

From: [Isaac Kos-Read](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Please Pull & Postpone Item 5U - Study CIP & Live-Aboard Issues for ALL marinas for 12 Months
Date: Tuesday, September 6, 2022 6:41:27 PM
Importance: High

Dear Alameda City Clerk Weisiger:

On behalf of the new owner-operator of Barnhill Marina & Boatyard, I am writing to urge the City Council to pull and postpone Item 5U regarding CIP and Maritime Residential Tenancies on the Consent Agenda of tonight's Council meeting. I make this reasonable request because of the following:

- 1. All Alameda marinas should be treated fairly and equally:** Though the legislation does not name Barnhill Marina & Boatyard directly, as the only Floating Home Marina in Alameda, this targets Barnhill exclusively, an unfair and unnecessary utilization of public policy.
- 2. The City Council recently voted to study the issue of extending rent control to live-boards in recreational marinas for 12 months after realizing the devastating impact it would have on marina viability:** A recent Public Records Act request revealed that there were some unresolved issues from the Council meeting on April 28th. Specifically, there was lack of clarity and understanding around whether live-boards should also be protected; certainly, as a class, they tend to be more housing-insecure and lower income than floating home owners. A flurry of engagement by a broad coalition of recreational marina owners, including one who lives at Barnhill, by the way (though he owns a much larger adjacent marina), led to exclusion of live-boards at recreational marinas but inclusion, again, only at Barnhill. Are all live-aboard tenants deserving of protection or only those at Barnhill? If the impact on recreational marina sustainability is so devastating that they merit 12 months of study though they derive their revenue primarily from non-residential sources, imagine what the impact on Barnhill will be.
- 3. We need to work together to ensure marina sustainability and protect people who are truly housing-insecure or on low/fixed incomes, not enacting "rent control for millionaires:"** Berthing fees at Barnhill have only been increased twice in the last 20 years. The average berthing fee increase in April was 30%. Just keeping pace with inflation would have required a 55% increase. Even with the recent rent increases, Barnhill berthing fees are still at least 20% below market. We have said since day one that we will nevertheless work to protect every floating home resident who is truly housing insecure. This ordinance, however, is a blunt measure that will literally end up providing rent control for millionaires – as some of our tenants own multiple homes, other significant assets, etc.
- 4. Since the Council Meeting in April, there has been zero staff engagement with the ONLY impacted marina:** Despite multiple requests, Barnhill has had no meeting with or request of information from any City staff about the capital needs at the

marina; it is worth noting that this also did not happen prior to the April 28 meeting, which certainly raises some serious concerns. We understand that there has been some staff turnover and that people are likely stretched thin due to the on-going pandemic. All the more reason that the City should not be enacting legislation capping return on capital investment into marina infrastructure without further due diligence to the unique nature of these assets. In other cities, when marinas fail, they become a liability of the City they're in. Whether Barnhill is run by the current owner operator or by the City, the same significant capital investments will be needed and somehow have to be paid for. Please at least take the time to meet with the Barnhill owner operator, tour the marina, and learn about the needs and constraints the marina faces.

To conclude, we again ask that the City Council please consider pulling and postponing Item 5U. There should be a 12-month study of these new additions to the rent control ordinance for ALL marinas, not just recreational ones.

Thank you in advance for your consideration and please let me know if you have any questions, suggestions, or would like additional information.

Respectfully,

Isaac

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**Isaac Kos-Read**

President

Kos Read Group, Inc.

On behalf of Barnhill Marina & Boatyard

**From:** [Brock de Lappe](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] Fwd: Please Delay Passage of Item 5U  
**Date:** Tuesday, September 6, 2022 6:33:01 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Item 5U Letter.pdf](#)

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Alameda City Clerk,

It is my understanding that public input to city council meetings received within one half hour prior to the start of the meeting will be read into the minutes.

It is now 6:32 pm on Tuesday September 6th.

Please read the attached letter into the official meeting minutes.

Thank you,  
Brock de Lappe

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

**From:** **Brock de Lappe** <[brock.delappe@gmail.com](mailto:brock.delappe@gmail.com)>  
**Date:** Tue, Sep 6, 2022 at 2:34 PM  
**Subject:** Please Delay Passage of Item 5U  
**To:** <[mezzashcraft@alamedaca.gov](mailto:mezzashcraft@alamedaca.gov)>, <[mvella@alamedaca.gov](mailto:mvella@alamedaca.gov)>, <[tdaysog@alamedaca.gov](mailto:tdaysog@alamedaca.gov)>, <[tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov)>, <[jknoxwhite@alamedaca.gov](mailto:jknoxwhite@alamedaca.gov)>

Mayor Ashcraft and City Council Members,

Please see my attached letter of concern regarding Item 5U on tonight's consensus calendar.

Thank You,

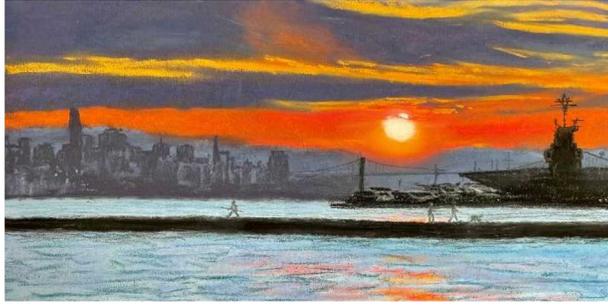
Brock

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### **Delay Passage of Item 5U – CIP & Maritime Residential Tenancies**

September 6, 2022

Mayor Marilyn Ashcraft  
Alameda City Council Members

I am requesting that the city council delay the passage of **Item 5U** from tonight's **Consent Calendar** to allow for a more thorough study and a reasonable opportunity for input from all affected parties. While city staff has received substantial input from landlords of multi-family dwellings in Alameda, the same cannot be said for the owners of Alameda marinas. To my knowledge there has been extremely limited, if any, effort by city officials or staff to discuss the issues with marinas that will be impacted by passage of this ordinance.

- **CIP**

Unlike buildings on land, marinas have vastly different and far more expensive infrastructure maintenance requirements. Dredging, dock replacement and utility refurbishment can cost millions of dollars. This maintenance is critical to the long-term viability of the marina and yet these expenses can far exceed revenue generated from monthly slip rental. Failure to address these needs can lead to catastrophic failures which can jeopardize the safety of marina residents.

- **Maritime Residential Tenancies**

At the July 12<sup>th</sup> city council meeting it was decided to defer the imposition of rent control to liveaboard vessels in recreational marinas for one year to allow for further study. The exception to this decision was liveaboard vessels in "residential" marinas, implicating Barnhill Marinas as the only affected marina in Alameda. This distinction is highly arbitrary and unfair. To my knowledge there is no formal distinction between a "recreational" and a "residential" marina. There is simply no basis to carve out liveaboard vessels in only Barnhill Marina to be covered by rent control.

Given the hasty manner in which the emergency rent control ordinance was passed, I believe that it places the City of Alameda in an extremely vulnerable position which could result in substantial litigation expenses for city residents. It would be far better to defer these matters until appropriate research and input are conducted. Please be aware of potential unintended consequences that could negatively affect the parties this ordinance is meant to protect. Marinas must be financially viable.

*Brock W. de Lappe*

**From:** [Drishti Narang](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] Request to Delay Passage of Item 5U  
**Date:** Tuesday, September 6, 2022 6:32:29 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Letter Requesting to Delay Passage of Item 5U.pdf](#)

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Dear City Clerk,

I am a first time homeowner who has recently become a homeowner at Barnhill Marina. I am respectfully requesting to have my concerns regarding item 5U on this evening's agenda for the city council meeting to be read on the record for the City Council Members consideration.

Thank you,  
Drishti Narang

September 6, 2022

Dear City Council and City Staff,

I am writing to ask you to delay the passage of item 5U from tonight's Consent Calendar in order to allow a reasonable opportunity to collect input from **all parties** affected. This is not a letter representing Barnhill, but a letter from a homeowner who has invested their life's savings in their first home.

I am also a young woman and a newly naturalized citizen looking forward to finally being able to vote for the first time this fall. I have always had a love for water as a swimmer and water polo player growing up in the bay area and have found the utmost joy in owning such a unique home on the water. It is such a rare opportunity and I share the **sentiment** and **deepest desires** to protect and preserve such an opportunity. My concern in protecting these homes is no different than all of my fellow floating home owners. However, in order to genuinely protect the long term existence of our homes, I ask you to understand it is vital to protect and support the Marina which berths these homes. **Without a place to berth my home, it is worthless. Without a berth, a cap of 2.7 % berth fees is meaningless.**

I am terribly afraid of losing all that I have worked for because of the recent events affecting the few marinas responsible for maintaining floating home berths. Because of my unique position in this I have come to understand the grave threat facing the small community of marina owners and operators in the San Francisco Bay Area who are fighting day in and day out to keep their floating homes afloat. The recent emergency ordinance will already have seriously detrimental impacts on the long term safety and equity of my home, and this would exacerbate it further.

After having spoken with all but one of the five marinas which berth floating homes in the San Francisco Bay Area I understand that: (1) there are absolutely no available berths for my home, let alone others here, to relocate into – meaning it is of the utmost importance that the very marina maintaining these berths must continue to exist for my home to exist (2) most of these other floating home marinas are struggling and have been struggling to stay afloat financially due to the increasing needs for costly investment in infrastructure, and already have berth fees which have been double or more of those at Barnhill for years (3) Barnhill, and consequently my first and only home, is severely vulnerable already and passage of 5U may be one of the last holes in the hull which will drown those operating Barnhill, and as such leave me without a place to berth my home.

**Please – I ask you to delay the passage of item 5U and engage with more information in order to truly protect my home and all others.**

Thank you for your time and consideration,  
Drishti N.

**From:** [Ashley Mullins](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Trish Spencer](#); [Tony Daysog](#); [Malia Vella](#); [John Knox White](#); [City Clerk](#); [Michael Roush](#); [City Attorney](#); [John Le](#); [Lara Weisiger](#)  
**Cc:** [Liz Williams](#); [Robert Houlihan](#)  
**Subject:** [EXTERNAL] Consent Calendar Item 5-U: Amendment to Rent Control Ordinance  
**Date:** Tuesday, September 6, 2022 10:46:06 AM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Barnhill Letter to residents.pdf](#)

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Dear Mayor Ezzy Ashcraft, City Councilmembers and City staff:

We urge you to pass the amendment to Article XV of the city's rent control ordinance tonight integrating floating homes and maritime residential tenancies into the city's existing rent ordinance.

Our marina owners, Amarpal and Drishti Narang, recently sent our community a letter (attached) warning us that the marina will be "doomed" if we are protected by rent control. This intimidating message comes from marina owners who have not cashed our rent checks since April. They threaten the demise of the marina and claim that their business is unsustainable while they sit on five months of revenue, uncashed.

When you courageously stepped in to protect the floating home owners and liveaboards at Barnhill Marina by passing the urgency ordinance on April 28th, you prevented the immediate displacement of several of us; you prevented the forfeiture of our homes.

The Narangs have hired at least two agents to represent their interests at the city level, seeking rezoning of the property and a reversal of the rent ordinance. We hope you will see the continued need to protect us and pass tonight's ordinance.

Best regards,  
Liz Williams  
Bob Houlihan  
Ashley Mullins

Residents of Barnhill Marina

August 30, 2022

Dear Barnhill Residents:

Since we last wrote you in June, a lot has happened, and we have some important updates:

**Meet Brock de Lappe, who is helping us navigate a course to sustainability for the marina:**

You may have received a letter last week from Brock de Lappe, former Alameda Marina Harbormaster who's been a resident of the City for 33 years, connected to maritime issues for nearly five decades, and deeply involved with marinas for over a decade. We have brought him onboard to help us chart a course to financial sustainability for the marina (i.e., it must at least break even – we must cover our costs), which has only gotten more challenging.

**Barnhill Marina sustainability continues to be threatened:** As we noted, the extension of “rent control” to the marina locks in a structural deficit that puts us on a faster track to eventually disappearing – a dire outcome for all that we very much want to avoid – as it will directly impact the equity for every floating homeowner (emphasis added). We had already agreed to work with every resident, especially those who are truly on fixed incomes and facing any possibility of housing insecurity; and we have further agreed to honor the intent of the initial ordinance. Sadly, however, a small and aggressive group continues to push for more, seeking blunt tools for a targeted issue, including state legislation and additional local requirements around capital improvements and liveaboards, which have unintended consequences and costs that could doom the marina.

**Other marinas now feel threatened too and are pushing back:** Though we have only a couple liveaboards, many marinas have quite a few, so when they were added to the state and local legislation, the same legality and sustainability issues we've been talking about suddenly hit home for many more marinas. They banded together and pushed back against this overreach at the state and local levels, winning exclusion from state legislation and a 12-month delay at the local level to study the issue. Meanwhile, on September 6, the Council is scheduled to hear an item that would penalize only Barnhill, accelerating the trends that will have implications for all floating homeowners in terms of home equity and mobility.

**We will be in touch individually this week to discuss these issues:** Expect a call from us or drop by our office and let's connect. We are overdue to discuss these and other issues where, again, we believe we have shared interests.

**We also ask that you consider contacting the City – Mayor, Council, and staff – to urge them to postpone any further changes to the ordinance for 12 months** just as they have done for all other marinas. To carve out, in effect, just Barnhill, is bad public policy and bad news for all of you as floating homeowners. We look forward to talking soon. It is past time to work toward our shared interest of putting Barnhill Marina & Boatyard on a path to sustainability and improving this beautiful waterfront neighborhood in a way that, like a rising tide, will lift all boats.

Sincerely,

The Barnhill Marina & Boatyard Owner-Operator Team