



# City of Oakland

Office of the City Clerk  
Oakland City Hall,  
1 Frank H. Ogawa Plaza,  
Room 201  
Oakland, California 94612

## Meeting Minutes - FINAL \*Special Community & Economic Development Committee

Oakland City Hall, 1 Frank H. Ogawa Plaza,  
Oakland, California 94612

City of Oakland Website: <http://www.oaklandca.gov>

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Tuesday, April 11, 2023

4:00 PM

City Council Chamber, 3rd Floor

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The Oakland City Council Community And Economic Development Committee convened at 4:05 P.M., with Councilmember Kalb presiding as Chairperson

### COMMITTEE MEMBERSHIP:

#### Roll Call / Call To Order

**Present** 4 - Carroll Fife, Dan Kalb, Noel Gallo, and Kevin Jenkins

- 1 Approval Of The Draft Minutes From The Committee Meeting Of March 14, 2023  
[23-0189](#)

**Attachments:** [View Report](#)

#### *1 Speaker Spoke On This Item*

A motion was made by Kevin Jenkins, seconded by Carroll Fife, that this matter be Accepted. The motion carried by the following vote:

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

- 2 Determination Of Schedule Of Outstanding Committee Items  
[23-0223](#)

**Attachments:** [View Report](#)

A motion was made by Kevin Jenkins, seconded by Noel Gallo, that this matter be Accepted. The motion carried by the following vote:

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

- 3** Subject: California Automated Permit Processing (CalAPP) Program Grant  
From: Planning And Building Department  
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Up To A Total Of One Hundred Thousand Dollars \$100,000 In California Automated Permit Processing Program (CalAPP) Grant Funds From The State Of California Energy Commission And Adopting Appropriate California Environmental Quality Act Findings  
[23-0201](#)

**Attachments:** [View Report](#)  
[View Legislation](#)  
[89680 C.M.S](#)

*The Committee approved this item to be forwarded with staff recommendations to the April 18, 2023 City Council Agenda On Consent*

A motion was made by Noel Gallo, seconded by Kevin Jenkins, that this matter be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 4/18/2023. The motion carried by the following vote:

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

- 4** Subject: Extended Rent Reduction For Oakland School For The Arts At The Fox Theater  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance (1) Authorizing A Lease Amendment Between The City Of Oakland And The Oakland School For The Arts (OSA) For Approximately 62,910 Square Feet Located On The 2nd And 3rd Floors Of The Fox Theater At 1805 Telegraph Avenue To Extend The Reduced Rental Rate Of Forty-Seven Thousand Twenty-Five Dollars (\$47,025) Per Month Through June 30, 2026; (2) Making Findings That The Lease Amendment For Below Fair Market Value Is In The Best Interest Of The City; And (3) Making Appropriate California Environmental Quality Act Findings  
[23-0234](#)

**Attachments:** [View Report](#)  
[View Legislation](#)

*The Committee approved this item to be forwarded with staff recommendations to the April 18, 2023 City Council Agenda On Consent*

*14 Speakers Spoke On This Item*

A motion was made by Carroll Fife, seconded by Noel Gallo, that this matter be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 4/18/2023. The motion carried by the following vote:

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

- 5** Subject: Fox Theater Restaurant Lease  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance Authorizing The City Administrator To (A) Negotiate And Execute A Lease Agreement With Uptown Forward LLC, A California Limited Liability Corporation, For The Ground Floor Restaurant Space Located At 1805 Telegraph Avenue (Fox Theater) For A 3- Year Term With Three 5-Year Options And Rent Of Ten Thousand Five Hundred Dollars (\$10,500) Per Month With A Three Percent (3%) Annual Increase For Use As A Cocktail Lounge With Food Service; And (B) Adopting California Environmental Quality Act Findings  
[23-0236](#)

**Attachments:** [View Report](#)  
[View Legislation](#)

*The Committee approved this item to be forwarded with staff recommendations to the April 18, 2023 City Council Agenda On Consent*

**1 Speaker Spoke On This Item**

A motion was made by Carroll Fife, seconded by Noel Gallo, that this matter be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 4/18/2023. The motion carried by the following vote:

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

- 6** Subject: License Of 1911 Telegraph To Oakland School For The Arts  
From: Economic And Workforce Development Department  
Recommendation: Adopt An Ordinance (1) Authorizing A License Agreement Between The City Of Oakland And The Oakland School For The Arts (OSA) For The Approximately 45,121 Square Foot Vacant City-Owned Property Located At 1911 Telegraph Avenue For Improvement And Use As An Outdoor Recreation Area For A 3-Year Term With Three 1-Year Options To Renew At A Rate Of Five Hundred Dollars (\$500) Per Month; (2) Making Findings That The License For Below Fair Market Value Is In The Best Interest Of The City; And (3) Making Appropriate California Environmental Quality Act Findings [23-0237](#)

**Attachments:** [View Report & Attachment](#)  
[View Legislation](#)

*The Committee approved this item to be forwarded with staff recommendations to the April 18, 2023 City Council Agenda On Consent*

**14 Speakers Spoke On This Item**

**A motion was made by Carroll Fife, seconded by Noel Gallo, that this matter be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 4/18/2023. The motion carried by the following vote:**

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

- 7 Subject: Governor's Office Of Business And Economic Development And Local Jurisdiction Assistance Grants For Cannabis Program  
From: Economic And Workforce Development Department  
Recommendation: Adopt The Following Pieces Of Legislation:

1) A Resolution Authorizing The City Administrator To: (1) Apply For And Accept One Million Nine Hundred And Ninety-Six Thousand Four Hundred And Eighty-Seven Dollars And Fifty Cents (\$1,996,487.50) In State Of California, Governor's Office Of Business And Economic Development (Go-Biz) Equity Act Grant Funds; (2) Appropriate The Go-Biz Grant Funds By: (A) Providing Grants And/Or No-Interest Loans In An Amount Not To Exceed Two-Hundred And Fifty Thousand Dollars (\$250,000) Per Grant Or Loan For Cannabis Equity Applicants And Licensees, To Be Determined And Without Return To Council, For Businesses' Start-Up And Ongoing Costs In A Cumulative Amount Not To Exceed One-Million Seven Hundred And Ninety-Six Thousand Eight Hundred And Thirty-Eight Dollars And Seventy-Five Cents (\$1,796,838.75); And (B) Funding Administration Of The Cannabis Equity Program In An Amount Not To Exceed One Hundred And Ninety-Nine Thousand, Six Hundred And Forty-Eight Dollars And Seventy-Five Cents (\$199,648.75); And (3) Increase The Amount Of The Existing Three-Year Professional Services Agreement With 4Front Partners To Administer Cannabis Equity Grant And Loan Programs By Seventy-Eight Thousand Nine Hundred And Seventy-Nine Dollars And Seventy-Five Cents (\$78,979.75); And (4) Waive The Request For Proposals/Qualifications Process For The Amended Professional Services Agreement With 4Front Partners; And

[23-0169](#)

**Attachments:** [View Report And Attachment A](#)

[View Legislation](#)

***The Committee approved this item to be forwarded with staff recommendations to the April 18, 2023 City Council Agenda On Consent***

***2 Speakers Spoke On This Item***

**A motion was made by Noel Gallo, seconded by Carroll Fife, that this matter be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 4/18/2023. The motion carried by the following vote:**

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

2) A Resolution Amending Resolution No. 89064 C.M.S., Which Among Other Things Authorized The City Administrator To Award Grants For Business Security Purposes To Provisionally Licensed Cannabis Applicants In An Amount Not To Exceed Two-Hundred And Fifty Thousand Dollars (\$250,000) Per Grant, By Authorizing The City Administrator To: (1) Reallocate Any Available Local Jurisdiction Assistance Grant Program Funds In The Form Of Grants For The Purpose Of Bringing The Business Facilities Of Provisionally Licensed Cannabis Applicants Into Compliance With Building, Fire, And Health Code Requirements; And (2) Award Said Grants In An Amount Not To Exceed Two-Hundred And Fifty Thousand Dollars (\$250,000) Per Grant To Provisionally Licensed Cannabis Applicants To Be Determined And Without Return To Council In A Cumulative Amount Not To Exceed Four Million Five-Hundred Thousand Dollars (\$4,500,000)

[23-0170](#)

**Attachments:** [View Report And Attachment A](#)

[View Legislation](#)

*The Committee approved this item to be forwarded with staff recommendations to the April 18, 2023 City Council Agenda On Consent*

**2 Speakers Spoke On This Item**

A motion was made by Noel Gallo, seconded by Carroll Fife, that this matter be Approved the Recommendation of Staff, and Forward to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council, to be heard 4/18/2023. The motion carried by the following vote:

**Aye** 4 - Fife Kalb Gallo, Jenkins

**NO VOTE** 0

**DUE TO THE PRESENCE OF COUNCIL PRESIDENT BAS, A QUORUM OF THE CITY COUNCIL WAS NOTED, AND A MOTION WAS MADE BY COUNCILMEMBER FIFE AND SECONDED BY COUNCILMEMBER GALLO TO ADJOURN THE MEETING AND TO CONVENE AS A SPECIAL MEETING OF THE FULL COUNCIL AT 5:19 P.M.**

- 8 Subject: Covid-19 Eviction Moratorium Phase-Out And Amendments To The Just Cause Ordinance  
From: Council President Fortunato Bas And President Pro Tempore Kalb  
Recommendation: Adopt An Ordinance Establishing A Timeline For Termination Of The Moratorium On Residential Evictions, Rent Increases, And Late Fees Enacted In Response To The Covid-19 Pandemic (Ordinance Nos. 13589 C.M.S., 13594 C.M.S., 13606 C.M.S.); And Amending The Just Cause For Eviction Ordinance To: (1) Permanently Codify Certain Protections Established By The Moratorium; (2) Prohibit Evictions Based On Non-Payment Of Rent Where The Amount Demanded Is Less Than One Month Of Hud Fair Market Rent; (3) Require Landlords To Demonstrate Substantial Damage Before Evicting Tenants For Breach Of Lease; (4) Conform Occupancy Limitations To State Law; (5) Limit Evictions Of Resident Managers With Pre-Existing Tenancies; And (6) Make Other Non-Substantive Clarifying Amendments  
[23-0216](#)

**Attachments:** [View Report](#)

[View Legislation](#)

[View Supplemental Presentation - 4/6/2023](#)

[View Supplemental Amendments - 4/12/2023 Bas & Kalb](#)

[View Supplemental Amendments - 4/13/2023 Gallo](#)

[View Supplemental Report - 4/13/2023](#)

[View Supplemental Presentation - 4/13/2023](#)

[View Supplemental Legislation - 4/13/2023 Bas & Kalb](#)

[View Supplemental Legislation - 4/21/2023](#)

[View Revised Supplemental Legislation - 4/24/2023](#)

***A motion was made by Councilmember Kalb, seconded by Councilmember Fife to approve the ordinance as amended and to be forwarded with committee recommendations to the April 18, 2023 City Council Agenda On Non Consent. The motion passed with 4 Ayes. The ordinance was approved to be forwarded as amended with the following amendments:***

***Of the Legislation, On page 1 of the Title, striking the (5) Limit Evictions Of Resident Managers With Pre Existing Tenancies; And (6) And (5)***

***On Page 4, adding four Whereas Clauses to read:***

***WHEREAS, continued advocacy of County, State and Federal government partners is necessary to secure additional resources to address the economic and housing impacts of COVID-19 on tenants and property owners; and***

***WHEREAS, the City Council finds that the Just Cause for Eviction Ordinance is consistent with Civil Code Section 1946.2 as (enacted by the Tenant Protection Act of 2019), and, in comparison to Civil Code Section 1946.2, further limits the reasons for termination of residential tenancy, provides additional tenant protections, and, in conjunction with other City ordinances, provides for higher relocation assistance amounts; and***

*WHEREAS, the City Council finds that the Just Cause for Eviction Ordinance as amended herein is more protective than the provisions of Civil Code Section 1946.2; and*

*WHEREAS, this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to sections of the CEQA Guidelines, taken together and each as a separate and independent basis, including but not limited to: Section 15378 (regulatory actions), Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), Section 15061(b)(3) (no significant environmental impact), and Section 15183 (consistent with the general plan or zoning); and*

*On Page 7, Section 8.22.360- Good cause required for eviction, Paragraph 2, adding, To establish a substantial violation of a material term of the tenancy,. and or other tenants,*

*On Page 8, adding paragraph (d.) to read, For purposes of this section, failure to comply with income recertification requirements for deed-restricted affordable housing units shall be presumed to substantially violate a material term of the tenancy.*

*On Page 14, striking paragraph 9, and changing the 10th paragraph to read 9.*

*On Page 15, Section 9., adding the last sentence to read, City Council also directs the City Administrator to seek additional financial resources to address the economic and housing impacts of COVID-19 on tenants and property owners.*

*On Page 16, adding Section 12. Directions to Rent Board. The City Council directs the City Administrator to work with the Rent Board to revise the Just Cause for Eviction Ordinance Regulations to implement newly added Just Cause provisions including, but not limited to, establishing further guidance on what constitutes "substantial actual damage" pursuant to O.M.C. 8.22.360A2.*

*Of the Notice And Digest, striking the (5) Limit Evictions Of Resident Managers With Pre Existing Tenancies; And (6) And (5)*

*80 Speakers Spoke On This Item*

*This Ordinance be Approved as Amended the Recommendation of Staff, and Forward.to go before the \* Concurrent Meeting of the Oakland Redevelopment Successor Agency and the City Council to be heard 4/18/2023*

## Open Forum

*6 people spoke during Open Forum*

## Adjournment

*There being no further business, the Committee adjourned the meeting at 8:56 p.m.*



\* In the event of a quorum of the City Council participates on this Committee, the meeting is noticed as a Special Meeting of the City Council; however no final City Council action can be taken.

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**Office of the City Clerk - Agenda Management Unit**

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**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30 A.M. TO 5:00 P.M.**