

Dear Phil:

As you are aware, on Wednesday night, Jan 25, there was a large turn-out of over 300 people offering comments to SF Rec and Park about its proposed Harbor Rules and Berthing Assignment Policies, developed by an outside consultant from Florida, seemly cribbed from a commercial marina's policy manual, and in our opinion, out of character for San Francisco - details below. Several attendees suggested the hope that the Harbor Trust gets a refund on his fee.

There was overwhelming opposition to two major items, the **prohibition on subletting**, and the **inability to transfer slips when a boat is sold**. Our Vice President, Bruce Munro, called for a vote by those assembled. There was UNANIMOUS OPPOSITION to these proposals, as well as against many obtrusive and completely silly regulations that are impractical and/or unenforceable.

People who go away for a few months of cruising often rent out their slips to cover the expenses. This should be done in a transparent manner, with the temporary user presenting his or her insurance to the harbormaster, and paying the same amount of rent. We understand that Rec and Park is worried about people making a lot of money during the America's Cup. With a transparent procedure, this should not happen. A fall-back position might be to prohibit such sublets during the America's Cup. Making a permanent prohibition is excessive.

With respect to non-transferability of slips, we have heard that Rec and Park believes people are making money on city property. However, the prohibition would make it impossible to transfer a boat to one's family, or sell to one's partners in the boat if you give up boating.

The proposal also makes most boats unsalable without a severe reduction in price as the buyer would have to move the boat to a remote area, and not have access to city front racing, quick access to fishing grounds and so forth. We believe a person should not profit from the value of the slip, but should not endure a loss of value of his or her boat. Perhaps the solution is to grandfather existing berth holders, and any new person coming off the waiting list cannot make a transfer in the future except to immediate family members or to existing partners in the boat.

There are so few transactions by legacy berth-holders that you are throwing the baby out with the bathwater. If someone did pay a premium many years ago for the boat they bought, and 10-20 years later they recover that premium when they sell their boat, then it is neutral - the current boat owner is not making a profit, and the harbor collects a transfer fee. Under your new concept, the harbor collects no transfer fee and the only one who made a profit is someone from 10-20 years ago - it is too late for you to affect that in a constructive manner.

There were also negative comments on the following so-called "best practices" recommended by the consultant, who evidently had little familiarity with local mores and customs. Did he actually visit San Francisco and interview boaters? His proposal, which you approved, would require that:

- Boaters, crew and their guests must report in to the harbormaster upon arrival! (what do they do with that information? What happens after hours? And, the office is a mile away from many slips!!)
- the harbormaster could review your attire and determine it is not appropriate! (what would he like? tie and jacket? Cut-offs and Hawaiian shirt?)
- the requirement to advise the harbormaster when a boater is away for 24 hours (we have the right to come and go as we please - we're paying for the slip!)

- related to the above, the renting out of one's slip by the harbormaster while you are away (what if you come back unexpectedly – there might be a boat in your slip?). the transient would also be using the electricity for which you are paying, and potentially stealing your dock lines, and damaging the dock, for which you are responsible.
- boaters must indemnify Rec and Park against negligence of or breach of duty by the harbormaster and his staff!
- the prohibition on modifications to one's dock, for instance adding fenders or rollers, or a hydraulic lift to raise a boat out of the water, or a waterproof canvas under the boat to prevent growth.
- the requirement that children under 16 have adult supervision (seems to prevent capable junior sailors from launching their boats; no such requirement related to aggressive sports on the marina green) – this is actually in the existing harbor rules and is ignored, so should be deleted
- the diminution of our legal relationship to the harbor – the proposal is to offer a year-to-year berthing license instead of a lease. Many comments were offered about the possessory interest tax we pay – would this be eliminated, as the "interest" no longer had value.

Unmentioned last night, but something I wish to point out, was the required sealing of toilets. Many boats have a Y valve so they can discharge offshore, for instance on the TransPac. The proposed rules prohibit this feature.

You provided these documents to the public on Friday the 20<sup>th</sup> and gave a deadline of the 30<sup>th</sup> for the close of comments. What has been going on all year that you should now have such a short deadline, and what is the urgency? Moreover, you gave our Association no time to comment in advance of its release. Perhaps we could have helped you through this morass.

We know you were waiting for a new harbormaster, but if this is the result of his experience, we are all quite concerned both from the strangeness of these provisions, his lack of staffing or budget to administer the responsibilities as outlined herein, many of them inappropriate to the culture of San Francisco and the usage of the harbor.

We would like to meet and have a constructive dialogue with you well before the proposed Operations Committee meeting on March 1. In fact, we believe you should postpone that to allow for time for a thorough review with interested, and experienced, parties.

Respectfully,

Bruce J. Stone  
President, SF Marina Harbor Association

bruce@brucestone.com  
917-822-4060 cellular  
561-423-0350 eFax