

# City of Sausalito Waterfront Update and Requested Path Forward

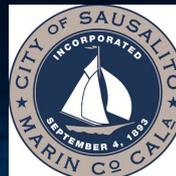
PRESENTED TO BCDC  
ON FEBRUARY 21, 2019



# JURISDICTIONS



# RICHARDSON BAY 2010



# NOVEMBER 2015 (PRE-ENFORCEMENT)



# BACKGROUND

- City of Sausalito withdrew from Richardson Bay Regional Agency on June 30, 2017
- The two agencies continue to collaborate and cooperate with one another regarding the handling of Sausalito and Richardson Bay waters
- A subcommittee comprised of members of City of Sausalito, RBRA, and BCDC have met regularly in 2018 and 2019 in an ongoing effort to align on priorities moving forward



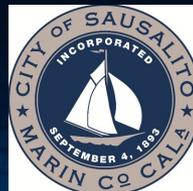
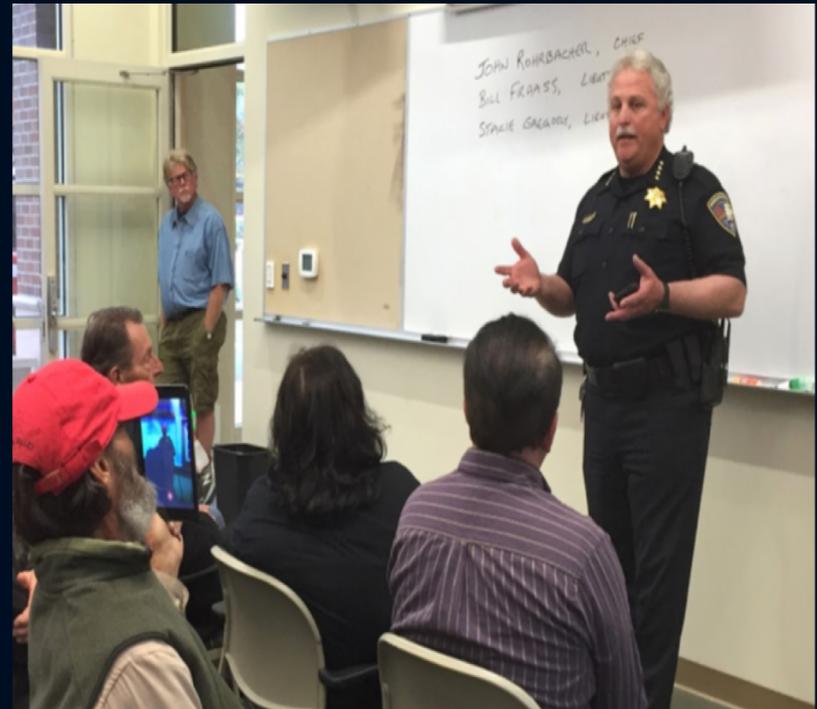
# BACKGROUND

- On January 26, 2016, Sausalito Police Department outlined a plan to increase public safety and quality of life on the Sausalito waterfront by gaining community compliance with applicable laws regulating Richardson Bay and Sausalito waters
- On April 18, 2017, the Sausalito City Council adopted Title 16 of the Sausalito Municipal Code – Boat and Harbor Regulations
- On June 20, 2017, the Sausalito City Council approved an updated Waterfront Management Plan
- Plan calls for continued cooperation and partnership between the Sausalito Police Department, the Marin County Sheriff's Office, and the Richardson Bay Regional Agency



# COMMUNITY OUTREACH

- Waterfront Community meetings
- Meetings with small groups and individuals
- Meeting with local harbor masters
- City electronic newsletter articles
- Public notices distributed
- City ordinances posted on every vessel in Sausalito waters
- Numerous press (print, television, and radio) stories



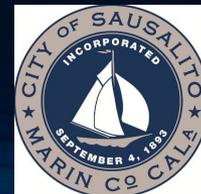
# WATERFRONT MANAGEMENT PLAN PRIORITIES

## Highest Priorities

1. Removal of marine debris vessels
2. Removal of unoccupied vessels being stored on Sausalito waters
3. Unregistered vessels
4. Vessels occupied by persons who are a danger to themselves or others

## Lowest Priority

- Legacy occupied vessels that are:
  - Licensed
  - Registered
  - In possession of a waste disposal contract or utilizing similar form of service



# UPDATED PRIORITIES

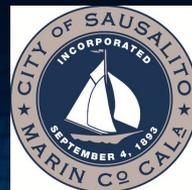
On January 22, 2018, the City Council agreed to a modification of the Occupied Vessels (Phase IV) component of the City of Sausalito's Waterfront Management Plan priorities. Phase IV would be modified to adopt a 2 part strategy:

- Immediate enforcement of 72-hour ordinance with respect to any new occupied boats entering our waters;
- Deferred enforcement of occupied boats already on our waters to enable their numbers to be reduced through attrition and through Marin County / Sausalito relocation efforts (i.e., Marin County housing vouchers / increase in Sausalito live-aboard parameters)



# SPECIAL ANCHORAGE?

- A “Special Anchorage Area” exists within Richardson Bay.
- Some anchorouts have contended they have immunity from regulation so long as their boats are in the Special Anchorage Area.
- Special legal counsel hired by City of Sausalito have confirmed that no Coast Guard regulation or “Special Anchorage Area” preempts the City of Sausalito from regulating where, when or how vessels may anchor within the overlap of the “special anchorage area” and the waters of the City of Sausalito.
- Sausalito has now shared a 40-page White Paper containing its exhaustive analysis with all affected agencies



# COURT DECISIONS

- On September 4, 2018, the Ninth Circuit Court of Appeals issued a unanimous decision in *Martin v. City of Boise*, holding that the Eighth Amendment prohibits ordinance enforcement if such ordinances criminalize homeless individuals for sleeping outside when they have no access to alternative shelter.
- The *Martin* Court reaffirmed the reasoning in an earlier-decided California case, *Jones v. City of Los Angeles* (9th Cir. 2006) 444 F.3d 1118, in which the court held that the city's enforcement of local camping ordinances violated the Eighth Amendment by imposing criminal penalties for sitting, sleeping, or lying outside on public property when homeless individuals could not otherwise obtain shelter.



# STAFFING

- Sausalito hired two part-time temporary technical specialists in July 2017 to:
  - Conduct surveys of vessels and preparing detailed Geographic Information System (GIS) based maps using the ESRI ArcGIS program
  - Assist with marine debris vessel abatements and noticing of vessels in violation of Sausalito City Ordinances and/or California Harbor and Navigation Codes



# SURVEYS



- 17 surveys have been conducted since July, 2017
- These surveys were conducted in July, August, October, November, and December 2017 and February, March, April, May, July, August, October and November 2018, and January 2019
- The surveys have shown that the majority of vessels' locations have stayed static



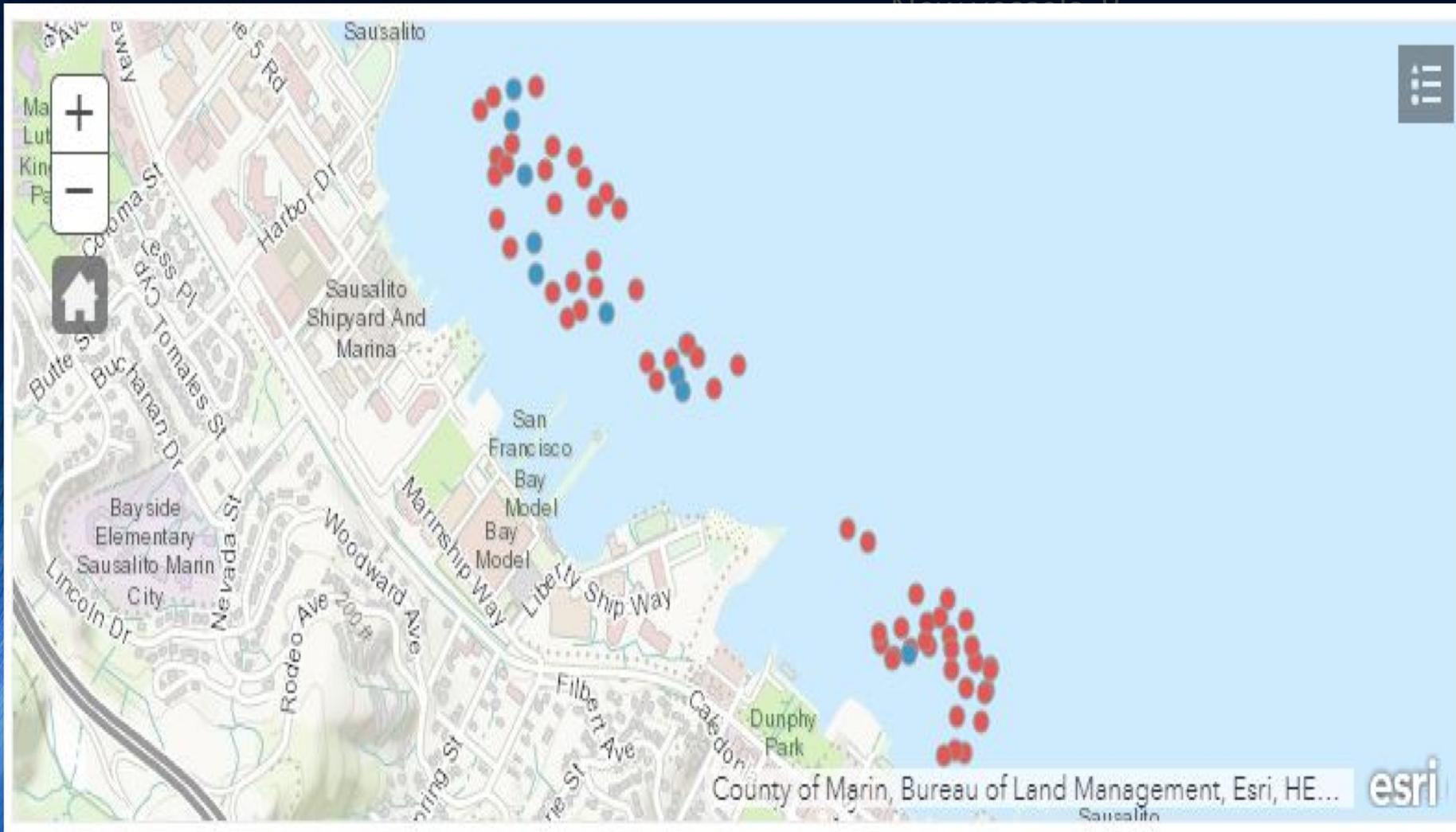
- Information gathered during these surveys is entered into the ArcGIS mapping system
- This system allows us to track vessels by their name, locations, movement, condition, registration/federal documentation status, law enforcement contacts with vessels on a monthly basis, and vessel owner information



**ESRI**



# Survey Map – Vessel Locations - July 2018



# VESSEL COUNT PER SURVEY

DATE OF SURVEYS	# OF VESSELS
July 30, 2017	75
August 26, 2017	77
October 1, 2017	77
October 22, 2017	77
November 18, 2017	72
December 8, 2017	71
December 18, 2017	77
December 29, 2017	71
February 3, 2018	64
March 9, 2018	68
April 10, 2018	71
May 17, 2018	69
July 30, 2018	71
August 22, 2018	69
October 26, 2018	61
November 25, 2018	45
January 18, 2019	41

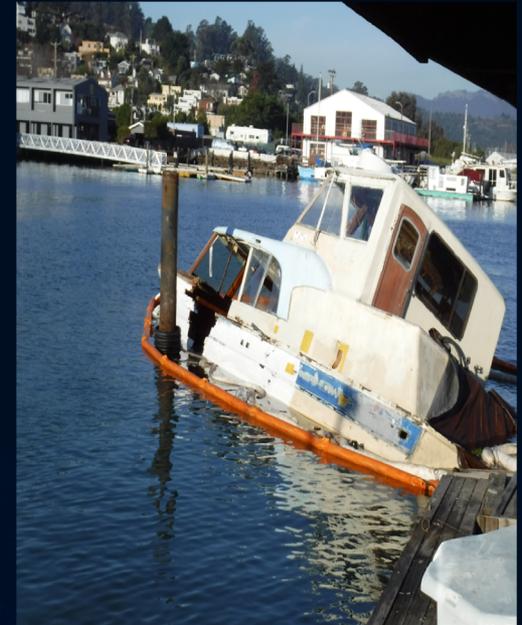


**FEBRUARY 12, 2019  
(POST-ENFORCEMENT)**



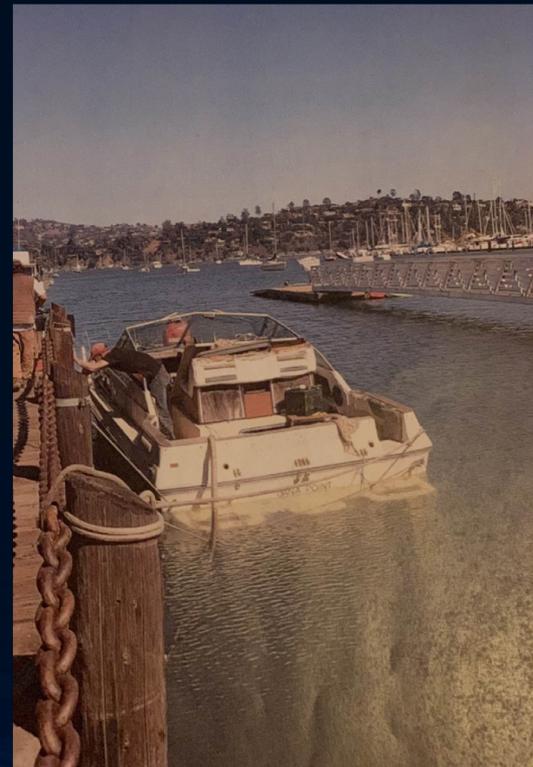
# ENFORCEMENT – MARINE DEBRIS

- Since the start of the Waterfront Management Plan, the Sausalito Police Department has abated twenty-three (23) vessels as Marine Debris



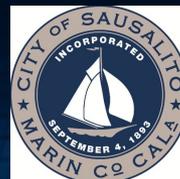
# ENFORCEMENT - VTIP

- Since the start of the Waterfront Management Plan, the Sausalito Police Department has received/abated six (6) vessels as part of the Vessel-Turn-In-Program



# ENFORCEMENT

- Since November 14, 2017, citations have been issued for the following violations:
  - Expired Registration
  - Nuisance/Debris on Deck
  - Unlawful Mooring in Waters of Dunphy Park
- Copies of City of Sausalito waterfront ordinances have been posted on all vessels that are moored/anchored in Sausalito waters



# 72 HOUR TOWS

- Since the start of the Waterfront Management Plan, the Sausalito Police Department has marked sixteen (16) apparent unoccupied vessels for being in violation of Sausalito City Ordinance 16.04.100B (Anchoring/mooring in excess of 72 hours)
- Of these eighteen (18) vessels:
  - Six (6) were removed from Sausalito waters prior to police action
  - Four (4) were impounded and later released to their owners whom removed them from Sausalito waters
  - Four (4) had the impound procedure stopped due to claims people were residing on them
  - Two (2) vessels are currently impounded
  - One (1) was impounded and later abated as part of the VTIP program
  - One (1) was impounded and later abated after going unclaimed for over 90 days



# UNOCCUPIED MOORINGS

- The Sausalito Police Department has removed fifty (50) mooring balls/devices from Richardson Bay. These mooring balls were either unoccupied or attached to vessels that were abated as marine debris or impounded



# ANNUAL DEBRIS COLLECTION EVENTS

- Sausalito Police Department, Richardson Bay Regional Agency, Marin County Sheriff's Office, and Marin County Health and Human Services hold annual debris collection events upon Richardson Bay
- Goal of events is threefold:
  - Remove debris from anchored vessels before winter in order to help prevent debris and hazardous items from falling into the Bay during storms
  - Assist individuals in making their vessels compliant with City of Sausalito and Richardson Bay Regional Agency nuisance/debris ordinances
  - Provide a forum for Marin County Health and Human Services to contact individuals from the waterfront and offer, for those who are interested, services which may assist them in obtaining housing.
- In addition to the debris collection:
  - In 2017, 11 people were contacted and offered services by Marin County Health and Human Services. 3 of the 11 people requested services
  - In 2018, 10 people were contacted and offered services by Marin County Health and Human Services. 3 of the 10 people requested services



# MOBILE SHOWER PROGRAM

- In November, 2018, the Sausalito City Council approved a pilot program to provide mobile showers.
- Mobile Showers are offered by the Downtown Streets Team on Tuesday and Friday mornings from 8AM-11AM at Marinship Park.
- In the first month of the program, 47 showers were provided to 29 individuals. All participants were Sausalito community members, either living on a boat anchored in the Bay or in their vehicle.
- This is another forum for Marin County Health and Human Services to contact individuals from the waterfront and offer, for those who are interested, services that may assist them in obtaining employment and/or housing.



# DECEMBER 2017 WINDSTORM

- A windstorm lasting approximately two hours occurred on Richardson Bay. The storm had winds blowing from the northeast at approximately 25 knots per hour with gusts of 35 knots per hour and affected 15 vessels that were anchored/moored on Richardson Bay
- Six different public safety agencies effectively collaborated during this incident and were able to provide assistance and render aid so that no one was injured during the event. One vessel that broke free during the storm suffered catastrophic damage when it struck a piling at Pelican Yacht Harbor
- Members of the Sausalito Police Department's Marine Patrol Unit responded to this event and assisted five vessels in need of assistance



# DECEMBER 2018 WINDSTORM

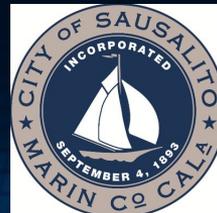
- Heavy winds caused two vessels anchored in RBRA waters to drift into Sausalito waters.
- One of those vessels drifted onto rocks along Sausalito's shoreline.
- In the afternoon, Sausalito Police Department, Southern Marin Fire Protection District and United States Coast Guard responded to a report of a male and female in Richardson Bay who fell out of their dinghy.
- Neither person was wearing a life vest or knew how to swim.
- The female was safely removed from the water and transported to the hospital for treatment.
- The male was unconscious when removed from the water and later succumbed to his injuries at the hospital.



# STORM IMPACTS



# STORM IMPACTS



# OVERVIEW OF OTHER PUBLIC SAFETY IMPACTS RELATED TO WATERFRONT

- In addition to responding to distressed boats and mariners during heavy storms, Sausalito Police Department and Southern Marin Fire are required to respond to other public safety issues arising from waterfront activities including crime incidents upon the water, crime incidents committed by anchorouts visiting Sausalito, and various calls for medical service, among others.
- If helpful, the Police Chief can provide some examples of these types of incidents (e.g., people arrested for possessing stolen boats, etc.)
- In May of 2018, Sausalito was required to rely on mutual aid to respond to a hillside fire because Southern Marin Fire was busy providing aid to anchorouts during a winter storm



# FUNDING

- Enforcement efforts are funded by:
  - SAVE grant funds (\$129,800) awarded by the California Division of Boating and Waterways
  - \$90,000 annual Sausalito General Fund monies earmarked for Sausalito's Waterfront Management Plan



# POTENTIAL MOORINGS

- Given its track record of success in just 18 months of focused enforcement, Sausalito has demonstrated that moorings are not necessary to enforce its Waterfront Management Plan
- RBRA is currently undertaking ecological study; Sausalito has offered to help pay
- Any plan for moorings in RBRA water should undergo CEQA analysis, including impacts on Sausalito
- Sausalito is currently only point of access for all Richardson Bay anchorouts



# REQUESTS OF BCDC

- Clarity regarding BCDC policies for Richardson Bay
- Allow Sausalito to continue its existing plan to reduce legacy anchorout population through attrition
- Increase Sausalito's liveaboard allocation from 10% to 15% per marina to facilitate transition from anchorout to liveaboard



# QUESTIONS

