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January 31, 2020

**Via E-Mail Only**

Bay Conservation and Development Commission  
375 Beale St., Suite 510  
San Francisco, CA 94105

**Re: Galilee Harbor, Sausalito:  
REQUEST TO AMEND SETTLEMENT AGREEMENT**

Dear BCDC Members:

Our office represents the Galilee Harbor Community Association (“Galilee”) in connection with their property at 300 Napa Street in Sausalito. Galilee is an affordable maritime community located on and near the San Francisco Bay pursuant to authority granted by a 1996 settlement agreement with BCDC (“Settlement Agreement”). The purpose of this letter is to request an amendment to the Settlement Agreement in order to respond to exigent and dangerous conditions that have developed at the Galilee property as a direct result of one of the public access conditions in the agreement.

**EXECUTIVE SUMMARY**

1. As part of a comprehensive settlement, BCDC required that Galilee construct and maintain a “public small boat launching float” and associated improvements.
2. The purpose of this launching float was to allow members of the public to more efficiently access the Bay from the land. This purpose can no longer be achieved.
3. At this time, the launching float has been inundated by the anchorage community located on Richardson Bay. This intense and unintended use has resulted in a dangerous and untenable scenario for the residents of Galilee, and has also caused significant damage to the launching float due to overuse.
4. It is imperative that the condition of the Settlement Agreement requiring Galilee to maintain the launching float be rescinded until such time as the underlying cause of the dangerous condition can be addressed.



5.

**Background**

Galilee has existed as an affordable artist and maritime community in Sausalito since at least the early 1980's. Although being sanctioned by the County of Marin (through funding), and the City of Sausalito (through permitting), a dispute arose regarding the community's conformance with the McAteer-Petris Act. To resolve the dispute, BCDC and Galilee entered into the Settlement Agreement in 1996, and renewed it for another 20 year term as of 2016. The Settlement Agreement contained over 35 conditions, with most of them designed to improve public access at the property.

Since entering into the Settlement Agreement, BCDC and Galilee have enjoyed a strong working relationship throughout the following decades. The terms of the Settlement Agreement have been faithfully executed to the best of Galilee's ability, and at great expense to the residents therein. When any issues have arisen, BCDC and Galilee have worked collaboratively to resolve them. Galilee seeks to further their positive working relationship with BCDC, and has therefore agreed to make this amendment request through a formal and public process.

**The Condition**

Of the thirty-five conditions in the Settlement Agreement, Galilee seeks a temporary stay of compliance with just one. Specifically, Condition A(8), which requires Galilee to install and maintain the following:

“A 540 square foot portion of a total 775 square foot public small boat launching float, gangway and access deck.”

Unfortunately, as will be discussed below, this seemingly innocuous public improvement has morphed into a serious and dangerous nuisance for the residents of Galilee, as well as for members of the public that may attempt to use it. Accordingly, the requirement that the dock be maintained needs to be temporarily suspended.

The purpose of condition A(8) at the time of its imposition is readily ascertainable from the context of the Settlement Agreement and from a visit to the property. This small boat launching float was designed to be an access point to aid members of the public in launching their human-powered crafts onto the Bay. If used as intended, this improvement would fit squarely with one of BCDC's core missions under the McAteer-Petris Act: enhancing the public's access from land to the Bay. (See Govt Code 66602.) **However, at this time, the boat launching float is in no way serving this purpose.**



**The Issue**

The issue requiring the temporary closure/removal of the boat launching float is an intense overuse by the anchorage community in Richardson Bay. The volume and impacts of the use have intensified over the past year to a level that is dangerous and unsustainable for those who legally reside at Galilee. The dock has been rendered wholly inaccessible for any other members of the public seeking to use it for its intended purpose, and is consistently inundated with countless anchorage vessels, day and night.

Besides the overcrowding and resulting damage, and the lack of public access, there are other security and quality of life impacts due to activities occurring on and around the dock by those who are now using it. The list of specific incidents resulting from this unauthorized and unintended use is long and unnerving. Just some of the examples include:

1. Galilee's Harbor Master being threatened with her life with a metal pipe for trying to enforce simple rules surrounding the dock.
2. Residents and children of Galilee being exposed to drug use and paraphernalia in and around the dock.
3. An uncontrollable garbage program with some of it ending up in the Bay.
4. Multiple physical altercations.
5. Late night screaming.
6. Incredibly dangerous boating practices to and from the dock.

(Photographic and video evidence of these incidents is available for the Commission's review.)

The impacts have reached a level where it would be a dereliction of duty for the Board of Galilee to not seek a reprieve from the condition requiring the dock. All other means of controlling this situation have been explored and were either ineffective or unachievable. For example, signage trying to limit the hours of the dock was routinely ignored. Polite compliance requests to the dock users from Galilee representatives have been met with anger and threats of physical violence. Security guards were investigated and found to be completely cost-prohibitive given the 24-hour-a-day dual staffing requirements imposed by security companies due to the severity and danger of the situation. **Temporarily closing the dock is a last resort.**



The issues described herein are ones that BCDC has become intimately familiar with, and that have been reported on by local news outlets.<sup>1</sup> BCDC's enforcement committee has been meeting regularly in regards to the illegality of the anchorage and the serious impacts the boats and their residents are having on the health of the Bay. The meetings resulted in the passage of BCDC Resolution 03-19, which calls for stepped up enforcement action to remediate the anchorage impacts. On December 3, 2019, BCDC sent letters to both the City of Sausalito and the Richardson Bay Regional Agency requiring said agencies to provide a timeline for "transitioning all other vessels off the water within a reasonable period." The amendment request made herein is in-line with BCDC's approach towards addressing the anchorage.

**It is critical to acknowledge that the impacts occurring at the dock are the result of a small percentage of the overall anchorage community.** Unfortunately, this small group has made the situation unsustainable for all. Galilee has a long history of partnering with the anchorage, including allowing reasonable use of the dock, and even serving as a mail-collection point and providing trash and water services, all at the expense of the Galilee residents. However, at this time, the dock must be closed due to safety issues, the serious impacts to the quality of life of Galilee residents, and the damage and pollution being generated. Galilee is more than willing to re-open the dock when it can be demonstrated that this level of impact will no longer occur.

### **The Request**

The request being made herein is quite straightforward: that BCDC approve an amendment of the Settlement Agreement that suspends the imposition of Condition A(8) for a period of two years. At the conclusion of the two-year period, the re-imposition of the condition will be considered by BCDC staff based on evidence as to whether the root cause of the impacts of the dock have been adequately addressed. If they have not, staff may extend the amendment until such time as the dock can be operated for its intended purpose.

The Commission should be aware that the City of Sausalito is in full support of this amendment request, and is prepared to accommodate boat-dwellers seeking to come ashore at the municipal dock located at the Turney Street boat ramp just a quarter mile down the street from Galilee. The Turney Street dock is a much more appropriate landing point given that it is a public area where municipal services are more readily available and scheduled police patrols occur (as opposed to non-policed private land).

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<sup>1</sup> I.e. "Richardson Bay boat-dweller accused of ax attack" - Marin Independent Journal; December 13, 2019.



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### Conclusion

For the time being, the dock required by condition A(8) can no longer serve the purpose for which it was intended. The issues created by a small subset of the current user group are dangerous, and have risen to the level of a public and private nuisance. The impacts of the public dock requirement now far exceed any reasonable relationship to the use for which the condition was imposed. The Galilee Board has a duty to ensure the safety of its residents and employees, and therefore respectfully requests that the Commission grant the amendment request made herein. Galilee will be ready and willing to re-open the dock when the underlying issues are addressed.

Thank you for your consideration of this important and urgent matter.

Very Truly Yours,

A handwritten signature in blue ink that reads "Riley F. Hurd III". The signature is written in a cursive, flowing style.

Riley F. Hurd III

CC: GHCA  
Brad McCrea  
Erik Buehmann