

# San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190

State of California | Gavin Newsom – Governor | [info@bcdc.ca.gov](mailto:info@bcdc.ca.gov) | [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

May 8, 2020

**TO:** Commissioners and Alternates  
**FROM:** Enforcement Committee Members  
**SUBJECT: Enforcement Committee’s Recommended Enforcement Decision Regarding Proposed Commission Cease and Desist Order No. CCD2020.001.00; City of Oakland**  
(For Commission consideration on May 21, 2020)

## Enforcement Committee’s Recommendation

**Executive Summary.** On March 12, 2020, the Enforcement Committee held a noticed public hearing to consider the Executive Director’s Recommended Enforcement Decision regarding proposed Cease and Desist Order No. CCD2020.001.00. This proposed Order addresses Union Point Park, a BCDC-permitted park in the City of Oakland that needs repairs and maintenance and has been occupied by recurring homeless encampments. After the Enforcement Committee voted to adopt the proposed Cease and Desist Order, the City requested that several of the deadlines in the proposed Order for undertaking required actions be extended in light of the COVID-19 pandemic emergency, which has limited the City’s ability to undertake the required measures without violating Center for Disease Control guidelines. On April 22, 2020, the Enforcement Committee voted to amend the proposed Order to incorporate the new dates requested by the City and to seek the Commission’s approval of the proposed Cease and Desist Order CCD2020.001.00, as amended. This report briefly summarizes the proceeding and the Enforcement Committee’s decision to adopt the Executive Director’s Recommended Enforcement Decision and the proposed amended Order.

**Enforcement Committee Recommendation.** At the Enforcement Committee hearing on March 12, 2020, BCDC enforcement staff presented the facts of the case, as summarized in the Executive Director’s Recommended Enforcement Decision, along with the recommended decision. Representatives from the City of Oakland appeared and presented their position on the matter and the conditions in the Park and noted that they were not contesting the proposed Order. A representative from an adjacent property also spoke in favor of the proposed Order.

The Committee unanimously voted to adopt the Executive Director’s Recommended Enforcement Decision and proposed Cease and Desist Order CCD2020.001.00. Several days later, BCDC received an email request from the City of Oakland, asking for a 30-day extension of specific provisions of the proposed Order due to actions undertaken by the City in relation to the COVID-19 emergency. Several weeks later, on April 9, 2020, BCDC received a letter from the City requesting a 90-day extension of all deadlines set forth in the proposed Cease and Desist Order. The letter explained that many of the measures required by the Order would



contravene the local Shelter-In-Place Order and guidance from federal agencies and that the City thus was unable to undertake the measures in accordance with the deadlines that were previously established. At a noticed public hearing on April 22, 2020, the Enforcement Committee voted to approve an amendment to the proposed Order, incorporating the new deadlines in accordance with the City's request.

The Executive Director's original Recommended Enforcement Decision and the Enforcement Committee's proposed Cease and Desist Order, as amended, are attached to this memo as Exhibits A and B, respectively. The Index of Administrative Record in support of the findings in the Order and the documents cited therein are available to view online at <http://www.bcdc.ca.gov/cm>.