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2 November 2016

San Francisco Bay Conservation and Development Commission
455 Golden Gate Ave. Suite 10600
San Francisco, CA 94102

RE: CCD 2016.03 – Scotts Jack London Seafood, Inc. Enforcement

Dear Commissioners – I write to you in **opposition** of this proposed Order; urge you to send it back to staff and the Enforcement Committee for further review and strengthening as described below. Should Scott's fail to agree, I urge you to rescind the Permit in its entirety and end Scott's commercial use of the Pavilion. In such case CIM Group should manage the Pavilion as part of its overall operation of Jack London Square public areas.

Staff delineates major goals of the Order:

- 1) "it requires removal of certain unauthorized construction as a pavilion owned by Scott's" – (Is the Pavilion "owned by Scott's"? They built it in exchange for commercial user days. Do they "own" it? No one seems to be able to provide me the answer. Logic dictates the Port owns it yet there may not be a title if it is not being assessed property or possessory interest tax.) **This does not go far enough. ALL structures illegally built should be removed including the stage, fixed walls and roofing which physically connect the Pavilion to Scott's.** These additions are indicative of Scott's attempted annexation of this public space and must be removed. The Pavilion was designed as a stand-a-lone structure and should remain so to recapture its Public identity. Furthermore, **the planter to be placed in the common area on the north side of the Pavilion is another unpermitted public impediment which should not be allowed.** It is an affront to CIM Group, California Canoe & Kayak, and a private intrusion into public space.
- 2) "it requires the Permittees to pay a lump sum penalty of \$250,000 for violations of the Scott's Permit" – the staff report documents that Scott's told BCDC in 2012 the Pavilion was earning "\$800,000 per year and could increase to \$2.5 million." Given the extensive profits made both within the Permit structure and on Scott's blatant overuse of the Pavilion, **a \$1,000,000 fine is not only reasonable but justified given \$3 million in fines is certainly plausible considering the number and frequency of violations.** What does \$250,000 look like to the public? **It looks like BCDC is "selling" Scott's 51 more user days to be used in perpetuity for a one-time fee of \$250,000! This is outrageous!!**
- 3) "it obviates a vigorously contested administrative enforcement proceeding possibly followed by a court challenge to the Commission's action, which would neither ensure a result that benefits the public as much as this Order nor would include an agreement on the pavilion's future use..." **Unless BCDC desires to be viewed as "fangless" in future proceedings, this is EXACTLY what you need to be willing to do. Yes, there are no guarantees, but this case is as good as it gets. You fail your mission statement if you abdicate here. The Pavilion is a cash cow for Scott's. CALL THEIR BLUFF. See if they are willing to risk losing the Permit. I will be thrilled to be deposed and testify on behalf of BCDC as will many others.**

Jack London Square
409 Water Street
Oakland, CA 94607
(510) 893-7833
(510) 893-2617 Fax

Sacramento Sportsplex
11349 Folsom Blvd. Suite C
Rancho Cordova, CA 95742
(916) 851- 3600
(916) 851- 8630 Fax

Half Moon Bay
PO Box 349
El Granada, CA 94019
(650) 728-1803
(650) 728-9217 Fax

How this Commission handles this Enforcement action puts BCDC at a crossroads and sets precedent for all future actions. BCDC staff did a magnificent job in its report clearly describing Scott's willful and calculated violations of the public trust. Then, rather than change their behavior and adhering to the Permit **to which they affixed their signature**, Scott's has fought, stalled and lied throughout the process. It is all there in the report. Why? Money and power. It is that simple. The "Public Pavilion" has become a self-perpetuating revenue machine for Scott's who now uses this public resource to financially influence elected and appointed public officials to act in their behalf. These same officials likely have no idea how Scott's has egregiously violated the public trust, ignored BCDC and cheated the City of Oakland. **Is it any wonder so many young people today are frustrated with "the system" when something as blatant as this occurs and the perpetrator is REWARDED for its actions? It isn't "Enforcement" when a Permittee consistently exceeds their user days and the problem is "fixed" by increasing the number of allowable user days! That is called "Capitulation". ENOUGH is ENOUGH.**

Commissioners, please, do the right thing:

- 1) Reject this Enforcement Order**
- 2) Direct the entrance frame, roof connection, fixed walls and connected stage/storage unit be removed at once**
- 3) Revise the penalty from \$250K to \$1 million**
- 4) Demand Scott's adhere to the original permit for a period of one year prior to accepting any amendment applications from them**

Furthermore, I urge the Commission to direct staff to:

- 1) Provide you with an analysis as to why Scott's should continue to receive this massive Public benefit. They have retired their original capital outlay and reaped millions of dollars of profit from both permitted and illegal use. What justifies this continuing?**
- 2) Direct staff to form a subcommittee comprised of BCDC, CIM Group and local neighborhood organizations to come up with a plan for the public activation of the Pavilion and Franklin Plaza. Times have changed at the Square. It is way past time to come up with something new.**

Finally, it is time to demand Transparency. All actions by public officials, elected or appointed, made on behalf and in favor of a BCDC Permittee during a permit violation action need to be reported to staff and made public. We the people deserve to know.

Thank you for your consideration.

Sincerely,

Keith A. Miller, President
California Canoe & Kayak, Inc.



November 2, 2016

Zack Wasserman, Chair and Commissioners
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Board of Directors

Bill Stotler, President
Property Owner

RE: CCD 2016.03 – Scotts Jack London Seafood, Inc. Enforcement

Sara May, Secretary
Metrovation Real Estate

Dear Mr. Chairman and Commissioners:

Barry Pilger, Treasurer
Owner, Stafford Real Estate

The Jack London Improvement District promotes and improves the historic urban waterfront district encompassing Jack London Square for the benefit of the diverse and growing population of businesses, residents, workers, and visitors who live, work and recreate in the District. Jack London’s spectacular, transit-accessible waterfront is a highlight of the District, and it is essential that public access to it be maximized and vigorously protected.

Saied Karamooz
Business and Property Owner

Vivian Kahn
Kahn Mortimer Associates

One of BCDC’s mandates is to require maximum feasible public access to the Bay waterfront, which includes Jack London Square. Unfortunately, the proposed order of the violations committed by Scott’s Seafood does not satisfy this mandate. Rather than rewarding a habitual violator for breaking the rules, as the proposed settlement does, a modified settlement should maintain the current limit on private use of the Pavilion, and should allow anyone to use the Pavilion on the allowed private use days using the food and beverage provider of their choosing, broadening the economic benefit.

Sam Nassif
Owner, Inn at Jack London Square

Peter Gertler
Property Owner

Jennifer Koidal
GM, Jack London Square

By way of background, and at the risk of stating the obvious, Jack London Square is becoming increasingly popular. The growing population of residents and workers in Jack London causes the daily flow of people recreating in Jack London to grow. Hugely popular festivals and seasonal celebrations punctuate activity at the Jack London waterfront with increasing frequency. The Port and the Square’s property managers deserve kudos for successfully activating the waterfront with artisan markets, live music and dancing, food festivals, farmers’ markets and other activities. Years ago, events at Scott’s may have been among the most significant contributors to activity at the Square, but that is not the case today. Today, a wide and growing variety of residents, workers, local merchants and community groups activate the waterfront. In addition, the Square has a new owner, CIM, who has an exciting and creative vision to upgrade public spaces at the Square.

Paul Thyssen
Property Owner

Erin Coburn
Business Owner, Oakland Crush

Michael Carilli
Oakland America Company

By rewarding a habitual violator of BCDC rules, the proposed settlement sets a dangerous precedent and undermines BCDC’s own authority. By reducing the fine from what might be as much as \$3 million to merely \$250,000.00, the proposed settlement shows that it pays to violate BCDC permit rules. Similarly, the proposed settlement invites Scott’s to amend its permit to increase the its private use of the Pavilion from 73 to 124 days per year – a 70% increase. Including that concept in the proposed settlement is unjustified. Jack London is welcoming significant new development and tenants to waterfront and will increasingly rely on BCDC to uphold the McAteer-Petris act as the area becomes more successful and intensively used.



BCDC should maximize the public benefit of the Pavilion by ending a monopoly on private use of the Pavilion. Scott's repeated and well-documented violations demonstrate that it does not deserve the extraordinary privilege of maintaining its monopoly on private – and highly profitable – use of the Pavilion. Instead, no one should monopolize the provision of food, beverage and other services to private events in the Pavilion.

Numerous District stakeholders, merchants, and community groups we have surveyed told us they had assumed that the public Pavilion was privately owned by Scott's – likely due to Scott's illegal constructions and its management of the Pavilion in a way that effectively privatized the Pavilion over the last 6+ years. At the same time, many of the local restaurants and other food-related businesses have expressed interest in catering events at the Pavilion. If the BCDC decides to continue to allow private use of the Pavilion, it should invite public input on how to allocate the permitted days of private use and authorize an appropriate third party to manage private reservations of the Pavilion in a fair and transparent process where reservations are publically available and easily accessed from posted signage and online. Such a system will diversify the range of people and organizations who use the Pavilion for private events – and who come to the Square to enjoy the waterfront. It will also spread the economic benefit of private use of the Pavilion to a broad range of local businesses, more consistent with the public purpose of the Pavilion than allowing one business to monopolize all of that economic benefit.

The District recognizes the Pavilion as a valuable public amenity, and also recognizes that private use can be an important component of providing this value. To satisfy BCDC's mandate to require maximum feasible public access to the waterfront, the District urges modification of the settlement as described above.

Thank you for this opportunity to give feedback.

Sincerely,

A handwritten signature in blue ink that reads "Savlan Hauser". The signature is written in a cursive, flowing style.

Savlan Hauser
Executive Director, Jack London Improvement District



November 1, 2016

Zack Wasserman, Chair
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: Recommended Enforcement Decision Involving Proposed Stipulated Cease and Desist and Civil Penalty Order No. CCD 2016.03; Scott's Jack London Seafood, Inc. and the Port of Oakland

Dear Mr. Chairman and Commissioners:

In March 2016, CIM Group purchased a portfolio of real estate properties at Jack London Square, including six office/retail buildings, a parking garage and three development parcels. As the new majority property owner and common area operator for the Square, we are excited about the opportunity to improve the user experience at Jack London Square and enhance access to the waterfront as the main draw of this unique Bay Area destination.

We are moving forward with development of our residential and hotel sites and investing in a significant master planning effort and common area improvements, which will seek to emphasize connections to the water and enhance opportunities for visitors and new residents to engage with the waterfront. We envision the new Jack London Square as a lively, vibrant mixed-use destination that takes full advantage of its waterfront location and offers a variety of programming opportunities for the enjoyment of the public.

As you are considering options for enforcement of the unpermitted Public Pavilion adjacent to Scott's Seafood, please note that the structure, as currently configured, limits public access and views of the waterfront and fails to meet the stated goals of the original permit. While we would prefer no structure in this location, at a minimum we recommend a substantial redesign which improves public accessibility to the water, complements CIM's master planning efforts, and provides a more attractive and transparent design. The redesign should be completed in collaboration with CIM, require BCDC review and approval, and incorporate adequate public review and input.

We also recommend that the Commission consider a requirement that a neutral third party, such as Jack London Improvement District or Visit Oakland, maintain and hold an event calendar for the space which allows the public or other Jack London Square tenants fair opportunities to reserve and utilize the space for events. We believe this space should be available to host other events which may encourage a greater diversity of events at the Square and serve a wider population of visitors as Jack London Square's popularity continues to grow.

Sincerely,

Sean Buran, Vice President, Development

CC: Adrienne Klein, Chief of Enforcement
Brad McCrea, Regulatory Director

Naomi Schiff
238 Oakland Ave.
Oakland, CA 94611

Zach Wasserman, Chair
BCDC Commissioners
SF BCDC
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102

Re: Scotts' Seafood, Inc. Enforcement CCD 2016.03

Dear Mr. Chairman and Commissioners,

Through the decades I have watched the desultory evolution of Jack London Square. Public use of this valuable area of Oakland's historic waterfront has been limited by an egregious usurpation of public property. Scott's has blocked public use and public views, placed unsightly obstacles, and perched, nay, WELDED its own pavilion onto public open space amenities.

Please reject the current proposal CCD 2016.03; rewrite and strengthen it, and assess appropriate penalties. I associate myself entirely with the letter submitted by Save the Bay on October 31.

I attend many public events, but have begun to avoid the ones held at Scott's pavilion. I have frequently wondered about how Scott's could get away with limiting entry in a public place. Now that our population is growing and open space is even more precious, BCDC must not make it easy to wall off public areas, setting a terrible example of private thefts of public assets.

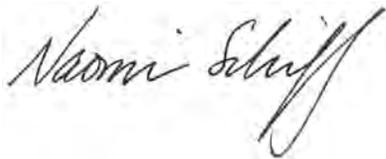
The woeful history of Oakland's waterfront includes repeated outrageous seizures of what ought to be public. Let's not pursue that precedent, but rather, carry out the mission to which BCDC is dedicated.

Do not reward bad actors! The fine is too small, the precedents terrible. Scotts' ought not be allowed to use this area it seized AT ALL, let alone be encouraged to continue blocking it off.

I would be happy to discuss this issue with any member of BCDC or its staff. I do not want to think of BCDC as an organ for developers and businesspeople. I am one of the owners of Jack London Square and our bay edge, with my millions of fellow landlords. Please manage it responsibly on my and our behalf.

Thank you for your attention,

Sincerely,

A handwritten signature in cursive script that reads "Naomi Schiff". The signature is written in black ink and is positioned above the typed name and address.

Naomi Schiff
Oakland mother of the year 2005
Oakland resident since 1974
California resident since 1959



October 31, 2016

Zack Wasserman, Chair
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: CCD 2016.03 – Scotts Jack London Seafood, Inc. Enforcement: **OPPOSE**

Dear Mr. Chairman and Commissioners:

We urge the Commission to reject the proposed Stipulated Cease and Desist and Civil Penalty Order No. CCD 2016.03 to Scott's Jack London Seafood, Inc. and the Port of Oakland, and to instruct the Enforcement Committee and staff to pursue additional penalties, requirements, and changes to the Scott's permit moving forward. If the permittee will not agree to additional penalties and corrective actions, the Commission should enforce this permit through administrative action, including litigation if necessary.

Among the pertinent facts that should lead you to reject the proposal as currently crafted:

- Scott's knowingly constructed an illegal, fixed, metal-framed doorway and walls in 2012, in violation of BCDC Permit No. 1985.019.08B, after first discussing desired modifications with BCDC staff and not receiving approval to construct them a year earlier. This brazen act is a clear, pre-meditated, and knowing violation that BCDC should have rectified immediately upon discovery by requiring complete and immediate removal of the unauthorized construction, and issuing penalties.
 - Even after being formally notified of this violation in 2013 by BCDC, Scott's continued to use the pavilion and refused to make changes.
 - Scott's engaged over an eleven-year period in "extensive unauthorized use of the pavilion for private events," as discovered by BCDC staff's investigation.
 - Scott's failed to install and maintain public access improvement for the number of days required in the permit, and failed to permanently guarantee those improvements.
 - Scott's failed for six years to report as required on private event use in the pavilion.
 - Public use of the shoreline under BCDC jurisdiction at Jack London Square has increased significantly since the 1996-97 permit amendments with more local residents and more visitors, creating more demand and even less justification for private use of public access.
- 1. The proposed order is an inappropriate resolution with inadequate remedies and excessive rewards,** given the pattern of flagrant, extensive, and continuing violations that are exhaustively documented in the record, and the intransigence and procrastination of Scott's over the last three years.

- The proposed order generously rewards Scott's illegal activity and delays by imposing insufficient penalties, and invites Scott's to receive even more private use of public access shoreline through a permit amendment.
- Instead, the order should require the immediate and full removal of unauthorized construction, irrespective of future permit negotiations regarding use of public space for private events. BCDC should have issued a cease and desist order over two years ago, when Scott's refused to respond promptly to the May 2013 enforcement letter by removing unauthorized structures and ceasing use violations.

2. The proposed order would set a terrible precedent, weakening BCDC's enforcement regime and the credibility of the Commission's permit requirements.

- Instead of demonstrating the Commission is serious about upholding the McAteer-Petris Act, implementing its regulations, and enforcing its permits to protect public use of public shoreline access, this order suggests that a permit-violator can secure even more private use of public access from BCDC through intransigence.
- The order inappropriately commits BCDC staff to recommend approval of specific future permit amendments that have not been subject to public review or input from any other party, other than the permittee whose documented permit violations extend back more than a decade.
- By rewarding bad behavior and delays, this order will encourage other permit-holders to ignore requirements, resist BCDC enforcement, and use delaying tactics when violations are noted.

3. The proposed order's lump sum payment of \$250,000 is a small fraction of the justifiable penalties for the extensive and documented permit violations, especially because the staff report (Attachment A) documents that Scott's illegally constructed a doorway and walls despite full knowledge from BCDC staff discussions that those were not permitted.

- While BCDC has not publicly disclosed the sum total of allowable penalties for Scott's violations, estimates range up to \$1,000,000 or more based on provisions of the McAteer-Petris Act.
- Scott's delay in resolving the enforcement over many years has cost the state of California "at least 1,086 staff hours and more than \$80,000 and accruing" according to the staff report.
- Scott's extensive unauthorized use of public space around the pavilion for profit-making activities over eleven years has more than paid for the original cost of its construction and maintenance. The staff report documents that Scott's informed BCDC in 2012 that the pavilion events were earning "\$800,000 per year and could increase to \$2.5 million."

4. The proposed order erroneously suggests the permit-violator is not fully responsible for its actions.

- The staff report stunningly recommends *smaller penalties* than justified by the violations, because of BCDC's "delay in enforcement over the lengthy period of non-compliance." Scotts' activities are in fact violations of the permit, committed knowingly by Scott's, and subject to penalties regardless of when the Commission served notice or activated enforcement action. Reducing the sum of proposed penalties on this basis sets a terrible precedent.

- The staff report suggests Scott's disagreement about the permit's use rules make it difficult to enforce. However, there is no indication that Scott's complained about the permit's clarity, nor would any such complaints excuse Scott's blatant and continuous misuse of the pavilion. The permit is not difficult to enforce because permittees and BCDC don't agree on the facts, but because the permittees do not respect the permit or BCDC's authority – as their actions have shown, and because BCDC's enforcement delays have encouraged Scott's to resist compliance. .

5. The order should not include any BCDC commitment to consider permitting Scott's increased private use of the public pavilion, whether that use is for profit-making or charitable events.

- The order's encouragement of *increased private use* of the pavilion is not consistent with BCDC's mandate to provide maximum feasible public access, and does not provide public benefits needed in and around Jack London Square. In fact, the growth in public use of Jack London Square since the pavilion's construction should lead BCDC to consider permitting fewer private events in the public pavilion than currently authorized.
- However many private events the Commission does permit in the pavilion, it should allow and invite other private parties besides Scott's the opportunity to secure that space for these events, especially because of Scott's record of permit violations. The Commission should not foreclose these or other alternatives through any stipulation in the Scott's settlement agreement to provide the permit-violator with favorable treatment in advance.
- For any future permit or permit amendments regarding ongoing private use of the pavilion, the Commission should not make a distinction between types of private events that preclude public use of public access, whether those events are profit-making or "charitable". Private events deny public access, regardless of which private party is being served or how much Scott's charges or profits from that party. BCDC should not put itself in the position of having to verify the extent of profit or charity to determine compliance with an ongoing permit covering an extended period of time.

Conclusion and Recommended Action

In sum, the proposed order sets dangerous precedents, and unjustifiably rewards illegal activity and unpermitted taking of public access by a private business, instead of punishing that activity and protecting for public use the shoreline access that should belong to us. **The Commission should reject the Proposed Order and instruct the Enforcement Committee and staff to strengthen the order as follows:**

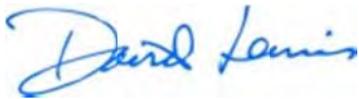
1. Require prompt removal by the permit violator of unauthorized construction at the pavilion, without making any stipulation about future permit amendments to authorize current or increased levels of private use by Scott's or any other party, whether that use is for profit or at cost.
2. Require payment by the permit violator of penalties substantially higher than \$250,000, in an amount based on a full and public accounting by the Commission of the maximum and minimum allowable penalties under Section 66641.5(e) of the McAteer-Petris Act, which may be up to \$2,000 for each day in which the violation occurs or persists, or \$30,000 for each violation.
3. Instruct the Executive Director to initiate an enforcement proceeding, if the permittees do not agree to a revised order consistent with (1) and (2) above.

The Commission should further Instruct staff to solicit public input on potential amendments to Scott's permit – including amendments desired by BCDC, Scott's, Jack London Square businesses, and other stakeholders – and to then formulate a recommendation to the Commission for a revised permit and conditions.

Together, these recommended actions are the appropriate approach to enforce egregious and long-standing violations by Scott's, protect the public's interest in maximum feasible public access to the shoreline, and strengthen the Commission's permitting credibility and ability to enforce all of its permits under the McAteer-Petris Act.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

October 21, 2016

TO: Commissioners and Alternates

FROM: Adrienne Klein, Chief of Enforcement (415/352-3609; adrienne.klein@bcdc.ca.gov)

SUBJECT: Comment Letters Pertaining to Item No. 8, Scott's Jack London Seafood, Inc. and the Port of Oakland (Cease and Desist Civil Penalty Order No. CCD 2016.03)

Attached are six comment letters pertaining the BCDC enforcement matter regarding Scott's Jack London Seafood, Inc. and the Port of Oakland (Cease and Desist Civil Penalty Order No. CCD 2016.03), which is scheduled for a public hearing and possible vote at the October 20, 2016 BCDC Enforcement Committee meeting.

The dates of the comment letters range from July 15, 2015 to April 6, 2016. Most of these letters were submitted to staff prior to the initiation of settlement negotiations in September 2015, and concern a previous proposal by Scott's to BCDC staff to establish a trash removal fund for the Alameda-Oakland Estuary, in lieu of paying all or a portion of a potential administrative civil penalty to resolve the violations subject to this proceeding. At the time the letters were received, staff determined that it would be appropriate to send the letters to the Commission with the staff report on the matter. However, staff did not realize that there would be such a long time gap between receipt of these letters and the Commission hearing on the matter. As such, these letters are now being distributed.



Jack London Improvement District
333 Broadway
Oakland, CA 94607

April 6, 2016

To: Bay Conservation and Development Commission
RE: Public Pavilion and BCDC Permit No. 1985.019B

We are aware that the Bay Conservation and Development Commission (BCDC) is examining the use and operation of the Public Pavilion at Jack London Square. We recognize that private use is an important and valuable component of encouraging activity at the waterfront. We'd like to offer the following comments from the perspective of the District—representing a variety of property owners, businesses, residents, workers, and visitors in the historic urban waterfront neighborhood encompassing the Jack London Square.

Jack London Square is becoming increasingly popular.

Today there are more public events and retail attractions at Jack London Square than ever before. The daily flow of strolling people recreating, exercise groups, cadet trainings, historic walking tours, and lunch crowds from the increasing employee and residential population is punctuated by hugely popular annual celebrations such as Oakland's Tree Lighting, the Eat Real Festival, Pedalfest, and more. At one point in time, Scott's events may have been a significant contributor to activity at the Square. Today a variety of Square tenants, local merchants, and community groups contribute. The Port and Property management at the Square deserves kudos for their lead role in programming and activating the space.

There is interest in expanding the utility of the Public Pavilion to diversify its positive economic and social benefit.

The ability to host an event at our spectacular, centrally located, transit-accessible waterfront is unique and clearly desirable to prospective event organizers and milestone-celebrators of all kinds. In addition, the numerous small-scale and local food businesses in the area have expressed strong interest in access to private use of the public pavilion. We have learned from inquiries received that the private use is not as accessible as it could be. The private use agreement is not widely understood and minimum consumption costs for Scott's events are cost-prohibitive to many. We believe that a venue available to anyone—to host an event and hire caterers, musicians, and event staff of their choosing—would draw a more diverse range of people to enjoy the waterfront and would spread the economic benefit to more local businesses. The District recommends that the 73 days allocated to private use by the agreement be made available to more people.

In summary, the District recognizes the Pavilion as a valuable public amenity. Private use is an important component of providing this value, and encourages increasing the diversity of gatherings and the accessibility of the Waterfront to more people.

We appreciate this opportunity to give feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Savlan Hauser".

Savlan Hauser
Executive Director
Jack London Improvement District

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, 4TH FLOOR, OAKLAND, CALIFORNIA 94612

Public Works Agency
Department of Engineering and Construction

(510) 238-3051

FAX (510) 238-6633

TDD (510) 238-7644

RECEIVED
SEP 28 2015

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

September 22, 2015

R. Zachary Wasserman, Chairman
Larry Goldzband, Executive Director
San Francisco Bay Conservation & Development Commission
445 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Dear Chair Wasserman & Mr. Goldzband,

On behalf of the City of Oakland, I am writing in support of the Cleaner Bay Foundation to remove litter from the Oakland Estuary shoreline. Litter left on private lots and City streets eventually washes into storm drains and creeks where it discharges directly into the Oakland Estuary and San Francisco Bay. Littered areas are a source of plastics and other pollution that degrade water quality and are harmful to marine wildlife.

The City of Oakland faces many challenges in managing the litter in our streets, waterways and the Estuary. While the City is implementing and exploring new programs to reduce trash from entering our waterways, we welcome any assistance to help us reduce trash in our waterways.

Finally, the City can provide tools and equipment through our Adopt-A-Spot to support to this effort and help advise on trash reduction methods. We support the San Francisco Bay Conservation and Development Commission accepting the Cleaner Bay Foundation as mitigation. Thank you.

Sincerely,

Lesley Estes, Program Manager
Measure DD and Stormwater Management

A handwritten signature in black ink, appearing to read "Lesley Estes".

cc:

Chris McKay, Cleaner Bay Foundation
Mike Perlmutter, City of Oakland, Adopt-A-Spot Program



CALIFORNIA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

ESQUIRE PLAZA, 1215 K STREET, SUITE 1609 • SACRAMENTO, CA 95814 • (916) 498-1898 • FAX (916) 498-1895

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Area Director Coastal

Freddye Davis
Area Director West

September 10, 2015

R. Zachary Wasserman, Chair
Wendel Rosen Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, CA 94607

Dear Commissioner,

It has come to our attention that the Bay Conservation and Development Commission (BCDC) have cited Scott's for overuse of the Pavilion, the event space connected to the restaurant.

For over 30 years Scott's has been very hospitable to the NAACP and our events. Limiting the days the Pavilion can be used will negatively impact the NAACP. We would greatly appreciate the commission taking our concerns into consideration as you work toward the resolution of these issues. BCDC is a powerful state organization and we know they mean well in their preservation of the Bay but we would also like them to consider the 156 employees of Scott's and the decades long history of memorable events held in the Pavilion, and the high level of community use afforded.

Sincerely,



Alice A. Huffman,
President

cc: Larry Goldzband
Executive Director
AAH:da





CITY OF OAKLAND

CITY HALL ▪ 1 FRANK H. OGAWA PLAZA, 2nd Floor ▪ OAKLAND, CALIFORNIA 94612

Office of the Honorable Lynette Gibson McElhaney
COUNCIL PRESIDENT~ DISTRICT 3

(510) 238 – 7031

FAX (510) 238 – 6910

TDD (510) 238 – 6451

August 31, 2015

San Francisco Bay Conservation and Development Commission
455 Golden Gate Ave ~ Suite 10600
San Francisco, CA 94102

Re: Support for *A Cleaner Bay Foundation* in Jack London Square

Dear Chairman Wasserman,

It is my understanding that BCDC is planning to impose a large fine on a Scott's Seafood, which has operated as an Oakland small business since 1976.

Over the past 40 years, Scott's has been an institution, luring hundreds of thousands of guests to enjoy the Oakland waterfront. Their meals and events allow so many visitors to access our beautiful bay. Scott's regularly donates their space for non-profit fundraisers to support worthy causes. With Oakland's limited convention space and growing demand, Scott's promotes economic development while exposing thousands of people from the region to the Bay's beauty.

Scott's is transitioning to new management under Lisa Gallagher, who is seeking to improve practices of the restaurant, repair relations, and give back to the community in a more comprehensive manner. She is seeking a new start as she begins to operate more responsibly than the restaurant has done in the past.

I believe that the efforts of Scott's teaming up with *A Cleaner Bay Foundation* will make a major impact on reducing the debris and harmful waste that exit our storm drains, poison our waterway, and threaten the wildlife of the Bay. They have acquired a long list of partners to support this effort. Scott's is proposing, that in lieu of the fine, they would regularly remove litter and debris from the waterfront as mitigation for their violations. **I have asked *A Cleaner Bay Foundation* to more thoroughly explain their debris and algae removal plans, to set weekly targets, to track collection efforts using metrics, and to show how they will be held accountable for their efforts.**

Sincerely,

Lynette Gibson McElhaney
Council President
Oakland City Council



Subject: Waterfront Action Input re: Scott's Pavillion Permit Violations

Date: Monday, August 24, 2015 at 2:06:44 PM Pacific Daylight Time

From: Sandra Threlfall

To: Goldzband, Larry@BCDC

CC: Gomez, Grace@BCDC, Chris Mckay, Richard Sinkoff, Douglas Herman, Keith Miller, Klein, Adrienne@BCDC, Batha, Bob@BCDC

Please see the attached letter pertaining to BCDC permit violations at Scott's Pavillion.

Thank you for your attention on this issue.

Sincerely,
Sandra Threlfall



RECEIVED
AUG 24 2015

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

P.O. BOX 11456
OAKLAND, CA 94611-0456

August 24, 2015

SF Bay Conservation and Development Commission
455 Golden Gate Avenue Suite 10600
San Francisco, CA 94102

sent via email

Dear Executive Director Goldzband and Commissioners:

Waterfront Action, Inc. has just received a copy of the attached August 17, 2015 letter from Scott's Seafood Restaurant to BCDC regarding mitigation for the Scott's Pavilion violations of permits. The document appears to have been authored by Chris McKay of *A Cleaner Bay Foundation* but is presented on Scott's Seafood Restaurant letterhead.

Waterfront Action cannot support mitigation as resolution of the multi-year permit violations at the Pavilion. Not only did Scotts continue to use the Pavilion for over two years, thereby generating income, the structure was in violation of both City of Oakland building codes and BCDC permits.

Instead of seeking mitigation, we encourage BCDC to require removal of the unpermitted structures and payment of all fines that have been levied.

Waterfront Action *is* in support of a separate organization developed with the mission of cleaning up the Estuary such as *A Cleaner Bay Foundation* but cannot support the funding of this organization as part of any settlement for Scotts' violations.

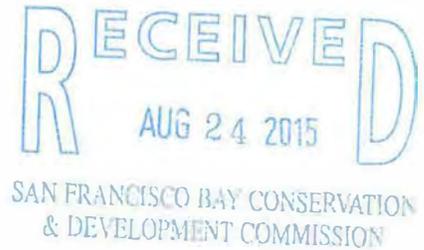
Please contact me if there are any questions regarding Scotts' Pavilion settlement at 510-332-0478.

Sincerely,

Sandra Threlfall
Executive Director

Cc: Chris McKay
Richard Sinkoff
Doug Hansen
Keith Miller
Adrienne Klein

Scott's Seafood Restaurant
#2 Broadway
Oakland, CA 94607



August 17, 2015

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue Suite 10600
San Francisco, CA 94102

Re: Mitigation Plan for Scott's Restaurant and BCDC

Goals:

1. To improve the Jack London Square waterfront experience.
2. To resolve issues between the San Francisco Bay Conservation and Development Commission and Scott's Seafood Restaurant.

Objectives:

1. To enhance the waterfront experience by removing visible trash, on a regular schedule based on the tides, from the shoreline and waters along Jack London Square.
2. To draw more visitors to Jack London Square by providing a permanent multimedia exhibit based on Jack London, his life and his experiences on San Francisco Bay.
3. To provide an interactive learning center in the Pavilion for the thousands of schoolchildren who visit Jack London Square on field trips every year.
4. To form *A Cleaner Bay Foundation* as an independent, public benefit, not-for-profit corporation with a mission to "reduce trash in San Francisco Bay and its tributaries".
5. To allow the Bay Conservation and Development Commission to achieve a mitigation settlement that benefits residents and visitors to Oakland, Jack London Square, San Francisco Bay and Scott's Restaurant.

Strategies:

Our strategies are based on our goals of improving public access to the Jack London Square waterfront and reducing trash entering the Bay, while mutually ending a four year BCDC permit enforcement process that has cost many thousands of dollars to both Scott's Restaurant and taxpayers.

1. We will work with the City of Oakland, The Port of Oakland, Oakland Marinas and Jack London Square management to define areas of responsibility for the removal of trash from the water and shoreline. Currently there is no single identifiable party responsible for the removal of the trash in the water or along the shoreline. There is a drain pipe in the center of Jack London Square that connects to storm drains throughout downtown Oakland, an area described as being "Very High" or "High" in "trash generation" by the Oakland Public Works Department¹. The City of Oakland is required to achieve a 100%

reduction in “visible trash” by 2024 under the Municipal Regional Stormwater Permit². There are currently no trash capture devices installed in the area to fulfill that requirement. Of 29,265 acres under Oakland’s jurisdiction 929 acres are in compliance. We will be responsible for approximately 1,900 feet of shoreline from The USS Potomac Museum to the East end of the Marina Lawn. This public access area includes over 60 public sitting sites as well as the very popular Water Stairs at the foot of Broadway and the shoreline walkway used by visitors disembarking from the ferry landing. Our objective, and the measurement of our success, will be to ensure that these areas are clear of all visible trash.

2. The Pavilion is an approximately 4500 square foot covered area attached to the east side of Scott’s Restaurant which has been, since 1986, allocated for both public use (80% of the time) and private use (20% of the time). It is the focal point of the issues between BCDC and Scott’s. Our objective is to enhance this area and improve public use by creating a state of the art, interactive, multimedia exhibit covering the life, writings and experiences of Jack London. The exhibit will be available to visitors to the area at no charge and will recede into the ceiling when not in use. We will make improvements to the Pavilion as it is currently configured and provide both an area for learning and as a public space for those looking to relax. There will be no reduction in the view corridor with the exception of signage identifying the location of the exhibit. A mutually agreed upon calendar will be developed allocating Scott’s use for private events, school programs, Senior visits, community organization fundraisers and open public access. Jack London was a controversial world renowned author and a permanent exhibit showcasing the relevance and significance of his life and his work will be a valuable addition to a square named in his honor. Assistance in the development of the exhibit will come from a 25 year relationship with the Behring Family and the Smithsonian National Museum of American History³.
3. The Port and City of Oakland stated as an objective in the *2010 Jack London Square Redevelopment Project*⁴ “to create a sense of viability and excitement”. We are offering an opportunity to add to that objective not only for visitors to the Square but for the thousands of school children that visit each year on field trips. The USS Potomac offers educational cruises for 1,600 East Bay school children per year and a history lesson on Franklin Roosevelt and his policies⁵. We will work with the Potomac and local schools to introduce students to the exciting life of Jack London and his writings as well as to his biracial upbringing and his commitment to social justice. Next year will be the centennial of his death in 1916 and an opportunity to bring this attention and “viability and excitement” to Jack London Square and honor Oakland’s most well known author.
4. Over the past four months we have been evaluating mitigation options based on BCDC’s Mitigation Policies⁶ for violations by Scott’s Seafood Restaurant of BCDC’s rules and regulations. Scott’s admits that it has violated these rules and seeks a mitigation that will

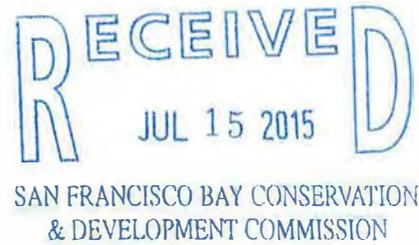
have both an immediate and lasting impact on the Jack London Square waterfront, the Bay and its environment. BCDC's policies regarding mitigation state that it is the preferred avenue of resolution and that "enhancing an existing resource" as a desirable form of mitigation.⁶ The boaters in the marina and the businesses located on the waterfront had an immediate response of "pick up the trash" to our queries. Trash in the water and along the shoreline is a problem that will not go away. A lack of rain has reduced the amount flowing into Bay from the 10,000 storm drains in Oakland but that is (hopefully) expected to change. *A Cleaner Bay Foundation* will be proactive in this challenge with *one* mission and that is to reduce the amount of trash in the water and along the shoreline. Project *Ocean Cleanup*⁷ is taking on the challenge of reducing the *North Pacific Garbage Patch*, which is the size of Texas, and requests all of us to reduce the amount of trash entering the oceans. We will do our part.

5. On July 16, 2015 a staff report⁸ was presented at a BCDC meeting covering enforcement actions and the difficulty of a small BCDC Enforcement staff managing 180 pending actions, up from 150 in 2013. There was a discussion of the necessity in improving the mitigation process and the Chairman suggested possibly forming a "working group" to look for improvements. We applaud this candor and offer this mitigation plan as a immediately mutually beneficial resolution to a pending action. Our initial introduction of the concept of *A Cleaner Bay* did not receive encouragement or support from staff and we were directed to continue down the same trail of expensive design modifications that do little to improve the user experience of the public access. We felt we needed to take a creative "big picture" approach and do more. For this reason we have added the option of an interactive exhibit that brings an entirely new dimension to the public use of the space. The Commission has an opportunity to chose either option or a blend of the two as mitigation. A large company has many resources to litigate and prolong a BCDC action and only mitigate when necessary. Scott's Restaurant is not a large company. It is a small multi generational family owned business that has been in Jack London Square for 40 years. The threat of a fine in excess of one million dollars by a powerful state agency is demoralizing to the owners, the employees, long time purveyors and customers of Scott's. This plan has the support of the City, the Port, businesses and residents of Oakland and is an opportunity to do something positive for the Jack London Square waterfront and San Francisco Bay. It also allows the Commission to reduce, by one, the many challenges facing its organization and the Bay Area.

This plan is being shared with our advisory board members, supporters, and all interested parties for comments and suggestions and may be sent to Chris McKay at chris@acleanerbay.org.

References:

1. http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/phase1r2_2009_0074.pdf
2. http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MR/P/C10/2014/Alameda_County/Oakland_2-14_Trash_Long_Term.pdf
3. <http://www.mnh.si.edu/mammals/pages/about/>
4. http://www.waterfrontaction.org/plans/jls_july2010_status.pdf
5. <http://www.usspotomac.org/give/membership.php>
6. <http://www.bcdc.ca.gov/pdf/planning/reports/mitigation.pdf>
7. <http://www.theoceancleanup.com/>
8. <http://www.bcdc.ca.gov/cm/2015/0716RegulatoryLessonsLearned.pdf>



Bay Conservation and Development Commission
Zack Wasserman - Chairman
Larry Goldzband - Executive Director
455 Golden Gate Avenue
Suite 10600
San Francisco, CA 94102-7019

July 15, 2015

Dear Chairman Wasserman and Director Goldzband,

We have taken your advice and “went local” to determine the support for *A Cleaner Bay Foundation*. We have met with the Port of Oakland, the Oakland Mayor’s Office, Jack London Square Management, the San Francisco Estuary Partnership, Visit Oakland, the Department of Boating and Waterways, the Potomac Foundation and various businesses, like the Last Chance Saloon, Passages Nautical and Sun Country Marine. As well as harbormasters, boaters and local legislators. We’ve also met with representatives from organizations that have an interest in our waterways like the California Fish & Game Commission, the California Waterfowl Association, the Marina Recreation Association, Latitude 38 magazine and Sail America. The support is unanimous - this project needs to get done. Our funding is secured to get us started and we have commitments for additional funding to keep us going.

This is where I need your help. I have \$150,000 in funding from Scott’s Restaurant and the Hofmann Family Foundation, but I can’t spend that money until I know this is for full mitigation for Scott’s Restaurant and that we’ll put it to use in cleaning up the Bay. It has been a challenge to respond to the question “What is this mitigation for?”. When I explain it is primarily for fines and penalties regarding ongoing improvements to the Pavilion that were done prior to a permit being issued and for exceeding the number of days the Pavilion was permitted to be used it doesn’t fit with the \$1.5 million number that has been mentioned. Scott’s acknowledges this was poorly handled and has changed management to prevent this going forward and honestly hopes that funding *A Cleaner Bay Foundation* is a fair resolution.

Liz Gallagher, President of Scott's Restaurants, is also turning away business to keep use of the Pavilion under the permitted days, unfortunately many of these customers are part of the Oakland community who received generous support from Scott's in the past.

We have the passion, desire, skills and resources to do something about the trash along the Jack London Square shoreline that will not be done by anyone else. What we don't have is the patience and time. We have waited for months to get a violations report to even understand the allegations. At this pace *A Cleaner Bay* will be long gone before we actually pick up one piece of trash. Chris Lytle, Executive Director of the Port of Oakland clearly stated in an email,

"We like what you are doing to help clean up the estuary. This should help to show the BCDC that you are serious about doing something that will benefit the Bay. It should help to show BCDC as well as local partners that you guys are willing to put forward a sustained effort to be a good neighbor. Keep us posted on how we can assist."

Oakland Mayor Schaaf told us *"She couldn't see any reason she wouldn't support this"*.

I believe we could sit down with you, Chris Lytle, Mayor Schaaf and any staff you feel is necessary and work out an immediate solution that really benefits the Bay. We are going into our busiest part of the season and there is a big national media push by *Visit Oakland* to promote waterfront activities and access to the Bay from Oakland. After personally spending four years dealing with trash in the marina, with almost no rain, and the *National Oceanic and Atmospheric Administration (NOAA)* predicting an El Nino winter, I believe this calls for emergency action. We have no idea how much trash is in the 10,000 storm drains.

We have an opportunity to show how the Bay Conservation and Development Commission and Scott's Restaurant can move beyond the discord of the past and work cooperatively with *A Cleaner Bay Foundation* and its supporters in a mitigation settlement that brings a lasting improvement to the Jack London Square waterfront.

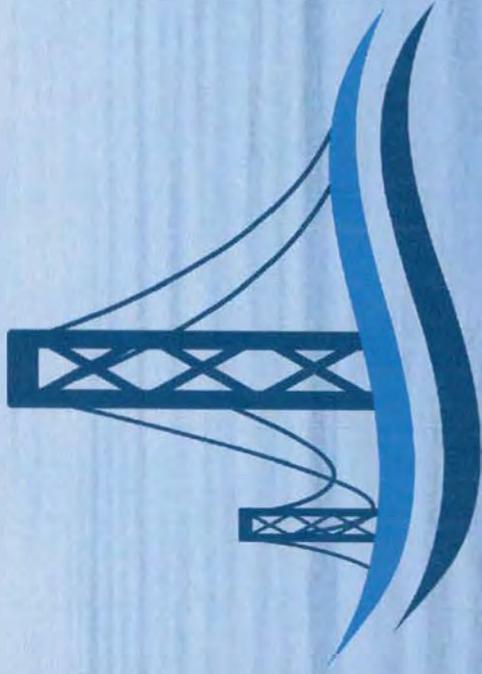
Sincerely,



Chris McKay
Executive Director
A Cleaner Bay Foundation
chris@acleanerbay.org
(831) 915-7885

CC:

Ken Hofmann - Hofmann Family Foundation
Jim Kellogg - Vice President, California Fish & Game Commission
John Carlson Jr. - President, California Waterfowl Association
Chris Lydle - Executive Director - Port of Oakland
Libby Schaaf - Mayor, Oakland, California
Lynette Gibson McElhaney - Councilmember District 3, Oakland, California
Barbara Lee - US Congress, 13th District
James Muller - Environmental Planner, San Francisco Estuary Partnership
John Arndt - Associate Publisher Latitude 38, Founder Summer Sailstice
Domini Maffei Schmid - CEO, USS Potomac Foundation
Mark Sanders - Owner, West Point Marina
Vivian Matuk - Division of Boating and Waterways, California Coastal Commission
Jorgen Bateman - Operations Manager, Sail America, Strictly Sail Pacific
Ed Bancroft - General Manager, Sun Country Marine
Carol Brookman - Owner, Heinold's Last Chance Saloon
Brock de Lappe - Harbor Master, Alameda Marina
Barry Demak - General Manager, Passage Nautical Enterprises
George Henderson - Professional Cheerleader, Boater, author
Patrick Welch - Owner, Triple Crown, Classic Yacht Association
Roger Ladwig - Harbor Master, Treasure Island Marina, South Beach Yacht Club
Craig Paulson - Harbor Master (retired) Martinez Marina, CHP Reserve Officer
Stephen Spoja - Corinthian Yacht Club, Business Owner
Vernon Suzuki - Owner, Transfer Case Express, Boater
Mary Swift - Owner, Afterguard Sailing Academy
Raymond Gallagher - Founder Scott's Restaurants
Harold Thompson - Board of Directors, A Cleaner Bay Foundation, Maintenance Supervisor, Oakland Marinas, Business Owner
Julie Oshiro - Board of Directors, A Cleaner Bay Foundation, Senior Relay for Life Manager, American Cancer Society
Elizabeth Gallagher - Board of Directors, A Cleaner Bay Foundation, President Scott's Restaurants



ACleaner Bay

FOUNDATION

Contact: Chris McKay chris@acleanerbay.org 2 Broadway Oakland, CA 94607 (831) 915-7885
www.ACleanerBay.org

The Foundation - About



The concept of A Cleaner Bay Foundation came about when Chris McKay, Harbor Master of Oakland Marinas, including Jack London Square, received a package from the Bay Conservation and Development Commission (BCDC) in March of 2015. It was an announcement of a hearing regarding violations in the design and operation of the Pavilion located adjacent to Scott's Restaurant, and an invitation for the public to comment during the hearings. Mr. McKay was unable to attend the hearing but contacted Adrienne Klein, Enforcement Officer for BCDC, and left a message that he personally thought the Pavilion was an asset that brought people to the waterfront of Jack London Square whom might not have been familiar with the area. Ms. Klein kindly relayed the message for the Commission at the hearings.

Shortly after the hearing Liz Gallagher, Scott's Seafood President and the daughter of the founder of the restaurant, which was started in 1976, Raymond Gallagher, contacted Mr. McKay to thank him for commenting at the hearing. Mr. McKay and Mr. Gallagher had been friends since grammar school and had grown up together in Alameda, just across the Estuary. Mr. McKay mentioned that he was surprised this was still going on since he knew the Pavilion was built around 1986 and had recently seen an extensive addition of sliding doors. He suggested they propose to do something as a resolution to the dispute and get this behind them. Liz Gallagher stated she was now in charge and asked if he could be retained as a consultant to work with her in seeking a solution.



The Foundation - About, continued

The Bay Conservation and Development Commission was established in 1965 at the urging of the Save San Francisco Bay Association, now called Save the Bay, to stop the massive filling that was reducing the Bay by four square miles a year. Chris McKay was very aware of the importance of these two organizations when as a child he lived on Clinton Avenue in Alameda and watched the Bay disappear before his very eyes and turn into a shopping mall called South Shore.

The first step in seeking a satisfactory resolution to this ongoing dispute was to identify possible solutions. Mr. McKay reviewed the BCDC policies and procedure guidelines and understood mitigation was the preferred avenue of resolution. A needs assessment was initiated.

Interviews were done with businesses, boaters and visitors to Jack London Square to assess what type of mitigation would be most favorable. One thing that was consistently mentioned was the amount of trash that was always floating around in the water and along the shoreline. There was no identifiable agency responsible and it would move around based on the tides. With an increase in rain it was projected to get worse and determined that a daily clean up was required. The concept of forming of a not-for-profit foundation was the way to get it done.

Our Mission



We will have a cleaner San Francisco Bay by removing trash that accumulates in the water and along the shoreline of Jack London Square. We will do this every day.

There are 10,000 storm drains in Oakland that eventually flow into San Francisco Bay, the Oakland Estuary and Lake Merritt, carrying trash from the streets directly into the water. One of these drains is located in the center of a popular Oakland destination - Jack London Square. The Square offer concerts on a waterfront stage, a wide selection of waterfront restaurants, waterfront sports, such as kayak and Stand Up Paddleboard rentals and even the Waterfront Hotel. But on some days the waterfront is a mess. The worse trash imaginable can accumulate along the shoreline and in patches trapped by the docks and piers with no single entity responsible for picking it up. We will make it better by removing trash everyday - at the right time.

Events and recreation on the Water Stairs and in the marina of Jack London Square



Trash in the water and on the Water Stairs - June 2015 and July 13, 2015



The Water Stairs are located at the foot of Broadway between The Waterfront Hotel and Scott's Restaurant. It offers steps leading to the water, a performance stage, a public guest dock, a life size sculpture of Jack London and donated bricks and pavers from supporters of the Wolf Track History Trail.





What we understand

- The removal of trash from the water and shoreline at Jack London Square is currently not the responsibility of any agency - public or private.
- Trash enters the water from storm drains located along the Estuary. One is located directly in the center of Jack London Square.
- Cutting and removing algae in Lake Merritt may now release some of this growth into the Estuary which can accumulate and trap trash.
- Due to the lack of rain a substantial amount of trash is remaining in the 10,000 storm drains located in Oakland. A period of heavy rain (which we hope happens) will dump this into the Estuary.
- Trash is the new landfill, inch by inch, if not removed it can accumulate on our shoreline and fill in the farthest reaches of the Bay.
- People are renting kayaks and Stand Up Paddleboards (SUP's) in Jack London Square and may end up in the water 100 feet from a storm drain. This should be a concern.

"This stuff just floats around. One day it's here, then it's gone, but it always comes back. It needs to be removed. It's disgusting."

Patrick Welch - Owner of Triple Crown, a Classic Yacht located in Jack London Square

Unfiltered storm drain in the Center of Jack London Square



Storm drain at Executive Inn on the Embarcadero



These are three of the large drains that flow into Lake Merritt, the Estuary and the Bay.

The City of Oakland has an Adopt a Storm Drain Program where dozens of volunteers have dedicated their time to clear drains before a storm but the City is understaffed for the necessary maintenance required.

Storm drain at 16th and Embarcadero at Low Tide



Same storm drain as above at High Tide



What we will do - daily



We will improve the visitor experience to the Jack London Square waterfront by making it cleaner, safer and more attractive.

Trash in the waterfront isn't complicated. It comes from various sources; the streets, storm drains, boats, vehicles and some of it floats into the Bay from the Pacific Ocean.

Removing trash is a bit more complicated. It needs to be done consistently and at the right time - based on the tides. A Cleaner Bay Foundation, with initial funding provided by Scott's Seafood Restaurant and the Hofmann Family Foundation, will perform a daily cleanup of the Jack London Square waterfront, from the USS Potomac to Alice Street.

There are four basins in Jack London Square Marina; The West Basin, Scott's Basin, Kincaid's Basin and East Basin, as well as the ferry pier, the Potomac pier, the fuel dock pier, and the public docks at the foot of Broadway and in front of Scott's Restaurant and Pavilion. All of these docks and piers trap trash that enters the Bay and all of these areas will be cleaned.

2014 algae in marina



Gateway to Bay Plan



In February of 2013 the first phase of the Gateway to the Bay Plan was completed. For the first time in 140 years this \$27 Million project connected Lake Merritt to the Estuary.

Gateway to Bay June 2015



2014 After clean up



In 2014 algae appeared in areas of Oakland Marina that had not been seen in the past. This may have been an unusual occurrence or a precursor to a future problem.

About Bay trash



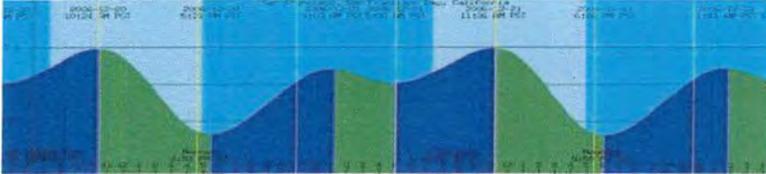
There are two old nautical and legal terms that have been used to describe something floating on the water; flotsam and jetsam. Flotsam, from a French word for float, was considered debris that was not deliberately thrown into the water, such as wreckage from a sunken ship. Jetsam, from the word jettison, is debris that *was* deliberately thrown into the water, say from a crew trying to save a sinking ship.

All trash is a problem but the trash that may be a more serious concern is the jetsam that comes out of the storm drains in Oakland, especially the one in the center of Jack London Square. It can include hypodermic needles, condoms and other dangerous waste. Unless removed early it will float around the Estuary and end up on the shoreline. It doesn't sink and doesn't biodegrade. It is a hazard.

Timing is important for the most efficient removal of trash from the water. Trash flows in and out based on the tides. During a high tide areas can look pristine due to trash being underwater or trapped in a remote location. A few hours later that same trash may have floated back in or appears on the shoreline as the water has receded. Our cleanups are based on the optimum time.

Process

Timing based on tide tables



Sorting



Equipment



Removal using approved devices



The Jack London Square area is prime for trash accumulation due to it being the first major obstacle to water flowing down the Estuary on an incoming tide and the last obstacle before the Bay on an outgoing tide. The prevailing winds also blow trash towards the Square where it becomes trapped in the piers and pilings.

We will record and report our collections to the International Coastal Cleanup database

Tracking and Reporting



Disposal using Civicorps





Structure

A Cleaner Bay Foundation is registered with the California Secretary of State as a Public Benefit Not-for-Profit Corporation with a mission to reduce trash in San Francisco Bay and its tributaries. A filing is being submitted to the IRS for a 501 c (3) approval. We have received initial funding from Scott's Seafood Restaurant and the Hofmann Family Foundation to organize our business structure and begin operations.

After securing the required permits and approval of our processes by all involved parties we will begin in the Jack London Square area and expand our reach as we gain experience and efficiency in trash removal. Our initial focus is in one specific area but our overall objective is to work with organizations such as the Bay Conservation and Development Commission, Save the Bay, Bay and other groups that are committed to protecting our most valuable resource.

Our Future

We envision expanding our operations beyond Jack London Square and acquiring a boat specifically designed for waterfront trash removal. Trash in our Bay is something that will not go away and this is our only mission and will do our small part to help.



Resources

The Estuary Coalition

Formed as a grassroots informal organization by Brock De Lappe, Harbor Master of Alameda Marina, and Chris McKay, Harbor Master of Oakland Marinas, the Coalition brought together 62 leaders from various private and public entities in a series of lunches at the Jack London Aquatic Center.

Faced with a problem of abandoned boats along the Estuary the group heard the various restrictions each agency had with taking responsibility for the removal of these eyesores. No one organization, from the cities, to the county to the state, to the Fed's felt they were responsible or had authorization. After months of frustration, and at the end of a long meeting, a question was asked of a Marine Lt. Colonel about a visit from Michelle Obama to Coast Guard Island. "Yes, she was coming" he replied. "What is the security zone around the island?" was the next question. "1,000 feet", he replied. All of these abandoned boats were within that perimeter. With the help of Jim Gordon of the OPD Marine Division, the Alameda County Sheriff's Water Patrol, the Coast Guard, and Oakland Marinas, 10 boats were removed in two days and the Estuary remains mostly clear to this day. It is this type of cooperation, between private businesses and government agencies, that will solve problems and get things done.