

Resolution 11-15
of the
San Mateo County Harbor District

**Adopting and Affirming Factual Findings Made During the
Harbor District March 4, 2015 Public Meeting Regarding Three
Captains Sea Products' Request to Maintain a Second Hoist on
Johnson Pier**

Whereas, the San Mateo County Harbor District (the "District") held a public meeting on March 4, 2015; and

Whereas, as part of its regularly noticed agenda for the March 4 meeting, the District's Board of Harbor Commissioners considered a "Possible Change in Location of Three Captains' Hoist at Pillar Point Harbor," in light of information and documents provided by District Staff, Three Captains Sea Products, Inc. ("Three Captains") and its attorney, Mark Scheer; and

Whereas, all the documents included in the "Agenda Packet" prepared by District Staff for the March 4 meeting and made available to the public were considered by the District's Board of Harbor Commissioners; and

Whereas, the District's Board of Harbor Commissioners also accepted and considered a letter from Three Captains' attorney, Mark Scheer, received on March 4, 2015; and

Whereas, during the March 4 meeting, the District's Board of Harbor Commissioners considered and discussed in public whether to continue allowing Three Captains to operate a second hoist on Johnson Pier under a probationary agreement; and

Whereas, based on the documents and information provided and discussed, the District's Board of Harbor Commissioners voted—three Commissioners in favor, none opposed, and two Commissioners abstaining—to authorize and direct the District's General Manager to send a letter notifying Three Captains that the District is discontinuing the March 28, 2014 probationary agreement, effective April 2, 2015, and giving Three Captains until July 2, 2015 to remove its second hoist and apply to the Harbor Commission for a location change.

Therefore, be it resolved by the San Mateo County Harbor District as follows:

Section 1: The District adopts and affirms the factual statements contained in the March 4, 2015 report of District Staff and the factual statements made by the Commissioners during the March 4, 2015 public meeting, finding:

a. Three Captains' Lease Agreement permitted Three Captains to operate an existing winch and hoist and also permitted Three Captains to install a second winch and hoist at a location approved in advance by the Harbor Master;

b. Three Captains' Lease Agreement required Three Captains to obtain and pay for all licenses and permits required for construction and operation of a second winch and hoist and to comply with the requirements of any and all permits, licenses, and/or approvals, including from the California Coastal Commission (CCC);

c. On March 28, 2014, Three Captains signed an agreement with the District's Harbor Master authorizing Three Captains to install a second hoist on Johnson Pier,

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near the fuel dock, on a "probationary or tentative" basis, for one year ending April 1, 2015, and requiring Three Captains to provide the Harbor Master with copies of any and all required permits;

d. On April 15, 2014, Three Captains installed its second hoist on Johnson Pier near the fuel dock;

e. As of the March 4, 2015 meeting of the District's Board of Harbor Commissioners, Three Captains has not obtained a required Coastal Development Permit from the CCC;

f. Safety is paramount for operating any equipment on Johnson Pier, and added congestion has the potential of causing an unsafe condition on the Pier;

g. District staff, who are closely familiar with the operations on and around Johnson Pier, has determined that limiting the hoist location to less congested traffic areas than the area around the fuel dock would improve operational safety conditions on Johnson Pier and would better serve the District and the public;

Section 2: Three Captains is operating a hoist without requisite approvals and permissions, and the District therefore affirms the March 4, 2015 decision of the District Board of Harbor Commissioners directing the District's General Manager to send a letter notifying Three Captains that the District is discontinuing the March 28, 2014 probationary agreement, effective April 2, 2015, and giving Three Captains until July 2, 2015 to remove its second hoist and apply to the Harbor Commission for a location change.

Section 3: Consistent with the Lease Agreement, Three Captains may apply to install a second hoist in a different location.

Approved this 6th day of May, 2015 at a regularly noticed meeting of the San Mateo County Harbor District by a recorded vote as follows:

For:

Against:

Abstaining:

Attested

BOARD OF HARBOR COMMISSIONERS

Debbie Nixon
Deputy Secretary

Sabrina Brennan
President

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