

**RECOMMENDED ENFORCEMENT DECISION
REVISED PROPOSED CEASE AND DESIST ORDER NO.
CCD2020.001.00
CITY OF OAKLAND, UNION POINT PARK**

KAREN DONOVAN, ATTORNEY

OCTOBER 1, 2020

ITEM #4



SITE CONDITIONS – FEBRUARY 2020



CURRENT CONDITIONS



October 1, 2020



CURRENT CONDITIONS (SLIDE 2)



BACKGROUND

- Cease and Desist Order CCD 2020.001.00 approved by Enforcement Committee on March 12, 2020
 - Partial closure by January 31
 - Full closure by May 1
- Order revised by Enforcement Committee on April 22, 2020
 - Partial closure by January 31
 - Full closure by September 1
- Order remanded to Enforcement Committee by Commission on May 21, 2020

BACKGROUND (SLIDE 2)

- Revised Order approved by Enforcement Committee on August 13, 2020
 - Partial closure 60 days after “Triggering Event”
 - Full closure 90 days after “Triggering Event”
- Order remanded to Enforcement Committee by Commission on September 17, 2020

NEGOTIATED CHANGES TO THE CEASE AND DESIST ORDER

- Removed deadlines tied to Triggering Event signaling that COVID-19 emergency has ended
- Specific encampment closure dates established:
 - Partial closure by November 15, 2020
 - Full closure by February 12, 2021

CHANGES TO OTHER DEADLINES

- **Closure of Secondary Management Area** September 1, 2020 → February 12, 2021
- **Submit Encampment Enforcement Plan** August 15, 2020 → January 29, 2021
- **Submit Park Activation Plan** August 15, 2020 → January 1, 2021
- **Install Missing Bike Racks** August 15, 2020 → November 1, 2020
- **Submit Plans for Public Access Signage** August 15, 2020 → January 1, 2021
- **Submit Needs Assessment** October 1, 2020 → March 1, 2021
- **Long-Term Maintenance Plan** November 1, 2020 → September 1, 2021
- **Restoration Plan and Permit Amendment** November 1, 2020 → September 1, 2021
- **Completion of Park Restoration** December 31, 2021 → April 1, 2022

EXTENSION LANGUAGE

If the City encounters any unforeseeable event arising from a cause or causes beyond its control, including an unforeseen limitation or restriction related to the COVID-19 emergency beyond what is anticipated in the Plans, that will delay timely compliance with the provisions of paragraphs III.A through III.E above, the **City shall notify BCDC's Enforcement Program Manager by writing within five (5) business days of when the City first knows of the event.**

The Executive Director may grant an appropriate extension of time, for demonstrated good cause to comply with any provision of paragraphs III.A. through III.E above. The Executive Director shall inform the Enforcement Committee Chair and the Commissioners of any extensions that are granted pursuant to section III.F.1. above, and the duration of the delay, within 20 days of granting the extension.

CORRECTIONS

- Section III.C.2 – Deadline for City to develop and submit long-term encampment enforcement plan is January 29, 2021
- Correct section reference in extension provisions – substitute “III.F.1. for III.G.1”

ALTERNATIVE PARTIAL CLOSURE REQUIREMENTS

Eliminate November 15 deadline for partial closure and substitute:

- Requiring regular monitoring of area
- Posting signs for reporting individuals and vehicles
- Providing sanitation and weekly garbage pickup
- Ensuring that debris and garbage do not accumulate in the Park

ALTERNATIVE LANGUAGE ON PARTIAL CLOSURE

To address the reemergence of encampments outside the Secondary Priority Area, the City will conduct regular monitoring of all areas outside of the Secondary Priority Area and respond to any reports of new vehicles or tents outside of the Secondary Priority Area within 72 hours. The City shall also ensure that there are signs established and posted at the Park, in clearly visible locations, allowing for area residents and stakeholders to report any incidents of individuals or vehicles in the Park outside of the Secondary Priority Area. Consistent with the attached Encampment Closure and Park Restoration Plan (“Plan”), the City shall continue to provide services to all individuals residing in the Park, and shall provide weekly garbage pickup and debris removal, ensuring that debris and garbage do not accumulate in the Park areas outside the Secondary Priority Area.

STAFF RECOMMENDATION

- Staff recommends that the Enforcement Committee **adopt revised proposed Cease and Desist Order CCD2020.001.00** requiring the City of Oakland to undertake measures necessary to remove unauthorized encampments in Union Point Park and begin restoring the Park to its intended uses by early next year
- BCDC staff will closely monitor developments and discuss the progress on this and other areas

QUESTIONS?