



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Joe DeVries
Director, Interdepartmental
Operations

SUBJECT: Grizzly Peak MOU

DATE: April 12, 2021

City Administrator Approval 

Date: Apr 19, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Understanding (MOU) Between The Oakland Police Department (OPD) And All Peace Officer Agencies Along The Length Of Grizzly Peak Boulevard In Alameda And Contra Costa Counties To Work Together To Efficiently And Effectively Provide Public Safety Services Throughout Grizzly Peak Boulevard

EXECUTIVE SUMMARY

Grizzly Peak Boulevard is an eight-mile stretch of roadway that begins at Skyline Boulevard in Oakland and ends at Beloit Avenue in Kensington. As it winds through the East Bay Hills, offering breath-taking views, it enters and exits different jurisdictions several times. The portions from Centennial Drive in Berkeley to Fish Ranch Road in Oakland are very popular spots to view the Bay Area and in recent years the number of people gathering have caused significant fire safety, vehicular safety, and other crime issues. Because many jurisdictions share responsibility for the area, clarity of jurisdiction has been challenging. Approval of this resolution will authorize the City Administrator to enter into a Memorandum of Understanding (MOU) with agencies that share jurisdiction along Grizzly Peak Boulevard to more effectively provide public safety services. The agencies included are: The City of Berkeley Police Department (BPD), University of California Berkeley (UCB) Police Department (UCBPD), The East Bay Regional Park District (EBRPD) Police Department, the City of Orinda, and the Contra Costa County Sherriff.

BACKGROUND / LEGISLATIVE HISTORY

The City Administrator convened an Interdepartmental Wildfire Prevention Working Group in the spring of 2020 and an immediate concern regarding Grizzly Peak Blvd was brought to the forefront. Large gatherings in the evenings, especially on weekends, were creating many hazards, especially with increased numbers of illegal fireworks being discharged leading up to the 4th of July Holiday. The Oakland Fire Department (OFD) tracked six wildfires on Grizzly Peak in a short 6-week period, the majority of which were caused by fireworks. Additionally, as

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people gather late into the evening and consume alcohol, traffic collisions are especially dangerous along this winding stretch of roadway and there have been incidents of violence/shootings occurring at the turn-outs. Most of this problematic behavior is occurring in the evening. There are nine separate turn-outs where this activity occurs, and those locations are all accessed by the City of Oakland roadway, but the underlying turn-outs are under the jurisdiction of the (UCBPD), the City of Berkeley, and EBRPD.

On July 4th, 2021, the Working Group decided to close the roadway entirely to all through traffic (except pedestrians and bicyclists) and successfully avoided any fires that day. This plan was supported with freeway signage by Caltrans and all of the adjacent jurisdictions

The Working Group also evaluated several long-term options and decided to install signage prohibiting stopping at all turnouts between 9pm and 6am. Additionally the areas are posted as a tow-away zones on Red Flag fire hazard days. This practice allowed police to patrol and advise people to move-on after 9pm; this restriction proved moderately successful. As part of this effort the City reached out to the partner jurisdictions to coordinate an enforcement response and convened an interagency group to discuss these challenges.

The interagency group conducted several successful operations together on weekend nights in the late summer including:

- Officers from the partner agencies travelled the corridor in a coordinated manner;
- Used their intercom to move most people along, and
- In rare instances of non-compliance, issued parking tickets.

Unfortunately, with so many areas available to gather, patrolling the area successfully was a challenge, especially considering limited resources each agency has to direct to the area.

In the late summer a second approach of closing the turn-outs was explored with UCBPD the Oakland Public Works Department (OPW) Tree Division, OFD, and the Department of Transportation (OakDOT) partnered to place logs across all the turn-outs along the road. By using trees that were already being cut down as part of UCBPD and City of Oakland forest management efforts, the jurisdictions saved resources and provided an aesthetically pleasing traffic control device (as opposed to a K-rail or other barrier).

The closure of the turn-outs has been very impactful in reducing the large gatherings that are the most problematic. However, some level of patrolling, especially during the fire season, is still necessary. There are instances of people using the blocked-off turn-outs as areas to set up a stage with live performers, bon fires, and fireworks.

ANALYSIS AND POLICY ALTERNATIVES

The interagency members collectively agreed that establishing a Memorandum of Understanding would help provide clarity to each agency and to the public that the authority to take enforcement action in this area is shared. Most action is in regard to the parking restrictions as it is clearly posted. It is easy for an officer to refer to the signage and advise people to move along. However, there are still more egregious situations (e.g. violations of the State Fire Code, that warrant a more thorough response. When groups decide to start a bonfire or ignite fireworks, the consequences in this high fire-severity zone could be catastrophic. By entering

into an MOU, officers from any agency that are available can respond and assist in the region's wildfire prevention efforts.

The MOU authorizes all agencies to retain their authority to provide initial or supplementary public safety services and enforcement within the area regardless of primary jurisdiction. It also clarifies that discovered or reported crimes requiring significant follow-up investigation should be turned over to the primary jurisdiction unless otherwise mutually agreed.

The MOU further clarifies that if representatives of any agency become aware of an incident at a location where their agencies have concurrent jurisdiction and are not able to determine which agency has primary jurisdiction, the agency which discovered or was first notified of the incident will retain the responsibility to provide any law enforcement and/or other necessary public safety services until such time that the jurisdiction issue is agreed upon.

Included in the MOU is a map developed by EBRPD (see **Attachment B**) and an electronic link to the map created by the City's Information Technology Department (ITD). The electronic map defines jurisdiction down to the parcel using the zoom feature to aid in determining jurisdiction. This map will be invaluable to staff in the field when following up on more serious investigations.

FISCAL IMPACT

This resolution has no immediate fiscal impact.

PUBLIC OUTREACH / INTEREST

The City received significant communication from residents along the Grizzly Peak corridor from both the cities of Oakland and Berkeley, raising concern about fire safety hazards in the area. Also, during the fire season, public signage was installed warning of the fire danger and on Red Flag Days OFD and EBRPD conduct patrols that communicate directly with anyone gathering in the area to advise them of the danger.

COORDINATION

The Interagency group consists of the following: Oakland City Administrator's Office, City Council Office (District 1), Office of the City Attorney, OPD, OFD, the City of Berkeley City Council Office (District 2), Berkeley Police Department and Fire Department, UCB Police Department and Vice Chancellor of Facilities, EBPRD Police and Fire Departments, the Orinda Police Department, and Contra Costa County Sherriff's Office.

SUSTAINABLE OPPORTUNITIES

Economic: Preventing wildfires saves immeasurable resources and avoids fires that could cause negative economic impacts.

Environmental: Preventing wildfires protects riparian corridors that support wildlife and tree growth that removes carbon dioxide from the air which is a leading contributor to climate change. It also avoids extremely hazardous air quality conditions produced by wildfires.

Race & Equity: Fire safety and greater traffic safety supports the wellbeing and safety of all Oakland residents and visitors.

ACTION REQUESTED OF THE CITY COUNCIL

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For questions regarding this report, please contact Joe DeVries, Director, Interdepartmental Operations, at (510) 238-3083.

Respectfully submitted,



Joe DeVries
Director, Interdepartmental Operations

Attachments (2): A: Interagency Grizzly Peak cooperative patrol MOU
B: Grizzly Peak Boulevard Jurisdiction Map