

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

KAREN DONOVAN, ATTORNEY

OCTOBER 15, 2020

ITEM #8



# SITE CONDITIONS – FEBRUARY 2020



# CURRENT CONDITIONS



# 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
- 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”
- Remanded by Commission on September 17, 2020
- New Revised Order approved by Enforcement Committee on October 1, 2020
  - Partial closure by November 15, 2020
  - Full closure by February 12, 2021

# 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 15, 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.**

## 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?