

# San Mateo County Harbor District



## Board of Harbor Commissioners

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February 22, 2001

April Vargas  
Secretary, Midcoast Community Council  
P.O. Box 64  
Moss Beach, CA 94038-0064

***Ref: Your questions for the Harbor District***

Dear Ms. Vargas:

Harbor Commission President Jim Tucker has asked me to respond to the questions you recently passed on to him.

First, the Harbor District, its Commission, and its staff are committed to, and actively pursue, public participation in its affairs. This begins with daily contacts with the public, including berth-holders, other boaters, visitors to its two harbors, and the general public. These interactions are the foundation of public participation for the Harbor District. Additionally, the District has maintained for years mandatory and discretionary avenues for public participation through its regularly scheduled and noticed Harbor Commission meetings twice a month at Half Moon Bay and South San Francisco; through the Pillar Point Harbor Citizens Advisory Committee, which the Commission created specifically to provide a channel for Pillar Point Harbor users and the surrounding community to bring their concerns and recommendations to the Commission, and in turn to inform them of District activities of interest and importance to them; through periodic Tenants Meetings at Oyster Point Marina/Park, convened for similar purposes; through contacts with the Princeton Citizens Advisory Committee for similar purposes; and periodic noticed meetings with Harbor user groups on items of specific concern such as parking, restrooms, and dredging.

Regarding the Median Strip (APN 047-262-010), the Harbor District takes seriously its responsibilities to the boating public, the citizens of San Mateo County, its Harbor users and visitors, and the surrounding communities. Among these responsibilities is the need to use all of its resources, including property assets, in the best interests of all the public it serves, and to do so in a fiscally sound and environmentally sensitive manner. Regarding the latter concern, for example, the District has been a pioneer in using vessel holding tank and bilge pump-pout technology to improve water quality, has mitigated installation of new small craft launching facilities by providing new parking area and public access to scenic wetlands, has repaired shoreline protection structures to prevent landfill contaminants from affecting Bay waters, has constructed new public shoreline access trails, and provided new visitor-serving commercial facilities to serve boaters and park users.

The Median Strip is one of these assets. Now a single, approximately 6.19-acre property originally deeded to the District in two parcels and now owned entirely by the District, this property represents a valuable asset to the District and the general public, as well as local community residents. The District sought proposals for use of the Median Strip in 1998 through a full, open, publicly noticed process with a Request For Proposals published in newspapers and elsewhere. This is a standard process by which such notifications or Requests are published routinely in at least the San Mateo County Times and the Half Moon Bay Review, and often other channels as well. We now also use the District's Internet website, [www.smharbor.com](http://www.smharbor.com), on which Harbor Commission agendas and minutes are also routinely posted.

The Harbor Commission reviewed the proposals received at its regularly noticed Commission meetings, and took public testimony at the meetings and through letters and other communications. No proposals were received to create only a park on the Median Strip. As public documents, those proposals that were received were available to the public, and are available today from the District Administration Office for the cost of reproduction. As required, the District has always notified the public of impending actions concerning the Median Strip, including consideration of exclusive negotiating agreements, through its standard Meeting Agenda publication process. For your information, this includes posting the agenda at each Harbor Office and the District Administration Office, and since it became operational, posting on the website as well. The District has also made copies of the agendas available to individuals upon their request, according to established District policy.

Once the Harbor Commission determined that all proposals received except one were deficient in various respects and were rejected, the District entered into an exclusive negotiating agreement with the remaining respondent, KN Properties of Half Moon Bay. This proposal called for limited development on the Median Strip consistent with existing County Open Space zoning, with the great majority of the parcel remaining in open space. This zoning, COSC, provides for a variety of uses besides open space. In consideration of this exclusive position, KN Properties paid the required non-refundable fee of \$10,000 to the District. For various reasons, negotiations have not yet concluded and the Commission let the agreement lapse without extending it at its February 7, 2001 meeting in Half Moon Bay.

While communication continues with KN Properties, the termination of the agreement means that negotiations may commence with proponents of other proposals for the property, if such proposals are submitted to the District and are positively evaluated. I should point out, however, that even while the exclusive negotiating agreement was in place, the District could have received and reviewed other proposals, although it could not negotiate about them. This was made known more than once to citizens concerned about the future of the Median Strip. No such proposals were received, nor have been received more recently.

With respect to potential value of the property if developed at the 10% allowed by County zoning, annual revenue could reach several hundred thousand dollars assuming \$2.00-\$2.50 per square foot rental levels. This revenue would be allocated by the Harbor Commission through its annual budget process to various Harbor District purposes, including long-deferred harbor improvements. Thus, open space proposals need to consider this range of value in addition to other costs including improvement, maintenance, insurance and liability coverage, parking, and fencing (Highway 1 is extremely busy and dangerous, as witnessed by the recent fatalities and closure to beach parking of the verge across from the Median Strip). Proposals would also need to address the question of who would manage the open space and on what legal and organizational basis.

I trust this addresses your basic concerns. Feel free to call if you have questions or seek clarification of any of the above.

Sincerely,

**SAN MATEO COUNTY HARBOR DISTRICT**



Peter Grenell

cc: Board of Harbor Commissioners

February 14, 2001

Questions for the San Mateo County Harbor District

These first questions are in reference to a letter to the District from Barbara VanderWerf, dated 8/21/98

1. How does the District define "public participation?" Is it limited to attendance at meetings and the ability to comment on official documents? Is the District willing to sponsor single issue meetings or workshops to gain input on a specific issue?

Mr. Grennell's answer to this question does not make any specific suggestions that I can determine.

2. Were Ms. VanderWerf's questions regarding the financial implications of improving the Median Strip specifically answered?

Mr. Grennell's response in his letter is that the questions would be answered "shortly." Were these answers forthcoming and if so, how may we obtain copies of the document(s)?

3. Has there been any further investigation into a scenic preservation easement for the Median Strip? Has there been contact with the County Park and Recreation Department regarding the possibility of this land being sold or leased to them?

This question refers the June 15, 1978 document, Resolution No. 12-78

4. Why was it determined that the land in question was not "reasonably capable of a park or recreational development for open space purposes?" Can the District revisit this decision?

This question refers to the deed and the description of the property in a District document.

5. The Median Strip land is listed as an undivided one-half interest. What does this mean and who holds the other one-half interest?

These are general questions referring to RFPs and exclusive negotiating agreements.

6. What is the process by which RFPs are distributed by the District? How widely are they distributed?

7. Is it required that the public be notified when an exclusive negotiating agreement is prepared or extended? If so, how is the public notified and by whom?

8. When an exclusive negotiating agreement was extended to Mr. Nerhan, was the \$25,000 fee collected? How many times has this agreement been extended? What was the amount of the fee assessed each time? Were these fees collected?

9. Where can we obtain copies of previous proposals for this property?

This question refers to a 2/16/99 District document.

10. The District directed that an appraisal of the Median Strip land be conducted. Was this done? What was the appraised value of this property?

This question refers to the District's Anticipated New Revenue spreadsheet of 12/9/00.

11. Does the District anticipate that the Median Strip will generate a total of \$6,534.00 per year for the next 10 years as indicated on the document?

This is a final general question.

12. Can you explain why the District does not televise its meetings on the local access cable channel?