

# San Francisco Bay Conservation and Development Commission

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March 14, 2024

**TO:** Enforcement Committee Members

**FROM:** Matthew Trujillo, Enforcement Policy Manager (415-352-3633;  
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**SUBJECT:** Approved Minutes of March 14, 2024 Enforcement Committee Meeting

**1. Call to Order.** The hybrid meeting was called to order by Chair Gilmore at 9:30 a.m. The meeting was held with a primary physical location of 375 Beale Street, San Francisco, California, and online via Zoom and Teleconference.

Chair Gilmore gave instructions to all attendees on procedures for participating in the meeting.

**2. Roll Call.** Ms. Klein called the roll. Commissioners Eisen, Vasquez and Chair Gilmore were present. A quorum was achieved. Commissioner Belin joined after the Roll Call.

Staff in attendance included General Counsel Greg Scharff, Enforcement Analyst Rachel Cohen, Principal Enforcement Analyst Adrienne Klein, and Legal Secretary Margie Malan.

Chair Gilmore stated a quorum was present and the Committee was duly constituted to conduct business.

**3. Public Comment.** Chair Gilmore invited the general public to comment on items not on the day's Agenda.

Chair Gilmore gave instructions for members of the public to offer public comment.

Brock de Lappe stated: Good morning, Commissioners. My name is Brock de Lappe. I am extremely concerned about the fact that the Union Point Park matter has been removed from today's agenda. I hope the Commissioners have had a chance to review the documentation that I have sent regarding the influx of encampments into Union Point Park and the problems along the shoreline.

It was in 2019 that the east parking lot at Union Point Park was totally packed with RVs. This was a very dangerous situation. There was a bad fire that burned up several vehicles. A seven-year-old boy was shot. It was complete lawlessness. And in 2019, the city of Oakland removed those vehicles from the east parking lot.

The park itself was overrun with homeless encampments and in March of 2012, under a cease and desist order, the city of Oakland removed those encampments from Union Point Park. At that time, the park was deemed to be a closure area, which meant that no reoccupation was to occur.

Unfortunately, that has not been supported by the city of Oakland. The park now has numerous encampments. It is not being tended to. And I can imagine why the city of Oakland Park Service would not want to go into the park to try to cut the lawn or pick up the trash because of the existing encampments. And as it is, it would not be used by the general public. On the shoreline there is an encampment in the old Cryer boatyard site, which has been the location for several stolen boats. There are boats anchored offshore illegally in the Estuary off of the east parking lot, which people have seen stolen property, stolen outboard motors that cannot be recovered.

So once again the park for lack of enforcement, lack of involvement by the city of Oakland, has been allowed to go into disrepair; and I think the public has a right to know why this item was removed from the agenda. Thank you.

Chris McKay stated: A year ago, Union Point Park had encampment on the north end and the south end, but the center of the park was clear. At that time, working with the parks department, we brought in about 30 school kids for two days and they picked up litter, planted trees, removed graffiti, and just really got the park looking great. They enjoyed participating in it and it was a good exercise for them. And it was at this time of the year when they were still in school but it was time for planting and cleaning the park.

This year, a year later, they can't come because there's encampments spread throughout the park and the school won't allow them to come in as long as there's encampments in the center of the park. So, nothing is going on. The trees they planted are not being maintained. Litter is everywhere. People are driving through the park in vehicles destroying the turf and there is a huge structure built next to the playground.

So, what is really frustrating about this is not so much the City isn't doing anything, but they have \$23 million of unspent funds from Measure Q that was specifically designed for the parks, for litter, for improvements, for interventions in encampments, and they have done nothing.

According to the agreement that was signed three years ago between the Park and BCDC, BCDC can now fine Oakland about \$6.5 million based on the \$6,000 a day fine for not keeping the park clear. I would ask BCDC to enforce that fine. That may be the only thing that gets the City to take care of a park.

Our neighborhood association keeps all the areas clear and we have a nightly security patrol. But the one thing in our neighborhood that we can't control is the park. And the park is controlled by BCDC so we would ask you to

enforce this and do it as soon as possible so we can get these kids back in and get them involved in using and taking care of their park. Thank you very much.

Michael Gorman stated: Good morning, Commissioners, and especially Chair Gilmore, good to hear you and see you again.

I am Director of the Encinal Yacht Club Junior Sailing Program in Alameda. We have been severely impacted the last couple of years over thefts and vandalism at our facility. Boats in the neighborhood of \$50,000 to \$60,000 stolen and many other boats from the Alameda Community sailing Center and other private parties along the shoreline of Alameda and Oakland. Most of these vessels and motors have been recovered at the Union Point east parking lot or the boats adjacent to the shoreline there. Unfortunately, we have had to do it on our own because the police response is not adequate and not quick enough to do anything.

I go by there almost every day because I work in the vicinity. I work at a facility that has been severely impacted also by having its customers' boats and motors stolen. We have photographs of those at the Cryer yard encampment next to the Coast Guard bridge. Also on the beach right now. One of them is on the beach right now this morning at the east parking lot and also at the illegally moored boats off the east parking lot.

The Oakland Police Department Marine Unit has made progress in the last six months to get rid of some of the illegal anchor-outs and many of them have been part of the problem. But there are still a few left that don't seem to be, have any action taken on in any timely matter.

The park itself and the parking lots are a disgrace. There's large motorhomes that have been there for at least six months. People line up and buy something from the windows and doors most mornings. I'm not sure what they're buying but it's probably not hot dogs. There's structures and tents erected in the park itself. And it is very discouraging to any member of the public who wants to take a stroll along the boardwalk or the shoreline walkway or use the park. In fact, I think most people would just turn around and go the other way.

I too am very curious as to why this very critical item, lack of enforcement, has been postponed. I can't see any reason why it should be put off. So just like Mr. de Lappe, I would like to know the answer to that. Please, please do something for our neighborhood and our waterfront community. Thank you.

#### **4. Approval of Draft Minutes from the January 24, 2024, Enforcement Committee Meeting.**

**MOTION:** Commissioner Eisen moved approval of the January 24, 2024, Meeting Minutes; Commissioner Vasquez seconded the motion.

The minutes were approved unanimously by affirmation with no abstentions or opposition.

**5. Hearing and Vote on Executive Director’s Recommended Enforcement Decision, Including Proposed Cease and Desist and Civil Penalty Order CCD2024.001.00 (BCDC Enforcement Case ER2021.080.00).**

The staff recommendation was for the Enforcement Committee to vote to recommend that the Commission authorizes the Executive Director to issue the proposed Cease and Desist and Civil Penalty Order No. CCD2024.001.00, which would order Respondent to:

1. Cease and desist from violating BCDC Permit M1979.088.02 and the McAteer-Petris Act;
2. Fully restore and maintain public access area within thirty (30) days of order issuance;
  - a. Reopen the entirety of the 1,558-square-foot public access area.
  - b. Return the permit-required benches and public trash containers to the public access area.
  - c. Remove tables, chairs, rubbish, materials, and municipal waste bins from public access area.
3. By December 31, 2024, obtain a permit (or permit amendment) for extensive ground floor restaurant redesign work that commenced in or around November 2016 and has continued to-date, as well as any work that was performed in the public access areas;
4. Complete a permit assignment for Permit M1979.088.02 within forty-five (45) days of Order issuance;
5. Cease and desist from any development of the ground floor restaurant space (formerly Il Piccolo Caffè and the adjacent wine bar and retail space) and do not conduct any business or other use of the space until a Commission permit that authorizes such use and fill placed therein is obtained.
6. Pay \$60,000 in administrative civil liability within thirty (30) days of Order issuance.

**MOTION:** Commissioner Eisen moved approval of the staff recommendation, seconded by Commissioner Belin.

**VOTE:** The motion carried with a vote of 4-0-0 with Commissioners Belin, Eisen, Vasquez and Chair Gilmore voting, “YES”, no “NO” votes, and no “ABSTAIN” votes.

(A verbatim transcript is available for this Agenda Item.)

**6. Briefing to the Enforcement Committee on the Status of the City of Oakland's Compliance with the Union Point Park Order.**

(Briefing was postponed to a future meeting.)

**7. Adjournment.** There being no further business the Enforcement Committee meeting was adjourned at 10:44 a.m.