

Lake Merritt Revitalization & Sustainability Plan

From an Ad Hoc Committee of the Oakland Parks & Recreation Advisory Commission

September 10, 2020

About this Document: This represents the input of a five-member Ad Hoc Committee of Oakland Parks & Recreation Advisory (PRAC) Commission Members created on August 19 and charged with providing feedback to City of Oakland staff on the following seven items related to on-going activity around the Lake:

1. *Should the City continue with the current traffic control and parking measures?*
2. *Should more permanent barriers be installed along Lakeshore to prevent illegal parking?*
3. *Should the City allow a vending program in parks, or should vendors be redirected to currently permitted locations?*
4. *If a parks pilot is developed, what type and amount of vending should be allowed?*
5. *Should a pilot be implemented during the COVID-19 Emergency or postponed?*
6. *What level of enforcement does the PRAC support?*
7. *Any other recommendations?*

The five members of the Committee are:

1. Dwayne Aikens Jr.
2. Isaac Kos-Read
3. Coire Reilly
4. Kenzi Mouton/Smith
5. Evelyn Torres

Engagement Process:

This document represents the culmination of multiple community engagements, including, but not limited to:

- PRAC Hearing on August 19, when this Ad Hoc Committee was created
- Ad Hoc Committee meeting on Aug. 28 at Lake Merritt with community and vendors
- Councilmember Fortunato Bas-led online meeting on Sept. 2 with Lake Merritt residents
- Review of social media conversations around the subject driven by helpful coverage of it by many local reporters and outlets including The Oaklandside, KPIX, and others
- Individual walking of the Lake and discussions with vendors, Lake users, local brick and mortar businesses, and officers during Labor Day weekend and other occasions over the last several weeks
- Follow-up meeting on Sept. 9 with Ad Hoc Committee and City staff to review next steps
- Written input received from the residential community and vendors

It is also informed by a previous multi-year engagement process around Lake Merritt and other park rules that Commissioner Reilly and additional PRAC Commissioners and City staff led.

Please note that these recommendations are NOT final. The onus is on City of Oakland staff across multiple departments to develop a draft program based on this and other input, bring it to PRAC, and then engage community partners in implementation.

Guiding Principles

1. **These are unprecedented times:** Worst pandemic in 100 years, worst income inequality in 90 years, widest-spread civil rights movement and unrest over racial injustice in 60 years, and one of the most contentious elections ever, never mind the fires, etc.
2. **Therefore calling for unprecedented community action, engagement, and respect:** We can find a sustainable balance to the use of the Lake and all of our multiple parks, recreation centers, and open spaces across the City, which will require better rules, more communication, and fair and respectful enforcement, starting with every one of us as individuals and groups gathering on and around the Lake and in parks and other spaces across our community.
3. **This is not just about vending:** The Lake issues are not just about vending, nor even just about park jurisdiction. PRAC is therefore one small part of multiple interconnected issues and jurisdictions including the state, County, transportation, business, law enforcement, and public health agencies, to name a few.
4. **We take a JEDI approach in achieving effective and positive solutions:** Justice, Equity, Diversity, and Inclusion (JEDI) guide our approach to the use of public space. This does not mean “racializing” everything or over-simplifying situations as boiling down only to racism; it does mean taking a race-equity lens to situations, considering the history of injustices and systemic racism that shape our current circumstances, and considering all consequences, including those unintended, of policy actions and how we talk about them. Race is not always *the* factor, but when one uses certain words, it brings forth the issue of racism.

Overview

We, the PRAC Ad Hoc Advisory Committee, hold two perspectives that some see as dueling but that we think can be balanced fairly:

1. **What is going on around the Lake is not sustainable and must change ASAP:** Recent measures have helped restabilize things somewhat versus the unchecked crescendo since the pandemic hit; however, the levels of noise, litter, crowds, and disregard for even the most basic of rules are costing the City, endangering public health, and making the Lake unliveable for area residents, many of whom have invested for generations in beautifying the Lake. No one, not any of the vendors, Lake users, area residents, or people who opine about these matters on social media, would be able to live alongside the most impacted area of the Lake centering on the Cleveland Cascade.
2. **People need healthy outdoor places to gather and engage in commercial activity, especially during these unprecedented times:** We therefore appreciate why the current levels of unprecedented activity have been allowed with minimal enforcement for at least five months now, and arguably dating back several years. We also believe strongly that there are rules that, *if put in place successfully and respected by all*, could help us enjoy the Lake in multiple ways, including for some commercial activity. Furthermore, to believe that the current situation can simply be “stopped” overnight (with all existing rules immediately enforced), or that it would lead to a better Lake Merritt for all, is unrealistic.

Ideally, therefore, we would urge the city to prioritize immediate moving of vending to non-park sites until there are park rules in place, which we think will take more time than the current crisis situation allows for. Though likely following many of the same community-driven rules below, we'd push the City to evaluate possibility of utilizing other city streets and lots immediately, such as:

- Embarcadero and/or the Library lot, which we understand is being considered
- Kaiser Center parking lot
- Lakeside Drive between Snow Park and the Lake

There are likely many other sites around the community, some perhaps even privately owned. We noted, for example, that the Black Cultural Zone recently organized a community market out at Eastmont Mall which apparently provided a successful model for sustainable, local outdoor vending and community celebration.

Lake Vending Pilot PRAC Recommendations

Nevertheless, we believe that if rules could be adhered to, some level of vending around the Lake and other parks across the City could be beneficial and even add life to our outdoor spaces. However, as public spaces, any exclusive, commercial activity, must be considered very judiciously. Here are some of the factors that we think are critical:

- 1. Hours:** There have to be limitations on hours, with reasonable start and end times.
 - a. Priority: Sat and Sun primarily: 11-5, with an assumed hour and a half on each end for set up and break down
 - b. Costs permitting: Friday 3-6; perhaps in reduced spaces
 - c. There has to be accounting for time on both ends for set up and take down, including some form of official, community-backed crew or team that would swing through various spaces to ensure wrap up and set the tone for post-activity calming.
- 2. Locations:** There is no public space (or probably private space for that matter) that could sustain what has been going on some sections of the Lake, specifically around the Cleveland Cascade, for the last several months), therefore there must be more spaces considered if any are considered, and there must be some rotation or planned resting for spaces.
 - a. Potential locations on and around the Lake:
 - i. Boathouse parking lot
 - ii. Pergola/Embarcadero
 - iii. Amphitheater
 - iv. Snow Park area
 - b. Should consider citywide parks opportunities; and will have to regardless as more of them are being used for different forms of commercial activity such as personal training, yoga, etc.
 - c. Only in specified zones and no more than once a month per zone (there has to be a "resting" period for natural habitat, community, etc.)

3. Permits/Rules:

- a. Public health orders observed:
 - i. We are in the middle of a pandemic that is wreaking havoc on the entire world, especially our Black and Brown communities right here in Oakland. Our inability to contain it is extending the need for economy-damaging shut-down measures that are further impacting our most vulnerable. Public health is paramount right now.
 - ii. No food vending unless in compliance with Alameda County environmental health requirements AND pandemic-related (legal mobile food vendors are allowed and “farmer’s markets” are legal)
- b. We do not recommend changing existing food vending rules because it is both outside of PRAC jurisdiction and raises far too much health risk and liability, especially at this precarious time.
- c. Noise restrictions enforced: Extensive work has been done on this subject, which is one of the biggest sources of issues around achieving a sustainable re-balancing of Lake uses.
- d. Prioritize Oakland-based businesses, certified non-profits, and even civic promotional efforts (e.g. the census, registering to vote, etc.); this could be done with tiered permit pricing
- e. Establish a numbered permit system based on how many vendors could safely operate in designated zones

4. Promotion:

- a. Branded social media campaign to promote it across all critical platforms currently being used to communicate with Lake goers (e.g. Facebook, IG, and probably others)
- b. Flyer the Lake for at least three weekends prior to announce the new vending opportunity
- c. Engage community and civic partners to take an all-in approach to communicating this new path forward

5. Community Benefit:

- a. Have a strong training program to assist existing vendors to become permitted vendors
- b. Set aside some portion of booths (perhaps 10% or less) for civic interests (e.g. census, voter registration, COVID-19 testing, OPRYD education, etc.) and non-profits

6. Investment/costs:

- a. Leverage CARES Act funding, private funding, fees, and redeployment of existing city resources to cover the cost, which could be greater than the current costs in the short run, but more sustainable in the long run.

Additional Recommendations Beyond Vending:

- Create safety circles around the Lake as they have done in parks in other areas across the region
- Institute and enforce stricter parking limits for all Lake users, including ticketing and potentially towing; it has never been allowed to park one’s car on park grounds or in the middle of the street; it shouldn’t be now

- Engage artistic community groups in developing more trash receptacles, cite for littering, and have an associate anti-litter communications campaign using positive messaging about respecting the beautiful shared public asset that is the Lake
- Continue enforcing and potentially further enhance traffic control measures around the entire Lake to inhibit excessive crowding that makes effective implementation of any rules of use incredibly challenging
- Support the creation of emergency housing for homeless on and around the Lake and other parks and public spaces across the City. Obviously this is a huge issue, but it is challenging to enforce rules around vending or park use when there are encampments and unhoused residents setting up home all around the Lake.
- Create a series of events around the City in each Council district to promote local business vending, gathering, celebration, civic interests (such as census and registering to vote and COVID-19 testing) to draw crowds into other parts of our city, potentially even other neglected parks

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