

MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

STATE CAPITOL
ROOM 125
SACRAMENTO, CALIFORNIA

THURSDAY, JANUARY 24, 2013
2:06 P.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
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APPEARANCES

COMMISSION MEMBERS

Mr. Gavin Newsom, Lieutenant Governor, Chairperson, also represented by Mr. Chris Garland

Mr. John Chiang, State Controller, represented by Mr. Alan Gordon

Ms. Ana J. Matosantos, Director of Finance, represented by Mr. Pedro Reyes

STAFF

Ms. Jennifer Lucchesi, Executive Officer

Mr. Mark Meier, Acting Chief Counsel

ATTORNEY GENERAL

Mr. Joe Rusconi, Deputy Attorney General

ALSO PRESENT

Ms. Marla Jo Bruton, COAST Alliance

Ms. Shaunn Cartwright

Mr. Rick Drain

Mr. James Lee

Mr. Itzik Lerner

Ms. Tal Lerner

Ms. Alison Madden

Mr. Paul Mahler

Mr. Joseph Rosas

Mr. Colt Rymer

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Richard Sadowski, COAST Alliance

Mr. Buckley Stone

Ms. Wendy Stone

Mr. Paul Supplee

Ms. Leslie Webster

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1 Seeing none. Going, going, gone.

2 We've got a motion to move and second the Consent
3 Calendar. We'll proceed with a vote, unanimously. As a
4 consequence, the Consent Calendar is affirmed and
5 approved.

6 Ms. Lucchesi, what is the next order of business?

7 EXECUTIVE OFFICER LUCCHESI: I believe the will
8 of the Commission is to break into closed session at this
9 moment.

10 CHAIRPERSON NEWSOM: Excellent. Now, with that
11 in mind, out of respect to those members of the public
12 that are here, I imagine they don't want to be asked to
13 leave the room and have to come back, perhaps --

14 ACTING CHIEF COUNSEL MEIER: This is the only
15 room we have.

16 ACTING COMMISSIONER REYES: We can adjourn to my
17 office.

18 CHAIRPERSON NEWSOM: Oh, yeah -- no, but perhaps
19 if -- unless -- maybe we can open public comment now --

20 EXECUTIVE OFFICER LUCCHESI: At the will of the
21 Commission.

22 CHAIRPERSON NEWSOM: -- so everyone has the
23 opportunity. Then they can take off.

24 ACTING COMMISSIONER REYES: Sure.

25 EXECUTIVE OFFICER LUCCHESI: That would be fine.

1 CHAIRPERSON NEWSOM: Unless you want to wait
2 around, and we'll do our business for the next 4 or 5, 6
3 hours.

4 (Laughter.)

5 CHAIRPERSON NEWSOM: So why don't we just -- is
6 that -- is there any other urgency stuff I'm missing?

7 ACTING COMMISSIONER REYES: No, that's it.

8 CHAIRPERSON NEWSOM: Why don't we do that just
9 out of respect. Let's let you guys jump in. How many of
10 you want to speak?

11 (Hands raised.)

12 CHAIRPERSON NEWSOM: My gosh.

13 And you guys wrote your names down, even better.

14 All right. Well, let's -- is there a formal
15 place to sit?

16 EXECUTIVE OFFICER LUCCHESI: Over here at the
17 head of the table.

18 CHAIRPERSON NEWSOM: So why don't you -- I know
19 you filled out these fancy forms, and that's helpful to
20 us, but why don't you guys just decide for yourselves who
21 should come up first or second and jump right on in and
22 ladies first.

23 EXECUTIVE OFFICER LUCCHESI: Chair, we do have 2
24 speakers that do want to speak on one subject, and I
25 believe the rest of the speakers want to speak on a

1 different subject altogether.

2 So I'm not sure if you want --

3 ACTING COMMISSIONER REYES: Do you want to do it
4 by subject matter?

5 CHAIRPERSON NEWSOM: Yeah. That's good. What
6 are the 2 subjects?

7 EXECUTIVE OFFICER LUCCHESI: The 2 subjects are
8 low energy seismic surveying, geophysical. And those have
9 2 speakers, and then the rest of the speakers are on
10 Pete's Harbor.

11 CHAIRPERSON NEWSOM: Well, why don't we do --
12 since the 2 I imagine desperately hope they're in first
13 place, why don't you guys come up and just intro yourself
14 and we will afford the appropriate amount of time.

15 EXECUTIVE OFFICER LUCCHESI: Richard Sadowski and
16 Marla Bruton.

17 MR. SADOWSKI: Richard Sadowski.

18 CHAIRPERSON NEWSOM: If you want to sit, you can
19 sit, otherwise stand or whatever is comfortable.

20 MR. SADOWSKI: I'll just stand. Just a board
21 member of the COAST alliance, Citizens Opposing Acoustic
22 Seismic Testing. And it has come to our attention
23 recently that there was another permit issued in the Santa
24 Barbara channel regarding a test that's going to be being
25 accomplished on February 9th. And I just want to let the

1 Board know that the COAST Alliance is going to follow up
2 on that. And I would like to leave the remaining time
3 that I have to the Chair of the COAST Alliance, Marla Jo
4 Bruton. She's going to just read a resolution into the
5 record that we had submitted to the CCC. And it has the
6 State Lands Commission mentioned in there. So I'll do
7 that.

8 CHAIRPERSON NEWSOM: Appreciate that. Thank you.

9 MR. SADOWSKI: Thank you.

10 CHAIRPERSON NEWSOM: Excellent. Relax.

11 MS. BRUTON: Yeah. Hi. I'm Marla Jo Bruton.

12 And I'm the chair of the COAST Alliance. And that's
13 Citizens Opposing Acoustic Seismic Testing. We formed
14 last August/September when we became aware of the PG&E
15 proposed HESS testing in our front yard ocean, and rallied
16 the whole community and -- anyway, so that's who we are.
17 We're new. We're a diverse collation alliance of
18 environmental, governmental, non-governmental, citizens,
19 fisherman, business.

20 Okay. So I'm here today -- I just -- I want to
21 read our draft resolution that we gave to the CCC because
22 we mentioned you in there, so as a courtesy.

23 "Recognizing that the California Coastal
24 Commission's mission is to protect, conserve,
25 restore, and enhance the environment of the

1 California coastline.

2 "Acknowledging California ranked second only
3 to Florida in the total number of participants in
4 coastal recreation, 17.6 million participants,
5 but ranks first in terms of the number of State
6 residents that participate in coastal recreation
7 activities.

8 "Aware that the ease of seeing whales from
9 the land in California places it at the top of
10 all areas in the United States where people view
11 whales and that whale and wildlife tourism
12 non-market value from whale watchers in
13 California alone at more that be 40 million
14 annually.

15 "Recognizing that the California Coastal Act
16 of the 1976 mandates the CCC in partnership with
17 coastal cities and counties to plan and regulate
18 the use of land and water in the coastal zone,
19 including policies focused on terrestrial and
20 marine habitat protection, commercial fisheries,
21 industrial uses, water quality, offshore oil and
22 gas development, transportation, development
23 design, power plants, ports, and public works.

24 "Acknowledging that the CCC is one of
25 California's 3 designated coastal management

1 agencies for the purpose of administering the
2 Federal Coastal Zone Management Act in
3 California.

4 "Aware that the CZMA gives State coastal
5 management agencies regular touring control,
6 federal consistency review authority, overall
7 federal activities and federally licensed,
8 permitted, or assisted activities, wherever they
9 may occur, i.e., landward or seaward, or at the
10 respective coastal zone boundaries fixed under
11 State law, if the activity affects coastal
12 resources.

13 "Examples of such federal activities include
14 outer continental shelf oil and gas leasing,
15 exploration and development, designation of
16 dredge material disposal sites in the ocean,
17 military projects at coastal locations."

18 CHAIRPERSON NEWSOM: Just so you know that
19 ominous looking red light has just appeared. Just note
20 that, if you can wrap up. I apologize.

21 MS. BRUTON: He was ceding my time to me.

22 CHAIRPERSON NEWSOM: Okay. Well, we don't really
23 technically do that. It looks good on C-SPAN and
24 Congress, but we -- but, yes, so if we could just jump to
25 some of the Therefore be it further resolved clauses.

1 MS. BRUTON: All right.

2 "Acknowledging the CCC hearing on November
3 14th 2012 refused to permit to PG&E to conduct
4 tests at the central coast in a region which
5 included marine protected area, commercial
6 fishing zones, endangered marine life, cetaceans,
7 and other marine species because of the damage
8 likely to be inflicted on the marine environment
9 by received levels of underwater noise.

10 "Respecting the scientific advice, which
11 demonstrates a serious lack of information on the
12 cumulative impacts of seismic surveys, both HESS
13 and LESS, on marine environments and aquatic
14 life, which depends on health marine ecosystems.

15 "Acknowledging the lack of adequate research
16 on all species impacted by HESS on and LESS in
17 the marine environment.

18 "Concern that the description of HESS and
19 LESS are misleading, and that the only relevant
20 description of these surveys is the source level
21 and received levels.

22 "Request the CCC instruct seismic survey
23 operators to provide source and received levels
24 of the equipment involved as decibels and hertz
25 to remove HESS and LESS acronyms of the

1 description.

2 "Aware that comprehensive research,
3 mitigation measures, and legislation capable of
4 dealing with noise in the underwater environment
5 is lacking.

6 "COAST respectfully recommends that the CCC
7 adopt a resolution to collaboratively investigate
8 the permitting process by the CSLC for all
9 acoustic seismic testing projects in the past,
10 and the lack of proper legislation reflecting the
11 issue with the Cal OPC, the Department of Fish
12 and Game, and the CalEPA.

13 "Additionally, we ask for a suspension of all
14 Acoustic Seismic Testing, AST, in California both
15 now and in the future, until an in-depth
16 investigation and research effort focused on
17 determining the cumulative impacts and acoustic
18 trauma on marine ecosystems and marine life as a
19 result of AST is conducted. An investigation
20 needs to be open to the public, and the public
21 interest enshrined in new legislation."

22 CHAIRPERSON NEWSOM: Thank you very much.

23 ACTING COMMISSIONER REYES: Would like that
24 record to be submitted for the record?

25 MS. BRUTON: Yes.

1 MR. SADOWSKI: Yes Thank you for letting her go
2 on.

3 CHAIRPERSON NEWSOM: Oh, please, no. I apologize
4 for not clarifying that earlier.

5 Excellent. Thank you. You can just leave a copy
6 with us.

7 MS. BRUTON: Okay. I believe your staff is
8 working on a Public Records Act request that we have for
9 them.

10 CHAIRPERSON NEWSOM: Good. We're all for opening
11 up our records. That's something we'll talk about at
12 another time, too.

13 So we've got -- the next item I've got a series
14 of speaker cards. And in no particular or -- just again,
15 there are a good dozen plus of you. So if you're number
16 12, you probably hope that everyone speaks less than 5
17 minutes. If you're number 1, you hope everyone is patient
18 with your 10-minute speech.

19 So maybe we can -- you know, does 2 minutes work
20 for folks, is that all right?

21 Anyone going to be really offended?

22 You've got 5. All right. Well, we only do 3, so
23 5 is a gross exaggeration.

24 You guys all for 3, okay?

25 If you could do it shorter than 3, the 12th

1 person is going to appreciate you. Why don't we shoot for
2 3. I'll be a little harder on the light just out of
3 respect for the number of speakers. And we'll just start
4 with Richard -- and I apologize my own reading of the
5 writing -- Sadowski.

6 MR. SADOWSKI: I already spoke.

7 CHAIRPERSON NEWSOM: Oh, Richard. We just -- oh
8 that's the two of you, and Marla. No wonder they're
9 recognizable your names.

10 (Laughter.)

11 ACTING COMMISSIONER REYES: Mr. Chair, also if we
12 could encourage the folks who come later if they're
13 stating something somebody already said, they could say,
14 "Me Too".

15 CHAIRPERSON NEWSOM: As always. I've never heard
16 anyone apply that, but I'm all for -- yeah, repetition is
17 the mother of skill, but you don't necessarily have to
18 repeat verbatim everything that was said.

19 Rick Drain, Paul Mahler or Mamer -- thanks, Paul,
20 great. So Rick and Paul you're up, followed by Wendy
21 Stone and Buckley Stone.

22 MR. DRAIN: Hi. I'm Rick Drain. Our group is
23 here to talk to you about Pete's Harbor in Redwood City,
24 where there's State's lands that's been leased and Public
25 Trust concern about what's going to happen to that State

1 Land now that the development has been proposed and Pete's
2 Harbor is being closed.

3 So just a little background. The south bay has
4 been losing harbors at an alarming rate, Alviso silted in,
5 Palo Alto long ago silted in, because of the development
6 that diverted water, so it's been closed. Peninsula has
7 been closed by a developer. And now at Pete's they're
8 talking about making it -- making the harbor accessible
9 only to tenants of the new apartment development.

10 It's your land. It's our land. And you already
11 have a marina on it. It's not necessarily going to be the
12 new developer's choice what to do with it. You guys have
13 a choice. And we can't put marinas just anywhere.

14 This is a place that, unlike 2 that I described,
15 it's not going to silt in. There's a lot of current flow.
16 It's going to be a good place for a marina forever. And
17 we just want you guys to take that very seriously. It's
18 also a great area for water access and wildlife viewing,
19 as there's a wildlife refuge across the creek from it.

20 Please keep that a publicly accessible marina.
21 It's already developed. We've talked to some people about
22 running it for us, professionals. So that's really the
23 story. Please keep that publicly accessible marina.

24 Thank you.

25 CHAIRPERSON NEWSOM: Thanks very much, sir.

1 Paul, and after Paul again Wendy and Buckley.

2 Thank you, guys.

3 MR. MAHLER: Thank you all for your time and
4 concern. And let me talk, even though I just got a little
5 shorter.

6 So I am resident of Pete's Harbor. I've been
7 there about 4 years. It's been a wonderful place to live.
8 And I am totally pro development. Paula Uccelli owns that
9 property. She has every right to develop that property.
10 I think she should develop that property, and the
11 developer Paul Powers appears to be putting together a
12 very nice development.

13 So I'm actually here to speak to one issue only,
14 which is my goal in being here is to help you all keep
15 Pete's Harbor for the public.

16 So the State has leased two parcels to the
17 Uccellis. The lease -- it's not clear what happened to
18 the lease after Mr. Uccelli's demise. I assume it would
19 go to Mrs. Uccelli.

20 It's clear, very clear, that they do not want a
21 marina there any longer and we really need you all to help
22 to keep that marina and to keep it for the public. They
23 have taken marinas out. The same developer removed a
24 marina from a developer -- from a development down the
25 street, said he would replace it. It has never been

1 replaced, even though it started in a very good state of
2 repair.

3 They could have maintained the marina and the
4 docks, but more importantly they could have retained a
5 substantial income from those docks. And for whatever
6 reason, they have decided to try and privatize them or to
7 more likely eliminate them.

8 They have gone on record saying that they do not
9 want docks. The best public interest is to take the docks
10 out, even though they've been there for decades. And it
11 seems apparent to me that they want to destroy this
12 marina.

13 Mrs. Uccelli was supposed to maintain this marina
14 and has not, which puts her in default of her lease.
15 There are repairs she should have made that are required
16 by the lease, which she hasn't. She has said that they
17 need to close the marina to do a survey to determine what
18 repairs are needed, but she's done things like sold docks
19 that are new that are in storage without the survey. I
20 would think that if I were about to repair my marina, I
21 would save brand new docks for that use. They have
22 managed to refurbish the marina recently with complete new
23 utilities for water and electric without closing the
24 marina or without a survey. I believe that that claim
25 that they need to closed the marina for repairs is

1 disingenuous.

2 I think that this really is more about money in
3 regards to the marina than it is about the Public Trust.
4 Paula Uccelli has made millions of dollars off of people,
5 many of them who do not have a lot of money.

6 She rented docks on land that it turns out she
7 has no leasehold for. I happen to be in one of those
8 docks. She made a tremendous amount of money by each
9 month and over the years from those marinas. She should
10 have stood up to her responsibility to maintain the
11 marinas. She has promised people for decades that she
12 would take care of them way out, which she has not.

13 There are not enough slips in this area. It's a
14 State-owned marina on State land. It's been a marina for
15 50 years. The community loves it. Unlike some of the
16 local marinas which have locked gates, the public has free
17 access to come, bring their children, and fish.

18 And there's one very easy way to resolve this
19 conflict, which I'll close with, let's please keep Pete's
20 Harbor public for the public.

21 CHAIRPERSON NEWSOM: Thanks very much.

22 Wendy.

23 MS. STONE: I moved here from Denver and I'm from
24 Virginia Beach originally. It was really great to get
25 back to the water. This is the Bay Area. I thought,

1 "Yea. Water." And it's hard to believe that they're
2 closing down all these marinas. And this is like one of
3 the last bastions. And so I back obviously all of what
4 they said.

5 But I wouldn't even be able to afford to live
6 somewhere in California right now if it weren't for a
7 place like this. I mean, not a decent place. Even though
8 my daughter is in Denver, it would be a great opportunity
9 to go back or whatever. I hope that we don't have to.
10 It's beautiful. I'm spoiled now. This is the Bay Area.
11 Living on the water seems so natural. It's crazy to think
12 that they're closing everything down.

13 So, please, if you guys have this kind of
14 influence and can do this thing in your power, keep it
15 open. Thank you.

16 CHAIRPERSON NEWSOM: Thanks.

17 ACTING COMMISSIONER GORDON: Can I ask you one
18 question? If

19 MS. STONE: Yes.

20 ACTING COMMISSIONER GORDON: If you don't mind,
21 if it doesn't feel like an invasion of privacy, how much
22 is your rent?

23 MS. STONE: Well, just for the one boat, it would
24 be, what, about --

25 MR. STONE: I'm the guy that handles that.

1 CHAIRPERSON NEWSOM: Okay.

2 MS. STONE: He's coming after me.

3 CHAIRPERSON NEWSOM: Why don't you answer that
4 question.

5 ACTING COMMISSIONER GORDON: If you could answer
6 that question, that would be great.

7 CHAIRPERSON NEWSOM: Thank you, Mr. Stone.

8 And after Ms. Stone, Leslie Webster followed by
9 Paul Supplee.

10 MR. STONE: Thank you for taking the time to see
11 me. I've been living at Pete's Harbor for 20 years.

12 My name is Buckley Stone.

13 I've been living at Pete's Harbor for 20 years.
14 I first came to this marina by accident. I was in the Air
15 Force and I suffered -- I was a law enforcement officer in
16 the Air Force. I survived cancer, and I went out and got
17 a job in electronics, and I worked in the Bay Area.

18 And I traveled so much that owning an apartment
19 didn't make sense. So here was this wonderful liveaboard
20 community. So I worked and worked and worked, and in 2000
21 well that cancer reared its ugly head and came back. Now
22 I'm 100 percent disabled with the VA, and I'm living on my
23 Social Security.

24 We believed that in July that everything was fine
25 and dandy. And then we were told September 20th that the

1 Pauls Powers Corporation was going to come in and take
2 over and build 100 percent residential, privatizing the
3 slips, and that we were to leave by January 15th. That's
4 two and a half months notice.

5 I've spent all my money in Redwood City, my bank,
6 my doctors, my Safeway. I pay my rent on time. It's
7 roughly \$7.75 per foot, plus a \$225 liveaboard fee, plus a
8 \$80 pump-out fee, and your electricity and your own phone.

9 It was a lifestyle I could afford, and it was a
10 healthy lifestyle for me, because after I got sick with
11 Hep C, my environment became very small. My immune system
12 is shot. And here I am living on the water, clean air. I
13 get to sail whenever I can, and I help out around the
14 marina and help people in our community. Something that
15 was missing -- I owned a condo in San Juan Capistrano, but
16 when I came to Pete's Harbor, there was a real sense of
17 community. Everybody looked out for each other. You
18 didn't want your neighbor to sink, catch on fire, people
19 to drowned. It was a real village, and we were decimated.

20 The Paul Powers Corporation from Denver does not
21 care about the marina. They want the dirt. They want to
22 build it up. They want a carbon footprint right next to
23 the Don Edwards National Wildlife Refuge. They have no
24 care at all for boaters.

25 These leases we're talking about were stolen from

1 the State for 20 years. And then when it was discovered,
2 the guys offered this guy a deal, about \$6,000 a year.
3 They didn't know where to send the check. They got behind
4 about half a million dollars. And now we find out that
5 we've been paying them all these -- all this money.
6 They've been spending the money in the City, paying the
7 right people, making the right charities, making them look
8 like kings and queens with our hard-earned money.
9 \$250,000 I paid them, and they didn't pay you guys a
10 penny.

11 And now they want you to hand it to this
12 developer in Denver to privatize for people who make
13 better than 250 K a year, so they can have their own boat.

14 Don't let it happen. It's already there. It's a
15 great place for the public. It's your one last chance to
16 save something beautiful in Redwood City.

17 Thank you.

18 CHAIRPERSON NEWSOM: Thank you, sir.

19 Leslie. Leslie Webster.

20 MS. WEBSTER: My name is Leslie Webster. I've
21 lived at Pete's Harbor for 4 years. It change my life,
22 but this isn't about me.

23 On September 20th, Paula Uccelli advised us of
24 the potential sale and development plan of the harbor.
25 After telling us that there was nothing we could do and

1 she would not talk to any tenants until after the sale
2 went through, I immediately contacted Peninsula Conflict
3 Resolution Center in hopes of mediating. We received no
4 response.

5 We went to the city council, we went to the
6 planning commission to request that they work with us to
7 give us more time to try to reach a compromise, we had no
8 luck. We filed an appeal with the City, which won't be
9 heard until next week.

10 We reached out to Paula Uccelli through her
11 attorney. We reached out to the developer, The Pauls
12 Corporation, had no response. We reached out to local
13 politicians, to the Housing and Human Concerns Committee,
14 to anybody we could, and haven't had any help.

15 So, at this point, we still believe there is room
16 for compromise. We are reaching out to you. Please help
17 us keep the public lands at Pete's Harbor for public use.

18 CHAIRPERSON NEWSOM: Appreciate it.

19 Paul Supplee -- my apologies -- followed by Tal
20 Lerner.

21 MR. SUPPLEE: Thank you. My name is Paul
22 Supplee, and I live at Pete's Harbor. I've been there for
23 12 years. I fully support Paula Uccelli's right to sell
24 her property and retire. We wish her the best. I also
25 support The Pauls Corporation's right to purchase and

1 develop the upland property, and to develop the inner
2 harbor. It's private property. That's perfectly fine.

3 My objection is to the closure and proposed
4 transfer of the Public Trust lease covering the outer
5 harbor. The lease specifically calls for the operation
6 and maintenance of a commercial and public marina.

7 On that subject, I have bad news, but I also have
8 good news. First, the bad news. The transfer would be to
9 a developer who has clearly stated that he has no interest
10 at all in operating or maintaining a public and commercial
11 marina. The marina is now closed except for the few of us
12 that are left here, and they are threatening us with
13 eviction.

14 ACTING COMMISSIONER GORDON: How many of you are
15 left?

16 MR. SUPPLEE: About 25?

17 MS. WEBSTER: I counted this morning. There
18 are -- today, there were 32 boats. There are 23 people
19 living on 19 liveaboard boats. On September 20th, there
20 were 144 people living on 86 liveaboard boats.

21 MR. SUPPLEE: We've been threatened with eviction
22 and people have fled out of fear. If the lease is
23 transferred to the new owner, he will convert the outer
24 harbor to private boat slips for the exclusive and private
25 use for the townhouse and condo owners. The public will

1 not be invited to the Public Trust.

2 Aside from the bike trail, a little gazebo
3 viewing area, and a small platform for canoes, kayaks, and
4 paddle boats, the public will not have access to our
5 Public Trust that we've enjoyed and cherished for decades.
6 No outside recreational boats, no sailboats, and certainly
7 no liveboards will be allowed as is permitted by State of
8 California. Boating is our California history and our
9 maritime heritage, especially in Redwood City, which is a
10 deep-water port.

11 We've already talked about the closure of all the
12 marinas, so I can skip through that, but the main thing is
13 that whole vibrant water-use communities, as our heritage,
14 have been uprooted from Redwood City and everybody is
15 dispersed around the north bay and the coast with great
16 personal costs, longer commute times to work in the
17 peninsula, and families that are stretched to the limit.

18 If the closure of the outer harbor is finalized
19 and the lease transferred, instead of the wonderful open
20 marina access that we have to our Public Trust, we will
21 end up with an exclusive private playground for luxury
22 townhouses. The public need not apply.

23 Does that sound like that's in the best interest
24 of the Public Trust to us? Where is the value to the
25 people of California?

1 I don't believe that there is any value at all in
2 signing away our access to the Public Trust. This is not
3 a good deal for the people of California. The developer
4 wants to treat this as their own private property along
5 with the rest of the development.

6 Okay. Now that's the bad news, but I have good
7 news.

8 CHAIRPERSON NEWSOM: A little bit of time on the
9 good news.

10 MR. SUPPLEE: Yes, a little bit of time. The
11 good news is that I believe with a little extra time and
12 effort, working together we can resolve all of the issues
13 that will be brought up today, and we can come up with a
14 compromise solution that will allow an economically
15 successful commercial public marina with a vibrant
16 water-use community, that can make money for the State.

17 We can also, at the same time, have a beautiful
18 and successful townhouse and condo development in a
19 forward-thinking multi-use community that everyone can be
20 proud of, and that can be an example for the world for
21 environmental sustainability and beautiful design. It's
22 not a question of either boats or housing for Redwood
23 City. We can have both. The two are totally compatible.

24 So I ask you, let's work together for compromise.
25 Please help us get a little bit more time. Please stop

1 the evictions of the people, and let's -- we owe it to the
2 people of California to come up with a compromise that
3 everybody can work with.

4 Thank you very much.

5 CHAIRPERSON NEWSOM: Thank you very much.

6 Tall Lerner, and maybe another Lerner here as
7 well. I can't read the writing.

8 MS. LERNER: Hello, everyone. My name is Tal.
9 I've been living in California for 11 years. I moved from
10 Israel. I have a Ph.D. in cancer biology, and I moved to
11 work at Stanford. And as soon as I got to California, I
12 fell in love with it. And one of the reasons is the
13 access that we have living here to natural beauty. I
14 decided to make it my home.

15 I wasn't born here. It's not my fault. I chose
16 California as my home, and I think this is something very
17 special. And I don't know -- I don't know you, the
18 members, but have you been to Pete's Harbor? Have you
19 been there? Have you visited? Have you seen how
20 beautiful it is?

21 In my eyes, it's not less beautiful than
22 Yosemite. And I think that regardless of -- I also lived
23 in the community, but only for 4 months, and I would like
24 to make it my home if it becomes available again, because
25 it's really wonderful.

1 But aside from this, just as a resident on the
2 peninsula, we don't have much access to the waterfront. A
3 lot of it was already constructed, you know, Foster City,
4 Redwood Shores. This is a jewel. This is a beautiful
5 spot. Before you make a decision, at least take a look at
6 photographs and see what the decision is that you're
7 making, because I think blocking the access to the
8 waterfront and closing down such a beautiful marina would
9 be a mistake and for generations to come.

10 And if there can be a compromise so that there
11 will be some construction, but also leaving the marina
12 open and operating, I think it would be beneficial for
13 everybody living on the peninsula and guests from other
14 places in California.

15 CHAIRPERSON NEWSOM: Thank you.

16 MS. LERNER: So thank you.

17 CHAIRPERSON NEWSOM: Mr. Lerner.

18 MR. LERNER: My name is Itzik Lerner. I'm also
19 from Israel. After everybody speaking, I think -- I
20 cannot add a lot, because I wrote some stuff to tell, but
21 I'll tell some of it, because -- first of all, about
22 myself. I moved here from Israel. I'm the father of 2
23 boys that are in middle school. And I'm founder and CEO
24 of a high-tech start-up in Palo Alto. This is why I came
25 to California. This is what brought me to Silicon Valley.

1 And I'm one of the hundreds of residents that --
2 I'm an active member in the community, this wonderful
3 community, that is being deported now from the Pete's
4 Harbor. Except from this, I'm in the IDF of the Israeli
5 Army. I'm a captain in the armed forces.

6 And from my experience in the Army, the battle
7 field, there are moments that -- especially when you hear
8 a lot of firing around and people are falling next to you,
9 friends, and there are moments that you think that there
10 is no hope, and everything is hopeless.

11 And in this moment, what we was trying to do is
12 to be calm, and to look for the roots of the problem,
13 because when there is fire all over, it's very confusing.
14 But when you find the root of the fire, and you deal with
15 the root of the problem, then everything later is becoming
16 quieter, and -- well, maybe not perfect, but you can take
17 out something of the situation.

18 Also, in the business -- in my business also
19 sometimes, you know, the numbers are falling down and you
20 think that everything is falling apart, but then you find
21 this small thing that solves, and everything is
22 becoming -- also here in our situation here, I think that
23 there is a lot of emotion here. I'm also -- you counted
24 how many people are living today. You didn't count me and
25 other -- and a lot of people like me, because I am now not

1 homeless, boatless.

2 I'm now living with friends until I know what I
3 can do, if I can come back. And the same as me, there are
4 also a number of people I think in the moment that we will
5 declare that we can go back to the marina. It will be
6 filled up again very fast.

7 So the thing is what I see here is a small
8 solution that can maybe show some solution is on the last
9 meeting the representative of the owner, of the current
10 owner, said that the problem in maintaining a marina is
11 the parking spaces, if you remember.

12 So there is not enough parking space -- there is
13 requirements of the city that to build 411 condos, they
14 need a certain amount of parking spaces. And if we will
15 maintain the marina, there won't be enough parking spaces
16 for the marina.

17 And this is the -- if we solve this small issue,
18 I think it can be solved. If you count how much money the
19 development will do, it's like 500,000 for each condo,
20 roughly it's over \$200 million. So for this kind of
21 money, I think to build extra 100 parking spaces under the
22 ground or somehow higher, it's nothing. It's peanuts for
23 this amount of money.

24 So by giving the list, you have the authority to
25 authorize the transfer of the lease. If you transfer the

1 lease, you're just giving a present to the developer to
2 save the money that it could cost them to build these
3 parking spaces. This is the spot that can solve this and
4 I will thank you.

5 CHAIRPERSON NEWSOM: Thank you, Mr. Lerner.

6 Thank you very much.

7 Alison Madden followed by James Lee and then
8 Shaunn Cartwright.

9 MS. MADDEN: I am the attorney for the tenants.
10 I also happen to live at the harbor. Here's a map in case
11 you would like to look at that during closed or otherwise.
12 It shows the closed marina, and it shows the outer harbor
13 and inner harbor.

14 And I think for me, you know, first of all, I'd
15 like to say that the State Lands Commission staff and
16 Commission itself has been incredibly professional and
17 open to input and information. I think there's nothing
18 about this that they probably don't already know. And
19 they've spoken to the owner, the new potential buyer, and
20 the tenants, and then we've also represented the citizens
21 of Redwood City.

22 So I think there's a whole lot of information.
23 Had you gone into closed session, you might have had
24 enough, but we really, really appreciate you hearing from
25 us. And I think it's really important. I wanted to go

1 last for clean up. No jokes about that with the lawyer
2 thing.

3 But I just -- I wanted all of the tenants to
4 speak. And there's some that didn't even put their name
5 in that are so really well spoken and really have their
6 individual stories. And it's important to listen to
7 those.

8 I can tell you that I'm going shopping in Redwood
9 City and Woodside and people giving me cash back, and say,
10 "Good luck, Honey". You know, everyone knows that this is
11 going on, and everyone in the community supports it.

12 There's a very little -- it's been a very
13 emotional and high profile situation, because there is a
14 lot of -- the Uccellis became benefactors with this. So
15 as you most know, in 1981 there was litigation with the
16 State Lands Commission. And probably that was the proper
17 forum. The executive branch and the judicial branch
18 clarifying the Public Trust for a really not, I think,
19 apparently no good reason, it was taken from those two
20 branches and the Legislature, you know, passed an
21 emergency act of the legislation.

22 There were two no votes. One was M. Waters, and
23 I'm guessing that's Maxine Waters. And I think it was
24 really rushed through as an emergency thing, when just
25 absolutely, in my view, not necessary. The outer harbor

1 and the inner harbor would have both been State land. I
2 think the slips would have continued to exist and be
3 exploited and be used for community.

4 But what happened is all of the uplands,
5 including that inner harbor, which was a wrap-around at
6 the time, would have been available, and benefited the
7 public and the Uccellis. And so that 1983 legislation I
8 think it's important to know what it would have looked
9 like at the time.

10 I just want to quickly say that, you know, like I
11 said, there's been a lot of panic and fear in the last
12 couple weeks, talk of, you know, evictions, calling the
13 Sheriff on the day after the notice of termination,
14 self-help, turning off water and electricity, and all of
15 this. And specifically it means that we're proceeding at
16 our peril, and for my sake I better be right in all of
17 this stuff. Not at any one person, some of that's been in
18 the public.

19 And so I just want to say that we're not trying
20 to interfere with anyone's contract. We're trying to
21 enforce what we view as a public lease for Public Trust
22 land in a public forum. And we really hope that -- you
23 know, very specifically there's issues. There's a small
24 consent lease and a large transfer lease. We'd like to
25 think of them as really all being together and not trying

1 to divide and conquer, and to allow that entire outer
2 harbor to be, you know, fully exploited for the full use
3 of recreational boating.

4 So, as you know, in California, Public Trust is
5 not just commerce, navigation, and fishery, but
6 recreational use as well. And so we don't intend the
7 entire thing to be liveaboards. You know, some
8 residential, you know, of the condos being there, people
9 who come in that are called extended-stayer cruisers,
10 recreational weekend boating, but a real full public use
11 is what we're trying to do.

12 Thank you.

13 CHAIRPERSON NEWSOM: Well, thank you very much.

14 Mr. Lee. James Lee.

15 MR. LEE: Hi there. Thanks for taking this
16 opportunity -- giving us the opportunity to speak. I was
17 hoping Alison would go last, but we're actually speaking
18 to Assembly Member Gordon, Assembly Member Mullin, and
19 Senator Hill before we came here.

20 And I just wanted to bring that up, because the
21 reason we're here talking to you guys about a city issue,
22 Pete's Harbor, is because, as Leslie was saying earlier,
23 we have gone to almost everyone, and we're not being
24 heard. We really need your help here.

25 The Housing and Community Concerns Commission

1 that Leslie referred to, it's an appointed body with very
2 little power in the city, but that's where we're going
3 now, because there's just no one to turn to.

4 I want to speak specifically to the Public Trust
5 use over at the outer harbor. Just to support what Alison
6 said, the outer harbor itself, even if that remains State
7 land, that in itself is a compromise, because as Alison
8 said, there was more of it that was State land. So if
9 we're just preserving the outer harbor, that already is a
10 compromise position. And that's all we're really asking
11 for.

12 I do want to bring up we had been talking to the
13 Bay Conservation Development Commission, BCDC. Our County
14 Supervisor, Dave Pine, brought BCDC staff out to look at
15 the land of the harbor itself. And they came out a King
16 Tide, which is one of the extreme high tides. And they
17 were really concerned about sea level rise at the area.
18 They were really concerned about how that would affect the
19 public access that the developer is proposing for the
20 area, because the public access is basically a trail that
21 goes behind the condos. And the first thing that will be
22 affected by that is -- to be affected by sea level rise is
23 that trail.

24 The newest -- the latest studies by the USGS, the
25 Geological Survey, has stated that sea level rise in the

1 San Francisco Bay is going to be 1.24 meters by 2100, so
2 less than 90 years from now, and up to a meter and a half
3 by 2105.

4 NASA has put out some flat maps for the San
5 Francisco Bay area, including the peninsula where we are.
6 Even with just a meter of sea level rise, the water will
7 inundate the entire harbor, could get up to downtown
8 Redwood City and possibly El Camino Real, which if you
9 know the peninsula, is the main drag that kind of goes
10 through the bayside of the peninsula.

11 So we're really -- we're not opposed to the
12 development, but we feel that all these concerns have not
13 been addressed with the development. We'd like to see
14 something there. Of course, you know, something
15 beautiful, something great for the community would be
16 wonderful there, but all these considerations we feel just
17 have not been looked at, have not been heard. And because
18 they affect the Public Trust use of that State land,
19 that's why we're coming to you.

20 Please keep the outer harbor public. Please keep
21 it a place where we have maximum feasible access for
22 everyone.

23 Thank you.

24 CHAIRPERSON NEWSOM: Thanks, Mr. Lee.

25 Shaunn Cartwright followed by Joseph Rosas.

1 MS. CARTWRIGHT: I just wanted to start off by
2 saying thanks for the dance we shared once at --

3 (Laughter.)

4 CHAIRPERSON NEWSOM: That was -- that was for
5 closed session.

6 (Laughter.)

7 CHAIRPERSON NEWSOM: God bless you. Thank you.

8 MS. CARTWRIGHT: We shared once at Dolores Park
9 on Cinco de Mayo a few years ago.

10 (Laughter.)

11 MS. CARTWRIGHT: And I was your security escort,
12 so it was even better.

13 (Laughter.)

14 MS. CARTWRIGHT: I wanted to -- I'm going to hit
15 a couple of things and I talk really fast, but I've got a
16 lot of things to same, so I'm going to try this.

17 One of the things also that I wanted to point out
18 was shadow profile. Buck is not here to help me out, but
19 there's another marina, and I believe it's in Oakland,
20 where they have a shadow profile there over their harbor
21 and also their trail that lasts all the way up until
22 mid-afternoon.

23 So who's going to want to go to a trail where
24 you're just thinking like I've got to take like this hoody
25 and wear it like all afternoon. You want a place that's

1 pretty and has sunshine. Nobody goes to places that
2 you're like - (makes noise) - "This is great". I just had
3 to point that out.

4 And right now that shadow is an issue right now
5 with like -- if you're talking about a 6-story structure,
6 you know, they might cast a shadow.

7 And I also wanted to talk about -- I'm from L.A.
8 No harsh comments. But I'm from L.A. and because we have
9 ridiculous things, we have the L.A. River. And part of
10 the L.A. River is just a giant cement U. That's not a
11 river. That's just a big thing that fills up with rain
12 water. And I don't want the bay trail to be something
13 that's like that, like just this cement path. It should
14 be something that's pretty, and it should be something
15 that is something that's enjoyed by people and has nature,
16 and also not something that's submerged. I don't want
17 people to take their kids or me to take my kids to a
18 museum to say like, "Mommy, what's like a bay trail?", or,
19 you know, "What's public access?".

20 It shouldn't be something that years from now
21 people just have to look up on Wiki to figure out what
22 these things are, because they're disappearing fast, just
23 like marinas and liveaboards. And, you know, I think
24 these are things to be preserved.

25 And right now, it's like Peninsular Harbor went

1 away and Pete's Harbor is going, and Docktown might have
2 been sold, which is a whole other batch of people. These
3 are actually floating homes. It's not just liveaboards.
4 These are homes that don't have motors, and that's
5 going -- or that might have been sold.

6 And so it shouldn't be like a museum exhibit of
7 things that once were. These aren't dinosaurs. These are
8 things that roam the earth now, people that are alive
9 noticed now, and we should preserve all these things.

10 I'm asking you to -- there's other things.
11 There's been public -- issues that are going on right now
12 at the outer harbor that are important. There's steel
13 cables that have been placed across the slips. If a boat
14 tried to enter that area, it would harm the boat. It
15 could rip the cleat out, which could place a big hole in
16 the boat and sink the boat, or it could brain somebody.
17 If the cleat is flying around and you're walking around
18 there, like that's it.

19 If a kayak went into that slip, and they didn't
20 see it -- there's no caution tape. There's no any warning
21 that it's there -- it could just clothesline a kayaker
22 right into the water. These are huge issues, and it's on
23 your land. It's not on the other marina, the inner
24 marine. It's on your land.

25 I also wanted to point out that right now if this

1 is built, as it is now, you're going to have 1,500
2 vehicles exiting on a 1-lane road.

3 I wanted to ask please don't transfer the lease
4 or the title, because as far as know, she is not the title
5 holder. It did not transfer with her when her husband
6 passed away. Please don't transfer the lease or the
7 title. I don't believe the owner of the inner harbor has
8 proven that she's a good manager of the Public Trust or
9 its lands, and, in my opinion, she's proven she's more
10 interested in billing and bullying others than paying her
11 own bills. Join me in saying that this community matters,
12 because this community matters, Public Trust matters, and
13 public lands matter.

14 Thank you very, very much for hearing us today.
15 And hopefully we'll dance again.

16 (Laughter.)

17 CHAIRPERSON NEWSOM: Joseph followed by Tal
18 Raveh.

19 Is Tal here?

20 Oh, you put her twice and Itzik. Then we'll have
21 Colt afterwards.

22 MS. LERNER: No, we asked for it and then

23 CHAIRPERSON NEWSOM: It's all good.

24 MR. ROSAS: Good after, Lieutenant Governor,
25 Commission members. I am coming here today speaking as

1 myself, a fellow resident of the peninsula in Sunnyvale
2 specifically, not as part of an organization, and I bring
3 my personal experience to this. I'm sure the residents
4 and their attorney can speak more towards the actual facts
5 of living in the harbor.

6 But living on the peninsula, we have a very
7 diverse, outright amazing, cultural history in just a
8 small stretch of land. Pete's Harbor is part of that
9 history. And actually the entire Redwood City waterfront
10 it was where logs were brought down from the hills and
11 they were shipped out to build San Francisco from the Port
12 of Redwood City. And there was just massive commerce,
13 small businesses all along that waterfront.

14 Pete's Harbor itself is the result of a
15 long-fought battle of somebody that had a vision and built
16 it. And I find it ironic that we're the ones here trying
17 to preserve the heritage of Pete's Harbor, preserve Pete's
18 legacy, and his widow is the one that's trying to pave
19 over it.

20 Once again, as a resident of the peninsula, we
21 really do cherish our position in between 2 large bodies
22 of water. We're right in between the Pacific and the Bay
23 area -- or the San Francisco Bay. And we really enjoy our
24 waterfront access, our access to both the bay and the sea.

25 And as somebody who really believes in the

1 Government and advocacy in the community, I find it
2 personally offensive the way that her PR agency, and her
3 representatives have referred to the boaters here. They
4 have referred to them as squatters, as people who, in not
5 so many words, defecate in the bay.

6 And also this specific PR firm has a long history
7 of fighting against unpopular development. For example,
8 they also represent the corporation that purchased the
9 majority of rental properties on the west side of 101 in
10 East Palo Alto. This is Singer Associates.

11 They also represented Chevron when they had a
12 large environmental disaster in Ecuador a few years back.
13 And this particular firm was hired due to their expertise
14 with social media. And I -- as a network security
15 advisor, I have not worked for them, but I have been hired
16 by other PR firms to obfuscate IP addresses in order for
17 those PR firms to create false social media accounts,
18 commit falsified attacks on their clients, in order to
19 generate empathy for their clients.

20 And, you know, the PCRC did give her an award for
21 building empathy and respect in the Bay Area, but I'm not
22 sure that's what they were referring to.

23 CHAIRPERSON NEWSOM: Appreciate it. Thank you.
24 Colt. Mr. Rymer.

25 MR. RYMER: Hi. Thank you for hearing us.

1 I'm a disabled veteran. I served in Vietnam and
2 I paid a high price. I worked for the State and the
3 Director of the Department of Industrial Relations.

4 After that, I went on to Silicon Valley and had a
5 good career until my war wounds caught up with me and
6 forced me to retire. I spent a lot of time in the
7 hospital as my friends here can attest to. The VA keeps
8 me going rather in a miracle way. I have come close to
9 dying a couple times.

10 I have no complaints. I'm more than glad that I
11 served and I believe in it. One of the reasons is, is
12 that I did it for the public good. I felt that that's
13 what a citizen does, you serve for your fellow citizens.

14 Part of the reason we serve, you know, is we want
15 to do things for other people, but we also want to protect
16 the society and its resources. If -- this is --
17 politicians today keep talking about honoring the vets.

18 One of the ways you do that is to protect what we
19 fight for. And one of those principles is the commons,
20 you know, common property, the parks, the bay shoreline,
21 things like that. They're disappearing. You know, we see
22 them turned over for ball parks and private interest. We
23 see shorelines turned over for developments for
24 condominiums, for the wealthy.

25 The problem with that is that the common person

1 doesn't have access anymore. As we said, what once was
2 public property, now amounts to a little trail down there
3 that's not being adequately available for the public, and
4 probably will be even less available if, in deed, this
5 development goes through.

6 That's not what I served for. That's not what I
7 risked my life for. And that certainly was not what my
8 men, some of them, who died for. I really, really urge
9 you to, if you believe in the saying, "Support what we
10 fight for", it's now your turn to really stand up and
11 protect those properties for public access for the average
12 person to use, for the average person to have some type of
13 access, so that they don't have to try to go miles across
14 land on buses, that they can't afford a car to get some
15 type of access to the waterfront. It's disappearing in
16 the Bay Area.

17 We've seen that the Commission, which is
18 responsible for the public access of the waterfront, is
19 not doing its job. It's letting the land go. Harbor
20 after harbor is going away. And it's really important
21 that we try to save what's left. Redwood City is the
22 classic case, where we've seen really nice waterfront
23 suddenly being snatched up by private interests.

24 So please stand up for the average person.
25 That's really what we'd like you to do and we really ask

1 that you do that.

2 Thank you.

3 CHAIRPERSON NEWSOM: Thanks. Any other speakers?
4 I don't have anymore filled out cards.

5 Anyone else wish to speak?

6 Okay. Well, that will conclude public comment.

7 Ms. Lucchesi, I believe now we'll be moving into
8 closed session.

9 EXECUTIVE OFFICER LUCCHESI: Yes. We'll conclude
10 the open meeting and break down into closed session.

11 CHAIRPERSON NEWSOM: Great. So since we're stuck
12 here, we'll ask all of you to be patient with us and --

13 ACTING COMMISSIONER REYES: Thank you for driving
14 over to make your comments.

15 (Off record: 2:58 PM)

16 (Thereupon the meeting recessed into
17 closed session.)

18 (On record: 3:33 PM)

19 ACTING CHAIRPERSON GARLAND: We're coming back
20 into open session. I'm Chris Garland sitting in as the
21 designee for the Lieutenant Governor who had to rush out
22 to another meeting.

23 We're back in session. Ms. Lucchesi, is there
24 anything to report from the closed session?

25 EXECUTIVE OFFICER LUCCHESI: I would like to

1 report that in the Melton Bacon and Katherine Bacon Family
2 Trust versus State Lands Commission, City of Huntington
3 Beach case, the Commission authorized an interlocutory
4 dock repair agreement for a term of 6 months or shorter.

5 Thank you. That is all.

6 ACTING CHAIRPERSON GARLAND: Thank you, Ms.
7 Lucchesi.

8 Any other business before the Commission?

9 We're adjourned.

10 (Thereupon the California State Lands
11 Commission meeting adjourned at 3:34 PM)

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