



CITY OF OAKLAND

**Cultural Affairs Commission  
Regular Meeting Agenda  
Monday, May 23, 2022  
5:30 – 8:30 PM**

Pursuant to California Government Code section 54953(e), the Cultural Affairs Commissioners, as well as City staff, will participate via phone/video conference, and no physical teleconference locations are required.

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There are three ways to submit public comments.

- eComment, To send your comment directly to Cultural Affairs Commission staff BEFORE the meeting via email [NBalram@oaklandca.gov](mailto:NBalram@oaklandca.gov)
- To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment or Open Forum is being taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute yourself by pressing \*6. If you have any questions, please email Neha Balram, Program Analyst for the Cultural Affairs Commission at [NBalram@oaklandca.gov](mailto:NBalram@oaklandca.gov).



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Regular Meeting Agenda  
Monday, May 23, 2022  
5:30 – 8:30 PM**

**AGENDA**

**Roll Call/Call to Order**

- 1. Welcome**
- 2. Land Acknowledgement**
- 3. Action Item 1: Adopt Resolution 22-05-05 Determining that Conducting In-Person Meetings of the Cultural Affairs Commission and its Committees would Present Imminent Risks to Attendees' Health, and Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953, a Provision of AB-361**
- 4. Action Item 2: Approval of Minutes from March 28, 2022**
- 5. Cultural Affairs Division Manager's Update**
- 6. Cultural Affairs Commission Chair Update**
- 7. Advocacy Process: Meetings with City Council Members**
- 8. Public Comment**
- 9. Ad Hoc Team Update: Community Cultural Development – Oakland 2045 General Plan**
- 10. Action Item 3: Vote on Cultural Recommendations for the General Plan**
- 11. Downtown Oakland Specific Plan Update**
- 12. Ad Hoc Team Update: District 6 & 7 Outreach**
- 13. Update: Special Activity Permits Division - Greg Minor, Assistant to the City Administrator**
- 14. Open Forum**
- 15. Announcements & Acknowledgements**
- 16. Closing**

**Adjourn**

**Next regular meeting: July 25, 2022 5:30 – 8:30 PM**

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Địa điểm tổ chức cuộc họp có đường dành riêng cho xe lăn. Để yêu cầu các phương tiện hỗ trợ phục vụ người khuyết tật hoặc yêu cầu thông dịch viên ASL, tiếng Quảng Đông, tiếng Quan Thoại hoặc tiếng Tây Ban Nha, vui lòng gửi email đến địa chỉ [NBalram@oaklandca.gov](mailto:NBalram@oaklandca.gov) hoặc gọi đến số (510) 238-4949 hoặc 711 (với Dịch vụ Tiếp âm) ít nhất năm (5) ngày làm việc trước khi cuộc họp diễn ra. Vui lòng không sử dụng các sản phẩm có mùi thơm khi tham gia cuộc họp này như một phép lịch sự đối với những người tham dự nhạy cảm đối với các chất hóa học.

**Cultural Affairs Division - Economic & Workforce Development Department**

**Cultural Affairs Commission Secretary – Neha Balram**

**Phone: (510) 238-4949**

**Recorded Agenda: (510) 238-2386**

**Telecommunications Relay Service: 711**

# OAKLAND CULTURAL AFFAIRS COMMISSION

## RESOLUTION NO. 22-05-05

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**ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE CULTURAL AFFAIRS COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

**WHEREAS**, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

**WHEREAS**, City Council Resolution No. 88075 remains in full force and effect to date; and

**WHEREAS**, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

**WHEREAS**, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

**WHEREAS**, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

**WHEREAS**, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

**WHEREAS**, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

**WHEREAS**, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

**WHEREAS**, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

**WHEREAS**, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

**WHEREAS**, on March 28, 2022 the Cultural Affairs Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

**RESOLVED:** that the Cultural Affairs Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

**FURTHER RESOLVED:** that, based on these determinations and consistent with federal, state and local health guidance, the Cultural Affairs Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

**FURTHER RESOLVED:** that the Cultural Affairs Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

**FURTHER RESOLVED:** that the Cultural Affairs Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Cultural Affairs Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.



## CITY OF OAKLAND

### **Cultural Affairs Commission Regular Meeting DRAFT Minutes Monday, March 28, 2022 4:31 – 7:00 PM**

**Members in Attendance:** Diane Sanchez (Chair), Michelle Mush Lee (Vice Chair) (partial attendance), Roy Chan, Kev Choice, Jennifer Easton, J. K. Fowler, Arnell Pleasants (partial attendance), Shannon Price, Vanessa Whang, Theo Aytchan Williams

**Staff in Attendance:** Roberto Bedoya, Neha Balram, Raquel Iglesias, Kristen Zarembo, and Regina Acebo

**Guest Speakers:** Santiago Olin Preciado-Cruz, Claire Pelley (Goldman School of Public Policy Fellow)

#### **Roll Call/Call to Order**

##### **1. Welcome**

Meeting called to order by Commission Chair Sanchez at 4:30 PM. Sanchez acknowledge that April is National Arts Culture and Creativity Month.

##### **2. Land Acknowledgement**

Commissioner Fowler led the Land Acknowledgement:

I want to take a moment to honor the traditions and territory we are a part of. Those of us on the land we now know as Oakland and lands all the way up to Albany are in Huichin, the unceded territory of the Chochenyo-speaking Confederated Villages of Lisjan Ohlone. We stand with the Lisjan people and their right to legal recognition and benefits from the US Government.

##### **3. Artist Spotlight: Santiago Olin Preciado-Cruz**

Oakland Unified School District student and poet read some of his poems with the Commissioners.

##### **4. Action Item 1: Adopt Resolution 22-03-04 Determining that Conducting In-Person Meetings of the Cultural Affairs Commission and its Committees would Present Imminent Risks to Attendees' Health, and Electing to Continue Conducting Meetings Using Teleconferencing in Accordance with California Government Code Section 54953E, a Provision of AB-361**

Motion to adopt the Resolution 22-03-04 made by Commissioner Whang; seconded by Commissioner Choice.

Chan                    AYE

Choice                AYE

Easton	AYE
Fowler	AYE
Lee	Absent
Price	AYE
Pleasants	AYE
Sanchez	AYE
Whang	AYE
Williams	AYE

**5. Action Item 2: Approval of Minutes from February 14, 2022**

Motion to approve the meeting minutes from February 14, 2022 made by Commissioner Chan; seconded by Commissioner Choice.

Chan	AYE
Choice	AYE
Easton	AYE
Fowler	AYE
Lee	Absent
Price	AYE
Pleasants	AYE
Sanchez	AYE
Whang	AYE
Williams	AYE

**6. Cultural Affairs Division Manager’s Update**

Roberto Bedoya noted that the Neighborhood Voices Project Grants will be delayed until the Cultural Funding Program Coordinator position is filled since there is only one permanent staff person supporting the program’s needs. He expressed needing assistance from the CAC to manage the community’s response. However, the Division will offer Neighborhood Voices Festival Grants and a grant opportunity through the recent NEA award the Division received.

**7. Public Comment**

Comments made by Benjamin Lee

**8. Cultural Affairs Commission Chair Update**

Chair Sanchez reminded the CAC that the mid-cycle budget revision is coming up and she will be asking CAC members to participate in advocacy meeting with City Councilmembers leading up to the budget revise. She noted that she has been actively engaged in broader arts advocacy efforts; something the CAC should consider participating in.

Commissioner Whang provided a presentation on the second round of Cultural Strategist in Government program (CSIG). Commissioner Whang was a consultant for the pilot program (2019-2020). She will return as the program manager for the latest round. Bedoya was able to secure funding for through a \$900,000 grant from the Andrew W. Mellon Foundation. The CSIG Program flows from the principles of the City’s Cultural Plan that lifts up the role of cultural equity in building a fair and just city. The Program seeks to pair City policymakers



with the cultural strategist from communities most impacted by structural inequities. She noted that the Cultural Strategist in Government program (CSIG) will help insert culture into the work of various City departments. Participants in the program:

**African American Museum & Library at Oakland/Oakland Public Library**  
**Citywide Communications/Office of the City Administrator**  
**Community Homelessness Services/Human Services Dept.**  
**Environmental Services Division/Public Works Dept.**  
**Office of the Mayor**  
**Office of the President of the City Council**  
**Planning Bureau/Planning & Building Dept.**  
**Public Art Program-Cultural Affairs Division/Economic & Workforce Dev. Dept.**  
**Department of Race & Equity**  
**Department of Transportation**  
**Department of Violence Prevention**

#### **9. Downtown Plan Discussion**

Sanchez noted a few places the CAC should have a voice in activities coming out of the Planning and Building Department. The Ad Hoc Team Community Cultural Development includes Commissioners Chan, Easton, Fowler, and Whang, former Goldman School of Public Policy fellow Jean Johnstone and present Goldman fellow Claire Pelley. While the draft Downtown Oakland Specific Plan was completed in 2019 (prior to the CAC being re-established) the team has been in conversation with Joanna Winter is exploring what a collective response from the CAC could be to the plan that will be released in the coming months.

Additionally, she noted that the General Plan process is underway, and the CAC can have a better opportunity to provide input in this specific process. Commissioner noted that the housing element will be adopted in the summer, so the team will work on draft recommendations with the Goldman fellows that advocate for arts and culture and live work spaces to City staff by the May CAC meeting. Commissioners Whang introduced Claire Pelley, who she is advising throughout this project. Claire introduced herself and provided an overview of the work she is doing for Cultural Affairs.

#### **10. Open Forum**

No comments were made during the Open Forum.

#### **11. Announcements & Acknowledgements**

#### **12. Closing**

Commission Chair Sanchez thanked the Commissioners, City staff, and the public for joining the meeting.

Commissioner Whang made a motion to dismiss; seconded by Commissioner Williams.

The meeting adjourned at 7:00 PM.



**To:** Lakshmi Rajagopalan, Project Manager, Oakland General Plan Update

**From:** Oakland Cultural Affairs Commission

**Topic:** Cultural Affairs Commission Initial Recommendations for the General Plan

*Equity is the driving force.*

*Culture is the frame.*

*Belonging is the goal.*

Above are the tenets of the Oakland Cultural Development Plan that guide the work of the Cultural Affairs Commission in its mission to advise the Mayor, City Council, and City Administrator on all matters pertaining to cultural development and vitality in Oakland.

With this front of mind, the Commission seeks to bring its voice and that of local culture keepers to the General Plan Update as its policies will shape the health and well-being of the soul of Oakland for decades to come. The culture of Oakland is generated by its people—their lives and livelihoods. The General Plan sets the conditions for ensuring there is sufficient and accessible shelter, thriving diverse businesses, and vibrant neighborhoods and gathering spaces that reflect and are for those very people.

For years, we have seen multi-generational Oaklanders pushed out of their homes, culture makers and keepers priced out of their spaces, and the tragic loss of life of those who are merely trying to keep a toehold in their city and a space to express and share their creativity and sense of community. This has to stop. We believe that for the cultural health of Oakland, we must have policies that support Oaklanders to exercise their right to feel they belong in their city and that their city belongs to them.

To this end, we advocate for all Oaklanders' ability to:

- Stay in their homes
- Return from residential and business displacement
- Have spaces that facilitate cultural production and allow for exchange and innovation
- Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities)
- Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy



### Recommendations

The following recommendations, based on the general principles articulated above, are put forth by the Cultural Affairs Commission for consideration by the Oakland Planning and Building Department, Dyett & Bhatia, Deeply Rooted, and the City Council. The Commission provides these recommendations as its first of several during the general planning process. Additional recommendations will be provided as forthcoming plan elements are considered.

#	Recommendation	Pg
<b>Theme 1: Live/Work and Work/Live</b>		
1A	Incentivize the development of affordable live/work and work/live units.	3
1B	Provide guiding language in the general plan and policies in the Zoning regulations for live/work and work/live units to reduce absorption into residential-only uses.	4
1C	Track live/work and work/live units as a category within the planning department.	5
1D	Codify policies in the general plan that ease the process and reduce expenses to get non-conforming spaces into code.	5
1E	Adopt policies in the general plan to protect cultural workers and workspaces at risk of displacement or affected by cannabis manufacturing, cultivation and other cannabis businesses.	7
<b>Theme 2: Cultural Infrastructure</b>		
2A	Expand the use of zoning regulations being piloted in the Downtown Oakland Specific Plan to increase first-floor cultural spaces to Districts 6 & 7.	9
2B	Establish a working group to make recommendations to the City Council for the timely development and implementation of a Cultural Facilities Policy.	10
<b>Theme 3: Cultural Equity Impact Assessment</b>		
3A	Establish the use of a Cultural Equity Impact Assessment as a condition of California Environmental Quality Act (CEQA) review	11
<b>Theme 4: Right of Return</b>		
4A	Codify guiding preference policy in the general plan to allow displaced Oaklanders the right of return.	12



**Theme 1: Live/Work and Work/Live**

**Recommendation 1A: Incentivize the development of affordable live/work and work/live units.**

*Benchmark: Increase number of affordable units available*

*Guiding Principles: Have spaces that facilitate cultural production and allow for exchange and innovation*

Rationale	Resources
<p>Cultural infrastructure and cultural characteristics of cities have a demonstrated positive impact on a city’s economy and vibrancy<sup>1</sup>. The presence of artists, cultural workers, and makers in a community is critical to that end and part of Oakland’s “secret sauce”<sup>2</sup>. Many cultural workers in Oakland are at risk of displacement as illustrated by a 2015 survey<sup>3</sup> administered to creatives by the Mayor’s Artist Housing and Workspace Task Force. Affordable live/work units fill an important gap which benefits a wide variety of residents including artists, cultural workers, and makers (particularly from historically marginalized communities) and aims to maintain Oakland’s cultural vibrancy. The availability of space that is affordable, physically appropriate for makers, code-compliant, and blends the needs of housing and workspace into one unit creates increased financial stability for this demographic and has a demonstrated positive cultural and economic impact on the region.<sup>4</sup></p> <p><b>Sub-Recommendation from the White Paper<sup>5</sup></b></p> <ul style="list-style-type: none"> <li>• 1.1A — Tying conditional permits to the provision of affordable live/work housing in Community Commercial (CC) neighborhoods, including CC-3 where residential is not currently allowed.</li> </ul>	<p><a href="#"><u>Belonging in Oakland: A Cultural Development Plan</u></a></p> <p><a href="#"><u>White Paper: Strategies for Protecting and Creating Arts &amp; Culture Space in Oakland</u></a></p> <p><a href="#"><u>Oakland’s Art and Cultural Economy: Appendix to Belonging in Oakland</u></a></p>

<sup>1</sup> “Cultural and Creative Cities and Regional Economic Efficiency: Context Conditions as Catalysts of Cultural Vibrancy and Creative Economy.” *Sustainability* 13, no. 13 (2021): 7150.

<http://dx.doi.org.libproxy.berkeley.edu/10.3390/su13137150>.

<sup>2</sup>“Belonging in Oakland: A Cultural Development Plan,” Spring 2018.

<https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.

<sup>3</sup>“Strategies for Protecting and Creating Arts and Culture Space in Oakland,” Spring 2016.

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak062138.pdf>.

<sup>4</sup>“Belonging in Oakland: A Cultural Development Plan,” Spring 2018.

<https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.

<sup>5</sup> “Strategies for Protecting and Creating Arts and Culture Space in Oakland,” Spring 2016.

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak062138.pdf>.



**Recommendation 1B:** Provide guiding language in the general plan and policies in the Zoning regulations for live/work and work/live units to reduce absorption into residential-only uses.

*Benchmark 1: Guiding language added to general plan*

*Benchmark 2: Policies added to Zoning regulations*

*Guiding Principles: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation*

Current code has several different working requirements for different live/work and work/live units.<sup>6</sup>

- Joint Living and Work Quarters (JLWQs): At least one resident must maintain a Business Tax Certificate and work out of the unit
- Residentially Oriented JLWQs: No requirement to have a tenant working in the unit
- HBX and D-CEs: At least one resident of a work/live unit must maintain a Business Tax Certificate and work out of the unit. No working activities are required to be performed in live/work units.

Live/work and work/live units are limited and incredibly valuable to Oakland’s cultural workers and contribute to the cultural vibrancy of the city.<sup>7</sup> Requirements to use these spaces should be adjusted to reduce residential-only or digital economy uses that only require a home office while also preventing displacement of people in those spaces.

Consideration of a cultural worker certification process similar to the cities of Boston, MA or NYC may be a preferable alternative. It could improve enforcement of the policy which is currently weak. Intermediaries like Safer DIY Spaces and Vital Arts may be interested in piloting such a program.

Coordination of policy language with the Division of Cultural Affairs is recommended to avoid unintended exclusion of important segments of the cultural worker demographic.

[Zoning Code Bulletin on work/live and live/work Housing](#)

[Belonging in Oakland: A Cultural Development Plan](#)

[Artist Housing Certification - Boston, MA](#)

[Artist Certification - NYC](#)

[Safer DIY Spaces](#)

[Vital Arts](#)

<sup>6</sup> City of Oakland Community and Economic Development Agency. “Zoning Code Bulletin,” May 2020. <https://cao-94612.s3.amazonaws.com/documents/Zoning-Bulletin-2020-2-Live-Work-May-18-2020.pdf>.

<sup>7</sup> “Belonging in Oakland: A Cultural Development Plan,” Spring 2018. <https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.



**Recommendation 1C: Track live/work and work/live units as a category within the planning department.**

*Benchmark: Planning department begins tracking live/work and work/live as a category*  
*Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation*

The stock and production of these categories is not tracked.<sup>8</sup> It is valuable for the city to know existing quantities and uses so that it can be utilized for future planning purposes.

**Recommendation 1D: Codify policies in the general plan that ease the process and reduce expenses to get non-conforming spaces into code.**

*Benchmark: Adoption of approaches that increase code compliance and reduce harm*  
*Guiding Principle: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation*

The Ghost Ship tragedy exposed the lack of affordable space available for cultural production as well as the risks and spectrum of non-conforming living spaces in Oakland. Bringing unregulated spaces up to code is a better and less expensive alternative than tenant displacement from a non-conforming space and into houselessness. Organizations like Safer DIY Spaces have saved as much as 1 million square feet for \$0.50/sqft.<sup>9</sup>

The zoning regulations are fuzzy and leave a lot up to interpretation. Codifying policies in the general plan that reduce the expenses and red tape for conversion and lead to clear zoning regulations would be a great step.

The following ideas surfaced from a UCLA Masters thesis by Megan Wissing Healy (linked in resources) and a conversation with Tom Dolan of Safer DIY Spaces :

1. Reorient code enforcement to adopt a harm reduction approach

[Secondary Units for Whom? Assessing interventions into Informal Housing in San Francisco and Oakland](#)

[Safer DIY Spaces](#)

<sup>8</sup> Werth, Alex. "Statement of Methodology: Economic Impact Analysis and Cultural Asset Map," Spring 2018.

<https://oaklandca.s3.us-west-1.amazonaws.com/oakca1/groups/ceda/documents/report/oak071452.pdf>

<sup>9</sup> Tom Dolan, interview by Claire Pelley, April 26, 2022



2. Strengthen the role of intermediaries
3. Expand financing opportunities for essential life safety upgrades
4. Offer property owners amnesty while legalizing units
5. Recommended Building Code Changes
  - a. Seismic retrofitting not required to get spaces into code
  - b. Allow the use of less expensive sprinkler systems (plastic pipes, utilize same meter as home, etc)
  - c. If a space has no walk-in trade or employees, make it exempt from ADA retrofitting
  - d. Automatically consider all buildings more than 50 years historic to provide exemption from Title 24
  - e. If there are two means of egress on a floor, remove the need for a bedroom window



**Recommendation 1E: Adopt policies in the general plan to protect cultural workers and workspaces at risk of displacement or affected by cannabis manufacturing, cultivation and other cannabis businesses.**

*Benchmark: Policies that protect cultural workers and spaces in industrial areas*

*Guiding Principles: Stay in their homes, Have spaces that facilitate cultural production and allow for exchange and innovation, Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities)*

The implementation of legal cannabis production in the industrial zones has created unintended consequences for Oakland’s cultural workers. Cannabis-related manufacturing, cultivation and other cannabis businesses are competing for space with artist live/work, work/live units and other industrial spaces serving artists and makers causing displacement. Cannabis uses often conflict with live/work spaces, due to industrial noise, increased pollution, and generally compromising the quality of life. While recent policy adoption has lessened these impacts by restricting approvals on properties used for work/live or residential purposes, there continue to be conflicts and displacement<sup>10</sup> exposing a gap that needs to be filled in order to protect Oakland’s creative workforce.

One potential solution is to create a new cannabis-related land use category in the Planning Code, to allow the Planning and Building Department to have more regulatory oversight over Cannabis uses, and allow potential land use conflicts to be assessed and mitigated before a cannabis business receives permits.

Another idea would be to alter the borders of the cannabis green zone to protect existing clusters of artists and makers, including live/work space, from displacement by cannabis businesses. The process would include identifying clusters of live/work, work/live, and artist workspace in the industrial zone and

[Oakland’s Cultural Assets map](#)

[Cannabis Facilities Permitted Zones Map](#)

[Cannabis Ordinance Changes Sept. 18, 2020](#)

<sup>10</sup> KQED. “A Denver-Based Firm Is Using Huge Diesel Generators to Grow Cannabis in East Oakland. Now the City Is Trying to Shut Them Down.” Accessed May 8, 2022. <https://www.kqed.org/news/11908979/a-denver-based-firm-is-using-huge-diesel-generators-to-grow-cannabis-in-east-oakland-now-the-city-is-trying-to-shut-them-down>.





removing those areas from the cannabis green zone. The Cultural Assets map linked in resources is a starting place, but it is not complete. Live/work is not tracked as a category by the planning department.

The Cultural Affairs Commission is open to alternative options that further protect cultural workers impacted by cannabis manufacturing, cultivation and other cannabis businesses.



**Theme 2: Cultural Infrastructure**

**Recommendation 2A: Expand the use of zoning regulations being piloted in the Downtown Oakland Specific Plan to increase first-floor cultural spaces to Districts 6 & 7.**

*Benchmark: Zoning regulations added to more districts*

*Guiding Principle: Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities), Return from being displaced from Oakland, Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy*

Rationale	Resources
<p>The Downtown Oakland Specific Plan (DOSP) will be piloting the use of a new cultural building category and requiring new developments to designate 50% of the ground floor storefront to be used as cultural space. Districts 6 and 7 lack cultural infrastructure relative to other districts<sup>11</sup> and would benefit from similar stimulation and incentives to increase and promote vibrancy.</p> <p>If the same tools cannot be expanded to other areas, consider alternatives that can also improve cultural infrastructure like a development fee to invest in city-owned cultural assets such as libraries, recreation centers, and open space.</p> <p>The Cultural Affairs Commission should be consulted on the definition of “cultural activity” to ensure it does not exclude important cultural stakeholders.</p>	<p><a href="#"><u>White Paper: Strategies for Protecting and Creating Arts &amp; Culture Space in Oakland</u></a></p> <p><a href="#"><u>Belonging in Oakland: A Cultural Development Plan</u></a></p> <p><a href="#"><u>The Downtown Oakland Specific Plan: Planning Code Amendments</u></a></p> <p><a href="#"><u>Oakland’s Cultural Assets map</u></a></p>

<sup>11</sup> “Cultural and Creative Cities and Regional Economic Efficiency: Context Conditions as Catalysts of Cultural Vibrancy and Creative Economy.” *Sustainability* 13, no. 13 (2021): 7150. <http://dx.doi.org.libproxy.berkeley.edu/10.3390/su13137150>.



**Recommendation 2B: Establish a working group to make recommendations to the City Council for the timely development and implementation of a Cultural Facilities Policy.**

*Benchmark 1: Working group established*

*Benchmark 2: Cultural Facilities Policy added to general plan*

*Guiding Principle: Have spaces that facilitate cultural production and allow for exchange and innovation, Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy*

The City of Oakland lacks a comprehensive and cohesive cultural facilities policy which could among other things:

1. Preserve cultural spaces and prevent loss
2. Provide guidance on type and geographies of needed cultural facilities development
3. Improve equitable access to cultural facilities
4. Increase stock of cultural facilities

The working group should include collaborators from the Division of Cultural Affairs, the Planning Department, the Department of Parks, Recreation and Youth Development, and Oakland Public Library.

The goal and North Star of the working group should be to create a cultural facilities policy which can be integrated into the general plan. Special attention should be focused on city-owned properties.

[Belonging in Oakland:  
A Cultural  
Development Plan](#)



**Theme 3: Cultural Equity Impact Assessment**

**Recommendation 3A: Establish the use of a Cultural Equity Impact Assessment as a condition of California Environmental Quality Act (CEQA) review**

*Benchmark: Addition of Cultural Equity Impact Assessment to CEQA review process*

*Guiding Principle: Stay in their homes, Maintain and create thriving, culturally-rooted local businesses and organizations (particularly of historically marginalized communities), Create and activate public and private spaces in which to negotiate and build community that are culturally-equitable, safe, and healthy*

Rationale	Resources
<p>A Cultural Equity Impact Assessment would codify a process within the Department of Planning and Building to understand potential harms on culture and equity of proposed developments. Furthermore it recognizes the City of Oakland’s responsibility to practice “equity in city practices that eliminates all forms of discrimination in City activities” as outlined in the establishment of the Department of Race and Equity. A Cultural Equity Impact Assessment can identify:</p> <ol style="list-style-type: none"> <li>1. Potential loss of cultural vibrancy</li> <li>2. Impacts on marginalized communities</li> <li>3. Impacts of additional housing units on public facilities and open space</li> <li>4. Threats of displacement</li> <li>5. Ways to mitigate these potential harms</li> </ol>	<p><a href="#"><u>Belonging in Oakland: A Cultural Development Plan</u></a></p> <p><a href="#"><u>Department of Race and Equity</u></a></p> <p><a href="#"><u>Hawaii SB 987 requiring environmental impact statements assess effects on cultural practices</u></a></p>



**Theme 4: Right of Return**

**Recommendation 4A: Codify guiding preference policy in the general plan to allow displaced Oaklanders the right of return.**

*Benchmark: Preference policy added to General Plan*

*Guiding Principle: Return from residential and business displacement*

Rationale	Resources
<p>Systemic and historic housing policy injustices, escalating rents, housing unaffordability, and gentrification are all significant contributors to the Oakland housing crisis as well as the residential and business displacement of Oaklanders.<sup>12</sup> The Cultural Affairs Commission urges the adoption of a preference policy to protect Oaklanders impacted by displacement. A right of return policy will add value to the various measures aimed at protecting and maintaining Oakland’s diversity and cultural vibrancy.<sup>15</sup></p>	<p><a href="#">Belonging in Oakland: A Cultural Development Plan</a></p> <p><a href="#">Portland, OR preference policy</a></p> <p><a href="#">Austin, TX resolution for a preference policy</a></p>

<sup>12</sup> Deeply Rooted. “Housing and Environmental Justice Workshop.” April 2022. [https://cao-94612.s3.amazonaws.com/documents/DR-April-Workshop-Housing-EJ-slides\\_2022\\_0408-1.pdf](https://cao-94612.s3.amazonaws.com/documents/DR-April-Workshop-Housing-EJ-slides_2022_0408-1.pdf).

<sup>13</sup>“Belonging in Oakland: A Cultural Development Plan,” Spring 2018. <https://cao-94612.s3.amazonaws.com/documents/Cultural-Plan-9.24-online.pdf>.



**CITY OF OAKLAND  
ECONOMIC AND WORKFORCE  
DEVELOPMENT DEPARTMENT**

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SPECIAL ACTIVITY PERMITS DIVISION  
1 Frank H. Ogawa Plaza, Suite 123 • Oakland, CA 94612

May 17, 2022

**OVERVIEW OF FORTHCOMING PROPOSED CHANGES TO SPECIAL EVENT PERMITTING**

Background

In July 2020, the City Council adopted [Resolution No. 88236 CMS](#), which requested that the City Administration return to City Council with amendments to the City of Oakland's Special Events and Street Closure Ordinances and move the permitting of events from the Oakland Police Department (OPD) to civilian staff. An interdepartmental team has spent the last year working on implementing this Resolution and incorporating prior suggestions on how to improve the City's special event permitting process to be more supportive of events. Before presenting ordinance amendments to the City Council's Public Safety Committee on June 14th, staff welcomes feedback on the below summary of proposed changes.

Proposed Changes

1. The Economic and Workforce Development Department (EWDD) as opposed to OPD will oversee the permitting of special events outside of City parks.
2. Outlines factors that will determine the level of security needed at an event, including when law enforcement may be required, and allows for non-law enforcement staff trained in de-escalation to serve as security.
3. Streamlines processing of repeat events by allowing applicants to submit more than one application at once during a twelve-month period as long as the repeat event takes place at same location, consists of same scope, and is produced by same applicant.
4. Consolidate special event permitting process into a one-stop shop approach with an interdepartmental team consisting of police, fire prevention and other departments as needed, as opposed to requiring event applicants to obtain separate permits from each department.
5. Introduces three-person review committee to hear appeals of special event permit denials
  - a. Review committee consists of one Cultural Affairs Commissioner, one representative each from OPD and EWDD that did not take part in the underlying permit denial.
6. Includes an automated approval if a special event applicant does not receive a response within fifteen days of submitting their application.

7. Introduces different special events tiers to reflect the wide range of events, with different application timelines based on the complexity of event as outlined below:

**Figure One: Special Event Tiers and Proposed Application Deadlines**

Special Event Tier	Definition	Proposed Application Due Date
One	A special event consisting of the following: less than three-hundred (300) people, either no street closure or only the closure of a local street, no fencing, less than four hundred (400) square feet of tents, no open flames, no pyrotechnics, and no sales of food, beverages, goods, cannabis, or alcohol.	21
Two	A special event that includes any of the following: three hundred (300) or more people, the closure of a non-local street, four-hundred (400) or more square feet of tents, open flames, or pyrotechnics, or includes sales of goods, beverages, cannabis or alcohol.	45
Three	A special event with two-thousand five hundred (2,500) or more people or a parade.	90
Four	A special event consisting of a marathon, half-marathon, triathlon or similar events with active attendee participation and with multiple closures of non-local streets.	120

8. Aligns with state law with Events Recycling Plan required if food or beverages sold at the event.
9. Introduces new special event application fees to reflect new one-stop shop approach and recommends full cost-recovery for Tier 3 and 4 events but 50 percent discount for smaller Tier 1 and 2 events.
10. To lower the barrier of inspection fees for events that support historically marginalized communities, proposes reduced \$100 an hour fire inspection fee rate for “community events,” defined as an event that:
  - (a) Is free for attendees; and
  - (b) Supports historically marginalized communities previously identified as undesirable on federal redlining maps; and
  - (c) Is organized by either:
    - (i) A 501(C)3 organization under the Internal Revenue Code; OR
    - (ii) An organization with an annual budget of no more than \$500,000

Thank you,



Greg Minor  
Assistant to the City Administrator