

1025 Alameda de las Pulgas #217  
Belmont CA 94002

December 21, 2017

Ms. Anne Halsted, Vice Chair  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Dear Commissioner Halsted,

I'm a proud member of Westpoint Harbor, where I have had a boat since it opened in October of 2008.

Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Instead Westpoint Harbor is being targeted by the BCDC Enforcement Committee unjustly.

As a commissioner, I ask that you review this case closely, which is at a critical juncture. On January 18, 2018 you and the rest of the commission will vote on a cease and desist order. I ask that you vote against the cease and desist or at the very least delay the vote until you have had a chance to learn more about Westpoint Harbor and the facts.

I invite you to visit Westpoint Harbor and I know you too will be impressed and understand the value it is providing to the entire Bay. When you visit you'll see:

- A shimmering marina teeming with wildlife, which only 30 years ago was industrial waste site. By far the cleanest, safest marina in the Bay
- Bay Area residents enjoying direct access to a mile of new walking trails, kayaking, rowing, sailing, canoeing and stand-up paddleboarding
- A thriving small business community where those whose businesses serve the boating public and are flourishing and growing their businesses

Westpoint Harbor is a tribute to the Bay, recognized as one of the most advanced, innovative, environmentally friendly and public amenity in the best sense of the word. BCDC should foster and support it rather than destroy it.

Many citizens have been galvanized by Westpoint Harbor's struggle with BCDC and are truly at a loss as to why BCDC's enforcement office is so doggedly coming after Westpoint -- it defies logic, especially since Westpoint is the living example of the BCDC's charter:

“protect and enhance San Francisco Bay and to encourage the Bay’s responsible and productive use for this and future generations.”

Again, we ask that you vote against the cease and desist against Westpoint Harbor on January 18, 2018.

Thank you for your consideration and your service.

Best,

A handwritten signature in black ink that reads "Sheila Finch". The signature is written in a cursive, flowing style.

Sheila Finch  
sheilafinchfineart@gmail.com  
www.SheilaFinchFineArt.com  
ph: USA 650-451-2484

**Subject:** Westpoint Harbor Proposed Order No. CDO 2017.04

**Date:** Thursday, December 21, 2017 at 8:58:02 PM Pacific Standard Time

**From:** Louis Adamo

**To:** Goldzband, Larry@BCDC

**CC:** Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Louis Adamo & Karen Gitter  
PO Box 5041  
Redwood City, CA 94063

December 20, 2017

Lawrence J. Goldzband  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

re: Westpoint Harbor Proposed Order No. CDO 2017.04

Dear Executive Director Goldzband,

We are proud members of Westpoint Harbor, where we have lived aboard our sailboat, "Legacy" and been active members of the Westpoint Harbor community since 2011.

Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Instead Westpoint Harbor is being unjustly targeted by the BCDC Enforcement Committee. The Enforcement Committee hearing held on November 16, 2017, which Louis attended, more closely resembled a Salem witch trial than a hearing which afforded the "fair and objective consideration of all information" guaranteed by the BCDC. Members of the public were given 90 seconds each to make a statement and Mark Sanders, the defendant, was given all of three minutes to tell his 30 year story of Westpoint Harbor and his advocacy for the San Francisco Bay. Afterwards, the committee approved all their own staff recommendations in a fashion clearly demonstrating that they had made up their mind before the hearing had started.

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Best Regards,

Louis Adamo & Karen Gitter

"Legacy"

[louis@hi-techaudio.com](mailto:louis@hi-techaudio.com)

[sail.legacy@gmail.com](mailto:sail.legacy@gmail.com)

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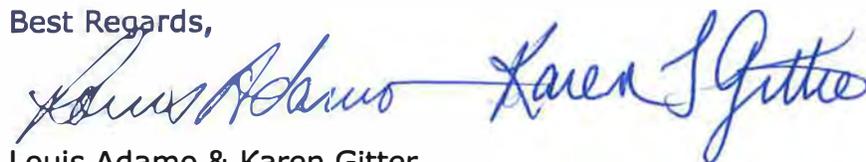
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Handwritten signatures of Louis Adamo and Karen Gitter in blue ink. The signature for Louis Adamo is on the left and for Karen Gitter is on the right, both written in a cursive style.

Louis Adamo & Karen Gitter

"Legacy"

December 20, 2017

TO: R/ Zachary Wasserman, BCDC Commission Chair  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607

COPIES TO: ALL BCDC Commissioners: Halsted, Addiego, Ajami, Arce, Bottoms, Brush, Butt, Chan, Chappell, Cohen, Connolly, Cortese, Cutter, Eckerle, Finn, Galacatos, Gibbs, Gilmore, Gioia, Clover, Gorin, Groom, Hillmer, Jahns, Kim, Lucchesi, McElhinney, McGrath, Nelson, Pemberton, Peskin, Pine, Rabbitt, Ramos, Ranchod, Randolph, Sartipi, Scharff, Sears, Showalter, Spering, Techel, Vasquez, Wagenknecht, Ziegler, Zwissler.

RE: Westpoint Harbor Proposed Order CDO 2017.04 Westpoint Harbor, Redwood City, Ca

Dear Chairman Wasserman and Commissioners:

I am writing in response to the Violation Report ER 2010.013 and Proposed Order CDO 2017.04 regarding Westpoint Harbor (WPH) in Redwood City and Mark Sanders. I currently live in Southern California but grew up in the Bay Area, Redwood City specifically, and have many years of memories sailing on the Bay and playing along the shorelines (polluted as they were back then).

Over the past decades I have watched Mark Sanders single-handedly forge his dream of an environmentally proactive marina that provided top notch facilities for boats, bird watchers, and water lovers of all kinds. His motivation? Not riches, not fame, but the simple dream of creating something beautiful, viable and healthy out of what was previously a dead and poisoned mud flat.

It is a well known fact that prior to WPH, the South Bay was slowly dying. Derelict boats were anchored and abandon at the southern marshes, oil slicks floated by, and bay mud continued to infiltrate the estuaries and waterways further choking the life out what was left.

Since WPH, abandon craft and debris is no longer an eyesore. The environment, on both land and water, team with life and vibrancy again. Wildlife is not only protected but even thriving.

How can it be that your organization rooted in the preservation and rehabilitation of our coastal habitats is not rallying around WPH. Why BCDC is not standing by their own Mission Statement and working in unison to support what has been hailed as one of the most esteemed and environmentally green marina's in the country

To that end. I would like to address some of the particular items that BCDC has brought up in their Violation Allegations and subsequent CDO. Specifically, the Public Access Complaints and the Environmental Protections.

## 1. Public Access Complaints

**A. BCDC Allegation:** Failure to make 15 signed public parking spaces. 2008-2017. *Fine.*

**A1. Truth:** 15 signed, parking spaces were installed and marked several years prior to the boat launch also being completed in 2017.

1. New Allegation: public parking spaces must be marked by poles.

1a. WPH: this new allegation goes against instructions to minimize signs and posts, violates DBW, San Mateo County, ADA and State Building Codes. Moreover, poles render some spaces useless as the ability to drive-through would be prevented by the posts themselves at the boat launch.

How is it that this violation is singularly applied to WPH, and not Pacific Shores Center? Again, we are forced to question the singular assault on WPH and note the subjectivity of the violations themselves.

**B. BCDC Allegation:** delay in opening public access. *Fine.*

**B1. Truth:** The delay in opening public access was mandated by the City of Redwood City as the public areas were not yet safe to open to the public due to construction, utilities being installed, and grading activity. This mandate came directly from the City of Redwood City, not WPH, and was provided, in writing, to BCDC on several occasions from the Redwood City itself. Redwood City was lead agency on this project and WPH insurance supported their position on closure. Redwood City inspected the project regularly. What would you have done? Would you have DEFIED Redwood City and risked insurance coverage?

**C. BCDC Allegation:** Public Restrooms not accessible or signed. *Fine.*

**C1. Truth:** This verbiage of this allegation has been changed by the BCDC at least 4 times; ironically, each “adjustment” to the verbiage occurred following an act of compliance by WPH.

1. 2011 Allegation #1: “restrooms were locked and not signed”. *Fine.*

1a. WPH Compliance: A mistake was made by BCDC as they tried to open doors that were in fact laundry room facilities. This mistake was witnessed by several WPH boaters. The correct location was clearly marked with ADA signs and the location is also shown on every DRB, Commission and Construction plan. Had they gone to the right location, they would have found the restrooms were indeed unlocked and met all public signage requirements.

2. Allegation change #2: “restrooms don’t have approved BCDC signs”. *Fine.*

2a. WPH Compliance: responds that signs are ADA compliant and also meet construction drawings.

3. Allegation change #3: “restrooms are not open 24hrs per day in violation of public access requirements”. *Fine.*

3a. WPH compliance: Result... vandalism and public safety concerns. As a result, BCDC staff allowed fobs for restrooms as long as there was signage explaining the key was available in the office.

4. Allegation change #4: 5 years later... (2017), BCDC staff Zeppetello decides “restrooms should be open at all time” and that **previous BCDC letters on this issue were invalid!** *Fine.*

4a. WPH Compliance: refer to letters of complaint from WPH members regarding safety considerations and vandalism when restrooms were indeed left open at all times.

5. Allegation change #5: one month later, Zeppetello changed his allegation to “restrooms to remain open during daylight hours with BDCD approved signs”. *Fine.*

5a. WPH Compliance: WPH changed the signs ... again.

6. Allegation change #6: Unbelievably, the BCDC changed their rules yet again stating all “hours of operation” signs must be removed. *Fine.*

6a. WPH response: Once again, puts visitors and members at risk due to vagrancy and vandalism, but also presents a scenario in which guests might be left in the harbor after closure.

This is absolute insanity! Yet, is these ever changing “Signage Guidelines” that serve as justification for BCDC’s continued assault on WPH with permit violations, monumental fines and threats to Cease and Desist.

## **2. Environmental Protections**

**A. BCDC Allegation:** violation report (p18), “ On September 2011, BCDC’s Bay Design Analyst (BDA) said in an email to Sanders that the line of Monterey Cypress and Poplar trees planted along the shoreline edge were not envisioned in the DRB (Design Review Board) drawing submittals and present a problem for wildlife in the Refuge become the trees will serve a s perch for raptors that can pre on listed species”. The BCDC Cease and Desist Order requires these mature trees be CUT DOWN & REMOVED and \$30,000 fine for failing to comply. *Fine.*

**A1. Truth:** Monterey Cypress, Weeping Willow and Poplar trees were planted along the northwest edge of the marina years ago for several reasons and with approval:

1. WPH’s CEQA (the environmental quality process for the marina) provided measures intended to protect endangered species along the waterfront. It REQUIRED the marina to mimic the shoreline treatment and plant palette of the Pacific Shore Center (PSC). It also identified trees which DO NOT provide habitat for avian predators. These trees include Monterey Cypress, Weeping Willow, Palm, Cajuput, & Poplar.

2. These trees were on the landscaping plans that were APPROVED by BCDC and were consistent with the goal of landscaping on the Bay Trail having a consistent look and feel between WPH & PSC.

3, How does a By Design Analyst (BDA) who did not even attend the DRB meeting, decide 10yrs later that previously approved plans were “not envisioned by the Design Review Board (DRB)?

4. In 2014, shortly before the BDA left the BCDC, she “agreed” with the landscape architect (Kevin Stevens), that he trees should remain, as Kevin Stevens Design Group has confirmed “in writing”.

So BCDC BDA (Ellen Miromontes) first initiated the removal of the trees, and then later recanted that and agreed with the Kevin Stevens that he trees should remain. This confirmation is in **WRITTING**, how can this still be an allegation!!!

BCDC approved the landscape plans at WPH and they comply with CEQA requirements. BCDC approved the same landscape palette at PSC. BCDC staffer later agrees that “trees should remain”. How are these “approved” trees suddenly the source of a BCDC Violation, subsequent fine and further rationale for a Cease & Desist order?

Not only do these mature trees provide windbreaks, shade and shelter for nesting birds, they are essential for a positive shoreline experience. Again, we can't help but notice that PSC has identical trees along its shoreline. Why isn't PSC required to cut down its trees?

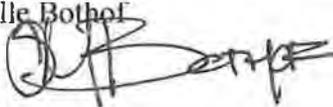
In conclusion, I find myself dumbfounded trying to understand the logic of these arbitrary, ever changing and singularly aggressive alleged violations. The only consistency is the growing fines that, despite being based on erroneous or contradictory allegations, continue to increase, with no fixed sum assigned to a particular infraction. In fact, the value of the fine seems to be subjective as the allegations themselves.

BCDC was conceived with the idea of protecting, preserving and re-vitalizing our precious waterways and shorelines. Westpoint slough was a virtual wasteland before Mark Sanders slowly brought it back to the vital water way it is today. It took over two decades of work to meet the rigorous standards of over 15 organizations. ALL of which WPH is in compliance with... “except” BCDC.

Westpoint Harbor is an impossible vision that came to fruition using zero tax dollars, no public contributions and no backing by big developers with bottom-line profits in mind. It has continued to be recognized as a leader in green marinas and an example of how conscious development can lead to a symbiotic relationship between man and nature. This is person who has tried to do the right thing on every level.

It is my great hope that the BCDC will look, as WPH does, towards the mutual goal of a project that is monumentally beneficial to both the environment and the community.

Sincerely,  
Michelle Bothof



**Douglas A Gray and Kathleen J Gray  
S/V Summeray, Slip B-20, Westpoint Harbor  
101 Westpoint Harbor Drive  
Redwood City, CA 94063**

December 19, 2017

Dear Commissioner McGrath,

I'm a proud member of Westpoint Harbor, where I have had a boat since September of 2009. We have owned a sailing vessel for more than 30 years and have experienced various marinas in the San Francisco Bay Area, San Diego, and Hawaii. Westpoint Harbor clearly stands out among the best we have experienced in terms of its interests for the environment, access to the Bay and for providing a pleasant environment for week-end sailors and live-a-boards alike.

Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Instead Westpoint Harbor is being unjustly targeted by the BCDC Enforcement Committee.

As a commissioner, we ask that you review this case closely, which is at a critical juncture. On January 18, 2018 you and the rest of the commission will vote on a cease and desist order. I ask that you vote against the cease and desist or at the very least delay the vote until you have had a chance to learn more about Westpoint Harbor and the facts.

We invite you to visit Westpoint Harbor and we know you too will be impressed and understand the value it is providing to the entire Bay. When you visit you'll see:

- A shimmering marina teeming with wildlife, which only 30 years ago was an industrial waste site. By far the cleanest, safest marina in the Bay
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Westpoint Harbor is a tribute to the Bay, recognized as one of the most advanced, innovative, environmentally friendly and public amenity in the best sense of the word. BCDC should foster and support it rather than destroy it.

Many citizens have been galvanized by Westpoint Harbor's struggle with BCDC and are truly at a loss as to why BCDC's enforcement office is so doggedly coming after Westpoint -- it defies logic, especially since Westpoint Harbor is the living example of the BCDC's charter:

"protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations."

Again, we ask that you vote against the cease and desist order against Westpoint Harbor on January 18, 2018.

Thank you for your consideration and your service.

Sincerely yours,



Douglas A Gray



Kathleen J. Gray

Redwood City, December 17, 2017

Dear Commissioner McGrath,

I'm a proud member of Westpoint Harbor, where we decided to put our boat this summer after looking at basically every existing harbor in the Bay Area. We found that Westpoint Harbor sets the highest standard for marinas in the Bay Area and should therefore be lauded as an example for thoughtful and effective enhancement of the Bay. Instead Westpoint Harbor is being targeted by the BCDC Enforcement Committee unjustly.

As a commissioner, I ask that you re-review this case in detail, which is at a critical juncture. On January 18, 2018 you and the rest of the commission will vote on a cease and desist order. I strongly ask that you vote against the cease and desist or at the very least delay the vote until you have had a chance to learn more about Westpoint Harbor and the facts in person and at the location.

I attended the hearing in San Francisco on November 16, 2017 and had the strong feeling that the commissioners have not seen (that means visited) the harbor recently. Therefore I strongly suggest that you come and visit Westpoint Harbor in order to make decisions that reflect the actual state of affairs and based on facts. I am certain that you will be impressed and understand the value this harbor is providing to the entire Bay as well as to us boaters, visitors and the general public we see visiting on a regular basis. When YOU visit you'll see:

- An extremely clean marina teeming with wildlife, which only 30 years ago was an industrial waste site. After having visited so many other marinas we are certain that this by far is the cleanest, safest marina in the Bay
- Bay Area residents enjoying direct access to a mile of new walking trails, kayaking, rowing, sailing, canoeing and stand-up paddle boarding
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Westpoint Harbor is a tribute to the Bay, recognized as one of the most advanced, innovative, environmentally friendly and public amenity in the best sense of the

word. Every visitor we had come to see us on our boat did confirm that. BCDC should absolutely foster and support it rather than destroy it.

I was also very irritated during that hearing to learn that BCDC does rather try to follow its rules and regulations by the word instead of recognizing that some of those defy logic/common sense, other experts' advice (like the posts for public parking) and/or against other agencies (like the Coast Guards) regulations. How can one entity try to enforce fines for its rules when there are other entities clearly saying that those rules are not to be implemented? You clearly lost me there.

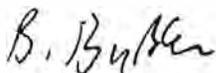
As many citizens have been galvanized by Westpoint Harbor's struggle with BCDC I am truly at a loss as to why BCDC's enforcement office is so doggedly coming after Westpoint -- it defies logic, especially since Westpoint is the living example of the BCDC's charter which is: "Protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations."

As a mother and sailor I have been thrilled to see youth organizations come to our harbor to take the next generation of Bay Area kids out on the Bay – for most their first experience ever on a sailboat. This is just one example. Don't underestimate what effect experiences like that have and think about those as well, as sometimes I can't help it but find that shore birds seem to have a louder voice than our youth, meaning future generations. Not that shore birds don't deserve that loud voice, but I haven't heard one lawyer stand up for those kids and organizations.

Again, I ask that you vote against the cease and desist against Westpoint Harbor on January 18, 2018.

Thank you very much for your consideration and your service.

Respectfully,



Barbara Bussler  
Adventurer - G14

December 18, 2017

Dear Commissioner,

I'm a proud member of Westpoint Harbor, where I have had my boat since July 2014. Before bringing the boat to Westpoint Harbor, I spent several months searching for marina which sets the standard for environment, conservation, cleanness and overall 'feeling good' atmosphere. Westpoint Harbor was my choice and a perfect example of thoughtful and effective enhancement of the Bay.

As a commissioner, I ask that you review this case closely, which is at a critical juncture. On January 18, 2018 you and the rest of the commission will vote on a cease and desist order. I ask that you vote against the cease and desist or at the very least delay the vote until you have had a chance to learn more about Westpoint Harbor and the facts.

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Best,



Steven Seamount  
3 Mandalay Ct Ca. 94065  
Redwood City

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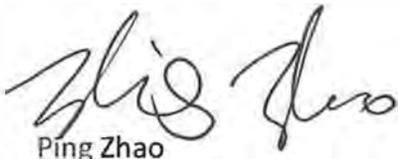
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Best,

A handwritten signature in black ink, appearing to read "Ping Zhao". The signature is fluid and cursive, with the first name "Ping" being more prominent and the last name "Zhao" following in a similar style.

Ping Zhao

[zpzhao@aol.com](mailto:zpzhao@aol.com)

917 359 2410

Dear Commissioner Geoffrey Gibbs,

I'm a proud member of Westpoint Harbor, where I have had my boat docked since 2011.

Having visited many marinas in the US and in other places in the world. It is my opinion that Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Instead, it is my opinion that that Westpoint Harbor is being targeted by the BCDC Enforcement Committee unjustly.

As a commissioner, I politely and respectfully ask that you review this case closely, which is at a critical juncture. On January 18, 2018 you and the rest of the commission will vote on a cease and desist order. I politely and respectfully ask that you vote against the cease and desist or at the very least delay the vote until you have had a chance to learn more about Westpoint Harbor and the facts.

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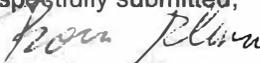
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Thank you for your consideration and your service.

Respectfully submitted,

 Dec 19, 2017  
Boris Polman MD

S/V Blacktie, 1529 Seaport, Slip B-24  
Redwood City, CA 94063

December 18, 2017

Dear Commissioner Anne Halsted,

I'm a proud member of Westpoint Harbor, where I have had a boat since 2010. Westpoint Harbor sets the standard for marinas in the Bay Area and should be lauded as an example for thoughtful and effective enhancement of the Bay. Instead Westpoint Harbor is being targeted by the BCDC Enforcement Committee unjustly.

As a commissioner, I ask that you review this case closely, which is at a critical juncture. On January 18, 2018 you and the rest of the commission will vote on a cease and desist order. I ask that you vote against the cease and desist or at the very least delay the vote until you have had a chance to learn more about Westpoint Harbor and the facts.

I invite you to visit Westpoint Harbor and I know you too will be impressed and understand the value it is providing to the entire Bay. When you visit you'll see:

- A shimmering marina teeming with wildlife, which only 30 years ago was industrial waste site. By far the cleanest, safest marina in the Bay
- Bay Area residents enjoying direct access to a mile of new walking trails, kayaking, rowing, sailing, canoeing and stand-up paddleboarding
- A thriving small business community where those whose businesses serve the boating public and are flourishing and growing their businesses

Westpoint Harbor is a tribute to the Bay, recognized as one of the most advanced, innovative, environmentally friendly and public amenity in the best sense of the word. BCDC should foster and support it rather than destroy it.

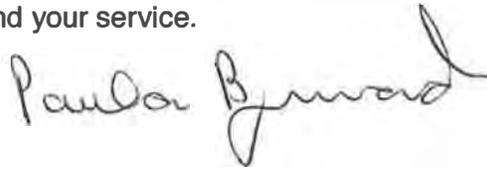
Many citizens have been galvanized by Westpoint Harbor's struggle with BCDC and are truly at a loss as to why BCDC's enforcement office is so doggedly coming after Westpoint -- it defies logic, especially since Westpoint is the living example of the BCDC's charter:

“protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations.”

Again, we ask that you vote against the cease and desist against Westpoint Harbor on January 18, 2018.

Thank you for your consideration and your service.

Best,



Terry Pickles – Cell 540-274-9238

Paula Bozinovich - Cell 408-425-6442

Owner of NaMara, Slip B24 at Westpoint Harbor



John A. Sanders  
17 Admiralty Place  
Redwood City, CA 94065

Dec. 18, 2017

Geoffrey Gibbs  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Dear Commissioner Gibbs,

I have been boating in California more than 50 years, and in San Francisco Bay for the past 27 years. On November 16, 2017, I attended a public hearing where Westpoint Harbor attempted to defend itself against 37 violations levied by the San Francisco Bay Conservation and Development Commission (BCDC).

I was appalled that public comments were limited to 90 seconds per speaker for allegations that staff accumulated over 6 years. It was evident that the Enforcement Committee did not read the 100+ letters that were sent to the committee prior to the meeting. The committee also refused to answer questions asked by the public speakers in support of Westpoint Harbor. Worse, the committee obviously did not read the Statement of Defense.

Of interest, there were several environmentalists who spoke against the marina, and how Westpoint Harbor is polluting the bay and endangering Bay wildlife. Each brought out the same "talking points" in their statements. When questioned after the meeting, it was learned that none had ever visited Westpoint Harbor, and we were told that their statements were provided to them. Regarding the pollution: Stanford University holds the swimming portion of their annual Treetathlon in Westpoint Harbor waters because it tests cleaner than the Bay itself. I have never seen a cleaner harbor.

It is clear BCDC staff has a vendetta against Westpoint Harbor. Most of the violations are without merit and pure extortion to maximize fines. For example, considering this *IS* a marina, why is it a violation for the Redwood City Fire, police boats, or "any public agency" to moor their boats in Westpoint Harbor? Another example would be the violation: "Unauthorized parking of a Redwood City fire truck in Westpoint public access parking."

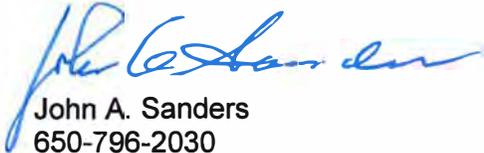
I will not go further into how ludicrous many of the violations are, or how they directly conflict with Coast Guard regulations and common practices within the maritime industry. I would only ask that one or more commissioners visit Westpoint Harbor, and compare it to any other harbor in San Francisco Bay. It will be clear why Westpoint Harbor is considered the finest, most environmentally thoughtful Marina in the Bay.

Taking the small amount of time to visit Westpoint Harbor to study the facts of this case may help to save a fine marina—one that has done much to save boating in the South Bay—and reveal the truth.

In this action, BCDC Staff, and the Enforcement Committee is a perfect example of corrupt government overreach. They exhibit little knowledge of maritime law or the marine industry, or how high-quality marinas operate. Many of the allegations against Westpoint Harbor are for practices common throughout the marine industry. Following many BCDC demands would put Westpoint Harbor in violation of U.S. Coast Guard, Department of Boating and Waterways, US Fish and Wildlife, and Redwood City regulations.

There many truly serious environmental violations throughout the Bay, and I find it amazing that Westpoint Harbor is singled out for such a massive enforcement action. I would hope that the Commissioners carefully study the facts put forth by the Statement of Defense; the public comments and letters; and help to restore the badly tarnished reputation of the BCDC, and put it back on the right course.

Thank you,  
Sincerely,



John A. Sanders  
650-796-2030

EVENT HORIZON

Paul Kettle  
1529 Seaport Blvd  
Redwood City, CA 94063  
617.437.1299

December 17, 2017

Jim McGrath  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Dear Commissioner McGrath,

The San Francisco Bay Conservation and Development Commission (BCDC) was once held in high regard and served a valuable purpose. However, actions by the BCDC staff have me and many others questioning the merits of the agency you oversee. I am particularly concerned with BCDC's attempt to unjustly close Westpoint Harbor in Redwood City.

I recognize it is not practical to review the mountain of paper before you. In this situation, the principle of Occam's razor applies "All things being equal, the simplest solution tends to be the best one." The case against Westpoint Harbor makes little sense, it is too contrived, far-reaching and not well articulated.

BCDC has spent significant resources in their pursuit of Westpoint Harbor, and have little tangible evidence to justify their effort, not to mention the litany of contradictions within the paperwork before you. BCDC staffers are now backed into a corner as they try to justify the resources they have already spent. These are sunk costs, and we need to move on.

I attended the public hearing of the BCDC Enforcement Committee as BCDC staff brought its enforcement action against the harbor alleging 37 violations of permit conditions. BCDC seeks significant changes to the harbor, a cease-and-desist order against the marina, and penalties of \$534,000. I observed the staff and committee struggling for five minutes to divide \$534,000 by 2. This just exemplified the creative math and the made-up number as BCDC attempts to recoup their sunk costs.

One must question the moral compass of an organization when they serve a cease-and-desist order to justify the resources they have already wasted.

Thank you for your attention to this grave matter. I ask that you remember Occam's principle during your deliberation. Westpoint Harbor is an exemplary contribution to the Bay Area, none of these allegations makes any sense. Machiavellianism should not define the core principles and values of BCDC.

Sincerely,



Paul Kettle



Sonya Boggs - PO Box 6918 - Redwood City, CA 94063 - 617.314.0895 - sboggs@gmail.com

December 17, 2017

Geoffrey Gibbs  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Dear Commissioner Gibbs,

I have always held the San Francisco Bay Conservation and Development Commission (BCDC) in high regard, until recently. Now, the agency you represent is trying to close Westpoint Harbor unjustly.

On November 16, 2017, Westpoint Harbor appeared at a public hearing to defend itself against 37 violations of permit conditions. It was evident that the Enforcement Committee chose not to read the Statement of Defense or the public's letters (100+) in support of Westpoint Harbor, nor did they respond to any questions from speakers on allegations that are invalid. Instead, the Enforcement Committee rubberstamped all staff recommendations. The "fair and objective consideration of all information" guaranteed by BCDC was over in a flash, and the fate of Westpoint Harbor is now in doubt. BCDC seeks significant and damaging changes to the harbor, a cease-and-desist order against the marina, and penalties of \$534,000.

Based on what I have personally witnessed, the allegations are false and the penalties are arbitrarily derived.

Westpoint Harbor is a tribute to the Bay, has significantly raised the standard for marinas in the Bay Area, and is where I have been honored to keep a boat since 2011. Senator Feinstein, who has a long history of protecting the Bay and encouraging its enlightened use, wrote a Letter of Commendation to Westpoint Harbor in 2009.

Many citizens—boaters and non-boaters—have been shocked by BCDC staff's targeting of Westpoint Harbor. It defies logic because Westpoint is the living example of the BCDC charter: "protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations."

As a commissioner, I ask that you review this case carefully, which is at a critical juncture. On January 18, 2018, you and the rest of the commission will vote on a cease-and-desist order. I ask that you vote against the pending cease-and-desist order. No other agency that regulates Westpoint Harbor has raised a single concern, and many have come to the defense of Westpoint Harbor.

I recognize that you are often faced with mountains of documents to review, so I encourage you to visit Westpoint Harbor where I know you too will be impressed by its contribution to The Bay. You will see renewed wild-life and a beautiful marina where there was once an industrial waste site, and you will witness Bay Area residents enjoying direct access to The Bay, including a new mile of Bay Trail.

Thank you for your attention towards this grave matter.

Sincerely,

  
Sonya Boggs

December 15, 2017

TO: R. Zachary Wasserman, BCDC Commission Chair

1111 Broadway, 24<sup>th</sup> Floor

Oakland, CA 94607

COPIES TO: All BCDC Commissioners: Halsted, Addiego, Ajami, Arce, Bottoms, Brush, Butt, Chan, Chappell, Cohen, Connolly, Cortese, Cutter, Eckerle, Finn, Galacatos, Gibbs, Gilmore, Gioia, Glover, Gorin, Groom, Hillmer, Jahns, Kim, Lucchesi, McElhinney, McGrath, Nelson, Pemberton, Peskin, Pine, Rabbitt, Ramos, Ranchod, Randolph, Sartipi, Scharff, Sears, Showalter, Spering, Techel, Vasquez, Wagenknecht, Ziegler, Zwissler

RE: Westpoint Harbor Proposed Order CDO 2017.04 Westpoint Harbor, Redwood City, CA

Dear Chairman Wasserman:

I write to address Violation Report ER 2010.013 and Proposed Order CDO 2017.04 regarding Westpoint Harbor (WPH) in Redwood City and Mark Sanders. I am Mark Sanders' wife of 30 years. I am not a WPH owner or co-owner. I do not participate in day-to-day operations of the harbor. However, as Mark's wife I have been a first-hand witness to the development of Westpoint Harbor including:

- Permitting process with numerous agencies: Redwood City as lead agency, Div. of Boating and Waterways, Army Corps of Engineers, San Mateo County, Regional Water Quality Control Board, US Coast Guard, Dept. of Fish and Wildlife, NOAA, BCDC, Port of Redwood City and others.
- Site preparation for the project including wicking, excavation and material treatment for this former bittern pond, recycling of materials for uplands development, breaching the levee, and ultimately creation of a marina basin and 26 acres of new Bay surface.
- Phased site construction (Phases 1A, 1B, 2 and 3; phases 1B, 2 and 3 remain incomplete): harbormaster building, boat docks (the last completed in 2016), utilities, parking areas, boat launch (opened 2017), paths and other items.
- Innumerable communications with BCDC since August 2003 permit: letters, designs and plans, emails, documents, discussions and summaries of phone conversations and meetings with BCDC, some of which I attended. Audio recordings and transcriptions of meetings are available.

As a commissioner about to vote on BCDC staff's proposed order, it is imperative that you know the history of this project and have an accurate account of events. My concern is that the only input you have re. WPH and Mark Sanders is via BCDC staff reports. Having only that perspective is restrictive and dangerous. You, as a commissioner, are responsible and accountable for the final disposition of this

matter. The buck stops with you, not with staff. The staff works on your behalf –not the other way around. I shall try to tell you the facts as I know them and my first-hand experiences. The history of WPH's permit development and implementation spans 15 years, and it did not start well.

## **ORIGINAL PERMIT**

In the summer of 2003, then-BCDC Director Will Travis and staff met with Mark Sanders re. the design and plans for WPH. A mutually agreeable permit was drawn up and presented to BCDC Commission for approval in August, 2003. Attendance and public support at that meeting was one of the largest in commission history to that date, and commission members were united in their enthusiastic response. With no advance notice, Will Travis postponed the vote until a meeting 2 weeks later, saying a few errors needed correction. The short errata sheet anticipated by the commission and WPH was in fact a complete permit rewrite, and was not shared with Mark until the night before the meeting. The original permit application (only version commission was able to read in full) was materially altered. The altered permit included expanded "taking" of elements of the project, re-designation of jurisdictions, and new conditions which were in some case impossible or even illegal. BCDC staff who wrote it had essentially no expertise or experience in marina design, operation or management. Illustrations presented with the permit had been modified and no longer matched permit language. Mark subsequently learned his architect had been contacted by BCDC staff and told to modify drawings without his knowledge. In the hour prior to the second meeting, Bob Batha, BCDC staffer, told Mark, Kent Mitchell (attorney) and me that Mark must accept all changes and new conditions or staff would withdraw their recommendation for commission approval. In the meeting room Travis noted that if the altered permit was not signed as is, the entire process would go back to the start. Mark, Kent Mitchell and I witnessed these exchanges. The actual commission meeting is recorded and transcribed. The **TRAGEDY** is that the original permit application contained no errors, omissions, misinterpretations, or conflicts and was replaced by a permit with more than three dozen significant problems, many of which remain today. Vague language, errors, and impossible-to-implement conditions in that altered permit led to **YEARS** of deliberations, negotiations, clarification attempts and finally allegations and fines.

## **AMENDMENT 5**

In 2011, current BCDC staff alleged violations against Westpoint Harbor. Virtually all of these allegations were associated with 2003 permit errors created by BCDC staff in the hastily-drawn permit version 2: omissions, misstatements, inaccurate terminology, misinterpretation of timelines and phased project, permit conflicts with other permits or agencies (Coast Guard, Redwood City, NOAA, Dept. of Boating & Waterways) and illegal requirements. From 2011-2014 Mark and the late Doug Aikens, attorney, worked in good faith with BCDC staff to correct permit errors and clear the allegations. These meetings are recorded and transcribed. BCDC staff is on record saying that errors were made and they did not understand aspects of the project. All but two errors were corrected prior to the last draft of Amendment 5. Mark was hopeful that a workable, compliant document could be implemented. But when the final version of Amendment 5 arrived it was fully executed by staff, did not reflect all of the verbally agreed-upon permit corrections and contained NEW conditions which had not been agreed upon in the meetings and/or could not be implemented. In addition, staff said fines for all allegations were due

from the time the allegations were made until shown to be INVALID! Only after Amendment 5 was signed and all fines were paid—including those related to permit errors—would Mark be allowed to appeal them to the commission. HUNDREDS of hours had been spent revising Amendment 5; Mark and Doug Aiken had fully drafted two versions themselves. Agreement was supposedly reached and then “surprise” changes were again inserted and required. Mark has been painted as the uncooperative permittee who agreed to sign the amendment and then reneged. This is not accurate; the recordings of the meetings show otherwise. The **TRAGEDY** is that trust and respect were eroded, underlying motives came into question, and it became hard to move forward in a healthy and productive manner.

### **FAIRNESS, CONSISTENCY, JURISDICTION, BUSINESS PRACTICES**

When the original EIR was completed and BCDC permit issued, instructions were given re. WPH plan design and implementation. One example: Pacific Shores Center (PSC) is adjacent to WPH and also has BCDC permit requirements. WPH was required to duplicate the look and feel of the shoreline treatment and landscape palette of PSC by CEQA. This was clear and carried out in accordance with the landscape plan approved by BCDC in 2006, however Ellen Miramontes, a returning BCDC landscape architect, later decided to redesign the plan. Over a year was spent trying to reconcile her desires with CEQA mitigation measures and other permits in place. How is the identical landscaping apropos at PSC but inappropriate at WPH? Specific trees at PSC had been specified by CEQA measures *to prevent* predator roosting. BCDC ordered the identical trees removed at WPH as *providing* predator roosting. WPH’s landscape architect finally left in protest and will confirm this. Second example: Both PSC and WPH require signed public parking spaces. PSC painted the signs on the asphalt, minimizing raptor roost in accordance with the EIR. BCDC has not required PSC to do otherwise. WPH did the same, yet BCDC staff demanded signs on posts for WPH 9 years later based on its advisory Sign Guidelines which didn’t even exist at the time of permit approval. BCDC staff disregarded feedback re. possible predator roosting including a Dec. 2017 letter from Fish and Wildlife Services and cited WPH for a violation. The **TRAGEDY** here has to do with the principle of fairness and possible harassment. It is unfair to apply one standard for one permittee and another for the permittee next door—equally unfair to initially apply one standard and then rescind/revise it when the original standard, specified in the permit, was met.

BCDC has jurisdiction within 100 feet of the water as shown on all permit drawings. BCDC also has input re. required public access and appropriate uses in accordance with the business on site. There have been many examples of seemingly arbitrary BCDC requirements and demands which interfere with business practices and/or endanger public safety at the marina. One violation cites WPH for allowing the Redwood City Fire and Police boats to be moored on the guest dock. This was requested by the fire and police departments for rapid response, without endangering surrounding vessels. Visiting boats still have plenty of room at the guest dock. The BCDC edict that gates onto the docks and tenant restrooms and showers be left open and unlocked 24 hours a day/7 days a week (rather than sunrise-to-sunset) would be ludicrous were it not so dangerous. It is contra to safety and security measures in virtually all other marinas. This is not only an issue for WPH members but also visitors from the community-- encountering unclean and unsafe conditions will **DETER, NOT ENCOURAGE** public access and enjoyment of the shoreline. A survey of surrounding marinas, including public marinas (Alameda, San Francisco,

Oakland) substantiates the need for and use of locked gates, controlled access to restrooms, and reasonable security. Insurers of marinas are adamant on this issue.

Mark has been told by Adrienne Klein, BCDC enforcement officer, that any improvement or change at WPH whose cost exceeds \$20 must be approved by BCDC. It is difficult to imagine a more crippling administrative requirement that could be imposed on a business. This far exceeds normal jurisdictional oversight and interferes with normal business practices. If the double standard and retroactive demands described above do not constitute harassment, this latter requirement certainly does. The permit in effect does not give BCDC the right to dictate these requirements throughout the marina site, limit uses compatible with normal marina operations, or impede normal business practices.

### **IN CONCLUSION,**

If you read through WPH's Statement of Defense, you will see that Mark has consistently responded quickly to BCDC communications. He has complied with permit requirements and its intentions to the fullest extent possible but has often needed to clarify maritime law (e.g., no buoys in the middle of navigable channels), marina safety issues (e.g., no swimming in marina-electrocution danger) and contradictory permit requirements from other agencies (e.g., restricted public access in construction areas confirmed by Redwood City multiple times). NOTE: No other permitting agency has filed any complaints against WPH. He has responded to all BCDC communications, hand-delivered plans (and re-submitted when staff were unable to locate), made requests but heard NOTHING in reply for months or, in one instance, been told BCDC staff did not have personnel to review designs and go ahead "at his own risk", negotiated in good faith, and tried to solve problems. He is not a person/permittee who ignored the protocols and requirements. He tried to facilitate the process, not impede it. But something is very wrong when one of the most awarded marinas in the state is a primary target of BCDC enforcement staff. The history of this relationship has been fraught with difficulty and conflict, culminating in this threatened enforcement action. Questions of fairness, harassment, due process and appropriate jurisdiction have to be raised. You, as voting commissioners, need to know this and have an expanded overview of this regrettable situation. Perhaps an outside, independent party who is familiar with recreational boating, admiralty/maritime law and marina technology, could without bias independently review and facilitate a fair resolution. This party could continue to facilitate future interactions (oversight function). If the goal is to move forward for the benefit of the public and the shoreline, this is one way. If the goal is otherwise, it is a moot point. And that, in itself, would be the biggest TRAGEDY of all.

Respectfully submitted,



Maureen O'Connor Sanders

Additional copies: D. Feinstein, K. Harris, J. Speiers, A. Eshoo, K. Mullin, J. Hill, J. Brown, G. Newsom, S. Pena-RWC Spectrum

**Subject:** Westpoint Harbor Proposed Order No. CDO 2017.04  
**Date:** Friday, November 24, 2017 at 6:41:40 PM Pacific Standard Time  
**From:** David Cooper  
**To:** Zeppetello, Marc@BCDC  
**CC:** ReceptionDesk@BCDC

Dear Mr. Zeppetello,

I'd like to respectfully voice my concern about the BCDC's complaint and fines against West Point Harbor and it's owner (s). I have read only part of the complaint and that was enough to convince me that the BCDC is abusing it's authority. It's obvious to me that particular complaints have been multiplied in to several complaints to increase the amount of fines levied against West Point Harbor. A half million dollars of fines!

I was a tenant of West Point Harbor for several years. I found it to be a clean, well equipped and well run, and safe marina. I have been boating in the San Francisco Bay and Delta for over 40 years and West Point Harbor is by far the best marina that I have seen.

I appreciate the difficult job that the BCDC has and am glad that there is such an organization to protect the bay and marsh lands. But, when I see an obvious abuse of government power it scares me. Please do the right thing and reconsider the size and scope of the complaint against West Point Harbor.

Sincerely,

David R. Cooper

**Subject:** Summary of BCDC Enforcement Committee Meeting on November 16, 2017

**Date:** Friday, January 5, 2018 at 2:07:53 PM Pacific Standard Time

**From:** Zeppetello, Marc@BCDC

---

**From:** "Lowe, Dennis" <dennis.lowe@lmco.com>

**Date:** Tuesday, November 21, 2017 at 12:03 PM

**To:** "ReceptionDesk@BCDC" <reception@bcdca.gov>

**Cc:** "Klein, Adrienne@BCDC" <adrienne.klein@bcdca.gov>

**Subject:** RE: Summary of BCDC Enforcement Committee Meeting on November 16, 2017

TOTAL BULLSHIT. BCDC is a bunch of Pirates!!!!!!!!!!!!!! The only people you represent is yourselfs!!!!

---

**From:** ReceptionDesk@BCDC [mailto:reception@bcdca.gov]

**Sent:** Tuesday, November 21, 2017 11:49 AM

**Cc:** Klein, Adrienne@BCDC <adrienne.klein@bcdca.gov>

**Subject:** EXTERNAL: Summary of BCDC Enforcement Committee Meeting on November 16, 2017

Enforcement Committee Members, Interested Parties, and Staff:

Five members of the Enforcement Committee attended the November 16, 2017, BCDC Enforcement Committee meeting, which was held at 455 Golden Gate Avenue in San Francisco.

Following a public hearing, the Committee adopted, with modifications, by a vote of 5-0, the Executive Director's Recommended Enforcement Decision, including proposed Cease and Desist and Civil Penalty Order No. CDO 2017.04, that would be issued by the Commission for alleged violations of BCDC Permit No. 2002.002.09 and the McAteer-Petris Act at Westpoint Harbor, located at the end of Seaport Boulevard in Redwood City, San Mateo County.

The alleged violations include but are not limited to: (1) failure to provide required public access and public access improvements; (2) failure to comply with plan review requirements; (3) failure to maintain public access improvements; (4) failure to install required signs and buoys to protect listed species and sensitive habitat; (5) failure to provide required visual barrier to an adjacent salt pond; (6) failure to provide required mitigation; (7) failure to provide required certification of contractor review; (8) failure to secure a time extension to complete construction; (9) failure to provide required information regarding live-aboard boats; and (10) failure to provide required notification to NOAA regarding updated nautical charts.

The Executive Director's Recommended Enforcement Decision and proposed order would require Mr. Sanders and Westpoint Harbor LLC by specified dates to: (1) cease and desist from violating BCDC Permit No. 2002.002.09; (2) make public access available; (3) submit a signage plan for review and approval, and install the approved signs; (4) submit plans for public access improvements for review and approval, and complete installation of approved improvements; (5) maintain public access areas and related improvements; (6) remove unauthorized improvements; (7) submit a complete application to amend the BCDC permit to request after-the-fact authorization for certain improvements or modifications; (8) install buoys and signs in Westpoint Slough; (9) submit a plan to provide visual barriers to the adjacent salt pond for BCDC review and approval, and complete installation of visual barriers; (10) provide shorebird roost habitat mitigation; (11) provide non-tidal wetland mitigation; (12) provide annual reports on live-aboard boats; (13) provide certification of contractor approval; (14) submit monthly status reports; and (15) pay an administrative civil penalty of \$513,000.

The Enforcement Committee adopted the Executive Director's Recommended Enforcement Decision with the following modifications: (1) the Enforcement Committee allowed the parties to attempt to negotiate mutually agreed-upon revisions to the cease and desist provisions of the proposed order to be presented to the Commission for its consideration; and (2) if the parties are able to mutually agree on proposed revisions to the cease and desist provisions of the proposed order, the Respondents would be entitled to a waiver of 50% of the proposed penalty (*i.e.*, the penalty would be reduced from \$513,000 to \$256,500), provided that the Respondents comply fully with the order, as determined by the Executive Director. The Respondents would be required to pay the reduced penalty of \$256,500 within 30 days of issuance of the order by the Commission.

The Enforcement Committee's Recommended Enforcement Decision will be considered by the Commission on **January 18, 2018**. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdca.gov](mailto:marc.zeppetello@bcdca.gov)).

On **January 18, 2018**, the Enforcement Committee may hold a public hearing and vote on: (1) a recommended enforcement decision including adoption of proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01 for alleged violations of the McAteer-Petris Act by the North Coast Rail Authority in a tidal slough on the west shore of the Petaluma River adjacent to the Lombard Segment of the Northwestern Pacific Railroad, Marin County. For details contact Matthew Trujillo (415-352-3633 [matthew.trujillo@bcdca.gov](mailto:matthew.trujillo@bcdca.gov)); and (2) an appeal of the Executive Director's determination that Scott's Seafood, Inc. did not fully comply and in a timely manner with certain requirements of Cease and Desist and Civil Penalty Order No. CDO 2017.01, issued on April 7, 2017, and, therefore, is not entitled to a waiver of 15% (\$59,304) of the total penalty of \$395,360 under the Order. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdca.gov](mailto:marc.zeppetello@bcdca.gov)).

San Francisco Bay Conservation  
and Development Commission  
415-352-3600  
[reception@bcdca.gov](mailto:reception@bcdca.gov)

**Subject:** Summary of BCDC Enforcement Committee Meeting on November 16, 2017

**Date:** Friday, January 5, 2018 at 2:06:09 PM Pacific Standard Time

**From:** Zeppetello, Marc@BCDC

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**From:** Kevin Parker <captain@piedamer.com>

**Date:** Tuesday, November 21, 2017 at 4:29 PM

**To:** "ReceptionDesk@BCDC" <reception@bcdc.ca.gov>

**Subject:** Re: Summary of BCDC Enforcement Committee Meeting on November 16, 2017

Dear BCDC,

Five? Five! Five out of 27? Was that even quorate?

Unbelievable. You guys have got to be replaced by an elected body.

Sincerely,

Kevin

Kevin Parker, Captain

+1-650-224-1691

[www.piedamer.com](http://www.piedamer.com)

On Nov 21, 2017, at 13:49, ReceptionDesk@BCDC <[reception@bcdc.ca.gov](mailto:reception@bcdc.ca.gov)> wrote:

Enforcement Committee Members, Interested Parties, and Staff:

Five members of the Enforcement Committee attended the November 16, 2017, BCDC Enforcement Committee meeting, which was held at 455 Golden Gate Avenue in San Francisco.

Following a public hearing, the Committee adopted, with modifications, by a vote of 5-0, the Executive Director's Recommended Enforcement Decision, including proposed Cease and Desist and Civil Penalty Order No. CDO 2017.04, that would be issued by the Commission for alleged violations of BCDC Permit No. 2002.002.09 and the McAteer-Petris Act at Westpoint Harbor, located at the end of Seaport Boulevard in Redwood City, San Mateo County.

The alleged violations include but are not limited to: (1) failure to provide required public access and public access improvements; (2) failure to comply with plan review requirements; (3) failure to maintain public access improvements; (4) failure to install required signs and buoys to protect listed species and sensitive habitat; (5) failure to provide required visual barrier to an adjacent salt pond; (6) failure to provide required mitigation; (7) failure to provide required certification of contractor review; (8) failure to secure a time extension to complete construction; (9) failure to provide required information regarding live-aboard boats; and (10) failure to provide required notification to NOAA regarding updated nautical charts.

The Executive Director's Recommended Enforcement Decision and proposed order would require Mr. Sanders and Westpoint Harbor LLC by specified dates to: (1) cease and desist from violating BCDC Permit No. 2002.002.09; (2) make public access available; (3) submit a signage plan for review and approval, and install the approved signs; (4) submit plans for public access improvements for review and approval, and complete installation of approved improvements; (5) maintain public access areas and related improvements; (6) remove unauthorized improvements; (7) submit a complete application to amend the BCDC permit to request after-the-fact authorization for certain improvements or modifications; (8) install buoys and signs in Westpoint Slough; (9) submit a plan to provide visual barriers to the adjacent salt pond for BCDC review and approval, and complete installation of visual barriers; (10) provide shorebird roost habitat mitigation; (11) provide non-tidal wetland mitigation; (12) provide annual reports on live-aboard boats; (13) provide certification of contractor approval; (14) submit monthly status reports; and (15) pay an administrative civil penalty of \$513,000.

The Enforcement Committee adopted the Executive Director's Recommended Enforcement Decision with the following modifications: (1) the Enforcement Committee allowed the parties to attempt to negotiate mutually agreed-upon revisions to the cease and desist provisions of the proposed order to be presented to the Commission for its consideration; and (2) if the parties are able to mutually agree on proposed revisions to the cease and desist provisions of the proposed order, the Respondents would be entitled to a waiver of 50% of the proposed penalty (*i.e.*, the penalty would be reduced from \$513,000 to \$256,500), provided that the Respondents comply fully with the order, as determined by the Executive Director. The Respondents would be required to pay the reduced penalty of \$256,500 within 30 days of issuance of the order by the Commission.

The Enforcement Committee's Recommended Enforcement Decision will be considered by the Commission on **January 18, 2018**. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdcc.ca.gov](mailto:marc.zeppetello@bcdcc.ca.gov)).

On **January 18, 2018**, the Enforcement Committee may hold a public hearing and vote on: (1) a recommended enforcement decision including adoption of proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01 for alleged violations of the McAteer-Petris Act by the North Coast Rail Authority in a tidal slough on the west shore of the Petaluma River adjacent to the Lombard Segment of the Northwestern Pacific Railroad, Marin County. For details contact Matthew Trujillo (415-352-3633 [matthew.trujillo@bcdcc.ca.gov](mailto:matthew.trujillo@bcdcc.ca.gov)); and (2) an appeal of the Executive Director's determination that Scott's Seafood, Inc. did not fully comply and in a timely manner with certain requirements of Cease and Desist and Civil Penalty Order No. CDO 2017.01, issued on April 7, 2017, and, therefore, is not entitled to a waiver of 15% (\$59,304) of the total penalty of \$395,360 under the Order. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdcc.ca.gov](mailto:marc.zeppetello@bcdcc.ca.gov)).

San Francisco Bay Conservation  
and Development Commission  
415-352-3600  
[reception@bcdcc.ca.gov](mailto:reception@bcdcc.ca.gov)

**Subject:** Fwd: Summary of BCDC Enforcement Committee Meeting on November 16, 2017

**Date:** Tuesday, November 21, 2017 at 5:27:41 PM Pacific Standard Time

**From:** peterjorgensen3@gmail.com

**To:** Zeppetello, Marc@BCDC

I'm glad my government isn't quite as corrupted as you appear to be. Guess I may be needing to find another marina to stop at, or skip San Fran altogether. Too bad, I liked westpoint.

Enjoy the money you're collecting.

Pete

Sent from my iPhone

Begin forwarded message:

**From:** "ReceptionDesk@BCDC" <[reception@bcdc.ca.gov](mailto:reception@bcdc.ca.gov)>

**Date:** November 21, 2017 at 12:49:15 PM MST

**Cc:** "Klein, Adrienne@BCDC" <[adrienne.klein@bcdc.ca.gov](mailto:adrienne.klein@bcdc.ca.gov)>

**Subject:** Summary of BCDC Enforcement Committee Meeting on November 16, 2017

Enforcement Committee Members, Interested Parties, and Staff:

Five members of the Enforcement Committee attended the November 16, 2017, BCDC Enforcement Committee meeting, which was held at 455 Golden Gate Avenue in San Francisco.

Following a public hearing, the Committee adopted, with modifications, by a vote of 5-0, the Executive Director's Recommended Enforcement Decision, including proposed Cease and Desist and Civil Penalty Order No. CDO 2017.04, that would be issued by the Commission for alleged violations of BCDC Permit No. 2002.002.09 and the McAteer-Petris Act at Westpoint Harbor, located at the end of Seaport Boulevard in Redwood City, San Mateo County.

The alleged violations include but are not limited to: (1) failure to provide required public access and public access improvements; (2) failure to comply with plan review requirements; (3) failure to maintain public access improvements; (4) failure to install required signs and buoys to protect listed species and sensitive habitat; (5) failure to provide required visual barrier to an adjacent salt pond; (6) failure to provide required mitigation; (7) failure to provide required certification of contractor review; (8) failure to secure a time extension to complete construction; (9) failure to provide required information regarding live-aboard boats; and (10) failure to provide required notification to NOAA regarding updated nautical charts.

The Executive Director's Recommended Enforcement Decision and proposed order would require Mr. Sanders and Westpoint Harbor LLC by specified dates to: (1) cease and desist from violating BCDC Permit No. 2002.002.09; (2) make public access available; (3) submit a signage plan for review and approval, and install the approved signs; (4) submit plans for public access improvements for review and approval, and complete installation of approved improvements; (5) maintain public access areas and related improvements; (6) remove unauthorized

improvements; (7) submit a complete application to amend the BCDC permit to request after-the-fact authorization for certain improvements or modifications; (8) install buoys and signs in Westpoint Slough; (9) submit a plan to provide visual barriers to the adjacent salt pond for BCDC review and approval, and complete installation of visual barriers; (10) provide shorebird roost habitat mitigation; (11) provide non-tidal wetland mitigation; (12) provide annual reports on live-aboard boats; (13) provide certification of contractor approval; (14) submit monthly status reports; and (15) pay an administrative civil penalty of \$513,000.

The Enforcement Committee adopted the Executive Director's Recommended Enforcement Decision with the following modifications: (1) the Enforcement Committee allowed the parties to attempt to negotiate mutually agreed-upon revisions to the cease and desist provisions of the proposed order to be presented to the Commission for its consideration; and (2) if the parties are able to mutually agree on proposed revisions to the cease and desist provisions of the proposed order, the Respondents would be entitled to a waiver of 50% of the proposed penalty (*i.e.*, the penalty would be reduced from \$513,000 to \$256,500), provided that the Respondents comply fully with the order, as determined by the Executive Director. The Respondents would be required to pay the reduced penalty of \$256,500 within 30 days of issuance of the order by the Commission.

The Enforcement Committee's Recommended Enforcement Decision will be considered by the Commission on **January 18, 2018**. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdc.ca.gov](mailto:marc.zeppetello@bcdc.ca.gov)).

On **January 18, 2018**, the Enforcement Committee may hold a public hearing and vote on: (1) a recommended enforcement decision including adoption of proposed Cease and Desist and Civil Penalty Order No. CDO 2018.01 for alleged violations of the McAteer-Petris Act by the North Coast Rail Authority in a tidal slough on the west shore of the Petaluma River adjacent to the Lombard Segment of the Northwestern Pacific Railroad, Marin County. For details contact Matthew Trujillo (415-352-3633 [matthew.trujillo@bcdc.ca.gov](mailto:matthew.trujillo@bcdc.ca.gov)); and (2) an appeal of the Executive Director's determination that Scott's Seafood, Inc. did not fully comply and in a timely manner with certain requirements of Cease and Desist and Civil Penalty Order No. CDO 2017.01, issued on April 7, 2017, and, therefore, is not entitled to a waiver of 15% (\$59,304) of the total penalty of \$395,360 under the Order. For details contact Marc Zeppetello (415/352-3655 [marc.zeppetello@bcdc.ca.gov](mailto:marc.zeppetello@bcdc.ca.gov)).

San Francisco Bay Conservation  
and Development Commission  
415-352-3600  
[reception@bcdc.ca.gov](mailto:reception@bcdc.ca.gov)

**Subject:** RE: With the deepest of apologies

**Date:** Monday, November 20, 2017 at 8:14:45 AM Pacific Standard Time

**From:** Nick Vicars-Harris

**To:** zwasserman@wendel.com, ahalsted@aol.com, mark.addiego@ssf.net, newsha.ajami@gmail.com, josharce.bcdc@gmail.com, Richard.M.Bottoms@usace.army.mil, brush.jason@epa.gov, tom.butt@intres.com, wilma.chan@acgov.org, chappell\_jim@att.net, Malia.Cohen@sfgov.org, dconnolly@marincounty.org, dave.cortese@bos.sccgov.org, pcutter@sanleandro.org, Eckerle, Jenn@CNRA, Finn, Karen@DOF, Katerina.Galacatos@usace.army.mil, melrgilmore@gmail.com, Gioia, John@Contra Costa, district5@bos.cccounty.us, Susan.Gorin@sonoma-county.org, CGroom@co.sanmateo.ca.us, dhillmer@cityoflarkspur.org, Jahns, Claire@CNRA, Jane.Kim@sfgov.org, Lucchesi, Jennifer@SLC, McElhinney, Dan@DOT, macmcgrath@comcast.net, Nelson, Barry @westernwaterstrategies.com, Pemberton, Sheri@SLC, Peskin, Aaron@CDSS-Contacts, dpine@co.sanmateo.ca.us, Rabbit, David@Sonoma, belia.ramos@countyofnapa.org, sranchod@tesla.com, sean@bayareacouncil.org, Sartipi, Bijan@DOT, greg.scharff@cityofpaloalto.org, ksears@marincounty.org, Pat.Showalter@mountainview.gov, jimzspring@cs.com, jtechel@cityofnapa.org, Vasquez, John@SolanoCounty.com, brad.wagenknecht@countyofnapa.org, Ziegler, Sam@epa.gov, Goldzband, Larry@BCDC

**CC:** Zeppetello, Marc@BCDC, ReceptionDesk@BCDC, calreport@kqed.org, Klein, Adrienne@BCDC

Good morning and happy thanksgiving week!

Just resending this to pop onto the top of your email, since were a persistent lot when it comes to fair play.

Nickvh

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**From:** Nick Vicars-Harris

**Sent:** Thursday, November 16, 2017 9:34 AM

**To:** 'zwasserman@wendel.com' <zwasserman@wendel.com>; 'ahalsted@aol.com' <ahalsted@aol.com>; 'mark.addiego@ssf.net' <mark.addiego@ssf.net>; 'newsha.ajami@gmail.com' <newsha.ajami@gmail.com>; 'josharce.bcdc@gmail.com' <josharce.bcdc@gmail.com>; 'Richard.M.Bottoms@usace.army.mil' <Richard.M.Bottoms@usace.army.mil>; 'brush.jason@epa.gov' <brush.jason@epa.gov>; 'tom.butt@intres.com' <tom.butt@intres.com>; 'wilma.chan@acgov.org' <wilma.chan@acgov.org>; 'chappell\_jim@att.net' <chappell\_jim@att.net>; 'Malia.Cohen@sfgov.org' <Malia.Cohen@sfgov.org>; 'dconnolly@marincounty.org' <dconnolly@marincounty.org>; 'dave.cortese@bos.sccgov.org' <dave.cortese@bos.sccgov.org>; 'pcutter@sanleandro.org' <pcutter@sanleandro.org>; 'Jenn.Eckerle@resources.ca.gov' <Jenn.Eckerle@resources.ca.gov>; 'karen.finn@dof.ca.gov' <karen.finn@dof.ca.gov>; 'Katerina.Galacatos@usace.army.mil' <Katerina.Galacatos@usace.army.mil>; 'melrgilmore@gmail.com' <melrgilmore@gmail.com>; 'john.gioia@bos.cccounty.us' <john.gioia@bos.cccounty.us>; 'district5@bos.cccounty.us' <district5@bos.cccounty.us>; 'Susan.Gorin@sonoma-county.org' <Susan.Gorin@sonoma-county.org>; 'CGroom@co.sanmateo.ca.us' <CGroom@co.sanmateo.ca.us>; 'dhillmer@cityoflarkspur.org' <dhillmer@cityoflarkspur.org>; 'claire.jahns@resources.ca.gov' <claire.jahns@resources.ca.gov>; 'Jane.Kim@sfgov.org' <Jane.Kim@sfgov.org>; 'Jennifer.Lucchesi@slc.ca.gov' <Jennifer.Lucchesi@slc.ca.gov>; 'dan\_mcelhinney@dot.ca.gov' <dan\_mcelhinney@dot.ca.gov>; 'macmcgrath@comcast.net' <macmcgrath@comcast.net>; 'barry@westernwaterstrategies.com' <barry@westernwaterstrategies.com>; 'sheri.pemberton@slc.ca.gov' <sheri.pemberton@slc.ca.gov>; 'Aaron.Peskin@sfgov.org' <Aaron.Peskin@sfgov.org>; 'dpine@co.sanmateo.ca.us' <dpine@co.sanmateo.ca.us>; 'David.Rabbitt@sonoma-county.org' <David.Rabbitt@sonoma-county.org>; 'belia.ramos@countyofnapa.org' <belia.ramos@countyofnapa.org>; 'sranchod@tesla.com' <sranchod@tesla.com>;

'sean@bayareacouncil.org' <sean@bayareacouncil.org>; 'bijan\_sartipi@dot.ca.gov' <bijan\_sartipi@dot.ca.gov>; 'greg.scharff@cityofpaloalto.org' <greg.scharff@cityofpaloalto.org>; 'ksears@marincounty.org' <ksears@marincounty.org>; 'Pat.Showalter@mountainview.gov' <Pat.Showalter@mountainview.gov>; 'jimzspering@cs.com' <jimzspering@cs.com>; 'jtechel@cityofnapa.org' <jtechel@cityofnapa.org>; 'jmvasquez@solanocounty.com' <jmvasquez@solanocounty.com>; 'brad.wagenknecht@countyofnapa.org' <brad.wagenknecht@countyofnapa.org>; 'ziegler.sam@epa.gov' <ziegler.sam@epa.gov>; 'lgoldzband@bcdc.ca.gov' <lgoldzband@bcdc.ca.gov>  
**Cc:** marc.zepetello@bcdc.ca.gov; info@bcdc.ca.gov; 'calreport@kqed.org.' <calreport@kqed.org.>; 'adrienne.klein@bcdc.ca.gov' <adrienne.klein@bcdc.ca.gov>  
**Subject:** With the deepest of apologies  
**Importance:** High

To you our commissioners of the BCDC, for emailing you all I do apologize!

In the hope that there remains some fairness and justice in our ever troubling world, I write to ask for your help in looking at the case being brought against what many consider to be the best example of a boat **community** and **Marina** on the bay, Westpoint Harbor. I'm referencing of course this set of arguments from the BCDC

[Westpoint Harbor Proposed Order No. CDO 2017.04](#)

which seem counter intuitive to the interests of those who enjoy the ability to get out and on the water in our wonderful and special bay. I ask myself and many of the friends I have made around this harbor, those who have boats and those who generate income from working with boats, why would the BCDC target this lovely example of how a **Marina** can help us all share and appreciate what we have around us. Do any of you know what the underlying reason/s are for wanting to close this business down? Because in reading the masses of complaints and counter complaints, arguments for and against, it strikes me that this simply needs some sensible arbitration to resolve, some common sense. Outside of funding an honorable set of lawyers, this just appears plain silly, long time process of trying to undo a wonderful project instead of trying to help it succeed.

Im asking you kindly to take a little bit of time from your busy schedules, to help wherever you can find a way to help close out the disagreements in a reasonable constructive timely way, so that we can all move on and stop expending needless energy and tax dollars on a campaign that seems to have taken a very bitter personal turn.

And finally, as you will have noticed from above, I have looped in our friends at KQED in the hope of generating as much visibility for this unfairness as I possibly can on our local California Report.

Yours sincerely,

Nick Vicars-Harris  
SV RVH

**Subject:** Westpoint Harbor proposed order # CDO2017.04  
**Date:** Thursday, November 16, 2017 at 5:14:39 PM Pacific Standard Time  
**From:** ANR  
**To:** Zeppetello, Marc@BCDC  
**CC:** ReceptionDesk@BCDC

Sent from [Mail](#) for Windows 10

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**From:** [ANR](#)  
**Sent:** Thursday, November 16, 2017 7:35 PM  
**To:** [marc.zeppetello@bcdc.ca.gov](mailto:marc.zeppetello@bcdc.ca.gov)  
**Subject:** Westpoint Harbor proposed order # CDO2017.04

Dear Committee and BCDC Commissioners,

As a lifelong sailor and a retired CEO of a former Fortune 500 Industrial Company allow me to comment on referenced subject.

As a frequent visitor to California and the Bay Area I have witnessed the construction of Westpoint Harbor from the very beginning and was mightily impressed with it. In my mind only a superb working together between numerous governmental agencies and a visionary (very patient) business man with a daring plan, would be able to realize such a project in an extremely complicated environment. I am sure you can sense my delight when the final product became a World Class Marina (and I have seen a few around the globe), not only for the users of Westpoint Harbor, but to the benefit of many people and organizations in the larger Bay Area.

In fact I have been touting the "working together" to my many international (business)-friends as a prime example of "only in America"!

When I read the recent "objections to the project" however, I hope you will excuse me that the first thing that came to mind was a German saying that goes like "I think I am being kicked by a horse". I took the time to read the entire litany of objections and answers, and it felt at times as being back in Kindergarten. I can assure you that if a "production" of objections and apparent fabrications as being discussed, would have hit my desk in my active time in business, it would have rather quickly found the waste basket.

I am also sure however that a majority of reasonable women and men in the Committee and among the Commissioners will prevail and will not pass the opportunity to show the world what can be done when there is the will to work together and be proud of the result.

Sincerely Yours,  
Andries Ruijsenaars

Sent from [Mail](#) for Windows 10



Virus-free. [www.avast.com](http://www.avast.com)

**Subject:** WestPoint Marina

**Date:** Thursday, November 16, 2017 at 12:36:03 PM Pacific Standard Time

**From:** gnwceleste@gmail.com

**To:** Zeppetello, Marc@BCDC

My name is GNW. I was one of the original founding board members and spokesman for Save Our Shores in Santa Cruz in the 70s. In that capacity i was privileged to represent the environmental concerns of Northern Californians regarding offshore oil development and marine preservation. I later worked as a consultant to the Marin Conservation League and the Oceanic Society on Marine resource concerns. Michael Herz founder of San Francisco Baykeeper was close colleague and friend . We were boat partners for many years sharing a love of sailing on SFBay and coastal waters. As a blue water Sailor i have cleared into many marinas over the years on both coasts of our country and other parts of the world . I have seen all manner. I can say without qualification that Westpoint Harbor is the finest and cleanest amongst all in 40years on the water. It is a world class marina a state of the art facility. We have been members of the Westpoint community for 6 years and lived aboard for 5. We love living on the water and feeling the magical marine rhythms of tides, the water and the wildlife.

I have known Mark Sanders to be an exemplary and engaged owner birthing a vision of a recreational portal for those who wish to enjoy the bay and its waters.

While it is a business it seems more a labor of love born of a care for all things nautical and the beauty of the marine environment. In these past years I have known him to be a present steward and a man of his word and high moral fibre who cares deeply about the community he has created , the surrounding sloughs and the living Bay.

Private / Public interface is indeed a difficult and delicate balance . Give and take is i think essential around this sensitive and vital perimeter. I know we all have reverence and respect for the Charter , the mission and the important work of BCDC commission and staff and the great vision of its original founders of Save The Bay.

I have spent the past couple of days reading the Staff recommendations and the Respondents documentation. I am saddened. What a waste of precious time and resources public and private. There are no bad actors in this room there are plenty out there deserving of attention. It seems to me that the regulatory concerns could easily be resolved in mediation and arbitration rather than litigation. I would encourage the commission to seek a different resolution and cease and desist from their present course.

I do feel that is incumbent upon those that dedicate their professional efforts towards the high purposes of environmental protection to approach the stewardship of enforcement efforts with judiciousness and fairness. I know from personal experience how easy it is to personalize and demonize players in matters in the pursuit of environmental stewardship. It is never wise. The Enforcement Directors tone and the extreme penalties being considered are unbecoming of the spirit or the letter of BCDC mission . I encourage you to recover and recommend to Staff a more conciliatory and professional approach in this matter .

**Subject:** WEST POINT

**Date:** Thursday, November 16, 2017 at 1:38:57 PM Pacific Standard Time

**From:** usmswimmer@aol.com

**To:** Zeppetello, Marc@BCDC, mark@westpointharbor.com

Please keep our homes (boats) safe!  
Simon Wurzel, Simplicity, slip C32

**Subject:** Westpoint Harbor Proposed Order No. CDO 2017.04  
**Date:** Thursday, November 16, 2017 at 11:47:22 AM Pacific Standard Time  
**From:** Chamberlain, Greg  
**To:** Zeppetello, Marc@BCDC  
**CC:** ReceptionDesk@BCDC  
**Attachments:** image001.gif

**November 16, 2017**

**Re: Westpoint Harbor Proposed Order No. CDO 2017.04**

**Attn: Enforcement Committee Members and BCDC Commissioners**

**As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.**

**As a person seasoned in life (yes in 50's) I have learned a few things, one thing my grandfather taught me sticks to this day. I was taught to stand back and look at the entire picture. My grandfather said " look at the whole picture. If it walks like a duck, if it sounds like a duck and if it looks like a duck, son it is a duck." I have done some research and have had slips at different marinas in the bay area. What I see is a business man (Mark) who has worked hard to bring to life a passion and love for boating. What I have heard is a business man (Mark) who works with organizations to reach his goals and follow the regulations of these organizations. It looks like (Mark) is willing to and has acted with integrity and as a respectful businessman. On the other hand I see an organization (BCDC) that does not want to work with everyone equally. I see an organization (BDC) that will not build on peoples passion, they rather tear it down. What I have heard and read is an organization (BCDC) that is not acting with integrity in word and deed. I see an organization (BCDC) that has little concern about safety as noted below.**

**"BCDC has permitting responsibility to ensure that appropriate and environmentally sound development provides public benefits and economic development for the entire region."**

**"Throughout its history, BCDC has learned that its most notable successes are produced by coordinating, collaborating, and/or partnering with governments at all levels and with a wide variety of other stakeholders."**

**I see an organization (BCDC) that does not live up to its own words. The quotes above are from its own web page. So what does the BCDC sound like to you? You will need to decide for yourself.**

**The words below are from another boat / owner which I agree with and support.**

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are we singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4) ) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Greg Chamberlain  
Ti'S Harmony  
Cell: 408-614-4463

In no way does the words in this email reflect the opinion of PG&E. These are solely my words and feelings.

**Subject:** With the deepest of apologies

**Date:** Thursday, November 16, 2017 at 9:33:57 AM Pacific Standard Time

**From:** Nick Vicars-Harris

**To:** zwasserman@wendel.com, ahalsted@aol.com, mark.addiego@ssf.net, newsha.ajami@gmail.com, josharce.bcdc@gmail.com, Richard.M.Bottoms@usace.army.mil, brush.jason@epa.gov, tom.butt@intres.com, wilma.chan@acgov.org, chappell\_jim@att.net, Malia.Cohen@sfgov.org, dconnolly@marincounty.org, dave.cortese@bos.sccgov.org, pcutter@sanleandro.org, Eckerle, Jenn@CNRA, Finn, Karen@DOF, Katerina.Galacatos@usace.army.mil, melrgilmore@gmail.com, Gioia, John@Contra Costa, district5@bos.cccounty.us, Susan.Gorin@sonoma-county.org, CGroom@co.sanmateo.ca.us, dhillmer@cityoflarkspur.org, Jahns, Claire@CNRA, Jane.Kim@sfgov.org, Lucchesi, Jennifer@SLC, McElhinney, Dan@DOT, macmcgrath@comcast.net, Nelson, Barry @westernwaterstrategies.com, Pemberton, Sheri@SLC, Peskin, Aaron@CDSS-Contacts, dpine@co.sanmateo.ca.us, Rabbit, David@Sonoma, belia.ramos@countyofnapa.org, sranchod@tesla.com, sean@bayareacouncil.org, Sartipi, Bijan@DOT, greg.scharff@cityofpaloalto.org, ksears@marincounty.org, Pat.Showalter@mountainview.gov, jimzspering@cs.com, jtechel@cityofnapa.org, Vasquez, John@SolanoCounty.com, brad.wagenknecht@countyofnapa.org, Ziegler, Sam@epa.gov, Goldzband, Larry@BCDC

**CC:** Zeppetello, Marc@BCDC, ReceptionDesk@BCDC, calreport@kqed.org., Klein, Adrienne@BCDC

**Priority:** High

To you our commissioners of the BCDC, for emailing you all I do apologize!

In the hope that there remains some fairness and justice in our ever troubling world, I write to ask for your help in looking at the case being brought against what many consider to be the best example of a boat **community** and **Marina** on the bay, Westpoint Harbor. I'm referencing of course this set of arguments from the BCDC

[Westpoint Harbor Proposed Order No. CDO 2017.04](#)

which seem counter intuitive to the interests of those who enjoy the ability to get out and on the water in our wonderful and special bay. I ask myself and many of the friends I have made around this harbor, those who have boats and those who generate income from working with boats, why would the BCDC target this lovely example of how a **Marina** can help us all share and appreciate what we have around us. Do any of you know what the underlying reason/s are for wanting to close this business down? Because in reading the masses of complaints and counter complaints, arguments for and against, it strikes me that this simply needs some sensible arbitration to resolve, some common sense. Outside of funding an honorable set of lawyers, this just appears plain silly, long time process of trying to undo a wonderful project instead of trying to help it succeed.

Im asking you kindly to take a little bit of time from your busy schedules, to help wherever you can find a way to help close out the disagreements in a reasonable constructive timely way, so that we can all move on and stop expending needless energy and tax dollars on a campaign that seems to have taken a very bitter personal turn.

And finally, as you will have noticed from above, I have looped in our friends at KQED in the hope of generating as much visibility for this unfairness as I possibly can on our local California Report.

Yours sincerely,

Nick Vicars-Harris  
SV RVH

**Subject:** Response to Claims Re: Westpoint Harbor

**Date:** Thursday, November 16, 2017 at 9:30:12 AM Pacific Standard Time

**From:** Ana Susi

**To:** Zeppetello, Marc@BCDC

**CC:** ReceptionDesk@BCDC

Good morning,

It has come to my attention that Westpoint Harbor, my boating community, has been the target of consistently unreasonable accusations and complaints by your organization. This is disturbing on many levels:

1. The issue of security is of vital importance to my family. We have an 8 year-old who spends several nights a month at the marina, who we hope never has to encounter any of the many incidents that our neighbors have had to encounter. Most are incidents that could have been easily avoided if basic, proper security measures were allowed. The Westpoint staff work diligently to maintain a very safe environment for us as much as they can, but from what I now realize, BCDC is only hindering the safety for my family and others.
2. The biggest, most disturbing of aspect of your claims is the intent. In my experience, having worked for the Port of San Diego, I have never seen such an abuse of power aimed to condemn a private business. I doubt anyone would disagree that Mark Sanders and his team at Westpoint have forever improved the landscape of the Bay in Redwood City, and have provided a beautiful, thoroughly planned community for those hoping to safely enjoy and care for our bay.
3. I would be very interested in seeing if other marinas under your supervision have had to endure the same level of excessive scrutiny that Westpoint has.

I ask that BCDC works towards a better future for our Bayfront communities, one that respects the visions of those that have markedly improved the lives of many people and cities. One can hope that this is the intent of BCDC, but hope is not a strategy. I'm very grateful to Mark Sanders for having a strategy, and hope that you consider the impact of your accusations.

Thank you,

Ana Susi  
P.O. Box 7049  
Redwood City, CA 94063  
Boat Name: Neverland

**Subject:** RE: Westpoint Harbor  
**Date:** Thursday, November 16, 2017 at 8:36:48 AM Pacific Standard Time  
**From:** Asma Stewart  
**To:** Zeppetello, Marc@BCDC  
**CC:** ReceptionDesk@BCDC

Dear Marc,

I'm a proud member of Westpoint Harbor, where my husband and I have had our boat since it opened in October of 2008. I've visited marinas all over the Bay and have enjoyed the excursions but was always happy to bring my boat back to Westpoint Harbor, which without a doubt sets the standard for marinas in the Bay Area.

As an environmentalist, I appreciate the high level of care and sensitivity that has been considered in the building of Westpoint Harbor. I'm proud that the marina's water quality exceeds that of the Bay's and that as a community we do everything we can to live in harmony with our beautiful Bay surroundings from using the extremely convenient and easy to use pump-out capabilities to using sulphate free, organic soaps.

As an entrepreneur, I admire the vision and the determination to bring a marina of Westpoint's calibre into being. We should be encouraging such vision and the mindful development of places that make the Bay even more usable and beautiful. I'm also proud of the economic opportunities that Westpoint Harbor has created in the Peninsula - including providing a place for those who service boats to grow their businesses.

As a US citizen, I'm troubled by the arbitrary and heavy-handed approach of the BCDC. As a taxpayer, I want to understand why the BCDC continues using my tax dollars to come after a marina that the BCDC should be holding up as an example for others. Westpoint Harbor is a tribute to the Bay and one the BCDC should be fostering rather than cynically trying to destroy.

I am now taking a hard look at the BCDC. The broad overreach and abuse of power are reminiscent of an autocracy. As a concerned citizen, I will be doing everything in my power to bring to light your disregard for the law and your extortionary tactics.

Your mission is to:

“protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations.”

Westpoint meets this charter through and through. You should do the same.

Regards,

Asma

ASMA STEWART

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**Subject:** Westpoint Harbor Proposed Order No. CDO 2017.04  
**Date:** Thursday, November 16, 2017 at 1:07:46 AM Pacific Standard Time  
**From:** Przemyslaw Karwasiecki  
**To:** Zeppetello, Marc@BCDC  
**CC:** ReceptionDesk@BCDC

Re: Westpoint Harbor Proposed Order No. CDO 2017.04  
Attn: Enforcement Committee Members and BCDC Commissioners

I am a sailboat owner (S/V Festina Lente) and I rent a slip D14 in Westpoint Harbor for several years since 2012.

I have sailed my boat to several location in California and Mexico, and visited many marinas in the Bay Area and across California Coast. On several occasions I was chartering or crewing on other boats in many other countries including France, Croatia, BVI, Bahamas, Azores and others.

I am sure that I haven't seen all marinas and sea ports in the world but I've seen quite a few, and from my experience, Westpoint Harbor is the best marina I have ever stayed in.

This is exactly the reason why I had selected it as a home port for my and my family pride, S/V Festina Lente.

Over many years at Westpoint Harbor I have experienced only the best from Mark, Doug and other employees and members there. Mark and Doug are extremely friendly, helpful and accommodating. All my guests who visited my boat over many years I stayed in Westpoint Harbor share exactly the same experience.

Thanks to exemplary management of the marina I, my family, and my guests have never felt more secure in any other marina we had visited. My two little boys (9 and 11 years old now) are very happy to be there, were never afraid to go around marina by themselves, to go ashore to the restroom, to pick up some ice, to go and look at other boats. Unfortunately this is not always the case in other places we visit.

I am not qualified to analyze and make any conclusions about legal matters related to the case, but as a ordinary citizen and boat owner I am simply outraged by the amount of accusations against Mark and Westpoint Harbor.

Is it really so unexpected to be approached by marina crew if one is not known to them and be asked about the reason for the visit?  
Is it really so unexpected to have to announce your visit to Harbor Master if you want to go to the docs?

I don't know what "public access" rights are stipulated in original permits for marina construction, but I know that I can use my common sense. I have never seen any other marinas where access to the docks where the boats are berthed would not be controlled in same way.

Sincerely,  
Przemysław Karwasiecki  
S/V Festina Lente

**Subject:** Westpoint Harbor Proposed Order No. CDO 2017.04

**Date:** Thursday, November 16, 2017 at 8:21:29 AM Pacific Standard Time

**From:** Mark Wommack

**To:** Zeppetello, Marc@BCDC

**CC:** ReceptionDesk@BCDC

November 15, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

I am disturbed by the adversarial tone of this process. I find particularly troubling the idea that the BDCD wasn't able to review required submittals. As an architect, I have worked with staff from a majority of the jurisdictions throughout the Bay Area. Most fulfill their responsibility to process applications diligently and timely, but in a disturbing trend, in an increasing number of cities the approval process has begun to slow to a point of dysfunction. Regardless of whether due to staff turnover, the inability of boards to make decisions or any other reason, the consequences are real and can be economically devastating to the applicants. With authority comes responsibility. The BDCD should carefully reflect on its responsibility for some of the concerns raised in this complaint.

Beyond that, the BDCD should acknowledge that Westpoint Harbor is a shining example of what we should look for in bayside development. The harbor is one of the cleanest and best maintained in the bay. And Westpoint provides access for the public that is greatly needed and well utilized! I am heartened by the number of kayakers and paddle boarders that I see frequenting 101 Surf Sports. We need to support these efforts, not penalize them. If the objective is to improve and preserve the condition of the bay environment, cooperation between the BDCD and facilities such as Westpoint should be the highest priority.

I am also troubled by what I see as inconsistencies in enforcement across the bay. I know of marinas where the docks are falling apart and boats have remained completely sunk in their slip for what's approaching 2 years. And the state of Richardson Bay is unbelievable! The number of "bayfill" illegal liveaboards has swollen to the point where the anchorage is completely filled. The vast majority of these "boats" are unseaworthy and are harming the environment. I counted 3 of them on the rocks of Tiburon after a winter storm the year before last. To the average citizen, it would appear that BDCD has decided that governing actions only apply to those who invest in our bay community. I sincerely hope your actions on this matter demonstrate that this is not the case.

Sincerely,

Mark Wommack  
Mistral, Slip B31

Westpoint Harbor.

**MARK WOMMACK, ARCHITECT**

**Director of Architecture**

Environmental Innovations in Design

Eco-functional Architecture

**EID** ARCHITECTS

412 Olive Avenue | Palo Alto | CA | 94306

dir 650.226.8862 | off 650.226.8770

[mark@EIDarchitects.com](mailto:mark@EIDarchitects.com)

[www.EIDarchitects.com](http://www.EIDarchitects.com)

Melody Rodriguez

Stanford University, Class of 2019

2016-2017 Stanford University Triathlon Team Vice President

531 Lasuen Mall, PO Box 12125, Stanford, CA 94305

melrod96@stanford.edu

San Francisco Bay Conservation and Development Commission (BCDC) Enforcement  
Committee

455 Golden Gate Avenue, Suite 10600

San Francisco, CA 94102-7019

Phone: 415.352.3600

Fax: 415.352.3606

13 November 2017

Dear Enforcement Committee Members and BCDC Commissioners:

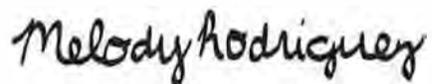
I am writing regarding Westpoint Harbor Proposed Order No. CDO 2017.04. My name is Melody Rodriguez, and I served as the Vice-President for the Stanford University Triathlon Team (SUTT) for the 2016-17 school year. I am writing this letter on behalf of SUTT to outline the relationship that the team has had with Westpoint Harbor over the past eight years. Each spring, we host an annual "Treeathlon" race that spans two days and involves both collegiate and community races, for adults of all ages and children. This race serves as an important fundraiser for the team and is one of the few draft-

legal races in California, which is significant because draft-legal triathlon is an NCAA Emerging Sport for women and is the format in which elite triathletes compete. We are very grateful that we have the opportunity to host the swim portion of the race in Westpoint Harbor.

We have worked directly with Mark Sanders, of Westpoint Harbor, and with his help have created a great race that involves the community and promotes public appreciation of the natural beauty of the San Francisco Bay. Not only have we learned about Westpoint Harbor's commitment to the community through hosting this race, we have also learned some about Westpoint Harbor's relationship with the environment because our return each year is conditional upon our ability to minimize the impact that our event has on the site. For example, Westpoint Harbor leadership has made it very clear to us that our course may not have racers run over any patches of land that contain native plants, even grass. Additionally, as would be expected, we are required to clean up any trash that accumulates during the race. In order for our race to be sanctioned by USA Triathlon as an official race, we are required to provide results of water testing to ensure that the water is safe for the athletes. We have records going as far back as 2014, which we can submit if necessary, showing that the levels of E.Coli, coliform bacteria, and enterocci are well below the allowed maximum levels. I have heard from team members who collect and submit the samples for testing that it is difficult to find an area in the nearby vicinity available for open-water swimming with better water quality than that at Westpoint Harbor.

We are surprised to hear of the allegations against Mark Sanders and his operation of Westpoint Harbor, and find these allegations to be outside of Mark's character and our relationship with him. In sum, we are grateful to Westpoint Harbor for the support that they have provided to the team at our annual Treeathlon event and have personally not experienced nor heard of any acts committed by Westpoint Harbor employees with malicious intent. However, we would like to emphasize that our observations as a team are not a reflection of the opinions of Stanford University as a whole and are limited only to our interactions with Mark Sanders and the staff of Westpoint Harbor during the coordination of our annual race. Should you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Melody Rodriguez". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Melody Rodriguez  
Stanford University, Class of 2019  
2016-2017 SUTT Vice President