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**Enclosure-Occupations: Contested Productions of Green
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City**

by **C.N.E. Corbin**

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University of California, Berkeley
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Study of
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Enclosure-Occupations: Contested Productions of Green Space & the Paradoxes within Oakland, California's Green City

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Burger Boogaloo is an annual rock concert that has taken place in Mosswood Park since 2013. Every year a portion of the park is gated and closed off to the general public. Events like Burger Boogaloo are representative of a growing entertainment industry using public parks to cater to a new influx of wealthy residents in Oakland and beyond. At the same time, Mosswood Park has struggled with homeless encampments which impact park use; it is emblematic of a city and state experiencing an increase in unsheltered (homeless) residents as a result of a housing crisis. Based on observations, interviews, public meetings, and municipal documents, this work examines how residents are negotiating the realities and the pitfalls of Oakland's transition to becoming a green city and its implementation of an urban environmental/sustainable agenda during an accompanying volatile gentrification process. This study focuses on a small but highly used green space that is crucial to the local community in which tensions between park use, the commodification of park space, and lack of public park funding are made visible on the landscape. This paper looks at two types of enclosure-occupations: one from above, government sanctioned events which allow for the temporary enclosure of park space for private events, and the other from below, informal extralegal encampments of unsheltered residents. While those who participate in these enclosure-occupations have vastly different economic, political, and social power, both enclosure-occupations simultaneously create openings for some while constricting public park access for others.

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Introduction

Prompted by the 1992 Rio Earth Summit's Agenda 21 Sustainable Development Plan, many municipal governments have been aligning with the United Nations for the explicit purpose of creating an environmental agenda to combat the effects of climate change. The 1992 Earth Summit brought cities to the forefront and recognized urban areas as essential to creating a healthy environment and world. US cities began exercising municipal autonomy, bypassing federal environmental regulations, deemed insufficient, and collectively mobilizing nationally and globally on environmental concerns.

What has since emerged is the concept of the sustainable green city: an urban area designed to advance sustainability goals, address climate change, improve quality of life, and minimize negative environmental impacts.^{1,2} A crucial part of creating the green city is the production of green spaces (e.g. parks, gardens, and urban agriculture).³ Green spaces absorb CO₂ and air pollutants, reduce flooding from storm water run-off, mitigate the urban heat island effect, and can serve as areas for recreation, food production, and wildlife habitat formation.⁴ The promise of the green city is particularly vital for low-income neighborhoods

¹ "Urban Environmental Accords." *United Nations*, June 5, 2005.

² Emma Marris, *Rambunctious Garden: Saving Nature in a Post-Wild World* (New York: Bloomsbury, 2013).

³ Steffen Lehmann, "Green Urbanism: Formulating a Series of Holistic Principles," *Sapiens* 3, no. 2 (October 2010): 1-10.

⁴ James Salzman et al. "The Most Important Current Research Questions in Urban Ecosystem Services," *25 Duke Environmental Law & Policy Forum* (2014): 1-47.

and communities of color who tend to be the most environmentally compromised⁵ and are less likely to live next to or have access to healthy green spaces.⁶

In the last two decades, US cities have been allocating millions of dollars to major green space projects: Chicago's Millennium Park and the New York High Line are notable examples of cities converting the traditional concrete-built environment to world-renowned parks. Cities like Atlanta, Dallas, and St. Louis are following suit by creating epic master plans in which parks are front and center. Not since the days of John Muir, Frederick Law Olmsted, and the City Beautiful movement have park creation and beautification been so profound within the United States. While parks have been traditionally understood as important for human health, sustainable development rooted in environmental and economic ethics is ushering in new land use practices as well as creating new relationships between urban residents and nature.

On June 5th, 2005, Jerry Brown, then mayor of Oakland, California, signed the UN "Urban Environmental Accords Green Cities Declaration" that "recognized for the first time in history, the majority of the planet's population now lives in cities and that continued urbanization will result in one million people moving into cities each week, thus creating a new set of environmental challenges and opportunities."⁷ The Accords were a non-binding agreement signed by municipal governments, which provided implementation strategies and offered cities recognition for their environmental efforts. In 2007, Oakland Mayor Ron Dellums signed onto the US Conference of Mayors Climate Protection Agreement established

⁵ Robert D. Bullard, and Glenn S. Johnson. "Environmental Justice: Grassroots Activism and Its Impact on Public Policy Decision Making," *Journal of Social Issues* 56, no. 3 (2000): 555-578.

⁶ Jennifer R. Wolch, Jason Byrne, and Joshua P. Newell. "Urban green space, public health, and environmental justice: The challenge of making cities 'just green enough,'" *Landscape and Urban Planning* 125, (2014): 234-244.

⁷ Urban Environmental Accords." *United Nations*, June 5, 2005.

in 2005, created in part to replicate the actions of the Kyoto Protocol at the municipal level with a mandate to reduce greenhouse emissions, create urban forest restoration projects, provide walkable communities, choose alternative energy options (green energy in particular), and prevent sprawl.

In 2002, Measure DD, the Oakland's Trust for Clean Water and Safe Parks, was approved by 80 percent of residents. The \$198.25 million bond focused on restoring and improving parks, trails, estuaries, rivers, and creeks while creating a new four-acre park and amphitheater at Lake Merritt, the "Jewel of Oakland" and its "Central Park."⁸ Most of the improvements were done between 2011 and 2013 with others continuing through 2019. Although a considerable amount of funding has been put towards the improvements of Oakland's "jewel," a tourist destination, other local parks have not been given the same support. This trend of uneven support to local parks is taking place during a period of gentrification.

New wealthy residents who are also predominately white with connections to the tech industry have been moving into neighborhoods which have been historically low-income and predominantly people of color for generations. This process is supported by the municipal government allowing Oakland the ability and opportunity to accrue and increase capital through property taxes and business taxes. Gentrification pressures, manifested through sharp increases in housing prices, have particularly hit long-term residents, and in particular renters in low-income neighborhoods and in communities of color who are being priced out and evicted. New residents are influencing public park uses and, in some cases, are compromising access both directly and indirectly. Displacement in connection to housing

⁸ "Oakland's Measure DD." *City of Oakland*. <http://www.waterfrontaction.org/dd/>

is rapidly changing both the racial and economic demographics of the city while creating tensions between new and long-term residents who have different understandings of use and wants from urban public lands, parks, and local nature.

This paper is situated within my larger dissertation project focused on the relationships between race, class, and access to green space, specifically public parks, and how these relationships have changed from 1960--prior to the Civil Rights Acts--to 2018, after Oakland began adopting and establishing its sustainability policies. Specifically, this study asks: what urban environmental injustice issues are being created, exacerbated, and/or mitigated during this period? The aim of this paper is to investigate how residents and park users are accessing green space during a time of intensifying gentrification. As I will show, public parks in Oakland are commodified, enclosed, and occupied by local government and its residents at times in service to some residents and to the disservice of others. As an extended case study this paper explores the dynamics within Mosswood Park which is both an acute representation and emblematic of a trend taking place in Oakland across various parks, albeit to varying degrees.

This study explores two types of enclosures and occupations that are taking place within Oakland's municipal park system. I use the term enclosure-occupations to capture this dynamic. The first type of enclosure-occupation that will be explored I call *enclosure-occupations from below*, which includes informal extralegal housing settlements created by unsheltered residents through the establishment of homeless encampments. The second I define as *enclosure-occupations from above*, government sanctioned semi-private events in which fee-based park use determines access through permits delivered through some form of governmental apparatus. The terms *from above* and *from below* speak to and are used to

situate the socioeconomic status (SES) of these distinct groups with *enclosure-occupations from above* used to acknowledge the upper classes, those with wealth, who are situated high on the social political hierarchy; *enclosure-occupations from below* acknowledges the SES of low-income, those living in the dire straits of poverty, and situated at the bottom of the social political hierarchy and often at the nadir of the municipality's concerns.

This paper identifies Oakland, California, as a green/sustainable city and argues that in spite of the increased green space creation, restoration, and beautification projects adding to the overall nature within the city, there is also an accompanying, unintended consequence. An interesting paradox has developed in which increased green space has not necessarily led to perceptions or experiences of increased public park access. By bringing together the two Karls, Marx and Polanyi, I frame the rising tensions between *use-value* and *exchange-value* of a fictitious commodity, public park land. I argue that although there is more physical park space being produced with more expected based on Oakland's multiple master and specific plans, some populations are experiencing reduced access and restricted park use created by multiple types of enclosures and occupations of public park space. While those who participate in these enclosure-occupation types have vastly different economic, social, and political power, both types of enclosure-occupations simultaneously create openings for some while constricting public park space and engagements for others.

Theoretical Framework

The Karls in the Park: The Commodification of Green Space, Gentrification, and Public Parks as the Commons

This paper brings two Karls, Marx and Polanyi, together in the park to frame the rising tensions between *use-value* and *exchange-value* of a fictitious commodity, public park land. Polanyi situates labor, land, and money as fictitious or false commodities, specifically because “none are produced for sale,” this is particularly true for land (under England’s feudal system), in the sense that land is not *produced* for the market.⁹ Furthermore, land extends to and is synonymous with nature, again “not produced by man.”¹⁰ By understanding land in this way we can see its potential for scarcity. While the concept of the green city and Oakland’s implementation of an environmental agenda is indeed producing and creating green spaces, public parks are still a scarce resource in ratio to the concrete reality of the built environment. Until recently public parks were produced for *the people* and not necessarily the market.

Marx identifies a commodity as the smallest unit within the capitalist system. He further argues that a commodity has both a use-value and an exchange-value and only when brought before the market are these two values determined.¹¹ Oakland and the state of California at large are wrestling with a sky-rocketing tech industry which has irrevocably changed local housing markets and economies in a process that is often labeled as gentrification. This market change has coincided with Oakland’s implementation of an

⁹ Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 2001), 76.

¹⁰ Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 75.

¹¹ Karl Marx, *Capital Volume 1* (London: Penguin Book, 1990), 125.

environmentally sustainable agenda and its transition to a green city. Tensions between and among land-use and land values have emerged as the municipal government and its residents recognize public parks as both a scarce resource and a highly valued commodity within the built environment, usually expressed as an environmental amenity. The tension between use-values, as determined by access by residents and park users, and exchange-values, how the state seeks profit from public parks, is central to understanding how municipalities and their constituents have both divergent and convergent understandings when concerning the rights of the public to engage with public green spaces.

The term *gentrification* was originally coined by Ruth Glass in 1964 to convey the neighborhood change taking place in the UK while operationalizing the term gentry, originally derived from Britain's feudal past.¹² The transition from the British feudal system into a capitalist market included a process of enclosure acts leading to the occupations of the commons, "resources that are governed by common (shared) use-rights."¹³ The monarch, the owner of all land, bestowed upon the peasantry the ability to use communal lands which directly contributed to their subsistence including food production, gathering housing materials from forests, hunting game, and the like. In this work, I call the commons, in relationship to our current system of public park space, a resource with shared use-rights. Today's commons in the form of public parks provide a type of environmental engagement and subsistence in the form of access to green spaces for low-income, communities of color, and to the larger extent all those who do not have access to private resources to nature, an

¹² Ruth Glass, "Introduction: aspects of change," in *London: Aspects of Change*, ed. Centre for Urban Studies, (London: MacKibbon and Kee, 1964), xiii-xlii.

¹³ Shin Lee and Chris Webster, "Enclosure of the urban commons," *Geo Journal* 66 (2006): 27-42.

example being a back yard.¹⁴ Throughout the last century urban parks have been situated as crucial to human health, as the lungs of the city, and a panacea to just about all social and health ills attributed to the urban landscape.

When Marx articulated the process of primitive accumulation it was situated within the feudal transition in which the peasant-class was violently removed from the land, their means of both production and subsistence, in a series of enclosure acts that were created, legislated, and enacted by the noble classes.¹⁵ These exclusionary land practices drove the peasantry off of their once communal lands and severed their ability to subsist off the land. As in the feudal past, Oakland is experiencing a series of gated or barrier enclosures within their public parks at times benefiting the state and other times to its disadvantage. Efforts to occupy land, albeit temporarily, expose the uneven power dynamics that allow for some publics to exert power over place through economic strategies and municipal support and, at the same time, diminish access to this same public resource for others.

Gentrification in connection to environmental agendas and policies and its relationship to green space creation, restoration, and beautification projects emerged within political ecology literature in the late 2000s. While most US citizens and residents have taken the *public* in public park to mean free and accessible to all, this has not necessarily been the case. Dooling's concept of *ecological gentrification* was one of the first to explain a process in which "implementation of an environmental planning agenda related to public green space [...] leads to the displacement or exclusion of the most economically vulnerable human

¹⁴ Elizabeth Carney, "Suburbanizing Nature and Naturalizing Suburbanites: Outdoor-Living Culture and Landscapes of Growth," *Western Historical Quarterly* 38 (Winter 2007): 477-500.

¹⁵ Karl Marx, *Capital Volume 1*, 875.

population—homeless people—while espousing an environmental ethic.”¹⁶ Dooling’s *vulnerable human population* can and should be expanded to include the precarious classes, those who are low-income, the working class poor, social welfare recipients (section 8), those living on fixed incomes such as retirement pensions, those who are renters. Many of those in the precarious class are not only low-income but also people of color.

Dooling’s major contributions are two intersecting and interconnected mechanisms in which privileged residents act as both informers and authorities over public park space and environmental amenities. One is produced through individual actions (calling law enforcement as well as direct person-to-person engagements at scale) and the other is through collective action (neighborhood groups); both mechanisms call on the state apparatus consisting of law enforcement and municipal officials who work in concert to mitigate and remediate the visual components of the environmental disamenity, the homeless who are positioned as trespassers.

The greening of the urban landscape could provide an opportunity to supply crucial health benefits and access to nature to environmentally compromised and precarious populations. Nevertheless, the commodification of green space and its relationship to gentrification processes and pressures are causing what Gould and Lewis identify as green gentrification, a process in which a “greening event,” a green space creation, restoration, and/or beautification project, attracts more affluent populations and creates a new whiter and richer demographic, with increased housing costs post greening event.¹⁷ As it stands

¹⁶ Sarah Dooling, “Ecological Gentrification: A Research Agenda Exploring Justice in the City,” *International Journal of Urban and Regional Research* 33, no. 3 (2009): 630.

¹⁷ Kenneth A. Gould and Tammy L. Lewis, “The Environmental Injustice of Green Gentrification: The Case of Brooklyn’s Prospect Park,” in *The World in Brooklyn: Gentrification, Immigration, and Ethnic Politics in a Global City*, ed. Judith N. DeSena and Timothy Shortell (Lanham: Lexington Books, 2012), 121.

Oakland is in the process of designing and constructing over six large parks, including the Brooklyn Basin Project which is poised to offer 30 acres of “public access park space” and over “3000 housing options”¹⁸ and a proposed 170-acre Gateway Park at the foot of the Bay Bridge.¹⁹ Today, green spaces are contributing to displacing the very populations who need them the most and possibly sending them to other environmentally challenged areas. This paradox is often portrayed by municipal governments and academic scholars as an ongoing tension when creating a green sustainable city and attaining a more environmentally friendly cityscape.²⁰

Access Beyond Proximity

Ribot and Peluso conceptualize access outside of the traditional understanding of property rights and define access “as the ability to benefit from things—including material objects, persons, institutions, and symbols.”²¹ By focusing on “ability, rather than rights as in property theory, this formulation brings attention to a wider range of social relationships that can constrain or enable people to benefit from resources without focusing on property relations alone.”²² Much of the research conducted in regards to access to nature in cities focuses on residential proximity to parks and green space as the determining factor; yet proximity should not be the sole focus. Park users’ ability to benefit as put forth by Ribot and

¹⁸ Brooklyn Basin “Coastline Meets Skyline” <http://brooklynbasin.com/>

¹⁹ Denis Cuff, “New park promising stunning bay views take a big step forward,” *East Bay Times*, December 15, 2017, <https://www.eastbaytimes.com/2017/12/15/new-oakland-park-promising-stunning-bay-views-takes-big-step/>

²⁰ Jennifer R. Wolch, Jason Byrne, and Joshua P. Newell, “Urban green space, public health, and environmental justice: The challenge of making cities ‘just green enough,’” 234-244.

²¹ Jesse C. Ribot and Nancy Peluso, “A Theory of Access,” *Rural Sociology* 68, no. 2 (2003): 153.

²² Jesse C. Ribot and Nancy Peluso, “A Theory of Access,” 154.

Peluso becomes salient for Oakland park users and speaks to park engagement and the use-value in which these residents seek to participate within their green space commons; this includes but is not limited to cultural practices, amenities, and/or park quality. The flow of the white middle class into the city also brings different understandings and ideologies of how to use green spaces, and in turn how the public chooses to engage green space is as important in terms of the ability to benefit as proximity to green spaces.

This study seeks to understand if and how environmental injustices are taking place by making visible some of the dynamics around park use and access. Environmental injustice can be understood as the uneven distribution of both environmental harms and goods which impact the health and life expectancy of vulnerable communities, people of color and/or low-income residents. Vulnerable communities tend to be more environmentally burdened by environmental disamenities such as pollution, exposure to industrial chemicals, and toxic landscapes while also prevented from enjoying and having access to environmental amenities like high quality and safe public parks, green spaces, and nature.

Integrating the above theoretical frameworks, this paper focuses on Mosswood Park in Oakland, CA, as a case-study to elucidate the tensions between use-value of Oaklanders in the form of the everyday spatial practices in which they choose to engage within public parks, and the exchange-value in which the municipality, and some of its residents, commodify public park space through fee-based park experiences and in order to profit and accumulate capital on behalf of the state and event organizers. With a dearth of scholarship exploring the experiences of residents at the intersection of sustainable development and gentrification, this study provides an opportunity to document a society in transition at the

forefront of new understandings of urban space, environmental mitigation, and green space access.

Methodology

This paper employs a mixed methods approach combining qualitative and quantitative data within this extended case-study. The three major data sources are: 1) municipal reports and documents from the City of Oakland 2015-2019, 2) participant observations from 2016 to 2019 including site visits of Mosswood Park as well as the City of Oakland Parks and Recreation Advisory Commission (PRAC) meetings, and the Mosswood Recreational Advisory Council (Mosswood RAC) meetings along with general Oakland wide public park and community meetings, and 3) PRAC & Mosswood RAC meeting minutes from 2016-2019. The participant observations, narratives, and public comments of community members, park staff, and park users are put in conversation with empirical data collected from the US Census, Cal EPA, and other archival materials.

Positionality

Although I am not African American, I am a Black woman. Although I was not born and raised in Oakland, I am an Oaklander. Like many before me, I migrated to the East Bay, drawn to its radical politics, beautiful weather, and diverse population. I have made Oakland my home: I have lived and/or worked in Oakland since 2004. I belong to the communities about which I write, and I have been a resident continuously since 2011. I ground my experiential understandings of Oakland to qualitative and empirical data to articulate the

changes and challenges this municipality is facing at the intersection of race, class, and access to green space.

In 2015, I was appointed to the City of Oakland Parks and Recreation Advisory Commission (PRAC), which is comprised of eleven Oakland community members who report and make recommendations to the City Council on Parks and Recreation policies. As PRAC commissioner I am also the liaison for Mosswood Park, the focus of this case-study. Since 2016, I have worked with two PRAC commissioners as part of a task force to update and create new rules and regulations for Oakland public parks. In 2017 I was voted in as Vice Chair and as I write this piece, I am now the Chair of PRAC. I have participated in city-wide public meetings, conducted meetings with staff, and spoken with residents as well as conducted multiple site visits during my tenure with PRAC. This community civic work has set the stage for conducting the research that I present in this paper.

“In accordance with Oakland Municipal Code 12.64.080, approval from Parks and Recreation Advisory Commission is required to collect revenue in City of Oakland parks and park facilities.”²³ This means during my tenure with PRAC, I have actively voted for, abstained, or voted against events that occur in the municipal park systems when sponsors were seeking approval to accept any fees, donations, and/or payments. Thus, I have seen first-hand that Oakland municipal parks, particularly high use parks like Lake Merritt and Mosswood Park, are generators of revenue for the municipal government. In most cases the events, particularly at Lake Merritt, are spaces for organizations to have fun runs and walks as fundraisers to generate on-site donations. For other community parks, most events center

²³ Mandolin Kadera-Redmond, “Annual Report to the Oakland City Council from the Oakland Parks and Recreation Advisory Commission,” *Parks and Recreation Advisory Commission*. February 2018.

around community festivals in which approval to accept revenue is focused on allowing vendors to sell their food or wares within the park and in service to the communities that attend these events.

Through my duty as a commissioner to serve all of Oakland's communities, I want to reorient the discourse around citizenship to one focused on resident status. I am making an explicit acknowledgement of who Oakland residents are and what a resident means in our highly charged political time in which lines between citizenship and immigrant status have formed a fraught and unnecessary binary at the municipal level in order to usurp power over place and space. This binary of legality and rights to resources, including the resource of public lands, nature and parks, can impact how some residents are criminalized and victimized for existing outside of their *place*. In upholding Oakland's claims as a sanctuary city,²⁴ I will use the term resident and Oakland resident interchangeably to acknowledge all who reside within the municipality of the City of Oakland regardless of their immigrant status, national affiliation, and whether not they are housed or unsheltered.

As I will show below, there are tensions between the exchange-value of park space, enforced by the local government, and the precarity of use-value by Oakland residents, local communities, and park users. I will elucidate how gentrification impacts space and place, moving beyond the focus on housing displacement in much of the literature and popular discourse. Through focusing on a bundle of exclusionary practices enacted by residents and at times supported by the local government, I will make visible how these exclusionary

²⁴ Liz Robbins, "'Sanctuary City' Mayors Vow to Defy Trump's Immigration Order," *The New York Times*, January 25, 2017. <https://www.nytimes.com/2017/01/25/nyregion/outraged-mayors-vow-to-defy-trumps-immigration-order.html>

practices are in service to the new affluent residents and the city's own municipal budgetary needs.

Findings

A Brief History of Housing in Oakland 1968-2018

Oakland's post-civil rights era is fraught with gains and losses. While the 1968 Civil Rights Act, also known as the Fair Housing Act, was implemented, the long-segregated history faced by most US cities, specifically redlining, continues to impact access to quality parks in Oakland based on neighborhood and residential income.²⁵ While redlining and the suburbanization process created distinctly racialized landscapes of white homeowners, they also created what have become known as inner-cities characterized by poverty, blight, and a mostly African American population.

As shown in Figure 1, from 1960 to 2000 the population of Oakland became less white and slightly more likely to live in poverty. The population loss of more than 45,000 mostly white residents between 1960 and 1980 is not only due to white residents becoming homeowners in the suburbs through federal investments like the G.I. Bill, but also coincides with the passing of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the 1968 Fair Housing Act. Although the racial discourse in Oakland has remained in a predominantly

²⁵ Barry Miller and Susan Montauk, "Continuing Crisis: The 2018 Report on the State of Maintenance in Oakland Parks," *Oakland Parks and Recreation Foundation*, Fall 2018.
http://www.oaklandparks.org/sites/default/files/2018%20Report%20on%20the%20State%20of%20Maintenance%20of%20Oakland%20Parks_0.pdf

black and white binary, Figure 1 also shows that since the 1980s, Oakland has become more racially diverse, and post 2000 the poverty rate begins to lower a bit.

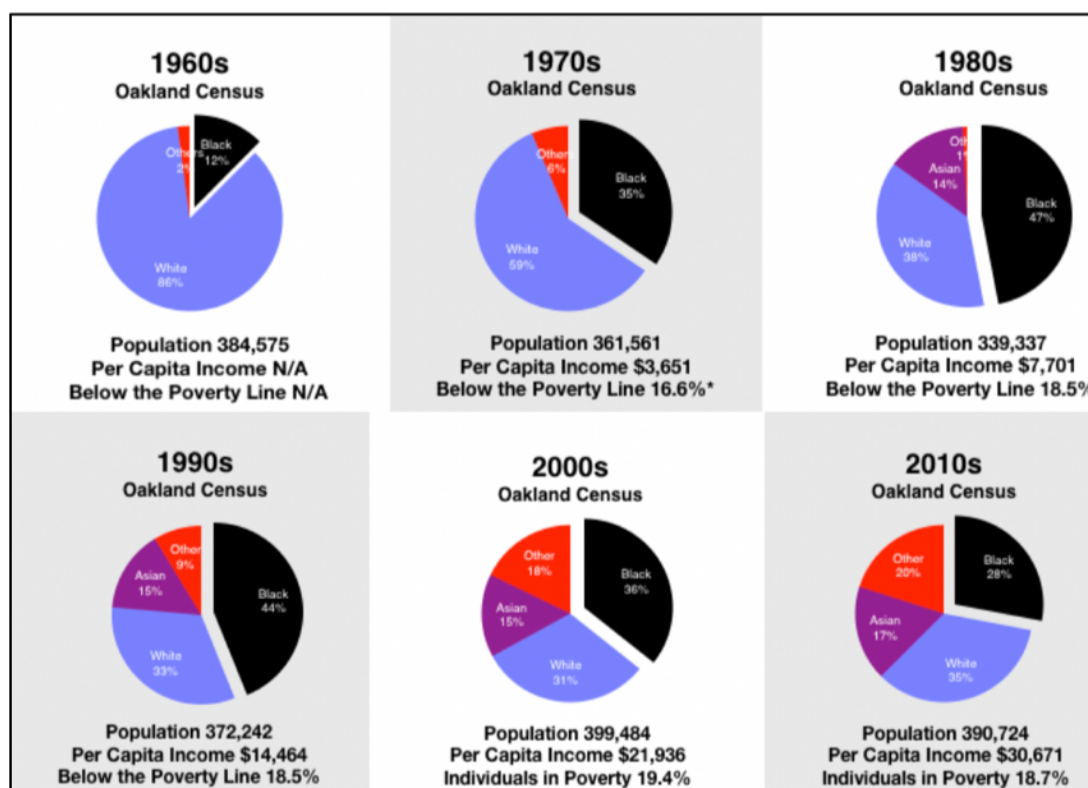


Figure 1: Oakland Population and Race, Income, and Poverty Demographics 1960-2010
Data from US Census

In 1980 the median cost for a one-bedroom apartment in Oakland was \$250,²⁶ which, adjusted for inflation, is equivalent to \$771.24 in purchasing power for 2019.”²⁷ According to Zumper’s Rent Report, in July 2018 the median rental cost for a one-bedroom apartment in Oakland had skyrocketed to \$2,100.²⁸ Oakland rents have been climbing steadily above the national averages and hitting record highs, having the sixth most expensive renter

²⁶ City of Oakland, “Rental Survey Covering Years 1980-2004,” *Community and Economic Development*, July 2004. (Data compiled from *Oakland Tribune* classified ads of apartment rentals from the first Sunday Edition in July for the years shown above.)

²⁷ US Inflation Calculator <https://www.usinflationcalculator.com/>

²⁸ Crystal Chen. “Zumper Rent Report: July 2018,” *Zumper*, June 28, 2018, <https://www.zumper.com/blog/2018/06/zumper-rent-report-july-2018/>

market as of February 2019.²⁹ The rise in rental costs was compounded by stagnant wages, the decimation of the US domestic industrial jobs in the 1970s into the 1980s, and outsourcing of stable well-paying blue collar jobs which created housing precarity for many Oaklanders well into the 1990s. When rents are placed into conversation with the per capita income of residents between 1980 and 2000, it becomes abundantly clear that most residents have struggled with the cost of housing, aging housing units, and a restricted housing stock for more than a generation.

I argue that these changes are not just due to the workings of the market. A bundle of housing policies and practices created and enacted in 1992 began to erode the low-income housing stock and ultimately is a major contributor to the rise in homelessness in Oakland while also creating a new class of unsheltered Oaklanders, formerly housed residents now rendered homeless, unsheltered. According to the Urban Institute,

Launched in 1992, the \$5 billion HOPE VI program represents a dramatic turnaround in public housing policy and one of the most ambitious urban redevelopment efforts in the nation's history. It replaces severely distressed public housing projects, occupied exclusively by poor families, with redesigned mixed-income housing and provides housing vouchers to enable some of the original residents to rent apartments in the private market. And it has helped transform the Department of Housing and Urban Development's (HUD) approach to housing assistance for the poor.³⁰

HOPE VI created more precarity for low-income residents by removing low-income brick and mortar public/government housing stock, once secured by units in dedicated facilities. The HOPE VI program facilitated the move from brick and mortar government housing facilities to the voucher system, placing low-income housing units within the larger rental housing market, and included:

²⁹ Crystal Chen, "Zumper National Rent Report March 2019," *Zumper*, February 28, 2019. <https://www.zumper.com/blog/2019/02/zumper-national-rent-report-march-2019/>

³⁰ Susan J. Popkin et al, "A Decade of Hope VI: Research Findings and Policy Challenges," *The Urban Institute and the Brookings Institution*, (May 2004): 1.

(1) elimination of federal preferences emphasizing the lowest income household for admissions to public housing, (2) the elimination of the one-for-one replacement requirement for demolished public housing units and (3) authorization allowing housing authorities to utilize housing development funds and operating subsidies for projects owned by private housing organizations. One of the outcomes was a shift in focus away from the ‘most’ severely distressed public housing sites, towards sites with the greatest potential to attract private investment for HOPE VI.³¹

The HOPE VI program contributed to the removal of more than 4,000 low-income housing units in Oakland between 1992 and 2018.³² “As of July 1, 2010, the Oakland Housing Authority provides housing voucher assistance to 13,359 households.”³³ Thus, people who used to be placed in an apartment are now provided vouchers but have to find landlords willing to accept them.

In 2008, Oakland was in the midst of and grasping with the full realization of the subprime mortgage crisis with California amongst the states hardest hit. In California, people of color, specifically African Americans and Hispanic/Latinx, were not only disproportionately affected by the crisis, they were also targeted by subprime and predatory loan institutions at twice the rate of whites: “two-thirds of all foreclosures in California have been among Black, Hispanic, and Asian borrowers.”³⁴ Although subprime and predatory loans were a problem, the inflation of home values and the bursting of the housing bubble aided in the creation of the massive shock. This left homeowners underwater, holding loans with higher balances than their properties were worth on the market.³⁵ This devaluation process forced

³¹ James Fraser and Deirdre Oakley, and Joshua Bazuin, “Public Ownership and Private Profit in Housing,” *Cambridge Journal of Regions, Economy and Society* 5, no. 3 (2011): 406.

³² City of Oakland, “Embarcadero Business Coalition Meeting,” Homewood Suites 1103 Embarcadero Oakland, 1-2pm, Thursday, December 6, 2018.

³³ “City of Oakland Consolidated Plan - DRAFT FOR PUBLIC REVIEW.” *City of Oakland*, July 1, 2010 - June 30, 2015.

³⁴ Carolina Reid and Elizabeth Laderman, “The Untold Costs of Subprime Lending: Examining the Links Among Higher-Priced Lending, Foreclosures and Race in California,” *Federal Reserve Bank of San Francisco* (2009): 18.

³⁵ Jacob S. Rugh, and Douglass S. Massey. “Racial Segregation and the American Foreclosure Crisis” *American Sociological Review* 75, no.5 (2010): 629-651.

many into foreclosure at a time when the US was also struggling with high unemployment rates during the recession of 2007-2009.³⁶

Race and geography played a crucial role in the housing and job crises with the most segregated neighborhoods, those with the highest concentrations of African Americans and Latinx in metropolitan areas, being the most impacted.³⁷ According to the East Bay Solidarity Network, 10,000 homes were foreclosed between 2007-2011 with investors snapping up 42 percent of these properties as of 2011.³⁸ Large scale investors stepped in and bought these properties and flipped them creating profits for themselves and increasing housing costs for both home owners and renters.³⁹ The foreclosures drove previous homeowners into the rental market and contributed to the rise in cost of rental units while aiding in creating housing stock scarcity. "From 2013 to 2016, as the local rental market escalated, about 1,100 landlords left the Section 8 program," according to Oakland Housing Authority Executive Director Eric Johnson.⁴⁰ The last stronghold for low-income housing units, single rental occupancy units (SRO) have been converted through redevelopment into luxury commuter units for high income earners and boutique hotels for tourists. In 1985, downtown Oakland had 2,003 SRO units and by 2015, it had only 1,403 SROs.⁴¹

³⁶ "The Recession of 2007-2009." *U.S. Bureau of Labor Statistics*, February 2, 2012.

http://www.bls.gov/spotlight/2012/recession/pdf/recession_bls_spotlight.pdf

³⁷ Jacob S. Rugh and Douglass S. Massey. "Racial Segregation and the American Foreclosure Crisis" *American Sociological Review* 75, no. 5 (2010): 629-651.

³⁸ "Evict This! A History of Housing in West Oakland and Tools to Resist Displacement." *East Bay Solidarity Network*.

<https://eastbaysol.files.wordpress.com/2014/01/evict-this1.pdf>

³⁹ Susie Cagle, "Oakland Wants you to Stop Calling it the 'Next Brooklyn': Can the birthplace of the Black Panthers gentrify without displacement?," *Next City*, December 15, 2014.

<https://nextcity.org/features/view/oakland-gentrification-libby-schaaf-tech-industry-inequality-foreclosures>

⁴⁰ Ali Tadayon, "Oakland offers new incentives to section 8 Landlords," *East Bay Times* January 26, 2018.

<https://www.eastbaytimes.com/2018/01/26/oakland-offers-new-incentives-to-section-8-landlords/>

⁴¹ "Downtown Oakland's Residential Hotels: Cost, Characteristics, and Challenges." *City of Oakland, California Housing and Community Development*, September 2015.

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak055190.pdf>

A rash of evictions has also been displacing long-term residents: between 2008 and 2011 there were total of 49,243 eviction notices, and 76 percent were “3-day notices to pay or quit.”⁴² The rise of evictions has been attributed to the expanded use of the Ellis Act, a California eviction ordinance established in 2000 that allows landlords to evict all tenants if they “completely and permanently withdraw rental units from the market”⁴³ in most cases to convert rental units into private condominiums at a designated later time.⁴⁴ In a City Council meeting on March 5, 2019 Rebecca Kaplan, Oakland City Council President, complained about “illegal evictions of African Americans, who are being targeted. The majority of the homeless/unsheltered Oaklanders are African Americans.”⁴⁵ Actually, 50% of Oakland’s homeless population is African American, not quite the majority, but still far exceeding the African American share of the sheltered population.⁴⁶

Since 2016, Oakland has had the highest population in its history while simultaneously experiencing a reduction in low-income and affordable housing. This population boom compounds the scarcity of low-income and affordable housing units and is a contributor to the rising housing cost in Oakland and the Bay Area more generally through the privatization of apartments (condos), reducing rental property stock while increasing rent prices and in turn producing gentrification. This bundle of housing policies and practices further constrained an already inadequate source of housing stock, limiting the

⁴² “Counterpoint: Stories and Data Resisting Displacement.” *Tenants Together*, 2016

<http://www.tenantstogether.org/counterpoints-stories-data-resisting-displacement>

⁴³ City of Oakland “Withdrawing a Rental Unit from the Market (“Ellis Act”)

<http://www2.oaklandnet.com/Government/o/hcd/s/LandlordResources/DOWD008754>

⁴⁴ David DeBolt and Rebecca Parr, “Oakland boosts Ellis Act eviction payments,” *The Mercury News*, Feb. 19. 2016.

⁴⁵ City of Oakland Life Enrichment Meeting, March 5, 2019 “Report to Resolution No. 87129-C.M.S. Regarding Homeless Services.”

⁴⁶ Alameda County, “City of Oakland Everyone Counts: Homeless Point-in-time Count & Survey,” *Homeless Census & Survey*, Watsonville, CA, 2017.

options of those who were the most economically vulnerable while flooding the housing supply with at-market rentals and privatized condos for those with a much more viable economic foundation, mainly those within the tech industry.

The impact of these housing policies contributed to the rise in unsheltered residents. The precarious renter class, those living in non-rent-controlled buildings, who were on Section 8 voucher government assistance programs, and/or those living in single rent occupancies (SROs) are transitioning to the unsheltered class and thus adding to Oakland's growing homeless population. They are simultaneously being displaced and are also staying put by establishing informal housing in the form of encampments within the public park system and the public spaces beyond. This has put an unfathomable amount of pressure on the City, mainly within Oakland Parks, Recreation & Youth Development (OPRYD) and Public Works in both maintaining the quality of the park system and providing a welcoming environment for park users. This fraught history is the backdrop to the two distinct *enclosure-occupation* populations that are discussed in this paper.

The Mosswood Neighborhood

The Mosswood neighborhood (see Image 1) is comprised of mostly closely spaced single family houses and multi-family houses/renter units with yards, fences, wide streets and trees situated between Martin Luther King Jr. Way, 40th Street, Broadway, and the 580 MacArthur Freeway. This urban community is surrounded by businesses, stores, motels, and the Kaiser Medical Complex. It is just a few blocks from the MacArthur Bay Area Rapid Transit (BART) station, a major commuting hub, making this area highly walkable and Bay

Area commuter friendly. Mosswood Park and Grove Shafter Park are located in this neighborhood.



Image 1: Mosswood Neighborhood

The Mosswood neighborhood shares a similar history to many of the communities in the flat lands of Oakland, California. Mosswood was originally designated as a “C-Third Grade,” a yellow-lined neighborhood on the 1937 Thomas Bros. Map of Oakland, Alameda, San Leandro, Piedmont, Emeryville, Albany prepared by Division of Research & Statistics with the co-operation of the Appraisal Department Home Owner’s Loan Corporation, or HOLC. These HOLC maps documented neighborhood and land quality, with valuable land and desirable areas indicated in green followed by blue “second grade,” with yellow indicating undesirable areas, and red “fourth grade,” the worst areas, land, and neighborhoods in which to invest. These color-coded maps also indicated the racial and class demographics of the neighborhood with the red areas dedicated to non-whites during legal segregation in the US.

The post-World War II suburbanization process created this once white working-class neighborhood of mostly homeowners of the 1950s and 1960s. During the 1950s the neighborhood lost homes to the construction of the 580 MacArthur Freeway, which also reduced Mosswood Park in size.⁴⁷ The 1968 Fair Housing Act allowed for African Americans to enter the void left by the white flight out of Oakland in the 1960s and 1970s that also left well-worn homes in need of repair and changed Mosswood to a predominantly Black community of homeowners and renters in the 1970s through the early 2000s.

In the 2000s, the Mosswood neighborhood demographics began to change again with the return of white residents that steadily increased. By 2010, tensions between long-term African American residents and new white residents surfaced at Mosswood Park regarding land use practices, questions around park privatization, and gardening. An *Oakland North* article dated November 3, 2009, entitled, “Mosswood garden dispute reflects the neighborhood’s uneasy change”⁴⁸ is based on the community’s reaction to a local for-profit allotted a portion of the park, a gated privatized space to cultivate and “setting off a lingering neighborhood dispute in the process” with some “neighbors see[ing the] entrance to the garden as unfair, [and] are troubled by some of the company’s actions since moving in.”⁴⁹ Casey Lopez, then and currently a member of the Mosswood Recreation Advisory Council, is quoted in this article,

A real division has happened between the people who have been living in the community and those who have moved in [...] I’m not against people who got money coming in, it’s just that the people who used to own these homes don’t own these homes anymore. [...] That’s changed the feel of a working class neighborhood. Working class black families helped to build Oakland. Now it feels like we have no

⁴⁷ Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland*. (Princeton: Princeton University Press, 2003).

⁴⁸ Sam Laird, “Mosswood garden dispute reflect the neighborhood’s uneasy change,” *Oakland North*, November 3, 2009. <https://oaklandnorth.net/2009/11/03/in-mosswood-garden-dispute-reflects-neighborhoods-changing-face/>

⁴⁹ Sam Laird, “Mosswood garden dispute reflect the neighborhood’s uneasy change,” *Oakland North*, November 3, 2009. <https://oaklandnorth.net/2009/11/03/in-mosswood-garden-dispute-reflects-neighborhoods-changing-face/>

voice here, no place here, and it's not a good thing. It's not all about the Benjamins. At least, it shouldn't be.⁵⁰

This article and the words of Lopez speak to the last decade of racial and class demographic changes that have privileged the white and wealthy when it comes to access to resources and even municipal public lands as the Black population does not receive the same municipal support and benefits. In 2019 tensions between new white residents and long-term residents of color continue as the Oaklanders see wealth flowing in to the city with new condos and businesses being erected, but not everyone is benefiting from the tech industry boom. Moreover, the uneven, racialized, classed, and divergent use-values of and access to these urban green space commons is not necessarily new but is exacerbated under the current market and demand for environmental amenities.

Mosswood Park & Recreation Center

Mosswood Park is a four-acre park framed by the 580 Freeway to the south and the Kaiser Medical Center complex to the east along Broadway Avenue, and surrounded by a mix of businesses and homes to the north and west (see Image 2). One of Oakland's oldest parks, Mosswood was purchased by the City of Oakland in 1911 during the playground movement. Prior to becoming a public park, Mosswood was the private residence and home of J. Mora Moss and his wife Julia Wood who used Oakland as a get-a-way from the cold San Francisco summers to enjoy the Mediterranean climate for which the East Bay is known.⁵¹

⁵⁰ Sam Laird, "Mosswood garden dispute reflect the neighborhood's uneasy change," *Oakland North*, November 3, 2009. <https://oaklandnorth.net/2009/11/03/in-mosswood-garden-dispute-reflects-neighborhoods-changing-face/>

⁵¹ Their Carpenter style Gothic Victorian home is still present but is closed to the public due to poor condition, safety issues, and a lack of funding needed for historic restoration.

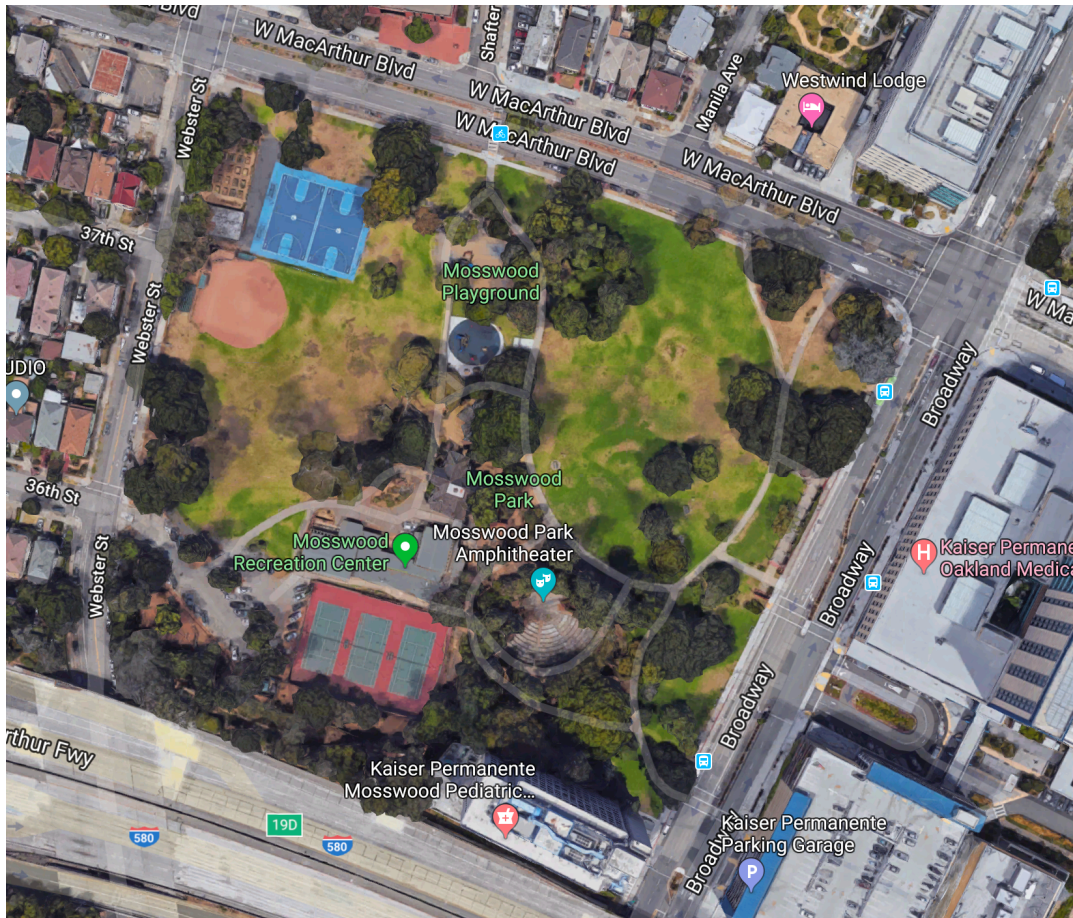


Image 2: Mosswood Park, Oakland, CA

Mosswood is one of Oakland’s most accessible and high use parks due to its location just a few blocks from the MacArthur Bay Area Rapid Transit (BART) station, near multiple AC Transit bus routes. Mosswood Park and Recreation Center is frequently used and has served as the community center for many generations of Oaklanders. The basketball court is heavily used by nearby residents, the larger Oakland community, and Kaiser employees. The grassy meadow dotted by trees is reminiscent of a bucolic past and provides a space for picnics, barbeques, large events and festivals within an urban setting. The tot-lot and play structure are teeming with children and their guardians on weekends and are used by the afterschool programs and summer programs held at the recreation center.

According to many park and recreation advocates and organizations, all US residents should live within a 10-minute walk (or half-mile) of a high-quality park or green space.⁵² There are other parks within a 1.5 mile radius, but they are less frequented for various reasons which include lack of park quality and/or facilities that serve resident and park user needs. The closest park, which sits a few blocks to the west of Mosswood Park, is Grove Shafter Park, a grassy area with two basketball courts situated below the overpass of the “MacArthur Maze” formed by the 580 and the Grove Shafter freeway. This park is mostly frequented by neighborhood dog walkers and local skateboarders with skate ramps placed along the basketball courts. Grove Shafter is not a highly used park and based on frequent observation it usually sits empty.

Enclosure-Occupations from Below

In January 2017, an unsheltered community formed a drug-free encampment at Grover Shafter Park that became known as “The Village.”⁵³ After just a few weeks in existence, it was shut down by law enforcement and dismantled by the city due to health and safety concerns.⁵⁴ Nevertheless, located under the overpass of the MacArthur Maze and adjacent to Grove Shafter Park, an established homeless encampment continues to exist along the sidewalks. This type of homeless encampment is found throughout other areas of the city; it looks like a long dark cave with tents in various conditions as makeshift informal

⁵² “Nation’s Mayors Launch Groundbreaking 10-Minute Walk to a Park Campaign,” *National Recreation and Park Association*. October 10, 2017. <https://www.nrpa.org/About-National-Recreation-and-Park-Association/press-room/nations-mayors-launch-groundbreaking-10-minute-walk-to-a-park-campaign/>

⁵³ “Drug-Free Homeless ‘Village’ Evicted From Park In Oakland,” *5 KPIX CBS Bay Area*, February 2, 2017. <https://sanfrancisco.cbslocal.com/2017/02/02/homeless-camp-eviction-oakland/>

⁵⁴ Sam Lefebvre, “Police, City Clear Out ‘The Village’ Homeless Encampment in North Oakland,” *East Bay Express*, February 2, 2017. <https://www.eastbayexpress.com/oakland/police-city-clear-out-the-village-homeless-encampment-in-north-oakland/Content?oid=5101042>

housing. The experiences sought by park users and the value of public park lands to the City rendered the informal housing encampments as threats to both the use-value and the exchange-value of park lands and has relegated most unsheltered Oaklanders to establishing encampments on city sidewalks and under freeway overpasses.

In the last decade, Mosswood Park and Recreation Center contended with a stable number of unsheltered Oaklanders living in the park, which the staff more or less knew by name and/or situation. Most of the homeless would position themselves next to the recreation center, behind and in between the dog park, Oakland municipal land, and the fence closest to the freeway demarking property belonging to California Transportation Department (Caltrans). In this liminal space, using government fencing, a small population of unsheltered Oaklanders could find some stability due to the blurred space of governance between city-owned and state-owned land. Those who lived within the park had an understanding with park staff of keeping a safe distance from and out of sight of youth attending programs when the recreation center was open during the day.

The Fire and Aftermath

On November 26, 2016, right after Thanksgiving, the recreation center at Mosswood Park was engulfed in flames and destroyed. The local community was devastated by the loss of more than a building, as the recreation center was a community gathering place for the surrounding neighborhood. Many of the rumors seeking to rationalize the cause of the fires became forms of blame first pointed to the aged facility and the possibility of old wiring being the source. In addition, community fingers began to point to the homeless living in the park. The official cause of the fire has not been announced according to staff statements. No one has been held responsible. The Mosswood fire was eclipsed just one week later on December

2nd when an Oakland live-work warehouse known as Ghost Ship caught fire during an illegal concert killing 36 people. It is recorded as “deadliest fire in modern California history.”⁵⁵ The Ghost Ship represented the dire living conditions many low-income community members had to endure to establish shelter.⁵⁶ It also contributed to and further entangled Oaklanders’ fear of fire with homeless encampments, informal housing, and the unsheltered population.⁵⁷

Mosswood’s afterschool program had to be relocated to another facility after the fire. The kids were deeply saddened by the loss with many struggling with the change to a different location with different facilities and being away from their home park and environment. The loss of the recreation center also took a toll on parents who either had to find new care facilities and/or adjust to longer commutes to secure appropriate childcare. Before the fire, most parents had to simply walk across the street to get to Mosswood Park and the recreation center. The residents also lost their community recreation space that served adults, including dance and other programs which have been a staple of the recreation center.

Between the fire in November 2016 and the establishment of a temporary community center in August 2018, Mosswood Park incurred a visible increase in informal encampments. The absence of its recreation center, along with the community members and their children who regularly patronized it for its programming, created an opening for encampments to form and increase in various areas throughout the park, with notably larger clusters in the

⁵⁵ Thomas Peele and David Debolt, “Ghost Ship fire: Oakland releases long-awaited report on deadly inferno,” *The Mercury News*, June 12, 2017. <https://www.mercurynews.com/2017/06/19/ghost-ship-fire-oakland-releases-50-page-report-on-cause-of-deadly-inferno/>

⁵⁶ Sam Levin, “Oakland warehouse fire is product of housing crisis, say artists and advocates,” *The Guardian*, December 5, 2016. <https://www.theguardian.com/us-news/2016/dec/05/oakland-warehouse-fire-ghost-ship-housing-crisis>

⁵⁷ Adam Mclean and Evan Blake, “California: Fire exposes conditions at Oakland homeless encampments” *World Socialist Website*, September 15, 2018. <https://www.wsws.org/en/articles/2018/09/15/okla-s15.html>

gated area of the dog park, along the pergola, and the amphitheater adjacent to the original recreation center (see Image 3). The increase in the encampments created by unsheltered Oaklanders at Mosswood Park is indicative of a larger municipal and state crisis in which steep rents and high-end luxury housing have eclipsed the housing supply of public, low-income, and affordable housing, as described in more detail above. This volatile gentrification process of displacement and eviction alongside the tech industry tsunami has left a rising number of unsheltered formerly housed Oaklanders in its wake. The stark divide between the haves and the have-nots is making itself visible within Oakland public parks.



*Mosswood Park, MacArthur Freeway Side
June 6, 2018*



*Mosswood Park, Gated Play Area Left of Moss House
June 6, 2018*



*Mosswood Park, Pergola Broadway Side
June 6, 2018*



*Mosswood Park, MacArthur Freeway Side
June 9, 2018*

Image 3: Enclosure-Occupations from Below

Unsheltered Oaklanders created community and empowered themselves to establish a home in dire times through the formation of informal housing encampments in public spaces including public parks. In the case of Mosswood Park, after the fire, four major encampments were set up with a few independent tents primarily positioned throughout the central grassy meadow area and along hidden treelined areas. Although prior to the fire unsheltered residents slept in the park at night, this was the first-time dedicated structures like tents and other makeshift structures began to accumulate and occupy park space during the day. Two encampments, the Dog Park and (to a lesser degree) the play lot next to the historic Moss house, were established in areas with dedicated park fencing and in so doing unsheltered residents used an already present infrastructure as part of their enclosure system to demarcate their occupation. The two other encampments, located at the Pergola (on the Broadway side) and at the amphitheater, used the partially gated or walled structures and then positioned their tents to enclose their occupation boundaries. The Mosswood Dog Park, located next to the parking lot across from the original Recreation Center, became a major concern due to the growing homeless encampment between the fences of City of Oakland park land and the gates that established by CalTrans lands. The change over time from an unsheltered presence in the park to the establishment of enclosure-occupations, homeless encampments, took place when the recreation center and its community were mostly absent. According to park staff:

Before the fire they [unsheltered Oaklanders] stayed on the Caltrans land that bordered the park [...] They slept in front of the recreation center, they were pretty respectful, they cleaned stuff up in the morning, and they hung out in the park during the day, but they kind of weren't set up here on what appeared to be a permanent basis. We had a good relationship with them. Got into it sometimes, you know.

Mosswood Recreation Center Returns



Image 4: The New Temporary Mosswood Recreation Center

In August 2018, the Mosswood recreation center returned in a temporary form, a bright yellow set of portables trimmed in green, Oakland colors, with a connecting platform that created play areas and a black chain link fence enclosing its perimeter (see Image 4). This new center was giving the nickname the temporary little center (TLC) by the local community organization and park stewards, the Mosswood Recreation Advisory Council (RAC). The emphasis on its temporary nature is also a political move as the Mosswood RAC lobbies for a new permanent recreation center that reflects the community needs. The fear of being neglected by the City and being relegated to a perpetual temporary structure runs high within this community.

The afterschool program's children and their safety were a top priority as the Mosswood Recreation Center (MRC) began to reestablish its presence in the park in its temporary facility after two years. The Mosswood Recreation Advisory Council (RAC), the park stewards, has walked a compassionate line between homeless encampment removal and providing services for the unsheltered. The response to the enclosure-occupations from below is complicated by community members' fears of safety. Safety concerns were articulated in three major themes: fear of violence, public health, and fire. While it is important not to paint all unsheltered Oaklanders with the same brush, these fears do not come from nowhere and are not necessarily one directional. Intra-community encampment violence was witnessed by staff (physical violence between members within the Mosswood Park encampments); they also witnessed people not belonging to the encampments perpetrating violence upon the unsheltered residents living in the park.

In 2018 the City of Oakland Public Works department had to refrain from tending to and cleaning the Dog Park/encampment area out of safety concerns after park staff and City workers were attacked and harmed by members from the encampments. Drug use was rampant within this particular encampment; after the area was cleared in preparation for the return of the Mosswood children, it was rendered unusable and unfit to walk dogs. Needles were the major concern, with one staff member saying "7000 needles" were collected in one sweep of the park. The area is still closed to park users and remediation has not taken place. The other encampments are simply avoided altogether by park users when they do use the park. The City's lack of response over the two years between the loss of the recreation center and its temporary replacement created an environment in which drug use and the establishment of tents and other structures for informal housing could be

established without any major intervention to prevent it. It seems that the use-value of unsheltered Oaklanders has superseded the use-value of everyday park users; thus unsheltered Oaklanders have been allowed to enclose and occupy the commons through a series of fencing and informal structure formations.

Due to the dynamics described above, local residents and park users have lessened or ceased their use of Mosswood Park. Some residents cited reduction in park engagement due to the lack of the recreation center but most out of fear, safety, and the reduction of park quality. Enclosure-occupations from below have created both a perception of and a decrease in park access due to safety concerns local residents. Although there was a visible drop in park use between 2016 and 2018, the basketball court and tot lot are still well used. The basketball court is positioned furthest away from the encampments and is usually actively populated by Black men and/or Kaiser employees; the play structure is positioned between the basketball court and the encampments and is used heavily on the weekends and sporadically during the week. Due to the high use of these spaces by the community and the fact that most of the unsheltered stay close to or within their encampment sites, these park users tend to stay outside of each others' spaces.

A community report, supported by the Oakland Parks Foundation and focused on park conditions which includes park grounds and facilities, cited Mosswood Park as having "11+" unsheltered living within the park, which shared this highest count with Union Point Park.⁵⁸ Moreover according to the report, "The homeless crisis has overwhelmed some of the

⁵⁸ Barry Miller and Susan Montauk, "Continuing Crisis: The 2018 Report on the State of Maintenance in Oakland Parks," *Oakland Parks and Recreation Foundation*, Fall 2018, 13.
http://www.oaklandparks.org/sites/default/files/2018%20Report%20on%20the%20State%20of%20Maintenance%20of%20Oakland%20Parks_0.pdf

city's parks, impeding them from serving the intended function and placing new demands on an already under-resourced system. The crisis is particularly glaring as it coincides with one of the greatest economic booms in Oakland's history.⁵⁹ Another paradox is revealed: in spite of great wealth observed within the city, gentrification has impacted the most vulnerable during Oakland's financial boom, excluding them from housing opportunities, and as a result Oakland parks along with other public spaces have become the repository for unsheltered residents and homeless encampments.

The Larger Context of Oakland Parks and Enclosure-Occupations from Below

Since the removal of the encampment in Mosswood's Dog Park, the City of Oakland has held a series of meetings focused on the ever-expanding unsheltered population throughout the city. The Embarcadero business meeting, which had a majority white middle aged to elderly audience, focused on Union Point Park. Community members from local schools and youth education programs expressed their views that the park was no longer safe for children.⁶⁰ One elderly woman seated next to me, who identified herself as a youth education teacher, leaned in and said, "I stop letting the kids play at the park." An audience member from the business community announced, "We can't allow homeless to ruin the parks for the rest of the city,"⁶¹ and other businesspeople concurred in rumbles and head nods. The manager of Homewood Suites conveyed his fear of loss of business as guests left reviews that they would not return to the hotel citing safety concerns due to the presence of

⁵⁹ Barry Miller and Susan Montauk. "Continuing Crisis: The 2018 Report on the State of Maintenance in Oakland Parks" *Oakland Parks and Recreation Foundation*, Fall 2018, ii.

http://www.oaklandparks.org/sites/default/files/2018%20Report%20on%20the%20State%20of%20Maintenance%20of%20Oakland%20Parks_0.pdf

⁶⁰ City of Oakland, "Embarcadero Business Coalition Meeting," Homewood Suites 1103 Embarcadero Oakland, 1-2pm, Thursday, December 6, 2018.

⁶¹ City of Oakland, "Embarcadero Business Coalition Meeting," Homewood Suites 1103 Embarcadero Oakland, 1-2pm, Thursday, December 6, 2018.

homeless encampments. At an Oakland Parks and Recreation Foundation breakfast meeting, the business community articulated a reluctance to donate money to parks due to “the homeless issue,” and one said that they would be “putting good money after bad” with the understanding that the City did not have the capacity to upkeep any of the improvements if they were made.⁶²

During a public meeting, Joe DeVries, the Assistant to the City Administrator/Chief Privacy Officer, announced a camping ban in all of Oakland municipal parks which would be enforced by the Oakland Police Department. Tensions were high as unsheltered residents exclaimed that the camping ban and the City’s process of engaging the homeless was a “violation of human rights.”⁶³ At all these public meetings that focused on homeless encampments, tempers ran high and some in the crowd reminded the others to have sympathy towards the unsheltered Oaklanders. A woman who identified herself as a homeowner, in tears, said, “We are all affected,” referring to the homeless crisis.⁶⁴ Another claimed, “No one wants to go to the park anymore because they don’t feel safe.”⁶⁵ All of these safety concerns were coupled with environmental concerns including erosion of park quality, environmental degradation, and for many business people and homeowners, concerns about financial loss and declining property values. While the enclosure-occupations from below have garnered extensive attention by residents and the City, the

⁶² City of Oakland, “Oakland Park and Recreation Foundation Breakfast,” 7:30-9 am, Wednesday, November 14.

⁶³ City of Oakland, “Community Meeting: Homelessness around Lake Merritt and Community Cabins,” held by City Councilmembers Abel Guillén and Lynette Gibson McElhaney, September 13, 2018.

⁶⁴ “City of Oakland, “Community Meeting: Homelessness around Lake Merritt and Community Cabins,” held by City Councilmembers Abel Guillén and Lynette Gibson McElhaney, September 13, 2018.

⁶⁵ City of Oakland, “Community Meeting: Homelessness around Lake Merritt and Community Cabins,” held by City Councilmembers Abel Guillén and Lynette Gibson McElhaney, September 13, 2018.

growing and ever-increasing enclosure-occupations from above have attracted little civic attention.

Enclosure-Occupations from Above

According to interviews with staff, most parks and their recreation centers have been operating with an ever-diminishing budget and reduced staffing over the last decade. As of 2015, most recreation staff have been urged to increase and seek out revenue-generating opportunities, not to close the budget gap, but to simply continue park operations. The Oakland Parks, Recreation & Youth Development (OPRYD) budget has stayed consistently at or near \$25 million since 1996, with an increase to \$26 million in 2016, and as it stands in March 2019 the City has asked for the department to cut approximately half a million dollars from its budget due to City's pension fund crisis.⁶⁶ The OPRYD budget is woefully deficient for the current population and economy of 2019. Since 1996, Oakland's population has swelled by 47,000 residents and the OPRYD budget has stayed around \$25 million, while it should be \$40 million if it had kept up with inflation.⁶⁷ While the budget decreased by almost half in real terms over the last two decades, OPRYD and the City of Oakland are supporting a much larger population and more park space with fewer resources, leading to cuts in staff and services. For example, in 1992 Oakland had Rangers in their city parks whose primary duty was preservation and protection of park property. Today there are no City of Oakland Park Rangers.

⁶⁶ "Grand Jury: Oakland Facing \$860M Retiree Healthcare Cost Crisis." *5 KPIX CBS Bay Area*, June 29, 2018. <https://sanfrancisco.cbslocal.com/2018/06/29/oakland-facing-860m-retiree-healthcare-cost-crisis/>

⁶⁷ Adjustment due to US inflation <https://www.usinflationcalculator.com/>

Due to the City of Oakland's diminished budget, OPRYD staff have been encouraged to rent out facilities. Oakland's budget shortfall comes at a time when a growing entertainment industry is using public parks to cater to the new and rising numbers of Oakland's population. One such event, Burger Boogaloo, is a two-day music festival which has been taking place at Mosswood Park since 2013. Almost half of the Park is gated to keep out the general public, with fence construction starting approximately three days prior to the event for securing equipment for setup (see Image 5). The gate's perimeter includes the complete Broadway side of the park and half of the West MacArthur Ave side; it then splits the park into two following the walking path before enclosing the park's section that borders the MacArthur Freeway.

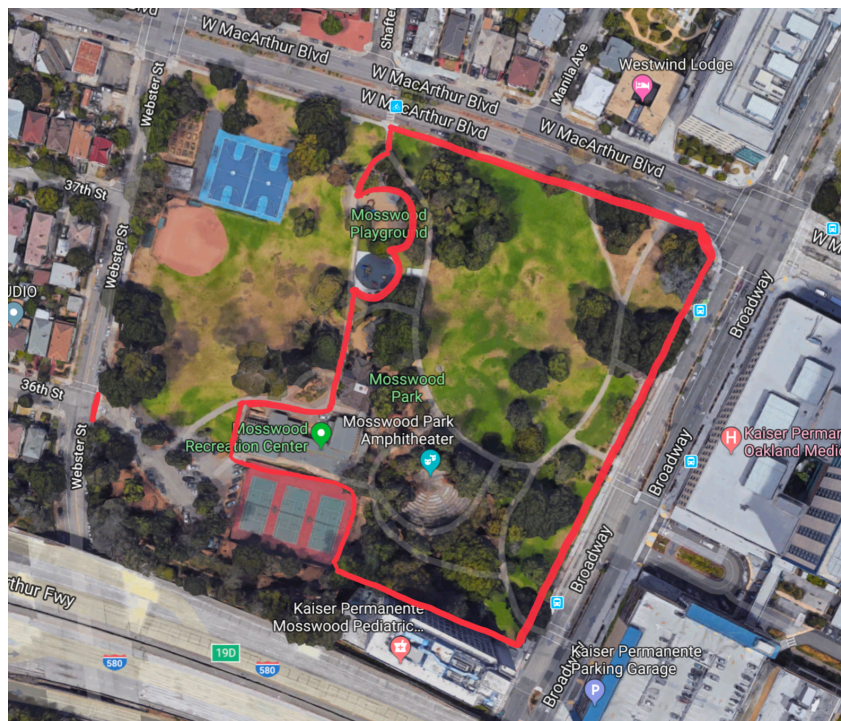


Image 5: Demarcation of Event Perimeter Fence, Thursday June 28– Sunday July 1, 2018

The first Burger Boogaloo was held in San Francisco at The Knockout, a live music/bar and concert venue, in 2009. In 2013, the Burger Boogaloo, organized by Mark Ribak and Amy Carver, moved to Oakland's Mosswood Park. It stands out as attracting a majority white and affluent crowd (see Image 6), and it is the whitest event to take place in the historically predominantly people of color flats of Oakland.



Image 6: Burger Boogaloo audience 2018 (Image by Erika Reinse⁶⁸)

Based on the festivals that took place between 2016 and 2018, Burger Boogaloo is an anomaly within the City of Oakland park system and for the flats of Oakland as it is one of only two events with an entrance fee and a fence fully enclosing a public park area to restrict entry. The Burger Boogaloo event encloses and occupies the commons by gating the public park to generate money and revealing the exchange-value of public parks which are available to be commandeered by more affluent Oakland residents. Joaquin Miller Park is home to the

⁶⁸ Madeline Wells, "In Its Ninth Year, Burger Boogaloo Remains Lovably Quirky—But It Can Do Better." *East Bay Express*, Tuesday July 3, 2018.
<https://www.eastbayexpress.com/CultureSpyBlog/archives/2018/07/03/in-its-ninth-year-burger-boogaloo-remains-lovably-quirky-but-it-can-do-better>

Woodminster Amphitheater which is dedicated to holding large ticketed concert events like Sunday in the Redwoods, an annual concert series which has taken place in Oakland for over a generation while also preserving the majority of the charismatic redwood landscapes and park space for traditional park uses and allowing for the use-value of everyday Oaklanders to remain intact. The only other event which requested approval for admission fees was PRF BBQ West in 2017, and they provided “thirty tickets to be placed on reserve for individuals unable to afford the \$15 to \$25 entry fee.” According to the PRF BBQ West 2017 request, “The [Mosswood] amphitheater will be roped off and bonded security firm will be employed to promote safety.”⁶⁹ Events like the 2016 Belgium Tour and the Afrocentric Oakland annual event have both constructed gated areas for alcohol consumption, in essence making public drinking legal within a restricted and secured area of the park, and neither of these events required an entrance fee to attend. Staple annual events like Oakland Carnival and the Black-Eyed Pea Festival are free community-focused and primarily Black-organized events in which permits allow vendors to sell food and goods in the park.

The racial and class dynamics of Burger Boogaloo have generated a fraught response and discourse around the gated events; the price of admission as well as the target audience of the event speak to its exclusionary practices.⁷⁰ In 2016 Burger Boogaloo touted itself as “crazy-affordable for a two-day festival” with ticket prices set between \$39-\$49 for a single day and \$59 for a two-day pass.⁷¹ In 2018 the prices dramatically increased to \$99-\$125 for

⁶⁹ Conan Newton on behalf of PRF BBQ West, “Proposal for PRF BBQ West 2017.” *Parks and Recreation Advisory Commission Meeting Agenda*. February 8, 2017.

⁷⁰ Madeline Wells, “In Its Ninth Year, Burger Boogaloo Remains Lovably Quirky—But It Can Do Better,” *East Bay Express*, Tuesday July 3, 2018.
<https://www.eastbayexpress.com/CultureSpyBlog/archives/2018/07/03/in-its-ninth-year-burger-boogaloo-remains-lovably-quirky-but-it-can-do-better>

⁷¹ Jody Amable, “New acts and artists announced for Burger Boogaloo 2016,” *The Bay Bridged Bay Area Music*, May 12, 2016.

a one-day pass, \$169 for a two-day pass, and \$269 for a two-day VIP, making it economically out of reach for many Oaklanders.

According to staff, “He [event organizer Ribak] has wanted to rent the whole park. I said, ‘Absolutely not.’”⁷² Yet the staff continued to express some positive feelings about Ribak and Burger Boogaloo:

Every year he has, since he started the event, has been donating some of the revenue he takes in, he gives it right back to the recreation center. He has also sponsored our free baseball league we have for kids in the neighborhoods [...] He also employs a lot of local people through this event, local food business, local security company, all of the trash pickup [...] He has employed people just hanging out in the park looking for work.⁷³

Ribak touted his support of the park as he spoke at a City Council meeting that focused on the Tuff Shed Program⁷⁴ and unsheltered residents, “I have donated over \$20,000 to Mosswood,” and then he requested the removal of the homeless and their encampments for the 2019 festival. He is not alone in this request.⁷⁵ During meetings of the Parks and Recreation Advisory Council (PRAC), which is the official board that approves park events, community members and event organizers have asked if the homeless population could be removed. It was also asked if Oakland Parks, Recreation & Youth Development and Public Works could ensure that the park would be cleaned prior to the event, particularly the drug paraphernalia. The event coordinator indicated that he intended to do a pre-cleaning of the park due to the condition left by the unsheltered population who are also struggling with substance abuse issues.

<http://thebaybridged.com/2016/05/12/burger-boogaloo-2016-final-lineup-announced/>

⁷² City of Oakland staff member, interview, February 7, 2108.

⁷³ City of Oakland staff member, interview, February 7, 2108.

⁷⁴ Tuff Shed Program is dedicated to building and maintaining city constructed homeless encampments in which the housing structure is comprised of ready-made-sheds. Typically, these sheds are used to store gardening equipment and other tools and can be purchased at most big chain home improvement stores.

⁷⁵ City of Oakland Life Enrichment Meeting, March 5, 2019

The post-event reports submitted to the Parks and Recreation Advisory Commission between 2015 and 2018 show a change in perception of park quality and a rise in safety concerns. These post-event reports show an imminent tension growing between the enclosure-occupation from above and the enclosure-occupation from below and the conflicts between the use-values of these disparate communities. The post-event report asks event organizers to “list any problems, concerns, or other comments about your satisfaction in the way the event turned out.” In 2015, Ribak reported, “No complaints on our end. Mosswood Park makes for a fantastic musical experience.”⁷⁶ In the 2017 report presented in May 2018, Ribak wrote, “There is a homeless encampment that has taken over Mosswood’s Dog Park, that poses a new risk for the event.”⁷⁷ This report also indicates a potential loss of revenue of this park by the City and the possibility of a perceived diminishing of the exchange-value if Burger Boogaloo decided to move its event from Mosswood Park and possibly the City of Oakland altogether.

The homeless encampments were removed prior to the 2018 Burger Boogaloo event.⁷⁸ According to the City of Oakland Parks, Recreation & Youth Development staff, the concert date merely coincided with the reopening of the Mosswood Temporary Recreation Center and the return of the afterschool program; the dismantling of the encampment was done to keep children safe. In the mind of many Oaklanders, Burger Boogaloo was the reason for the removal of the long-standing encampment.

⁷⁶ Submission date May 25, 2016. Burger Boogaloo Posy Event Report for July 25-26, 2016, Event Exhibit A Page 2 presented at PRAC June 8, 2016.

⁷⁷ Submission dated April 24, 2018. Burger Boogaloo Post Event Report for July 1-2, 2017, Event Exhibit B Page 2 presented at PRAC May 9, 2018.

⁷⁸ David Debolt, “Homeless cleared out of North Oakland Park,” *East Bay Express*, June 26, 2018. <https://www.eastbaytimes.com/2018/06/26/homeless-cleared-out-of-north-oakland-park/>

Discussion: Between a Rock and a Hard Place

Enclosure-Occupations from Above	Enclosure-Occupations from Below
<ul style="list-style-type: none"> • Economic Exclusionary Practices • Construction of barriers • Possession → Privatization • Municipal supported • In service to the state for revenue generation • Temporary event • Recreation 	<ul style="list-style-type: none"> • Social Avoidance • Use of established barriers • Possession → Marginalization • Extralegal • Cost to the state due to remediation • Temporary due to state removal • Self-Preservation
<u>Green Space Gentrification</u>	<u>Green Space Ghettoization</u>

Figure 2: Green Space Gentrification and Green Space Ghettoization

Green Space Gentrification

Those who participate in enclosure-occupations from above versus below have vastly different economic, political, and social power, yet both forms of enclosure-occupations simultaneously create openings for some while constricting public park access for others (Figure 2). While these enclosure-occupations both produce spaces of exclusion, their pathways for doing so and their impact are very different. Enclosure-occupations from above, such as the Burger Boogaloo event, use economic exclusionary practices through solicitation of admission fees, fortified through the construction of an exclusionary barrier

(a fence) which in turns allows for organizers to possess control over public park space through temporary privatization of access in which event organizers are able to commodify the commons, creating an exchange-value for access to these public park lands. The gates and fences constructed for the event become the necessary infrastructure to enclose and commodify public park land through a state/municipal sanctioned apparatus which allows the event organizer to collect capital and profit from the public green space in which the exchange-value of this park space also benefits the state/municipality through revenue generation from rental fees and permits. Although these enclosure-occupations from above are temporary, they still prevent and restrict use for those unable or unwilling to attend the event. In so doing, public parks contribute to a type of green space gentrification by restricting and preventing park users the rights to use the commons through exclusionary practices. Even so, these events are still recognized by the state/municipality as traditional recreational park use.

Green Space Ghettoization

Conversely, enclosure-occupations from below are understood as outside of traditional park use and are not considered recreation, but they are acts of self-preservation due to the basic human need for shelter. The reactions by community members and housed Oakland residents to the enclosure-occupations from below are in the form of avoidance practices. Avoidance has also been advised by city officials and OPRYD staff. Avoidance practices are exercised by residents and park users who actively withdraw their use of the park or refrain from accessing areas in proximity to the informal housing encampments. The

enclosure-occupations from below possess space due to state-based marginalization, enacted under the state's austerity measures, which includes government neglect at scale and inadequate housing policies and practices which created the precarious population and forced Oakland residents to shelter in public parks. Possession of space is accomplished by creating encampments within established barriers in the park and thus demarks the space for the temporary informal extralegal housing encampments until these residents move and/or are removed by force by the state/municipality.

Municipal neglect created the conditions for those who participate in enclosure-occupations from below and in so doing allowed for slum-like conditions to be produced on public park lands, damaging this commons to such an extent that remediation processes are needed before these green spaces are considered safe to use by recreational park users. The remediation costs are then absorbed by the state/municipality or areas are left unable to use until a budget can be produced to remedy the situation. Due to this dynamic, enclosure-occupations from below can be understood as state produced green space ghettoization, in which public parks become the last resort for unsheltered Oaklanders to live. Lack of municipal capacity and state neglect lead to the erosion of park quality and in some cases create dangerous conditions for recreational park users and for those who reside in the park. Green space ghettoization takes place when gentrification processes and pressures impact and erode the quality of and access to green spaces. Scholarship on the relationships between green space and gentrification implicates park spaces and park improvements as a

major cause or influencer of gentrification, which then leads to displacement.^{79,80,81,82} In the case of Mosswood Park, gentrification has led to Oaklanders being displaced and excluded from the housing market while also staying put on public park lands and in homeless encampments.

In the Middle Residents and the City of Oakland

Oakland's housing crisis and gentrification have produced an unsheltered population forced to subsist and establish informal housing encampments in public parks at a time when Oakland is implementing its sustainable agenda and creating, restoring, and beautifying its parks. Due to safety concerns from the established encampments and the damage to the area left from their dismantling, enclosure-occupations from below have impacted other publics, park users, barring them physically from using areas of the park use, thus reducing access to green space and rupturing the commons. In other cases, the threat and fear of safety and the reduction of park quality have caused residents and park users to avoid particular park areas or the park altogether. Enclosure-occupations from above have also reduced access to public park space through fee-based park events like the Burger Boogaloo which not all publics can afford, and they also prevent residents from accessing public park areas during these events. Both enclosure-occupations ultimately reduce access to *in the middle residents*, those who

⁷⁹ Kenneth A. Gould and Tammy L. Lewis, "The Environmental Injustice of Green Gentrification: The Case of Brooklyn's Prospect Park," in *The World in Brooklyn: Gentrification, Immigration, and Ethnic Politics in a Global City*, ed. Judith N. DeSena and Timothy Shortell (Lanham: Lexington Books, 2012).

⁸⁰ Sarah Dooling, "Ecological Gentrification: A Research Agenda Exploring Justice in the City," *International Journal of Urban and Regional Research* 33, no. 3 (2009): 621-63.

⁸¹ Wolch, Jennifer R., Jason Byrne, Joshua P. Newell, "Urban green space, public health, and environmental justice: The challenge of making cities 'just green enough,'" *Landscape and Urban Planning* 125, (2014): 234-244.

⁸² Noah Quastel, "Political Ecologies of Gentrification," *Urban Geography* 30, no.7 (2009): 694-725.

are sheltered yet are not wealthy enough to attend fee-based park events and those without access to a privatized or another local public green space within a 10 minute walk of their home.

The threat of revenue loss from rentals by from fee-based park events (enclosure-occupations above) due to the enclosure-occupations from below compromises potential capital streams in the form of contributions and donations to the Parks, Recreation & Youth Development Department and by extension the City. These rental fees allow for programs and maintenance to continue despite reductions in the park budget and services. These events also provide employment to local businesses and residents while also contributing to the overall economy of the municipality. At the same time, the rising costs of maintenance and repairs due to vandalism of facilities, equipment, and park grounds produced by some of the individuals with the encampments continue to impact park quality. Enclosure-occupations from below also are making it harder for the City to generate support for park improvements from the business sector and have eroded some opportunities for public-private partnerships.

Conclusion

As I have shown, public parks have not only been commodified but have entered into a slippery slope of privatization and possession through enclosures and occupations by Oakland residents with different economic, political, and social power. Green gentrification scholars have focused on green spaces as a cause of increasing housing costs and

demographic changes leading to gentrification⁸³ and shown how environmental agendas target homeless populations as trespassers in public urban natures.⁸⁴ This work sought to extend this literature and elucidate a type of green space gentrification in which the municipal government becomes the proxy and path for wealthy residents to exercise power over space and place through a series of barriers, both economic and physical while also making it possible for these residents to profit from the parks' exchange-value and by extension also the state. Simultaneously, the enclosure-occupations from below co-produce a type of green space ghettoization in which vulnerable residents seek out shelter through the construction of informal encampments and occupy park lands due to lack of state support.

Enclosure-occupations from above construct barriers that reduce park use and access to green space through temporary economic exclusionary practices, entrance fees, which is a form of privatization of park space backed by the state to generate capital. This raises the question, which this paper does not answer; how often can these fee-based events take place while still providing and supporting residents' access to public parks and greens spaces?

Enclosure-occupations from below reduce park use and access to green space through social avoidance by the construction of informal housing encampments which take a form of possession over park space, which is extralegal and at a cost to the City. These enclosure-occupations are also temporary due to frequent state removal. In the current

⁸³ Kenneth A. Gould and Tammy L. Lewis, "The Environmental Injustice of Green Gentrification: The Case of Brooklyn's Prospect Park," in *The World in Brooklyn: Gentrification, Immigration, and Ethnic Politics in a Global City*, ed. Judith N. DeSena and Timothy Shortell (Lanham: Lexington Books, 2012).

⁸⁴ Sarah Dooling, "Ecological Gentrification: A Research Agenda Exploring Justice in the City," *International Journal of Urban and Regional Research* 33, no. 3 (2009): 621-63.

housing situation this becomes a moral question of how to take care of our most vulnerable residents and just as important, what is our collective understanding of rights of public use of our municipal parks within green cities?

Oakland residents and park users are experiencing reduced green space engagements due to a series of exclusionary practices that create economic and social barriers preventing access to park space. I have defined these barriers to park use as enclosure-occupations from above and from below to identify the vastly different economic, political, and social power the enclosure-occupations have to simultaneously create access for some while constricting public park access for others.

Due to these enclosure-occupations from above and from below, the promise of the green city has not been fully realized for those residents who are caught in the middle. In the case of Mosswood Park, the enclosure-occupations have exacerbated tensions around public park use and have also produced a reduction in green space access for local community members, compromising the commons. This dynamic is creating new forms of environmental injustices that are being (re)produced within public green spaces through exclusionary practices, as seen in the practices of enclosure-occupations from above, which in essence are acts of privatization of the commons by proxy and upheld by the state, the municipality of the City of Oakland, to help maintain public parks albeit in subpar conditions due to budgetary crises. Enclosure-occupations from below show how the housing crisis is displacing vulnerable residents such that they can only stay put by camping in their city's parks and other public spaces; thus, despite the greening of Oakland and its implementation of a sustainable environmental agenda, many residents are experiencing less access to green spaces.

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