unencumbered by the economic and regulatory burdens that would be imposed by Rent Board oversight.

I retired 4 years ago to a boat at Marina Village Yacht Harbor and as a so-called livaboard have enjoyed a great relationship with the owners and managers here. The management is accessible, user-friendly and responsive to our needs and wants. Docks and land-based resources e.g., showers, laundry, ice machine - are kept in top condition. As for the rents themselves, they are kept reasonable and even dropped last year.

As a small San Francisco landlord managing just 3 units, I can assure you that no landlord operating under rent control will ever, ever, drop the rent for an existing tenant. It doesn't make sense. But in the intensely competitive marine industry, marinas have to respond to market pressures and adjust rents based on real world factors, which at my home have included dropping the rent.

I also want to address a security issue that is impacted by this well meaning but wrongly considered ordinance change. As a marina livaboard and an older woman living alone, I'm acutely aware that however much security the marina provides with locked gates, guards and video cameras, living on a boat is inherently less safe than living in a house with solid walls and lots of dead bolts. I had a terrifying experience a couple of years ago when the owner of a boat perhaps 50 feet from mine apparently had a psychotic break. He started yelling and didn't stop. When I came out and told him to keep it down, he turned his attention to me and proceeded to scream obscenities at me including "I'm going to come over and beat you to death" for 30 minutes until the police arrived to remove him. If he had decided to "come over" he would have been between me and the gate, and my only recourse would have been to hide in my boat where he could easily break in, or jump in the Bay. Please allow current law to stand so that marina management can protect us in these situations, as they have done in the past.

Again as a landlord, and I hope a fair and friendly one, I urge you to refrain from injecting into the marina management/boater relationship the inevitable adversarial flavor and bureaucratic complexities that accompany rent control. These would create an unnecessary burden on management and rob us of many of the

benefits we have enjoyed in our close knit community.

From: [Peter Benziger](#)
To: [City Clerk](#); [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Trish Spencer](#)
Subject: [EXTERNAL] Ordinance #3317 concerning Rent Control for Marinas
Date: Tuesday, July 12, 2022 5:57:38 PM

To Whom It may concern,

It has come to my attention that Marinas have been attached to your Ordinance #3317 concerning Rent Control.

I lived aboard my vessel for two years at Marina Village Yacht Harbor in Alameda.

My concern with this Ordinance is the restrictions it places on the marina to provide a safe and clean place to enjoy boating.

This ordinance makes it difficult to evict boats which;

- pump sewage overboard
- leak oil into the water
- pose a risk of sinking which contaminates the water with fuel
- do not pay their marina fees
- have residents onboard who pose a security or personal threat to other residents

Thus, this ordinance creates more harm than good.

Sincerely

Peter Benziger

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Peter Benziger
904-806-8628
peterbenziger2@gmail.com



Virus-free. www.avg.com

From: [City Attorney](#)
To: [Yibin Shen](#); [Lara Weisiger](#); "Michael Roush"; [John Le](#)
Subject: FW: [EXTERNAL] Marina rent control
Date: Tuesday, July 12, 2022 5:54:09 PM
Attachments: [We sent you safe versions of your files.msg](#)
[Rent Control.pdf](#)

From: Rob Doud [mailto:rdoud@harborlinx.com]
Sent: Tuesday, July 12, 2022 5:49 PM
To: City Attorney <cityattorney@alamedacityattorney.org>
Subject: [EXTERNAL] Marina rent control

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Please read attached letter for tonight's City Council meeting

Robert Doud | President

Harbor Linx

O: 510-924-4199 x 1102 D: 510-254-5002
2810 Harbor Bay Pkwy, Suite B, Alameda, CA. 94502

July 12, 2022

Dear Yibin Shen,

It has come to our attention that Marinas have been attached to your Ordinance #3317 concerning Rent Control.

While we understand your concern with rent increases, Marinas have never been a part of that problem and frankly rent control has never been the solution to this long term problem. What do I mean? Rent control may only help those currently in a rental unit today, but will permanently harm the number of rental units available in the future. What developer would want to build new rental units in a city that has a rent control over a city that has no rent control? Cities with rent control always see a reduction in the number of new rental units being built thus reducing the number of rental units in the long term. Rental rates is a function of supply and demand, period. If the goal is to have less rental units available in the future, then Rent Control is your answer. If you want more units available and properties that are not run down, then Rent Control is not your answer. Today's Wall Street Journal had an excellent example of what happened in St. Paul, MN when they elected to have rent control. New permits for apartments decreased and yet neighboring city Minneapolis who elected not to activate rent control saw a substantial increase in new apartment building permits and actual construction.

As a current boater with a slip at Marina Village Yacht Harbor, I can testify that the Marina has been very fair with their rental fees and best of all provided professional upkeep of their facilities. They have to be because of the transitory nature of boaters. Their ability to set rent costs is self-limiting. They have to be competitive because of the limited number of boaters and the boater's ability to easily move on. Marina Village has done an excellent job of maintaining our marina for all its boaters while keeping rent increase to a minimum.

Furthermore, if they are required to adhere to eviction restrictions specified in your ordinance, it limits the Marina's ability to provide security to their other tenants. It limits the Marina's ability to keep our Marina in excellent condition.

Bottomline, if Marinas are required to be included in Ordinance 3317, you will be causing us to lose our quality of life in Alameda. Essentially you will be destroying our boating community in Alameda.

Sincerely,

Robert Doud
1236 Saint Charles St.
Alameda, Ca.

From: [erikmandt](#)
To: [City Clerk](#); [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); mezzyashcroft@alamedaca.gov; [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)
Subject: [EXTERNAL] Item 7B Marina Liveaboard comments
Date: Tuesday, July 12, 2022 5:38:14 PM

To the Alameda City Council,

I am Erik Mandt, a liveaboard resident at Marina Village in Alameda. I am also a Federal Employee of fourteen years, and a local government employee the eight years before that.

I stand in opposition to any change in the municipal code that would authorize the city to regulate marinas, recreational boaters or liveaboard boaters beyond any current measures already in place. The marina community around the bay is a very tight-knit, well managed, and in some cases self regulated community. Additional government regulation, especially at the local level is unnecessary, and would only burden the taxpayers. I can assure you that the Harbormaster's in Alameda are able to do much a better job than the city when it comes to managing marina residents and berthers, they are the subject matter experts that we all rely on to keep us safe, and our vessels protected.

In closing I ask you to take a look around the City of Alameda and see where your resources would be better focused. The marinas in Alameda are well managed, kept in excellent condition and the residents are happy.

Respectfully,

Erik Mandt
1030 Marina Village Pkwy SLIP M8
Alameda CA 94501
(941)224-0704

From: [Floencia Pettigrew Prada](#)
To: [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [tspecer@alamedaca.gov](#); [tdaysog@alamedaca.gov](#); [City Clerk](#)
Subject: [EXTERNAL] City of Alameda Ordinance No. 3317
Date: Tuesday, July 12, 2022 5:17:00 PM

My name is Floencia Prada. My husband and I have been Bay Area boaters for over 10 years. We have berthed our boat at Marina Village Yacht Harbor during that entire time. We have recently learned that the City of Alameda intends to apply an interpretation of City of Alameda Ordinance No. 3317 that will make that ordinance applicable to boats with live aboard privileges in recreational marinas in Alameda.

If this is true, we are writing to urge the city to reconsider this position and limit the application of the ordinance only to floating homes as defined in the ordinance and in the California Health and Safety Code. Including liveaboards in the application of this ordinance will damage the boating community in the City of Alameda. It will endanger the safety and security of all the tenants of Marina Village Yacht Harbor, as well as the tenants of other marinas within the jurisdiction of the City of Alameda. It is critical that marinas be able to respond quickly and effectively to dangerous and hazardous situations and conditions that arise from boats and boaters berthed in a marina. An interpretation of City Ordinance No. 3317 to include liveaboards will limit and encumber a marina's ability to rapidly address and remedy situations that may jeopardize the lives and property of the people who berth their vessels in Alameda marinas. It may also hinder a marina's ability to quickly and effectively prevent or limit environmental damage and harm to the estuary and surrounding wetlands caused by a liveaboard boater either intentionally or through their negligence.

In addition to the above concerns, I would submit that by your own definition of floating homes, as indicated in the ordinance and as referenced in the California Health and Safety Code, liveaboards in a marina are **NOT** floating homes.

Pursuant to Health and Safety Code Section 18075.55(a), floating homes are, "subject to real property taxation pursuant to Section 229 of the Revenue and Taxation Code". California Revenue and Taxation Code Section 229(a) states, "A floating home shall be assessed in the same manner as real property". Recreational vessels, whether liveaboards or not, are not subject to real property taxes. Recreational vessels are subject to a personal property tax only. Thus, basic statutory interpretation would indicate that recreational vessels were not intended to be included in the definition of a floating home.

Further, H&S Code Section 18075.55(d) which is referenced in the City Ordinance, and which sets forth the criteria for determining what qualifies as a floating home, does not apply to a recreational vessel.

H&S Code Section 18075.55(d)(1) requires a floating structure to be, "designed and built to be used, or is modified to be used, as a **stationary waterborne residential dwelling**." Recreational boats, sail or power, are not designed or built to be stationary waterborne residential dwellings. They are designed to move. Unless a vessel is removed from the water and/or has the engine(s) removed, it is completely mobile and able to move about the navigable waters under sail and/or motorized power.

H&S Code Section 18075.55(d)(2) requires that a floating home "has **no mode of power of its own**". This cannot apply to a recreational vessel. All recreational boats have their own modes of power. Sail boats have their own mode of power. Sails for wind power and some have engines for motorized power. Power boats obviously have engines for motorized power.

H&S Code Section 18075.55(d)(3) requires the structure, (floating home) to be, "**dependent** for utilities upon a **continuous utility linkage** to a source originating on shore". This does not apply to recreational vessels as a whole. Utilities consist of electricity, gas, water or sewage. Many recreational vessels, especially sailboats, do not make use of shore power for electricity. Many vessels have generators that are used for electrical power. All boats have batteries for direct current electrical needs, and some have inverters to convert DC power to AC power. Boats that rely on gas for cooking and heating have their own self-contained tanks for that purpose. Most boats have water tanks for their potable water.

Finally, H&S Code Section 18075(d)(4) requires, "a **permanent continuous** hookup to a shoreline

sewage system." In many years of boating on the Bay recreationally, I have never witnessed, nor am I aware of, any recreational vessels, including liveaboards, to have a permanent and continuous hookup to a shoreside sewage system. Recreational vessels, liveaboards and non-liveaboards alike, have self-contained systems for sewage. Smaller boats have camping type toilet systems. Larger boats have holding tanks to hold sewage, which are emptied at local pump out stations or by a mobile pump out service.

Thus, it would seem that attempting to extend the provisions of Alameda City Ordinance 3317 to liveaboards in recreational marinas, by "labeling" them as floating homes, would be detrimental to the safe and efficient operations of Alameda marinas. It would also be contrary to the clear intent and meaning of the definition of floating homes as set for in California law.

For these reasons I would urge the City of Alameda to limit the application of City Ordinance 3317 to true floating homes.

Thank you for your consideration.

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Florencia Pettigrew Prada
+1 650 392 4133

From: tim@nieman.org
To: [City Clerk](#); [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Trish Spencer](#)
Subject: [EXTERNAL] Regarding Ordinance 3317
Date: Tuesday, July 12, 2022 5:14:54 PM
Attachments: [We sent you safe versions of your files.msg](#)
[City-council-Ord3317.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Please see attached item for tonight's city council meeting.

Alameda City Council,

I'm writing with regard to Ordinance #3317 concerning Rent Control.

I've had a boat at Marina Village Yacht Harbor for 21 years. I've never been a liveaboard but have seen the marina manage the liveaboard community extremely well. They are best situated to understand and respond to conditions at the marina.

A few years ago, we berthed next to a liveaboard that had become problematic. They left items all over our shared dock creating a hazardous situation and they often engaged in violent shouting that seemed ready to spill over to actual violence. The marina issued them proper warnings and when they did not improve, eventually had them leave. The marina management was extremely responsive because they are there every day. That would be completely lost if the City tried to manage the community. I would have been the one leaving, not the problem boaters.

If Marinas are required to be included in Ordinance 3317, you will cause real and lasting damage to the boaters and marinas in Alameda.

Regards,
Timothy Nieman
Marina Village Yacht Harbor

From: mkalish@kalishcpa.com
To: [City Clerk](#)
Cc: [City Attorney](#); [Manager Manager](#); [Gerry Beaudin](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#)
Subject: [EXTERNAL] Agenda 7B 7-12-2022 Meeting
Date: Tuesday, July 12, 2022 4:12:41 PM

To whom it may concern,

My name is Murray Kalish. My wife and I have been Bay Area residents for 40 years and boat owners for several years including the past 2 years during which we have berthed our boat at Marina Village Yacht Harbor. We have recently learned that the City of Alameda intends to apply an interpretation of City of Alameda Ordinance No. 3317 that will make that ordinance applicable to boats with live aboard privileges in recreational marinas in Alameda.

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navigable waters under sail and/or motorized power.

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Finally, H&S Code Section 18075(d)(4) requires, "a **permanent continuous** hookup to a shoreside sewage system." In our 2+ years of boating on the Bay recreationally, I have never witnessed, nor am I aware of, any recreational vessels, including liveaboards, to have a permanent and continuous hookup to a shoreside sewage system. Recreational vessels, liveaboards and non-liveaboards alike, have self-contained systems for sewage. Smaller boats have camping type toilet systems. Larger boats have holding tanks to hold sewage, which are emptied at local pump out stations or by a mobile pump out service.

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For these reasons I would urge the City of Alameda to limit the application of City Ordinance 3317 to true floating homes.

Thank you for your consideration.

Very truly yours,

Murray Kalish
Catalina 350
Marina Village Yacht Harbor
Alameda California

Murray

Murray Kalish, CPA, CLPF
Licensed Professional Fiduciary

Kalish & Associates

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925-899-6405 (cell)

mkalish@kalishcpa.com

www.kalishtrustee.com

From: [Tonya Hamlet](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Aeolian Yacht Club member
Date: Tuesday, July 12, 2022 2:22:14 PM

Dear City Council,

My husband and I have been a member of the social and recreational Aeolian Yacht Club since 2005. We are owners of two recreational boats, motor yacht and cruising sailboat. It has been brought to our attention of this very critical misunderstanding of an Ordinance pertaining to real property landlord/tenant relationship to include recreational boating and ask the Council to strike the line "any maritime residential tenancy" and strike any reference or inferences pertaining to "liveaboards, boats, vessels or boat marinas". Recreational boating is very much a part of the City of Alameda and their crew enjoying their vessels and the amenities thereto. Heck, the City flag has an anchor and water on it ! Why it matters that a boat owner is allowed to stay on their boat, which they own, pursuant to Port of Oakland and BCDC regulations and limitations, has nothing to do with this ordinance. And why did the City decide to apply this ordinance to liveaboards without any scheduled public discussion regarding boats prior to this date, seems to be a violation of the Brown Act. It also seems that the City wants to run its marinas and harbor-owning clubs out of business as these regulations are completely incompatible with sustainable harbors. I mean, Alameda's charm stems from their marinas and yacht clubs, and again reiterate, there is an anchor and water on the City flag. This ordinance has nothing and should have nothing to do with our marinas, marina rules and regulations that protect the safety, security and environmental cleanliness of the harbors. Thank you

Travis Bussey

Tonya Hamlet, Rear Commodore

Aeolian Yacht Club members

From: [Pamela Martinez](#)
To: [City Clerk](#)
Subject: [EXTERNAL] CIP, pls note my opposition
Date: Tuesday, July 12, 2022 2:17:12 PM

There is absolutely no benefit to renters. While rents can continue to increase, the owners get an increase in the value of their properties paid for by tenants. I'm very disappointed that this is being considered by so called leaders. Owners are providing a service and should be fairly compensated, but not on the backs of renters.

Pamela Martinez-74
Park Ave Renter

[Sent from Yahoo Mail on Android](#)

From: [Michael](#)
To: [City Clerk](#)
Subject: [EXTERNAL] CC: Clerk - Capitol Improvement Plan
Date: Tuesday, July 12, 2022 1:41:10 PM

Hello, This is a cc of an email I sent to the following; Mayor Marilyn Ezzy Ashcraft / Vice Mayor Maila Villa / Council Members Tony Daysog / Trish Herrera Spencer]

Hello, I've written once before and because of circumstances, I thought I might write again.

In San Francisco they apparently have rent control at 2.5%. A friend of mine lives in SF for as many years as I lived here. Over 30 years. My rent was always lower than his, but when Alameda allowed 5% annual increases a few years ago my rent since then was significantly higher than his, and still is today!

Please don't add pass-throughs onto my annual rent increase.
I can't afford yearly 8% rent increases. I found the 5% increase painful. When 5% increases a year was passed a few years ago, my rent went up over 15% in three consecutive years of increases! And those years (increases) accumulated quickly.
Please vote against the increase.
I really appreciate it.
Thank you very much.

Sincerely,
Michael Barnes
1415 Broadway #241
Alameda, CA 94501

From: rob_hough_alameda@yahoo.com
To: [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#); [Malia Vella](#); [Trish Spencer](#)
Cc: [Lara Weisiger](#); [Eric Levitt](#)
Subject: [EXTERNAL] Opposition to Agenda item 7-B July12,2022
Date: Tuesday, July 12, 2022 1:00:33 PM

Dear Mayor Ezzy-Ashcraft, city council and staff.

I have just heard about the outrageous proposal to allow landlords to finance capital improvements by having tenants finance these improvements. As representatives of all the citizens of Alameda, I hope that you will block such an ill-considered scheme that favors the few, endangers many, and destabilizes the community.

The responsibilities of the tenant do not extend to paying for capital improvements, or maintenance deferred to such a poor condition that complete replacement is required. The need for upgrades is implicit in a purchase price discount. This proposal would accelerate rewarding land speculation over more productive use of resources. Where in all the economic literature is such a scheme justified?

I am not a party in this dispute except to defend common rules of rights and responsibilities.

Thank you for your consideration.

Sincerely,

Roberta Hough

From: [Patty Pforte](#)
To: [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#)
Cc: [City Clerk](#)
Subject: [EXTERNAL] A Renter's Note on Capital Improvement Plan (CIP) program for Today's Meeting
Date: Tuesday, July 12, 2022 9:48:26 AM

Hello,

My name is Patty Pforte and I have lived as a renter in Alameda since Spring 2013. I am a long-time supporter of the Alameda community, purchasing from Alameda's businesses, attending its events and supporting the causes of fellow community members. I love living here and bringing friends here to also support it.

I write because the CIP program would not only damage/affect my ability to support this city, but would most likely force me to move somewhere else, bringing my enthusiasm, my funds, my energy elsewhere.

I not only have student loans (which I am in the process of getting forgiven) but other costs associated with caring for family financially. Raising rents due to "improvements" that may not be needed or asked for by the very people who live in those buildings everyday would mean the difference (for me) of living here or not.

I hope that CIP will be reconsidered and that the renters of this city are respected as full citizens who use their resources to help this amazing place.

Thank you for accepting this letter.

Warmly,

Patty

From: [Ashley Gregory](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)
Cc: [City Clerk](#); [Manager Manager](#)
Subject: [EXTERNAL] Item 7-B
Date: Tuesday, July 12, 2022 9:34:48 AM

Dear Mayor Ezzy Ashcraft, Vice Mayor Vella, and Councilmembers Herrera Spencer, Knox White, and Daysog;

I am writing to express my deep concerns about the proposed Capital Improvement Plan (CIP) program.

I am in agreement with the recommendations presented to you by the Alameda Renter's Coalition (ARC). Renters should not pay 100% of the cost to improve another person's investment property, this is absurd. Additionally, there have to be standards put in place to ensure that corporate landlords applying for the "passthrough" prove that the improvements are necessary. Furthermore, the monetary threshold for what qualifies as a capital improvement is too low, meaning that renters will more likely than not be burdened with maintenance repairs rather than truly adding value to the building. I agree with ARC's assessment that this will result in renters living with issues in the building rather than risk an increase in their monthly payments.

For my entire adult life, I have had to pay rent to stay housed, having no other options. In fact, no one in my immediate family is able to own their own home. I've been wrongfully displaced and harassed as a renter in the Bay Area. Any additional costs for housing, or fear of potential increases, erodes my sense of stability in being able to afford living here. Despite having a professional-level degree, I am still fearful of experiencing housing insecurity. I truly cannot imagine the panic many people feel when they are out of work or on a fixed income and these are the folks who are most at risk should this CIP program be approved as is.

The City of Alameda can do better to meet the needs of renters and small landlords and to ensure that our neighbors do not fall into debt or homelessness. I strongly urge the City Council to adopt the thoughtful proposals presented by ARC.

Sincerely,

Ashley Gregory

From: [John gardner](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Marina ordinance apposed
Date: Tuesday, July 12, 2022 9:24:40 AM

Dear Alameda City Council,

As a long-time resident of Alameda and avid boater, it troubles me to learn of your plans to quickly impose new rules that would impact my yacht club, one that has been in place for over 100 years, and does not rely on any public funding. Its members are middle class, working people that have an interest in boating, the environment, and community building. It is a non-profit, not a big corporation, so there is no profit motive.

Please understand that the changes you are proposing are bringing great stress to many of us, and this is very unfortunate. My sense is the problem you are attempting to address does not exist in the marine community in general, much less at a small, not for profit social club.

Please consider redirecting our limited government resources to other efforts that might actually have a measurable impact on our housing supply. Spending any time at all on something with so little upside is a waste of scarce public funds for which you are accountable. Alameda is ripe for development, yet getting permission from the City always seems to be much more difficult than it should be. I drive by acres of vacant land every day and shake my head and wonder why nobody built housing for our kids. Having them live on boats is not a solution.

It would be tragic if your actions place additional burdens on small private enterprises that are already struggling to survive. We have a pandemic and high inflation to deal with as it is. More rules, taxes, fees and business model changes would be counterproductive. The harm they could bring certainly could outweigh your perceived benefits.

Thank you for your consideration.

John T. Gardner
42 Cork Rd, Alameda, CA 94502

From: [KC Meckfessel Taylor](#)
To: [City Attorney](#); [City Clerk](#); [Lara Weisiger](#)
Cc: [Michael Roush](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#); [Manager Manager; rentprogram@alamedahsg.org](#)
Subject: Re: [EXTERNAL] Comment for Item 7-B -- Delete "a vessel/boat for which there is a maritime residential tenancy"
Date: Tuesday, July 12, 2022 9:10:10 AM

Dear City Attorney:

Thank you for your message, although it is not responsive to the concerns raised in the previous email but appears to reflect the generic, stock response/position that concerned community members are receiving, which my initial email largely seeks to address.

As an initial matter, I assume you meant item 7B on tonight's agenda rather than item 7C.

While your email states tonight's agenda item 7B "does not seek to expand or contract the rights that the Council previously established for maritime residential tenancies [with the emergency ordinance that contains NO findings with regards to vessels, liveaboards, or recreational marinas]," your assertion that tonight's agenda item merely clarifies the scope of the ordinance belies the facts and does not make a falsehood so. It evinces an attempt to expand the scope of the ordinances by shoehorning in an interpretation different than the one originally drafted and intended. As reflected in the language of the ordinance itself, the findings, and the comments, the meetings concerning "the rights that the Council previously established for maritime residential tenancies" only addressed floating home marina residents of Barnhill Marina (an inherently residential marina) and the issues there. To make a claim to the contrary is offensive. I am aware of this as a supporter of the passage of Nos. 3317 and 3321--having been, among other things, to the emergency ordinance meeting on April 28th that Special Counsel left part way through--which was called to protect Barnhill residents and the unique issues they face (as reflected in all of the findings) that are *inapplicable* to recreational marinas.

Again, this "residential in nature" test is problematic--separate and aside from its origination--and was unsupported by the facts and undiscussed at the meetings you now claim concerned "residential in nature" vessels. It completely misses the nature of liveaboard privileges at recreational marinas and the contractual/commercial relationship with liveaboards, and as governed by federal maritime law. Among other things, this "test" incorrectly assumes the existence of a different relationship that recreational marinas, as renters of slips for recreational boats/boats that are recreational in nature, are inherently not set up for--thereby threatening their ability to provide liveaboard privileges outright (as many marinas throughout California have already done)--and will result in serious consequences for Alameda residents at large and the estuary (impacts including environmental, public safety, etc. [see previous email]). Again, all for regulations that are unresponsive to the needs of liveaboards at recreational marinas (versus floating home marina residents) and detrimental to the health and safety of the community and estuary. Again, all of these concerns relating to recreational marinas went undiscussed [see above]. And again, you rely on the mobile home example without recognition that mobile homes are exempt from the regulations at issue in the municipal code at issue here. Again, you have not addressed the fact that you're tacking on a new interpretation of the ordinance, reflected in the new phrase "a vessel/boat for which there is a maritime residential tenancy" that was not discussed at the initial meetings; instead, those initial meetings did not address "a vessel/boat for which there is a maritime residential

tenancy" but an amorphous and vague phrase "other maritime residential tenancies" in the discussion of protections for residents of Barnhill Marina. Again, you have not acknowledged that, following this newly-revealed, distorted interpretation of the statute, many in the recreational marina community, including liveaboards, have unsuccessfully tried to speak with council or in a public forum--to give voice to major concerns that would have occurred in the first place had the initial meetings actually concerned liveaboards, vessels/boats, and/or recreational marinas. Indeed, as the previous ordinances concerned the shocking practices at Barnhill Marina, council members represented that Barnhill Marina owners were specifically reached out to discuss (see, e.g., minutes from 4/28/22, page 6, Vice Mayor's comments) whereas there was no similar opportunity to be heard by recreational marina stakeholders before subjecting them to punitive measures intended for the Barnhill Marina owners.

Thus, I renew my request to delete the phrase "a vessel/boat for which there is a maritime residential tenancy", as it is a phrase that is clearly intended to "seek to expand [and] contract the rights that the Council previously established for maritime residential tenancies" with the previous ordinances by shoehorning in an interpretation of the previous ordinances that went undiscussed and was unsupported by the facts. This is not an issue that the rent program should have to deal with but an error originating from a serious oversight that the City should correct.

K.C. Taylor

On Tue, Jul 12, 2022 at 7:46 AM City Attorney <cityattorney@alamedacityattorney.org> wrote:

Thank you for your message. When the City Council adopted the urgency legislation extending the City's existing rent control protections to "maritime residential tenancies" on April 28, the Council directed staff to return to Council, when staff was prepared to update the Capital Improvement Plan (CIP) regulations, to combined both sets of regulations. Item 7C is responsive to that direction.

Item 7C does not seek to expand or contract the rights that the Council previously established for maritime residential tenancies. It does make clear the scope of protection, which covers both Floating Homes and certain live-aboards that are "residential" in nature.

To be clear, this ordinance is not intended to cover recreational boating or recreational use of live-aboard boats. However, when a live-aboard is docked at a marina on a long-term basis and used as a residence, then the ordinance's protection would likely apply. State law uses 9-months as a guide-post for when long-term parked RVs at a mobile-home/RV park becomes residential

in nature. Staff initially intends to use the same guidepost, along with other residential indicia (e.g. children attending Alameda schools), to determine whether any particular live-board is residential or recreational in nature. As the ordinance continues to authorize the Rent Program Director to establish regulations to aid in the ordinance's implementation, we welcome your comments and suggestions as we move forward. You may direct your comments at rentprogram@alamedahsg.org.

From: KC Meckfessel Taylor [mailto:kc.meck.taylor@gmail.com]

Sent: Tuesday, July 12, 2022 1:01 AM

To: City Clerk <CLERK@alamedaca.gov>; Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Trish Spencer <tspencer@alamedaca.gov>; John Knox White <JknoxWhite@alamedaca.gov>

Cc: City Attorney <cityattorney@alamedacityattorney.org>; Manager Manager <MANAGER@alamedaca.gov>

Subject: [EXTERNAL] Comment for Item 7-B -- Delete "a vessel/boat for which there is a maritime residential tenancy"

Dear Mayor, Vice Mayor, and City Councilmembers:

Regarding item 7-B on 7/12/22 City Council Meeting -- the proposed ordinance amending the municipal code to, in part, incorporate maritime residential tenancies: **You must delete "a vessel/boat for which there is a maritime residential tenancy" and stop the baseless campaign against recreational marinas and their boaters, including liveaboards.**

As a supporter of the floating home marina ordinances (Nos. 3317 and 3321)--which prompted the amendments to the municipal code at issue--it is extremely disheartening how the City's desire to protect floating home residents at Barnhill Marina with the passage of Nos. 3317 and 3321 devolved into an unscrupulous mission--free from reason and in contravention of the interests of people it purports protect--to shoehorn in recreational marinas to the scope of the ordinances.

While the meetings for the floating home ordinances (Nos. 3317 and 3321) addressed the policy concerns relating to floating homes/issues at floating home marinas, there was no public discussion as to liveaboard privileges at recreational marinas *because the notice for those meetings was completely inadequate and misleading since they clearly concerned Barnhill Marina/floating home tenancies*. Following those meetings relating to the Barnhill Marina ordinances, the City made a sweeping, unprecedented move by conflating recreational marinas (that is, marinas that rent "parking spaces"--or slips--to recreational boats) with floating homes marinas by extending protections for floating home marina tenants to liveaboard privileges at recreational marinas (which typically cannot exceed 10% of the slips due to environmental concerns and regulations by the Bay Conservation Development Commission (BCDC)). More specifically, the City revealed its position that the vague term "other maritime residential tenancies" includes liveaboards at recreational

marinas with an amorphous "residential in nature" occupancy of their boat (and with the City Attorney making comparisons to mobile homes--*which are explicitly exempt from the municipal code that is being amended [see 6.58.20, subd. K]*). That move quickly mutated from an apparent attempt to protect several people who live on their boat at Barnhill to a clear overreach to cover all liveaboard privileges at recreational marinas across Alameda. And now, to effectuate its new, distorted position, the City is capitalizing on its oversights relating to the ordinances while taking advantage of recreational marina boaters'/stakeholders' attempts to educate the City on how it went dangerously off-course (particularly considering the plain language of those ordinances does not support the inclusion of liveaboard privileges at recreational marinas). Hence, the 7/12/22 version of the amendments no longer uses the vague, undefined phrase of "other maritime residential tenancies" but includes a newly-coined phrase: "a vessel/boat for which there is a maritime residential tenancy."

As you know, following the City's newly-revealed position that the Barnhill Marina ordinances apply to recreational marinas, numerous people in the recreational marina community, including liveaboards, began to reach out to explain why the policy reasons and the law are against treating recreational marinas like floating home/residential marinas [for starters: environmental, public safety, jurisdictional, existence of competitive market, exacerbation of financial strain on recreational marinas to offer liveaboard privileges, etc.]. This was a good faith attempt to address and remedy the City's carelessness in passing a vague ordinance concerning the one floating home/residential marina in Alameda (Barnhill Marina) that it later claimed covered an entirely different business/industry (recreational/non-residential marinas). Yet, with the updates to the municipal code proposed on 7/12/22 (compared to those proposed on the 6/21/22 agenda), it is clear the City's mission continues with various councilmembers abdicating their responsibility by refusing to speak with any recreational marina stakeholders, including liveaboards, while people who own floating homes and have no background in the recreational marina industry are being solicited to provide their opinions on operations of recreational marinas. The City *must* stop doing this and correct its unlawful course of action.

Please delete "a vessel/boat for which there is a maritime residential tenancy" -- and correct your initial error by deleting "other maritime residential tenancies" from ordinance Nos. 3317 and 3321, as the term is undefined, was undiscussed, and is unsupported by the facts.

K.C. Taylor

From: [Joan Nahurski](#)
To: [City Clerk](#)
Cc: aeolianyc@gmail.com; [John Dionisio](#)
Subject: [EXTERNAL] Aeolian Yacht Club
Date: Tuesday, July 12, 2022 8:29:52 AM

Dear City Clerk,

We are members of the Aeolian Yacht Club and we are writing to ask the council to strike the line “any maritime residential tenancy” and strike any reference or inferences in the ordinance pertaining to “liveaboards,” “boats,” “vessels” or “boat marinas.”

We are relatively new to Alameda & we joined the Aeolian Yacht Club to meet new people. Everyone there has been so kind and welcoming to us. The folks on the liveaboards have been especially friendly, and their presence at the club is really the cornerstone of what the club is all about - a supportive community that loves & cares about the environment on and near the water in Alameda.

We hope you can listen what the boating community in Alameda is asking for. The imposition of rent program registration and regulations seriously jeopardizes the marinas of Alameda, particularly yacht clubs.

Thank you for your time and consideration,

Joan Nahurski-Dionisio and John Dionisio

From: [Trish Spencer](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] No CIP
Date: Tuesday, July 12, 2022 5:51:02 AM

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

From: monika brien <monikabwithak@yahoo.com>
Date: Jul 11, 2022 9:46 PM
Subject: [EXTERNAL] No CIP
To: Trish Spencer <tspencer@alamedaca.gov>
Cc:

Hello Council member Spencer

You must not vote in favor of adding the CIP to my rent. My family has been struggling to stay afloat during the pandemic and last year we were homeless for 3 months because we could not find any housing that was either affordable or livable. I have a 7 and a 4 year old who had to sleep on the floor of family members houses while we hustled to find anything that would accept us. We spent \$4000 on hotel rooms so our kids could have a bed to sleep on. The CIP will hurt families like mine who are struggling to pay extremely high rent with rising inflation costs. Do not make the poor suffer to make rich investors happy. That's not the journey we need. Please use your position to make a positive change in our community.

Thank you for listening

Monika Brien

From: [Trish Spencer](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] CIP Program Fairness
Date: Tuesday, July 12, 2022 5:50:42 AM

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

From: Mary Takemoto <metakemot@yahoo.com>
Date: Jul 11, 2022 10:49 PM
Subject: [EXTERNAL] CIP Program Fairness
To: Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, Malia Vella <MVella@alamedaca.gov>, Tony Daysog <TDaysog@alamedaca.gov>, Trish Spencer <tspencer@alamedaca.gov>, John Knox White <JknoxWhite@alamedaca.gov>
Cc:

I've been a renter for a long time here and would not like to have to pay for any major improvements that my landlord deems necessary now that I'm retired. I can certainly understand how my rent might increase in keeping with the costs of normal maintenance on my building but paying for any major projects that add value and increase its marketability seem to be beyond what I agreed to when I rented my apartment.

I wonder about the timing of a vote on the CIP Program now. There's another COVID surge because of another variant. The Federal Reserve may spark a recession. And, in general, the economy is in flux to such a degree that it makes it difficult for any of us taxpayers and voters to make plans for our own immediate futures. So I don't understand why a decision needs to be made now that will affect so many for forever - especially on a plan that seems to me to be rather extreme.

I support the Alameda Renter's Coalition's **Urgent Letter to City Council Re: Proposed Capital Improvement Plan (CIP) Policy** and hope that you will take the contents of this letter sincerely under advisement. What mechanisms will be in place to monitor adherence to the rules of this plan? If a landlord makes a "qualifying improvement", will the rental contract for new tenants state that the rent will increase each year until pass through obligations are met? I'm concerned that the details have not been ironed out and that these details will in the end make Alameda unaffordable for most middle income people.

Thank you for your attention and hopefully for your consideration of alternatives.

Mary Takemoto

From: [KC Meckfessel Taylor](#)
To: [City Clerk](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#)
Cc: [City Attorney](#); [Manager Manager](#)
Subject: [EXTERNAL] Comment for Item 7-B -- Delete "a vessel/boat for which there is a maritime residential tenancy"
Date: Tuesday, July 12, 2022 1:01:27 AM

Dear Mayor, Vice Mayor, and City Councilmembers:

Regarding item 7-B on 7/12/22 City Council Meeting -- the proposed ordinance amending the municipal code to, in part, incorporate maritime residential tenancies: **You must delete "a vessel/boat for which there is a maritime residential tenancy" and stop the baseless campaign against recreational marinas and their boaters, including liveaboards.**

As a supporter of the floating home marina ordinances (Nos. 3317 and 3321)--which prompted the amendments to the municipal code at issue--it is extremely disheartening how the City's desire to protect floating home residents at Barnhill Marina with the passage of Nos. 3317 and 3321 devolved into an unscrupulous mission--free from reason and in contravention of the interests of people it purports protect--to shoehorn in recreational marinas to the scope of the ordinances.

While the meetings for the floating home ordinances (Nos. 3317 and 3321) addressed the policy concerns relating to floating homes/issues at floating home marinas, there was no public discussion as to liveaboard privileges at recreational marinas *because the notice for those meetings was completely inadequate and misleading since they clearly concerned Barnhill Marina/floating home tenancies*. Following those meetings relating to the Barnhill Marina ordinances, the City made a sweeping, unprecedented move by conflating recreational marinas (that is, marinas that rent "parking spaces"--or slips--to recreational boats) with floating homes marinas by extending protections for floating home marina tenants to liveaboard privileges at recreational marinas (which typically cannot exceed 10% of the slips due to environmental concerns and regulations by the Bay Conservation Development Commission (BCDC)). More specifically, the City revealed its position that the vague term "other maritime residential tenancies" includes liveaboards at recreational marinas with an amorphous "residential in nature" occupancy of their boat (and with the City Attorney making comparisons to mobile homes--*which are explicitly exempt from the municipal code that is being amended [see 6.58.20, subd. K]*). That move quickly mutated from an apparent attempt to protect several people who live on their boat at Barnhill to a clear overreach to cover all liveaboard privileges at recreational marinas across Alameda. And now, to effectuate its new, distorted position, the City is capitalizing on its oversights relating to the ordinances while taking advantage of recreational marina boaters'/stakeholders' attempts to educate the City on how it went dangerously off-course (particularly considering the plain language of those ordinances does not support the inclusion of liveaboard privileges at recreational marinas). Hence, the 7/12/22 version of the amendments no longer uses the vague, undefined phrase of "other maritime residential tenancies" but includes a newly-coined phrase: "a vessel/boat for which there is a maritime residential tenancy."

As you know, following the City's newly-revealed position that the Barnhill Marina ordinances apply to recreational marinas, numerous people in the recreational marina community, including liveaboards, began to reach out to explain why the policy reasons and the law are against treating recreational marinas like floating home/residential marinas [for starters: environmental, public safety, jurisdictional, existence of competitive market, exacerbation of financial strain on recreational marinas to offer liveaboard privileges, etc.].

This was a good faith attempt to address and remedy the City's carelessness in passing a vague ordinance concerning the one floating home/residential marina in Alameda (Barnhill Marina) that it later claimed covered an entirely different business/industry (recreational/non-residential marinas). Yet, with the updates to the municipal code proposed on 7/12/22 (compared to those proposed on the 6/21/22 agenda), it is clear the City's mission continues with various councilmembers abdicating their responsibility by refusing to speak with any recreational marina stakeholders, including liveaboards, while people who own floating homes and have no background in the recreational marina industry are being solicited to provide their opinions on operations of recreational marinas. The City *must* stop doing this and correct its unlawful course of action.

Please delete "a vessel/boat for which there is a maritime residential tenancy" -- and correct your initial error by deleting "other maritime residential tenancies" from ordinance Nos. 3317 and 3321, as the term is undefined, was undiscussed, and is unsupported by the facts.

K.C. Taylor

From: [Rob Williams](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#); [City Clerk](#)
Subject: [EXTERNAL] Please don't add pass-throughs onto my annual rent increase.
Date: Monday, July 11, 2022 10:00:00 PM

Hello,

Please don't add pass-throughs onto my annual rent increase.

Rob Williams
Alameda Resident

From: judgeboat@aol.com
To: [City Clerk](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#); [City Attorney](#); [Manager Manager](#)
Subject: [EXTERNAL] City of Alameda Ordinance No. 3317
Date: Monday, July 11, 2022 8:53:46 PM

My name is Larry J. Goodman. My wife and I have been Bay Area boaters for over 34 years. We have berthed our various boats at Marina Village Yacht Harbor during that entire time. We have recently learned that the City of Alameda intends to apply an interpretation of City of Alameda Ordinance No. 3317 that will make that ordinance applicable to boats with live aboard privileges in recreational marinas in Alameda.

If this is true, we are writing to urge the city to reconsider this position and limit the application of the ordinance only to floating homes as defined in the ordinance and in the California Health and Safety Code. Including liveaboards in the application of this ordinance will damage the boating community in the City of Alameda. It will endanger the safety and security of all the tenants of Marina Village Yacht Harbor, as well as the tenants of other marinas within the jurisdiction of the City of Alameda. It is critical that marinas be able to respond quickly and effectively to dangerous and hazardous situations and conditions that arise from boats and boaters berthed in a marina. An interpretation of City Ordinance No. 3317 to include liveaboards will limit and encumber a marina's ability to rapidly address and remedy situations that may jeopardize the lives and property of the people who berth their vessels in Alameda marinas. It may also hinder a marina's ability to quickly and effectively prevent or limit environmental damage and harm to the estuary and surrounding wetlands caused by a liveaboard boater either intentionally or through their negligence.

In addition to the above concerns, I would submit that by your own definition of floating homes, as indicated in the ordinance and as referenced in the California Health and Safety Code, liveaboards in a marina are **NOT** floating homes.

Pursuant to Health and Safety Code Section 18075.55(a), floating homes are, "subject to real property taxation pursuant to Section 229 of the Revenue and Taxation Code". California Revenue and Taxation Code Section 229(a) states, "A floating home shall be assessed in the same manner as real property". Recreational vessels, whether liveaboards or not, are not subject to real property taxes. Recreational vessels are subject to a personal property tax only. Thus, basic statutory interpretation would indicate that recreational vessels were not intended to be included in the definition of a floating home.

Further, H&S Code Section 18075.55(d) which is referenced in the City Ordinance, and which sets forth the criteria for determining what qualifies as a floating home, does not apply to a recreational vessel.

H&S Code Section 18075.55(d)(1) requires a floating structure to be, "designed and built to be used, or is modified to be used, as a **stationary waterborne residential dwelling**." Recreational boats, sail or power, are not designed or built to be stationary waterborne residential dwellings. They are designed to move. Unless a vessel is removed from the water and/or has the engine(s) removed, it is completely mobile and able to move about the navigable waters under sail and/or motorized power.

H&S Code Section 18075.55(d)(2) requires that a floating home, "has **no mode of power of its own**". This cannot apply to a recreational vessel. All recreational boats have their own modes of power. Sail boats have their own mode of power. Sails for wind power and some have engines for motorized power. Power boats obviously have engines for motorized power.

H&S Code Section 18075.55(d)(3) requires the structure, (floating home) to be, "**dependent** for utilities upon a **continuous utility linkage** to a source originating on shore". This does not apply to recreational vessels as a whole. Utilities consist of electricity, gas, water or sewage. Many recreational vessels, especially sailboats, do not make use of shore power for electricity. Many vessels have generators that are used for electrical power. All boats have batteries for direct current electrical needs, and some have inverters to convert DC power to AC power. Boats that rely on gas for cooking and heating have their own

self-contained tanks for that purpose. Most boats have water tanks for their potable water.

Finally, H&S Code Section 18075(d)(4) requires, "a **permanent continuous** hookup to a shoreside sewage system." In 34+ years of boating on the Bay recreationally and patrolling with the U.S.C.G. and the Alameda Sheriff's Office Marine Patrol, I have never witnessed, nor am I aware of, any recreational vessels, including liveaboards, to have a permanent and continuous hookup to a shoreside sewage system. Recreational vessels, liveaboards and non-liveaboards alike, have self-contained systems for sewage. Smaller boats have camping type toilet systems. Larger boats have holding tanks to hold sewage, which are emptied at local pump out stations or by a mobile pump out service.

Thus, it would seem that attempting to extend the provisions of Alameda City Ordinance 3317 to liveaboards in recreational marinas, by "labeling" them as floating homes, would be detrimental to the safe and efficient operations of Alameda marinas. It would also be contrary to the clear intent and meaning of the definition of floating homes as set for in California law.

For these reasons I would urge the City of Alameda to limit the application of City Ordinance 3317 to true floating homes.

Thank you for your consideration.

Judge Larry J. Goodman, (Retired)

From: [Trish Spencer](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] No pass through rent
Date: Monday, July 11, 2022 7:46:34 PM

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

From: elly4j@yahoo.com
Date: Jul 11, 2022 6:59 PM
Subject: [EXTERNAL] No pass through rent
To: Trish Spencer <tspencer@alamedaca.gov>
Cc:

Hello Council Member Trish

Please don't add pass-throughs onto my annual rent increase. It is hard enough as a renter in this climate and with housing being so expensive.

Thanks

Eileen F.
Alameda renter since 2011

From: [Ginger Cox](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] Ordinance 3317
Date: Tuesday, July 5, 2022 12:27:16 PM

City counsel response. That includes all exchanges to you.

Ginger

The Bible is true and alive because the breath of God is in it. Pastor Jack Graham

Begin forwarded message:

From: Michael Roush <mhrlegal@comcast.net>
Date: July 5, 2022 at 11:36:00 AM PDT
To: Ginger Cox <gingerlovsailing@gmail.com>, City Attorney
<cityattorney@alamedacityattorney.org>, rentprogram@alamedahsg.org
Cc: Marina <marina@grandmarina.com>, Chris <boatlettering@gmail.com>,
manager@alamedaca.gov, clerk@alamedaca.gov
Subject: Re: [EXTERNAL] Ordinance 3317

Ms. Cox, On the City Council's July 12 agenda, under item 7 B, there are numerous documents concerning the proposed revisions to the City's Capital Improvement Plan provisions, including the agenda report (which discusses live aboards), a draft ordinance and a draft regulation. Although this is not a public hearing as such, an email was sent to all marina owners/operators informing them that the City Council would be considering the application of rent control to maritime residential tenancies. The reference to the nine months is found in the State's Mobilehome Residency Law that provides certain protections of that Law to owners of recreational vehicles.

Michael Roush
Special Counsel
City of Alameda

On 07/05/2022 11:10 AM Ginger Cox
<gingerlovsailing@gmail.com> wrote:

Thank you very much for your response.

We do not have access to the Capital Improvement **Plan** (CIP) used in regulations. We need to review Item 7c. Please provide the CIP and Item 7c.

It is still not clear how rent control apply to residence. As a former homeowner, we did not have rent control. As a former apartment renter, we had rent control. It is interesting how the city regulations combined both City's rent control and maritime residency tenancies. This need to be shared with all those impacted by this change. Was a notice from the city sent to all people impacted by this change, other than the newspaper article? If so, please provide the notice.

As your note stated, the state guidepost of 9 months is considered residential in nature. This mentioned "state", is this referenced to California? Is this state guidepost available to the public knowledge? This is a new added definition to us. Is this in writing? As former homeowners, we owned our boat as boat owners. As former homeowners, we never faced rent control according to the 9'month guidepost in California. How does rent control apply to us as California boat owner residents who pay property tax to California? Please clarify.

The original definition included the following:

Floating home definition according to subdivision d) of Section 18075.55 in California Health and Safety Code.

d) "Floating home," as used in this section, means a floating structure which is all of the following: (25006)

(1) It is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling. (25007)

(2) It has no mode of power of its own. (25008)

(3) It is dependent for utilities upon a continuous utility linkage to a source originating on shore. (25009)

(4) It has a permanent continuous hookup to a shoreside sewage system. (25010)

The above definition states the livaboards are hooked to the shoreside

sewage system. The floating boat livaboards are not hooked to the shoreside sewage system. The above definition in the Health and Safety Code did not mention in the reference of the “9 month” guidepost. This should be revised to add this new definition to the ordinance 3317. Did it occur to you and/or staff that the city ordinance 3317 should have the “or” statement, in order to apply us?

In reference to the news article on our previous email, it is a rush activity without mentioning a complete review of impacts.

Because it is an urgency ordinance, the adoption of floating homes in the city’s Rent Control Ordinance took effect immediately after the vote. Urgency ordinances need four “yes” votes to pass.

If there was a study of impacts, please provide.

It is also unclear about “recreational” livaboards. We never heard of this. What is the definition of a recreational livaboards? We are very interested in this. See snippets below.

To be clear, this ordinance is not intended to cover recreational boating or recreational use of live-aboard boats.

Staff initially intends to use the same guidepost,whether any particular live-board is residential or recreational in nature.

Thank you for looking into this again.

Chris and Ginger

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On Jul 5, 2022, at 8:13 AM, City Attorney
<cityattorney@alamedacityattorney.org> wrote:

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Council adopted the urgency legislation extending the City's existing rent control protections to "maritime residential tenancies" on April 28, the Council directed staff to return to Council, when staff was prepared to update the Capital Improvement Plan (CIP) regulations, to combined both sets of regulations. Item 7C is responsive to that direction.

Item 7C does not seek to expand or contract the rights that the Council previously established for maritime residential tenancies. It does make clear the scope of protection, which covers both Floating Homes and certain live-aboards that are "residential" in nature.

To be clear, this ordinance is not intended to cover recreational boating or recreational use of live-aboard boats. However, when a live-aboard is docked at a marina on a long-term basis and used as a residence, then the ordinance's protection would likely apply. State law uses 9-months as a guide-post for when long-term parked RVs at a mobile-home/RV park becomes residential in nature. Staff initially intends to use the same guidepost, along with other residential indicia (e.g. children attending Alameda schools), to determine whether any particular live-board is residential or recreational in nature. As the ordinance continues to authorize the Rent Program Director to establish regulations to aid in the ordinance's implementation, we welcome your comments and suggestions as we move forward. You may direct your comments at rentprogram@alamedahsg.org.

From: Ginger Cox [mailto:gingerlovessailing@gmail.com]
Sent: Thursday, June 30, 2022 9:53 PM
To: City Attorney <cityattorney@alamedacityattorney.org>;
Michael Roush <mroush@alamedacityattorney.org>;
Manager Manager <MANAGER@alamedaca.gov>;
rentprogram@alamedahsg.org; Marilyn Ezzy Ashcraft
<MEzzyAshcraft@alamedaca.gov>; Malia Vella
<MVella@alamedaca.gov>; Tony Daysog
<TDaysog@alamedaca.gov>; Trish Spencer
<tspencer@alamedaca.gov>; John Knox White
<JknoxWhite@alamedaca.gov>
Cc: Chris <boatlettering@gmail.com>; Marina
<marina@grandmarina.com>; City Clerk
<CLERK@alamedaca.gov>
Subject: [EXTERNAL] Ordinance 3317

To Whom it may concern:

We learned that the city council has resolved the situation for Barnhill rental issue on the floating homes.

We applaud the efforts to make rent affordable for 66 senior residents. Those floating homes are truly large stationary homes on water that cannot be moved and are too expensive to move and it is next to impossible to do so.

We reviewed the Civil Code section for floating home definition in the Floating Home (boat) Rent Laws.

800.3. "Floating home" has the same meaning as defined in subdivision (d) of Section 18075.55 of the Health and Safety Code.

We further reviewed the above reference on floating

home definition according to subdivision d) of Section 18075.55 in California Health and Safety Code.

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Our harbormaster addressed issues surrounding the rental controls.

To our concerns as livaboards, we disagree with the above definition. The livaboards are watering boats used for living and we pay for the slip and extra for living status 24/7 and we pay property tax. We don't see a separate definition for watery boats used as livaboards. If there is one, please provide us the definition.

The livaboards live on watery boats. If we follow the above definitions for floating homes according to subdivision d) of Section 18075.55 in California Health and Safety Code, we do not meet the floating home definition, see below:

1) the floating boats are not stationary

2) the floating boats have the mode of power to move.

3) the floating boats rely on electricity when in the slip. However the floating boats have the engine to power up for DC needs whether at slip or on the water. Some floating boats have solar and wind power to invert to AC needs.

4) the floating boats do NOT have permanent continuous hookup to a shoreside sewage system. Instead the floating boats are responsible to empty the holding tank to the designated areas that the marinas offered or hire a company specialized in emptying the holding tanks.

Currently at Grand Marina, there are less than 40 floating boat livaboards and we are seniors too as well. There are other marinas that have floating boat livaboards. We do not know the exact numbers of livaboards in those marinas.

QUESTIONS:

How can this new urgency rental control in ordinance 3317 apply to floating boats used as livaboards?

If the city going to force harbormasters to lower the rental costs for livaboards to match those who are not livaboards, it is foreseeable that Harbormasters could drop us out of livaboard status due to their hardships. As a result, we will become homeless and add to the current housing crisis.

While you fixed one problem in the ordinance 3317 for Barnhill, this may have created another problem where we don't have large floating stationary homes.

Will the marinas with watery boats known as livaboards be exempted from the new urgency rental control as described in the Ordinance 3317?

Thank you for your time to address our concerns.

Chris and Ginger Cox

2209 Grand Street Slip U27

Alameda, California 94501

916-201-9678

Chris Cox

Boatlettering@gmail.com

Ginger Cox

Gingerlovessailing@gmail.com

P.s. We learned the details of this urgency in the article.

<https://alamedasun.com/news/city-council-halts-rent-increases-floating-home-community>

Chris and Ginger

Jesus gives us the hope of life beyond the grave.

From: [Ginger Cox](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] Ordinance 3317
Date: Tuesday, July 5, 2022 12:25:55 PM

My response to the city lawyer today.

Ginger

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Begin forwarded message:

From: Ginger Cox <gingerlovessailing@gmail.com>
Date: July 5, 2022 at 11:10:01 AM PDT
To: City Attorney <cityattorney@alamedacityattorney.org>, rentprogram@alamedahsg.org
Cc: Michael Roush <mhrlegal@comcast.net>, Marina <marina@grandmarina.com>, Chris <boatlettering@gmail.com>, manager@alamedaca.gov, clerk@alamedaca.gov
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From: Ginger Cox [mailto:gingerlovessailing@gmail.com]

Sent: Thursday, June 30, 2022 9:53 PM

To: City Attorney <cityattorney@alamedacityattorney.org>; Michael Roush <mroush@alamedacityattorney.org>; Manager Manager <MANAGER@alamedaca.gov>; rentprogram@alamedahsg.org; Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Trish Spencer <tspencer@alamedaca.gov>; John Knox White <JknoxWhite@alamedaca.gov>

Cc: Chris <boatlettering@gmail.com>; Marina <marina@grandmarina.com>; City Clerk <CLERK@alamedaca.gov>

Subject: [EXTERNAL] Ordinance 3317

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Chris and Ginger Cox
2209 Grand Street Slip U27
Alameda, California 94501
916-201-9678

Chris Cox
Boatlettering@gmail.com

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P.s. We learned the details of this urgency in the article.

<https://alamedasun.com/news/city-council-halts-rent-increases-floating-home-community>

Chris and Ginger

Jesus gives us the hope of life beyond the grave.

From: [Ginger Cox](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] Ordinance 3317
Date: Tuesday, July 5, 2022 12:24:04 PM

Today's response. I have two more.

Ginger

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Begin forwarded message:

From: City Attorney <cityattorney@alamedacityattorney.org>
Date: July 5, 2022 at 8:13:57 AM PDT
To: Ginger Cox <gingerloversailing@gmail.com>
Cc: Michael Roush <mhrlegal@comcast.net>
Subject: RE: [EXTERNAL] Ordinance 3317

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P.s. We learned the details of this urgency in the article.

<https://alamedasun.com/news/city-council-halts-rent-increases-floating-home-community>

Chris and Ginger

Jesus gives us the hope of life beyond the grave.

From: [Lisa Cooper](#)
To: [John Knox White](#); [Malia Vella](#); [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Trish Spencer](#)
Cc: [Dirk Brazil](#); [Yibin Shen](#); [Lara Weisiger](#)
Subject: FW: [EXTERNAL] Deferment of Alameda Rental Ordinance 3317
Date: Thursday, June 30, 2022 9:22:41 AM

Good morning Madam Mayor and Councilmembers,

Below is an email I sent to Mr. de Lappe yesterday in response to his email regarding Ordinance 3317. I addition, I have sent the same message to similar emails we have received concerning live aboards at marinas.

Thank you, Lisa

Lisa K. Cooper
Paralegal
City of Alameda
2263 Santa Clara Avenue, Room #280
Alameda, CA 94501
(510) 747-4764
lcooper@alamedacityattorney.org

Confidentiality Notice: This e-mail message, including any attachments, is sent by the Office of the City Attorney for the City of Alameda. It is being sent for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, delete the message and any attachments and destroy hard copies, if any, of the original message and attachments. Thank you.

From: City Attorney
Sent: Wednesday, June 29, 2022 3:12 PM
To: 'Brock de Lappe' <brock.delappe@gmail.com>
Cc: 'Michael Roush' <mhrlegal@comcast.net>
Subject: RE: [EXTERNAL] Deferment of Alameda Rental Ordinance 3317

Thank you for your message. When the City Council adopted the urgency legislation extending the City's existing rent control protections to "maritime residential tenancies" on April 28, the Council directed staff to return to Council, when staff was prepared to update the Capital Improvement Plan (CIP) regulations, to combined both sets of regulations. Item 7C is responsive to that direction.

Item 7C does not seek to expand or contract the rights that the Council previously established for maritime residential tenancies. It does make clear the scope of protection, which covers both Floating Homes and certain live-aboards that are “residential” in nature.

To be clear, this ordinance is not intended to cover recreational boating or recreational use of live-aboard boats. However, when a live-aboard is docked at a marina on a long-term basis and used as a residence, then the ordinance’s protection would likely apply. State law uses 9-months as a guide-post for when long-term parked RVs at a mobile-home/RV park becomes residential in nature. Staff initially intends to use the same guidepost, along with other residential indicia (e.g. children attending Alameda schools), to determine whether any particular live-board is residential or recreational in nature. As the ordinance continues to authorize the Rent Program Director to establish regulations to aid in the ordinance’s implementation, we welcome your comments and suggestions as we move forward. You may direct your comments at rentprogram@alamedahsg.org.

From: Brock de Lappe [<mailto:brock.delappe@gmail.com>]

Sent: Wednesday, June 29, 2022 1:48 PM

To: Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>; Malia Vella <MVella@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Trish Spencer <tspencer@alamedaca.gov>; John Knox White <JknoxWhite@alamedaca.gov>; City Attorney <cityattorney@alamedacityattorney.org>; Manager Manager <MANAGER@alamedaca.gov>; City Clerk <CLERK@alamedaca.gov>

Subject: [EXTERNAL] Deferment of Alameda Rental Ordinance 3317

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Madam Mayor et al.,

I was hoping to deliver this statement at the June 21st City Council meeting, however the meeting was truncated due to the late hour.

I truly believe that the Emergency Ordinance 3317 places all Alameda marinas in serious jeopardy.

While I understand the motivation to help a small number of seniors on a fixed income, there are serious issues with this ordinance that could negatively affect the viability of the marinas upon which these very residents are dependent.

Please see attached and enter into the official record.

Thank You,

Brock

--

Brock de Lappe

(510) 384-1083 cell

brockdelappe@gmail.com

From: [Brock de Lappe](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#); [City Attorney](#); [Manager](#)
[Manager](#); [City Clerk](#)
Subject: [EXTERNAL] Deferment of Alameda Rental Ordinance 3317
Date: Wednesday, June 29, 2022 1:49:19 PM
Attachments: [We sent you safe versions of your files.msg](#)
[de Lappe Council Statement - 6.21.22 .pdf](#)

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Brock de Lappe
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Hon. Marilyn Ezzy Ashcraft
Mayor of Alameda
2263 Santa Clara Avenue, Alameda, CA 94501

June 27, 2022

Deferment of Alameda Rental Ordinance 3317

Dear Madam Mayor and Alameda Councilmembers,

My name is Brock de Lappe. For the past decade I served as harbor master for marinas in both Alameda and Oakland. Despite my recent retirement, I remain a strong advocate for the protection and preservation of the Oakland Estuary. The marinas surrounding Alameda are an integral part of the island's maritime history, community culture and image.

I am concerned that the ordinance under consideration tonight, while perhaps well-meaning for a small segment of the population, may in fact have severe unintended consequences.

I ask that you strike the vague, undefined, unsupported phrase "other maritime residential tenancies" from the Ordinance and the Rent Control ordinance. Additionally, my hope tonight would be that the council defer tonight's decision in order to gain a fuller understanding from all interested parties.

Let me explain:

Unlike buildings on land, marinas face numerous additional expenses. Dredging, dock repairs, utility delivery, and property security are extremely expensive, and often complicated, infrastructure requirements. A single wake event from a thoughtless boater on the estuary can cause thousands of dollars of damage to docks. These needs are compounded by being located in a harsh marine environment.

Treating marinas with the same rent controls as buildings on land is both uninformed and short-sighted.

Most smaller marinas are struggling to stay afloat and are in financial distress as they face significant capital costs to maintain the infrastructure necessary for both safety and to comply with all regulations. While the proposed ordinance may be beneficial to a select few, it could place the very marinas that they depend on into financial jeopardy.

Limiting the only source of revenue for these marinas going forward will ensure the acceleration of existing economic strain with serious implications on the safety and long-term security for current residents, exactly the opposite of the intention of the ordinance.

An Example: The San Francisco Marina faces annual dredging expenses of approximately \$1.5 million. As a result they are planning a 21% surcharge in addition to their existing berth rents.

My hope tonight would be that the council defer a decision in order to gain a fuller understanding from all interested parties.

At the very least, given the highly regulated and difficult environment marinas already face, I ask that you strike the vague, undefined, unsupported phrase "other maritime residential tenancies" from the Ordinance and the Rent Control ordinance.

Thank You,
Brock de Lappe brockdelappe@gmail.com (510) 384-1083 cell