

With police in tow, about 70 boats have been removed from anchorage, and fewer are being let in, but more than 80 percent of those remaining are unseaworthy



RACHEL SIMPSON PHOTOS / FOR THE ARK

Richardson Bay Harbormaster Curtis Havel and Belvedere Police Chief Jason Wu on Feb. 25 pull up alongside a boat that is new to the anchorage to check for occupancy and seaworthiness of the vessel. They knock on windows and declare their intentions to alert any occupant on the boat of their presence before continuing their inspection.

Harbormaster works to restore order out on Richardson Bay

By **GRETCHEN LANG**
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It's a calm winter morning on Richardson Bay, and Harbormaster Curtis Havel is motoring the 21-foot aluminum Mud Puppy slowly through the anchorage. Suddenly, a

woman in a white inflatable dingy speeds across the boat's bow clutching her dog, her blond hair flying.

"Get away! Keep away from my boat!" she yells at the harbormaster.

"Who are you?" Havel responds. "Which is your boat?"

The woman ignores him and

speeds off.

Havel is doing his job, but it hasn't made him popular. The 48-year-old former civil servant and yachtsman was hired last summer by the Richardson Bay Regional Agency to

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election 2020

The March 3 presidential primary election — which includes elections for the Tiburon Town Council and Southern Marin supervisor, as well as two local fire-tax initiatives and a Tamalpais Union High School District parcel tax — took place after The Ark's deadline for this edition. Visit thearknewspaper.com for preliminary reporting; full coverage will appear in the paper's March 11 edition.

Library will ask Belvedere for estimated \$600,000 for expansion

By **DEIRDRE McCROHAN**
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Nine months after it secured a \$600,000 contribution from the town of Tiburon, the Belvedere-Tiburon Library Agency plans to ask the city of Belvedere to chip in toward the library's ongoing expansion.

The Library Agency, which oversees the library's operations, will present its request for funding at the Belvedere City Council's March 9 meeting, which begins at 6:30 p.m. at Belvedere City Hall, 450 San Rafael Ave.

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Belvedere residents sound off on plans to tighten 72-hour rules for parking

By **HANNAH WEIKEL**
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Belvedere residents seem to have mixed feelings about a proposal to stiffen the city's 72-hour street-parking rule and require vehicles be moved at least 300 feet, preventing owners from rolling their cars by an inch or just taking the next-closest spot.

About two dozen people attended a public discus-

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enforce agency regulations on the chaotic anchorage, which sits between Belvedere and Sausalito. Since that time, he has tagged, towed and demolished 50 boats. He's driven new boats off the anchorage and hauled up illegal moorings. He maintains a thorough inventory of each boat on the bay.

Havel's work is having an effect. The number of boats on the anchorage has dropped to 128 from 190 since the summer. While new derelict boats still show up regularly on the anchorage, Havel is working to stem the tide.

However, anchor-outs are furious at Havel's approach.

The hard-bitten community of water-lovers who live on their dilapidated boats talk of suing Havel and the agency for violating their civil rights. At agency board meetings, they shout and threaten, claiming Havel has not given them a chance to reclaim their vessels and belongings before they're hauled off and crushed.

Havel insists he is doing the job he was hired to do with the legal tools provided to him by state and agency regulations.

"I rely on that process," he says. "It's the right thing to do. I'm not on a crusade to crush people's homes. I'm on a crusade to make sure the anchorage is a safe place for everyone."

Harbormaster ramps up enforcement of vessels on bay

On this clear Tuesday morning, Feb. 25, Havel is out on the anchorage with Belvedere Police Chief Jason Wu. Wu is one of several law enforcement officers, including officials from the Marin County Sheriff's Office, the U.S. Coast Guard and the Tiburon and Mill Valley police departments, who now regularly ride out with the harbormaster. Belvedere does not have its own patrol boat, Wu says, so riding with the harbormaster is a chance to patrol the Belvedere waters that make up a large chunk of Richardson Bay.

Wu, wearing a life vest over his deep blue police uniform, jokes that he's mostly "an extra deck hand," but his presence sends a signal to anchor-outs who might object to Havel's work.

"When you're dealing with people's property, they get emotional," Wu says. "Having someone in uniform tends to de-escalate a potentially volatile situation."

It's a warm, calm day, with rafts of ducks whirling overhead in a cloudless sky and an occasional harbor seal poking its head up to investigate the Mud Puppy.

Havel points out a 30-foot sloop bobbing nearby.

The boat, he says, has weed growth on the hull, suspect rigging and soft spots on the deck. The engine is inoperable. Five days ago, he tagged the boat as "marine debris," notifying the owner that he or she has 10 days to remove it or it will be towed and demolished.

"On day 11, I'll be there to take it away," he says.

Havel uses the definition of marine debris as set out by California's Harbors and Navigational Code 550, which says a vessel is marine debris if it is "unseaworthy and not reasonably fit or capable of being made fit as a means of transportation on the water."

He also relies on a Richardson Bay agency ordinance that requires vessels on the anchorage be seaworthy. That means it must have operational thru-hulls, hoses, seacocks and bilge pumps; have bilges free of oil; and



RACHEL SIMPSON PHOTOS / FOR THE ARK

Harbormaster Curtis Havel prepares a notice of sunken/hazardous vessel to attach to the mast of a sunken sailboat on Feb. 25. This notice, which is also mailed to the residence on file for the registration, gives the owner of the boat 72 hours to come forward before it is towed to the U.S. Army Corps of Engineers dock in Sausalito to be destroyed.



Having deemed this vessel unseaworthy after his inspection, Harbormaster Curtis Havel posts a notice for the boat's owner Feb. 25, giving them a 10-day window to come forward and move their boat out of the anchorage.

be capable of operation to avoid striking vessels, persons and/or property should it break free from its anchor, among other rules.

Of the 128 boats on Richardson Bay, only about 20 qualify as seaworthy under the agency's definition. To anchor-outs, which boat Havel chooses to target can seem arbitrary at times.

The next boat Havel chooses to tag is unquestionably marine debris. It sits on the bay floor, its mast and rigging poking out of the water, its decks just visible under 2 feet of green bay water. The boat, a new arrival, had suddenly sunk the day before, Havel says.

He carefully maneuvers the Mud Puppy closer while Wu leans out to try to affix a notice of "sunken hazardous vessel" to the mast.

This summary abatement notice informs the owner that the boat is an "immediate threat to public welfare" and will be removed in 72 hours, Havel says.

When a boat is tagged as marine debris

or "unseaworthy," the owner has 10 days to claim it, although Havel says he usually gives the owners more time than that unless the boat has sunk or run aground. Once the boat is towed to the U.S. Army Corps of Engineers dock in Sausalito for demolition, however, the owner must present ownership papers and pay a towing fee if he or she wants to claim it, he says. Few ever do.

By declaring the boat marine debris, Havel can remove it within 10 days. This avoids the longer, more-expensive process of impounding a vessel, he says, which involves placing a lien on it and selling it at auction.

During the 10-day waiting period, Havel attempts to notify the vessel's registered owner by mail using Department of Motor Vehicle records, he says. If the boat is unregistered, as many are, the owner may not realize the boat is tagged for demolition unless he or she visits the vessel during that time.

Havel runs the Mud Puppy up to a sloop called Extra Virgin. The boat has no helm,

I rely on that process. It's the right thing to do. I'm not on a crusade to crush people's homes. I'm on a crusade to make sure the anchorage is a safe place for everyone."

— Curtis Havel, Richardson Bay Regional Agency harbormaster

wheel or operable sails. Havel says he talked to the owner a month ago, a woman named Hayley who said she's trying to get it into a marina.

"I've never seen her on board. If the boat broke free, there's no way to move it. But she says she's working on it," he says.

A berth in a Sausalito marina costs \$500-\$700 a month, with liveaboard fees an extra \$400. Liveaboard berths are hard to find because the San Francisco Bay Conservation and Development Commission caps the number in marinas at 10 percent.

Last spring, the city of Sausalito initiated a "Safe Harbor" program, offering to pay six months' worth of slip fees for anchor-outs who want to come in off the water. Anchor-outs are wary of the deal, however, fearing they'll be unable to go back out on the water once the six months are up.

Havel and Wu pull up to a small Chris-Craft powerboat Havel thinks is new to the anchorage. Its decks and siding are cracked and dirty, the well piled with tarps and paint buckets. An old milk carton is stuffed with a cheerful bunch of pink and yellow plastic flowers. The boat has two registration stickers, but they don't match. It's probably stolen, Havel says.

"Ahoy, anyone aboard?" he calls out to anyone who might be sleeping inside. "Harbormaster and Belvedere police."

There is no reply.

Through a chink in a dirty curtain, the

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cabin floor is cluttered with trash, cups and a cigarette lighter. A vermilion glass holds wilted flowers.

"It's dirty and badly maintained," Havel says, assessing the boat. "A properly maintained vessel doesn't look like this. There's junk in the back. Stuff piled on top of the engine. The helm's busted. This boat's not operable. It's marine debris. I'm giving it a 10-day notice."

Future of bay at heart of conversation

For many years, the Richardson Bay anchorage was populated by artists, marine workers and other bohemians hoping to find an off-the-grid lifestyle. Today, while an occasional artist, old-time mariner or outfitting cruiser can still be found, the anchorage has degenerated into a last refuge for those suffering from mental illness, substance abuse, homelessness and poverty. Some anchor-outs buy boats cheap at auction and sell or rent them to struggling individuals who cannot afford Marin County rents. Those liveaboards can seldom afford to maintain their boats and have few nautical skills. In winter storms, their boats often sink or slip anchor and wash up on Belvedere and Tiburon shores.

The Richardson Bay Regional Agency, which manages the anchorage, is under pressure from all sides to enforce its laws against long-term anchoring, which have been ignored for more than 30 years.

In December, the San Francisco Bay Conservation and Development Commission notified the agency that it wants a written plan for removing all "marine debris, unoccupied vessels, unregistered vessels and those occupied by persons unable to control them" starting March 31.

By hiring Havel, the agency hoped to send a signal that it is serious about enforcement.

Havel first focused on intercepting new boats and towing storage boats and those that sink or go adrift. Now all unoccupied boats are on the list, he says.

He points out a large hull with a blocky building constructed on top, known as the White Whale. The craft belongs to Kelly Darling, who works as a security guard in Tiburon. Darling recently found an apart-



RACHEL SIMPSON/FOR THE ARK

Having identified an illegal, unattached mooring in the water, Harbormaster Curtis Havel works to haul the anchor on board to confiscate it. Havel said he thinks the anchors are the same two stolen from a storage locker at the U.S. Army Corps of Engineers dock in Sausalito.

ment after years of living on the anchorage while searching for government-subsidized housing for herself and her teenage daughter.

"That boat's going to be tagged as marine debris," Havel says. "As far as I know no one is occupying it. I've come out all the time and never seen anyone. I'm raising it in terms of priority."

Havel said the next step after focusing on unoccupied boats will be to explore impounding the vessels of those liveaboards deemed a risk to themselves or others.

The Richardson Bay agency has contracted with Andrew Hening, the director of homeless planning and outreach for the city of San Rafael, to coordinate outreach efforts and connect the most vulnerable anchor-outs to housing and social services. In January, Hening told the agency board he was having a hard time gaining the trust of the anchor-outs due to Havel's enforcement drive.

Havel's philosophy is that if you have a

boat, you should be able to maintain and operate it, and he says he's frustrated by those who can't or won't.

"People say, 'My boat sank, why did you tow it?' You should know what's going on with your boat," he says.

On the way back to Belvedere, Havel spots an illegally set mooring ball. Some anchor-outs profit by setting mooring balls for other vessel owners for a small fee.

Havel hoists the thick, mud-coated chain into the Mud Puppy. After much heaving, two Danforth anchors emerge. Havel says he thinks they are the two anchors stolen out of a storage locker at the Army Corps dock. There have been break-ins at the dock, with vessels being cut loose, lockers emptied and the dock gate chained and padlocked from the inside.

Havel says there are some people who appreciate the effort to clean up the anchorage.

"I had some guy say, 'Everybody hates

you, but I like what you're doing,'" Havel says with a laugh. "He says that because I haven't prioritized his boat yet. I told him, 'Someday, you might not like it so well.'"

Havel maneuvers the Mud Puppy up to the San Francisco Yacht Club guest dock to drop off Wu.

It's unclear whether enforcing the agency's regulations will solve the problems plaguing Richardson Bay.

"It's how we envision the anchorage (in the future)," he says. "Is it an anchorage for mariners and (cruisers) coming to visit the bay? Do we want it to be a place where people come to live who can't afford rent? The question is, what is the vision?"

Contributing writer Gretchen Lang of Belvedere covers the environment. She spent 15 years abroad writing for newspapers including the Boston Globe and the International Herald Tribune.

Parking, *continued from page 1*

sion of the proposal at a Feb. 27 meeting of the Belvedere Traffic Safety and Circulation Committee. Several residents said they had been directly impacted by neighbors leaving multiple cars on their street for days or weeks on end, while others said they have never experienced an issue with street parking in Belvedere.

The committee, an advisory body, ultimately decided to continue its consideration of possible ordinance changes to its next meeting, later this month, before it makes a recommendation to the City Council.

The proposal, first brought to the council last October by Belvedere Police Chief Jason Wu, would replace the existing 72-hour street-parking ordinance, which has been on the books in Belvedere since 1969 but is difficult to enforce.

Under the existing ordinance, there is no specification for how far a car must be moved after 72 hours. The proposed changes would

require movement of 300 feet or more. They would also prohibit cars from returning to the same spot within two hours of leaving and ban the removal of chalk marks on tires.

Additionally, an exception that allows cars to stay longer than 72 hours if the owner is in the hospital or on vacation would be removed under the changes, and police would have the ability to remove any car parked longer than 72 hours.

Previously, Wu has said the proposed ordinance amendment mirrors recent code amendments in other Marin jurisdictions, "as cities work to ensure emergency-vehicle access, provide shared on-street parking and prevent vehicle nuisance on public streets."

For instance, after 72 hours, vehicles must move at least a quarter-mile in Corte Madera and 1,000 feet in Tiburon.

At last week's committee meeting, Wu said Belvedere's existing ordinance is vague, which has created issues for police enforcement.

"There have been instances in which vehicles were deemed abandoned due to unrea-

sonable duration in the same parking space, but the police were unable to abate the situation due to the lack of definition of movement in our existing code," Wu said. "This is what we hope to rectify should there ever be a need to remove a legitimate abandoned vehicle in our community."

In Belvedere, 72-hour parking violations are entirely complaint-driven, meaning police officers don't usually seek out cars in violation of the rule. Instead, officers will respond if a neighbor complains and tag a car with a warning if the registered owner can't be immediately located to move it, Wu said.

Last year, 38 complaints were made about 72-hour parking violations across Belvedere. However, no citations were issued and none of the vehicles were towed, Wu said, partly due to loopholes in the current ordinance that allow car owners to roll forward a little bit and avoid a citation.

"If a vehicle were to park in the same spot and subsequently receive a notice, the operator or the vehicle can technically move an inch and that legally satisfies the definition

of movement," Wu said.

The number of 72-hour parking warnings issued by the Belvedere Police Department was not available by The Ark's press deadline.

Traffic Safety committee Chair Michele Kyrouz said the primary comment she's heard from residents is that the issue could be remedied if more people used their garages or driveways instead of parking on the street.

"People have stored boxes in their garage and they park on the street, and their neighbors have called us to complain," Kyrouz said, but she added the city isn't able to regulate how residents use their private garages. "How you use your garage is up to you, and that's not something that's before this committee."

Committee member Mimi Ganz said her biggest concern with the ordinance amendments was the removal of exceptions for residents while they're in the hospital.

"People when they're in the hospital shouldn't have to worry about their car,"

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