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# AGENDA REPORT

**TO:** Chairperson Campbell Washington  
and Members of the Life Enrichment  
Committee

**FROM:** Council President Lynette  
Gibson McElhane, Vice  
Mayor Annie Campbell  
Washington and  
Councilmember Rebecca  
Kaplan

**SUBJECT:** Establishing An Uptown Arts District      **DATE:** October 13<sup>th</sup>, 2016

## **RECOMMENDATION**

On behalf of members of the Community, Council President Lynette Gibson McElhane, Vice Mayor Annie Campbell Washington and Councilmember Rebecca Kaplan recommend that the City Council adopt a resolution designating the area from 27th Street to Grand Avenue and from Broadway to Telegraph Avenue as the "Uptown Arts District", and recommending that the Planning Commission incorporate into the Downtown Oakland Specific Plan the Uptown Arts District and anti-displacement measures for Creative Arts Enterprises.

## **EXECUTIVE SUMMARY**

This resolution officially establishes an official 'Uptown Arts District' ("UAD") in response to a request from the community. The Creative Arts Enterprises<sup>1</sup> in the proposed district have greatly contributed to the area's revitalization but are now facing displacement from rapidly appreciating commercial rents. This resolution is a first step towards preserving and fostering creative arts enterprises in the District through: naming the district to improve branding and to solicit greater resources; directing the Planning Commission to consider the goals of the UAD in the Downtown Oakland Specific Plan; and directing the City Administrator to market the district in addition to aligning internal efforts to support arts and culture districts.

## **BACKGROUND / LEGISLATIVE HISTORY**

Artists, gallery owners, makers, entertainment venues and Creative Arts Enterprises revitalized the previously economically depressed 25<sup>th</sup> Street Garage District located roughly between

<sup>1</sup> Creative Arts Enterprises include non-profit, co-op, pop-up, and commercial exhibition venues; workshops or retail stores of independent makers, artisans, and craftspeople; light industrial small businesses creating uniquely artisan-made products; performing arts venues, such as locally owned and booked concert halls and independent movie theaters; artist studios that regularly open their doors to the public; and arts education facilities.

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Life Enrichment Committee  
October 25<sup>th</sup>, 2016

Broadway and Telegraph Avenues from 27<sup>th</sup> Street to Grand Avenue. This congregation of creative entrepreneurs created and promoted the community events – First Fridays, the Oakland Art Murmur, gallery tours, film festivals, etc. – that have helped catalyze Oakland's economy and contributed so much to what makes Oakland a culturally nurturing and vibrant City. (See Appendix A for partial list of enterprises in the District).

This same community has requested official designation of the 'Uptown Arts District' as a first step towards creating a system of incentives, subsidies and regulations to preserve its place in Oakland and to foster greater economic activity through creative place making. These enterprises report increasingly unaffordable work spaces and fear that increased residential and commercial development in the area will lead to further displacement. The community hopes to avoid the fate of DUMBO or SOHO in New York and 77 Geary Street in San Francisco – formerly vibrant and authentic arts districts displaced by increased real estate costs.

There have been several related recent policy developments:

- Creation of the Black Arts Movement and Business District in 2016 (Res. 85958 C.M.S) began the designation of arts and culture districts in the City of Oakland. The district seeks to celebrate, preserve and incubate Black artists and businesses in the 14<sup>th</sup> Street corridor.
- Mayor's Task Force on Affordable Artist Housing and Work Spaces released its report in December of 2016 that included three recommended anti-displacement strategies to help artists remain in Oakland. (Appendix B)
- California Arts Council's Cultural District Program created by AB-189 will eventually lead to a statewide framework for cultural district designations. The Arts Council visited Oakland on October, 5<sup>th</sup> 2016 to solicit public comment.

## **ANALYSIS AND POLICY ALTERNATIVES**

This resolution formally creates an officially designated arts and culture district named the Uptown Arts District. The boundaries will be 27<sup>th</sup> Street to Grand Avenue and from Broadway to Telegraph Avenue.

In addition, this resolution serves to initiate action by the Planning Commission and City Administrator to incorporate the UAD into the Downtown Oakland Specific Plan process. This is an essential step to ensure that the zoning and development guidelines being considered for the area take into account the value to the City of existing creative arts enterprises. Additionally, the resolution requires written notification insofar as feasible to District stakeholders of any current and future proposed developments. Finally, the resolution calls for the City to help brand and market the District.

The effort to create the UAD is aligned with the larger goal of ensuring equitable, city-wide investments into the arts in Oakland. The Council President and community stakeholders are committed to working with arts organizations, the City and community members to ensure an equitable distribution of resources for artists and creative activities throughout the City.

## **FISCAL IMPACT**

There is limited fiscal impact to this resolution. Staff would be required to work towards incorporating arts and culture districts into the Downtown Oakland Specific Plan as well as to

coordinate efforts interdepartmentally. The resolution also directs the City Administrator to identify funding or in-kind donations, if possible, to create marketing and signage for the district.

### **PUBLIC OUTREACH / INTEREST**

The community leaders representing the artists in the Uptown Arts District launched this initiative at an October 2015 meeting where more than 50 community members and City officials attended. There have been over a dozen subsequent small community meetings as well as a large town hall gathering attended by over 70 members of the local community at the New Parkway Theater. The community leaders also met with representatives from real estate developers working in the area, the local Business Improvement Districts as well as organizations from other areas in Oakland.

### **COORDINATION**

The motivation for the district and the original drafts of the resolution come directly from community leaders of the proposed Uptown Arts District and other interested parties including: Peter Birkholz, Katherin Canton, Chandra Cerrito, Pamela Dernham, Ken Ehrhardt, Hiroko Kurihara, Lonnie Lee, and Elena Serrano.

The resolution was finalized with input and support from the Planning Department, City Attorney's Office, Economic and Workforce Development Department and the Office of Council President McElhaney.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** This effort will have long term benefits for the City of Oakland by identifying ways whereby the City can better communicate with, support, and sustain our local creative arts enterprises. Supporting a thriving and prosperous cultural arts and maker community furthers the City's economic goals by (1) increasing the City's tax base, (2) creating more local jobs, and (3) ensuring more spending support local businesses and their local suppliers.

**Social Equity:** Creating arts and culture districts focuses attention and resources towards traditionally underserved artists and creative entrepreneurs.

**Environmental:** There are no environmental opportunities associated with this resolution.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Adopt a resolution designating the area from 27th Street to Grand Avenue and from Broadway to Telegraph Avenue as the "Uptown Arts District", and recommending that the Planning Commission incorporate into the Downtown Oakland Specific Plan the Uptown Arts District and anti-displacement measures for creative arts enterprises

For questions regarding this report, please contact Alex Marqusee, Legislative Analyst, at 510-238-7031.

Respectfully submitted,



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Council President Lynette Gibson McElhaney

Prepared by:  
Alex Marqusee, Legislative Analyst  
Office of Council President McElhaney

Attachments (#):

- a) List of Creative Arts Enterprises in UAD
- b) Artist Housing and Workspace Task Force Memorandum to Mayor Schaaf
- c) UAD Policy Guidelines

*attachments*

Creative Arts Enterprises in the Uptown Arts District (UAD) include, but are not limited to, the following:

Chandra Cerrito Contemporary  
Classic Cars West  
FM  
Fourth Wall Gallery  
Johansson Projects  
Krowwork  
Local Language  
Manna Gallery  
Mercury 20 Gallery  
Myrrhia Fine Knitwear  
Oakopolis  
The Moon Gallery  
Omi Gallery @ Impact Hub Oakland  
Platinum Dirt  
Roscoe Gallery  
Slate Contemporary  
Spun Smoke  
The Great Wall Of Oakland Project Space  
The Wall Gallery  
Vessel Gallery  
Warehouse 416  
The Parkway Theatre  
Werkshack

# Memorandum

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**To:** City of Oakland Mayor Libby Schaaf  
**From:** Artist Housing and Workspace Task Force  
**Date:** December 23, 2015  
**Subject:** Top Three Strategies to Stem Artist Displacement

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## I. OVERVIEW

The City of Oakland is in the midst of an economic upturn, characterized by increased investment, much national attention and quickly escalating real estate prices. Unfortunately, some artists—along with other low-income populations—have been or are at risk of getting displaced from the City in the process. Given the unique role that artists play in creating economic, cultural and social value for the City and its residents, a special Mayor’s task force was convened to propose policy recommendations to help artists remain in Oakland. This multi-disciplinary task force included artists and representatives from arts organizations, architects, market and affordable real estate developers, technical experts, and city staff (a complete task force roster is attached). The Task Force serves as a subcommittee of the Mayor’s larger Housing Cabinet and met seven times over the last five months.

The Task Force issued a survey of Oakland’s artists in November 2015 to help better understand the issues facing Oakland’s artists and attempt to assess their magnitude. The survey received more than 900 responses with the help of task force member outreach. According to the survey, most artists both live and work in Oakland and have been in Oakland more than five years, with the largest percentage having been in Oakland more than ten years. While a majority of respondents reported that they are not currently facing imminent displacement in their housing or workspace, the majority indicated that workspace and housing costs present the biggest challenges to being an artist in Oakland. In addition, nearly half of the respondents stated they are currently on month-to-month leases in their housing and workspaces, making them vulnerable to displacement. The threat of displacement is particularly high in workspaces, where there is no commercial rent control or other commercial rent protections. Most broadly, this data suggests that now is the time to establish more robust policies to support artists in Oakland, before displacement worsens.

The task force studied and vetted a wide range of strategies for creating and preserving affordable housing and workspaces for artists in Oakland. Over the course of these conversations, and informed by the survey results and the affordable housing work being done by the larger Housing Cabinet, the task force’s work resulted in a greater focus on workspace affordability.

Consistent with the charge from the Mayor’s office, this brief memorandum outlines just the top three (3) strategies that garnered the strongest and broadest support from task force members and can begin to be implemented most quickly.

The full breadth of the research, strategies and case studies that were studied by the task force – addressing both housing and workspace affordability – will be included in a final report to be produced in early 2016. The complete survey findings as well as the survey tool will also be included in the final report.

## II. GUIDING PRINCIPLES

In developing its recommendations, the Artist Housing and Workspace Task Force considered the following principles to guide its work:

- **Permanency** – While recognizing that temporary, stopgap measures may be necessary to provide immediate relief to artists facing displacement, policies that provide artists with the ability to live and work in Oakland permanently are the most desirable solutions.
- **Equity** – Solutions that assist a diverse and broad group of artists and arts organizations are most desirable, given Oakland’s geographically large and culturally varied landscape. Priority should be given to those neighborhoods and communities that are currently underserved and would benefit most from the preservation/development of arts and cultural spaces and activities.
- **Cultural preservation** – The City of Oakland is home to existing rich and diverse cultures and cultural legacies. Any intervention should benefit those already in Oakland, especially long-time residents and artists who are integral to Oakland’s communities. Both cultural heritage and physical cultural assets should be preserved.

## III. STRATEGIES

The three strategies (and sub-strategies) listed below are intended to reflect the ideas that garnered the most consensus and support amongst task force members. Additional policies and case studies considered and supported by the task force will be described in a more comprehensive report to be produced in early 2016.

## STRATEGY #1

### Real Estate Acquisition and Leasing

Ensuring long-term affordability and ideally ownership for artists in their housing and workspaces is the most powerful way to ensure artists can remain in Oakland. The following sub-strategies offer several ways to protect artists against rising real estate costs.

#### **1a. Create a property acquisition program, modelled on CAST in San Francisco, to create permanently affordable space for arts organizations in collaboration with foundations and other partners**

A nonprofit should acquire real estate (buildings or ground floor spaces) before prices increase further. Once acquired, this real estate would be leased at an affordable rate to arts organizations on long-term leases. These arts organizations would then be provided technical assistance to build their capacity to fundraise, manage their facilities, and ideally purchase the space from the nonprofit at a later date.

**Population served:** *Arts organizations*

**Type of space addressed:** *Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space)*

#### **Implementation Steps**

- *Establish working group—including potential philanthropic funders and nonprofit partners like East Bay Asian Local Development Corporation (EBALDC), the Community Arts Stabilization Trust (CAST), Northern California Community Loan Fund (NCCLF), and the Kenneth Rainin Foundation—to begin fundraising and identify potential properties for acquisition.*
- *Seek foundation support to seed program*
- *Establish a framework for identifying potential nonprofit partners to manage the program, looking at the CAST and NCCLF as potential partners or models*

**Timeline:** *Mid-term – 1 to 3 years*

*A working group can be established immediately, but it could take a year or more to acquire property and find suitable arts organization tenants. It could also take several years for arts organizations to raise capital and make the improvements needed to make space fully functional.*

#### **CASE STUDY**

##### **Community Arts Stabilization Trust (CAST),**

San Francisco

CAST was established in 2013 to acquire properties in San Francisco's Mid-Market neighborhood to create permanently affordable arts spaces. Rising rents and development pressures in this neighborhood put existing arts and culture uses at risk, especially given that most organizations had short-term leases. To help those organizations without the capital necessary to purchase property themselves, CAST purchased real estate and then entered into long-term leases (7-10 years) with the arts organizations. The goal is in 7-10 years, the arts organizations would have the capacity to buy the real estate from CAST at cost. NCCLF in turn provides the arts organizations with technical support to help move them toward eventual ownership, but an organization can decide whether or not to continue to lease when they hit the 7-10 year mark.

The Kenneth Rainin Foundation provided \$5 million to launch CAST and allow it to begin making acquisitions. The first two buildings CAST acquired almost doubled in value, which allowed CAST to leverage another \$5 million in NMTC, development rights and other funds for acquisitions. The Luggage Store Gallery, Hospitality House, and CounterPulse dance company now have permanently affordable homes in Mid-Market. CAST began as a conduit model for purchasing and holding real estate; for-profit developers like Forest City now have begun to contract with CAST to bring arts organizations into new projects, making it a conduit for the provision of community benefits. CAST is considering expanding the geography of its work beyond San Francisco to include Oakland.

## STRATEGY #1 (continued)

### Real Estate Acquisition and Leasing

#### 1b. Lease City or other publicly-owned property for arts uses at affordable rates, modelled on Spaceworks in New York City

Properties that are currently owned by the City or other public agencies should be assessed for excess or underutilized space. Spaces that might be appropriate for art space could be leased (long-term) to a nonprofit, with expertise in the arts, which could then rehab, lease and manage the space for arts uses at below market rates. Uses could include artist working studios, space for nonprofit arts organizations, and rehearsal and programming spaces.

**Population served:** *Individual artists and arts organizations*

**Type of space addressed:** *Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space)*

#### Implementation Steps

- *Identify and map potential properties (already underway by the Housing Cabinet's Public Lands subcommittee and Enterprize Community Partners)*
- *Consider launching a pilot program in a limited geography, such as downtown, including getting the required City Council approval for below-market rents.*
- *Identify competitive process for offering space (to Spaceworks-like nonprofit versus other potential lessees)*
- *Identify potential nonprofit partners with expertise in the arts and real estate to rehab, manage and lease space*
- *Seek foundation support for leases, improvements and property maintenance*

**Timeline:** *Short- to Mid-term – 6 months to 3 years*

*The process to negotiate leases and make improvements could take a couple of years or more. The City could consider piloting the program where a number of arts uses in city-owned properties already exist.*

#### CASE STUDY

**Spaceworks**, New York City

Spaceworks is a nonprofit real estate developer created in 2011 by New York City's Department of Cultural Affairs to transform underutilized public and private property into affordable rehearsal and studio space for artists. Spaceworks serves as the master lessee and assists with space build-out, tenant selection, and artist lease negotiation.

Spaceworks currently leases and manages space in three (3) buildings:

- **Long Island City (privately owned building)**  
Four (4) rehearsal spaces
- **Williamsburgh Library (active public library)**  
Three (3) visual artist studios, two (2) rehearsal spaces, one (1) community art room
- **Gowanus (privately owned building)**  
Two (2) visual artist studios, four (4) co-working spaces, Spaceworks headquarters

Spaces in at least (2) more buildings are planned:

- **Governors Island (former PS 26 school building)**  
Forty-three (43) studios, one (1) rehearsal space, one (1) gallery
- **Redhook Library (active public library)**  
Two (2) rehearsal spaces

Spaceworks rents rehearsal spaces by the hour at \$12-16 per hour. It rents studio spaces to artists chosen by lottery via annual, renewable lease for \$350-400 per month.

Development costs range from \$200,000 to \$6,000,000 per project. Spaceworks receives substantial city funding and foundation support.



## STRATEGY #1 (continued)

### Real Estate Acquisition and Leasing

#### 1c. Purchase properties via community land trust to create or maintain permanently affordable housing and workspaces for artists

A community land trust (CLT) is a nonprofit organization that acquires and stewards land in trust for permanent community benefit and affordability. The City should conduct a campaign to educate property owners of the significant tax and estate planning benefits associated with donating property to a land trust, such as the Oakland Community Land Trust (OakCLT). Once OakCLT has acquired a property, it can perform rehab if needed, maintain ownership of the property's land, sell the property's building(s) to low-income artists or arts groups with a 99-year ground lease and ensure that the property remains affordable for arts uses in perpetuity. OakCLT is currently in the process of acquiring seven existing artist live/work spaces in East Oakland, accruing significant tax benefit to the elderly owner.

**Population served:** Individual artists and arts organizations

**Type of space addressed:** Housing and workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space)

##### Implementation Steps

- Identify potential property owners that might be interested in the CLT model and proactively market to them
- Create the marketing materials necessary to make clear what the benefits of donating property to a community land trust are and who would benefit
- Use as a model OakCLT's acquisition of a 7-unit building in Eastlake, which OakCLT will maintain as permanently affordable artist live/work housing

**Timeline:** Short- to Long-term – 6 months to 10 years

*Difficult to assess; dependent on OakCLT's staff capacity and nature of future opportunities.*

#### 1d. Create affordable temporary art spaces in private developments in existing vacant or underutilized buildings poised for future redevelopment

Establish a program with a local nonprofit to create temporary artist studios or other arts uses (e.g., 9 months to two years) in existing vacant retail spaces or vacant buildings planned for redevelopment that are going through the entitlement process. This program could be modelled on ArtSpan's partnership with Build Inc at the Journal Building in San Francisco.

**Population served:** Individual artists and potentially arts organizations

**Type of space addressed:** Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space)

##### Implementation Steps

- Identify nonprofit or other entity to partner with to broker relationships between property owners and artists, and to enter into master leases with property owner
- Identify one or two properties to contact to pilot the program
- Look to ArtSpan as a model, adapting its leases and regulatory agreements
- Seek foundation support to help fund build out of space

**Timeline:** Short-term – 6 to 12 months

*Once an appropriate nonprofit partner has been identified, negotiating lease agreements with property owners and artist tenants and building out space to suit artist needs could take several months.*

#### CASE STUDY

ArtSpan, San Francisco

While it works to get entitlements to redevelop a property in San Francisco, Build Inc. is temporarily leasing an existing, otherwise vacant, old office building on the property free-of-charge to ArtSpan. ArtSpan then leased the building, now referred to as the Journal Building, to 22 artists for studio space at very affordable rents. The developer creates activity and vitality in the short-term on its property, and a large group of artists receives affordable workspace. ArtSpan made basic building improvements to create the artist studios then selected the artists through a competitive process to sublease the space as part of an artist residency program, renewable until the master lease ends. At the end of the lease, artist residents will have a group show to share the work created during their time in the Journal Building. ArtSpan now looks to replicate this model in two more locations.

## STRATEGY #1 (continued) Real Estate Acquisition and Leasing

### 1e. Incentivize private developers to provide permanently or long-term affordable artist spaces in mixed-use developments through zoning tools

With new development taking place in Oakland, the City has an opportunity to incentivize the long-term or permanent inclusion of arts uses in new mixed-use buildings. For example, conditional use permits for residential construction could be tied to the provision of affordable arts and culture space on ground floors or some amount of artist housing in certain areas (such as a neighborhood zoned Community Commercial (CC), including CC-3 districts where residential is currently now allowed) or in areas designated as formal Cultural Districts. The City should also consider establishing a density bonus for providing permanent, affordable artist workspace in a development (perhaps through the selling of the space as a “cultural” easement to a nonprofit as described in 1a or a dedication of space to a land trust as described in 1c).

**Population served:** *Arts organizations and potentially individual artists*

**Type of space addressed:** *Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space) and potentially housing*

#### Implementation Steps

- *The Planning Department should develop new zoning policy (perhaps as part of the Oakland Downtown Specific Plan) to incentivize arts uses, as described above.*
- *Garner public and political support to get new zoning passed*
- *Consider piloting this approach in a project currently going through the entitlement process*

**Timeline:** *Short-term – 1 to 2 years*

*New development that can be used to support cultural uses is happening now so the City needs to move quickly to capture inclusionary potential. Plus, the Downtown Specific Plan is scheduled to be completed in a year, and the first round of State Cultural District designations, which could support the inclusion of cultural uses, is scheduled to be announced in 2017. Zoning work must be done within this 1-2 year timeframe in order to fully leverage the opportunities presented by these initiatives.*

## STRATEGY #2 Financial Assistance

### Provide direct financial assistance to help artist groups/arts organizations avoid or cope with displacement

Modelled on San Francisco’s Nonprofit Displacement Mitigation Program, Oakland should establish a program to provide artists and arts organizations facing displacement with direct monetary assistance to help them remain in Oakland. The direct funding could support operating costs, rent payments, tenant improvements, etc. Arts organizations must demonstrate displacement risk (e.g., previous displacement, evidence of impending rent increase) and provide evidence of a multi-year lease being offered in order to qualify. This financial assistance could be a standalone program administered by a nonprofit partner (like CAST in the San Francisco model), or it could be an added component to the funding programs already administered by the Cultural Arts Unit. The funding should be seeded by the City of Oakland in the next budget cycle, which can then be used to leverage additional philanthropic support.

**Population served:** *Arts organizations*

**Type of space addressed:** *Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space)*

#### Implementation Steps

- *Consider requesting \$250,000 in seed money from the City of Oakland general funding during the City Council’s mid-cycle budget process (beginning spring 2016)*
- *Identify other potential funding sources such as foundations*
- *Identify nonprofit partner to run program (if not administered internally by Cultural Arts Unit)*

**Timeline:** *Short- to Mid-term – 6 months to 2 years*

*If seed money is secured during the mid-cycle budget process, funds could begin to be disbursed within a year.*

#### CASE STUDY

##### Nonprofit Displacement Mitigation Program, San Francisco

In 2014, the San Francisco Board of Supervisors allocated \$4.5 million in general fund reserves to fund a 3-year Nonprofit Displacement Mitigation Program to help keep organizations facing displacement stay in San Francisco. \$2 million was given to the SF Arts Commission, which contracted with the Community Arts Stabilization Trust (CAST) to provide financial assistance to arts and cultural organizations to help pay for relocation costs (e.g., professional services, rent stipends, moving expenses, tenant improvements, furnishings/fixtures/equipment). The remaining \$2.5 million was given to the Mayor’s Office of Housing and Community Development, which contracted with Urban Solutions to provide assistance to nonprofit social service agencies. Only 501(c)(3) nonprofits in existence for at least 3 and 5 years are eligible to apply for up to \$50,000 and \$100,000 respectively. These financial assistance grants can be paired with Nonprofit Displacement Mitigation Program technical assistance grants administered by the Northern California Community Loan Fund. Five (5) arts and cultural nonprofits received financial assistance in the first round of allocations.

## STRATEGY #3

### Technical Assistance

#### 3a. Establish a robust portfolio of technical assistance programs to support and help artists strengthen their businesses and art practice and stay in Oakland

The City should develop a clearinghouse of resources that artists and arts organizations can refer to when in need. This clearinghouse could provide links to applications for financial assistance (Strategy 2) as well as tenants rights groups, legal help, business planning tools, available artist space, and an information packet for landlords and artists (including a multi-year model lease and descriptions of any tax incentives or facility improvement grants that the City might make available to property owners to encourage the creation and maintenance of affordable artist spaces). The City should create a clear and easy to navigate website of resources to support artists and arts organizations in Oakland.

**Population served:** Individual artists and arts organizations

**Type of space addressed:** Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space) and housing

##### Implementation Steps

- Identify partner to help establish curriculum
- Consider using the City's Business Assistance Center or local arts spaces in City-owned properties such as ProArts as venues for technical assistance
- Prioritize creation of a new City website dedicated to these resources
- Look to existing models (e.g., Assets for Artists) on which an Oakland clearinghouse could be based
- Identify nonprofit subject area experts for collaboration
- Ensure sufficient City staffing is dedicated to creating and maintaining clearinghouse and other technical assistance programs

**Timeline:** Short-term – 6 to 12 months

Some resources already exist (e.g., California Lawyers for the Arts, tenant rights organizations) that the City can refer artists to now. However, developing additional resources (e.g., model leases, incentive information packets, a financial assistance program [Strategy 2]) and the clearinghouse platform itself could take several months.

#### 3b. Improve the City's internal infrastructure to support artists and arts organizations in Oakland

The City's Cultural Arts Unit has been understaffed for many years and currently has several vacancies. In order for the City to offer better and broader support for the arts in Oakland, it needs a more robust infrastructure in place. Strategies include:

- Move swiftly to hire a permanent Cultural Affairs Manager and elevate that position within the organization to be more senior and externally facing.
- Add additional staff to the Cultural Arts Unit to increase its capacity to support arts and culture in Oakland, including moving ahead with the creation of a Cultural Plan, implementing the strategies of this Task Force, working with the State of California Arts Council on the new Cultural Districts program, and other proactive policy work
- Consider reconstituting a Cultural Affairs Commission empowered to devise and implement policy related to arts in Oakland, with appropriate staff support in place

**Population served:** Individual artists and arts organizations

**Type of space addressed (indirectly):** Workspace (e.g., offices, gallery space, performance space, rehearsal space, studio space) and housing

##### Implementation Steps

- Prioritize recruitment for vacant Cultural Affairs Manager position
- Consider mid-cycle budget request to fund one or two new staff positions at \$151,000 per position (includes salary and overhead)
- Seek foundation support to help fund additional staff (e.g., funds for a 2-year staff position to help create Cultural Plan)

**Timeline:** Short-term – 6 to 12 months

A new Cultural Affairs Manager should be able to be hired within 6 months. Hiring additional staffing and reinstating a Cultural Arts Commission may take longer.

# Appendix

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## Artist Housing and Workspace Task Force Roster

David Baker	David Baker Associates
Anyka Barber	Betti Ono Gallery/San Francisco Foundation/Oakland Creative Neighborhoods Coalition
MJ Bogatin	California Lawyers for the Arts
Natalie Bonnewit	Bonnewit Development Services
Katherin Canton	Oakland Creative Neighborhoods Coalition
Walter Craven	Blank & Cables/Norton Studios
Karen Cusolito	American Steel
Cheryl Derricotte	Artist/City Glassworks
Tom Dolan	Tom Dolan Architecture
Sasha Drozdova	California Lawyers for the Arts
Moy Eng	Community Arts Stabilization Trust
Rick Holliday	Holliday Development
Heather Hood	Enterprise Community Partners
Cristy Johnston-Limón	Destiny Arts Center
Steve King	Oakland Community Land Trust
Stephaney Kipple	Northern California Community Loan Fund
Gary Knecht	Artists' Legacy Foundation
Hiroko Kurihara	25th Street Collective/Oakland Makers
Chris Maffris	Meta Housing
Adia Millett	Artist
Greg Morozumi	EastSide Arts Alliance
Alma Robinson	California Lawyers for the Arts
Jon Sarriugarte	Form and Reform
Elena Serrano	EastSide Arts Alliance
Joshua Simon	EBALDC/Community Arts Stabilization Trust
Kevin Skipper	Bay Property Group
Robert Stevenson	Pantoll Advisors

## City of Oakland Staff

Kelley Kahn	Staff Lead, Economic Development Department
Ed Manasse/Alicia Parker	Planning & Building Department
Tomiquia Moss	Office of the Mayor
Denise Pate	Cultural Arts Unit, Economic Development Department
Antoinette Pietras	Housing and Community Development Department
Margot Prado	Economic Development Department
Kristen Zaremba	Cultural Arts Unit, Economic Development Department

## Special thanks to:

Donn Harris	Oakland School for the Arts/California Arts Council
Joen Madonna	ArtSpan
Maryann Leshin	Leshin Consulting
Genise Choy	Enterprise Community Partners/UC Berkeley Department of City and Regional Planning

## UPTOWN ARTS DISTRICT POLICY GUIDELINES

The community members proposing the Uptown Arts District request that the City Council, Planning Commission the City's applicable departments who are developing the Downtown Area Specific Plan work with community members to review, research, and consider for implementation these policy recommendations and guidelines.

### **Guideline #1: Implement Zoning in a Way that Supports Cultural Arts Entities and Creative Arts Enterprises in the UAD, Including Maintaining or Increasing Commercial and Light Industrial Zoning**

- A. Require variances to be reviewed and approved by the District's Community, including Creative Arts Enterprises stakeholders.
- B. Allow variances for retail Creative Arts Enterprises within spaces zoned for light industrial uses.
- C. Retain the existing commercial zoning that allows a mixture of ground floor uses including light manufacturing
- D. Allow a custom manufacturing use for ground floor instead of exclusively allowing "retail".

### **Guideline #2: Provide Infrastructure to Manage and Support Cultural Arts Districts (BAMBD, UAD, and any others to follow)**

- A. Continue to seek input from District stakeholders to collaboratively establish policies and practices that support the long-term retention of Cultural Arts entities and Creative Arts Enterprises and identify responsible cultural and economic growth and development within the District that results in a Cultural Arts Preservation Stewardship Plan
- B. Create a planning, implementation and accountability entity such as a Cultural Arts Districts Task Force and/or long term Advisory Body appointed by the Cultural Arts Manager comprised of key stakeholders to establish and ensure implementation of citywide policies that support the long-term retention of arts and culture and to ensure equitable distribution of resources among all Arts and Culture Districts throughout Oakland.
- C. Reconstitute the Cultural Arts Commission empowered to devise and implement policy related to Creative Arts Enterprises and Arts and Culture Districts throughout Oakland, with appropriate staff support.
- D. Develop the ability to track and assess the Creative Arts Enterprises' economic data within the District.

### **Guideline #3: Create a Fund to Support the Cultural Arts Districts and Displaced Creative Arts Enterprises**

*Fund Sources may include:*

- A. Contributions in exchange for Downtown-wide building height/density variances, FAR (Floor Area Ratios)
- B. Contributions by developers within the District
- C. Grants such as from foundations or the California Arts Council
- D. Tax assessments from participating business owners developed in conjunction with relevant Business Improvement Districts
- E. Peer lending fund

**Guideline #6: Provide Tax Advantages and other resources for Creative Arts Enterprises in the District**

- A. Follow Maryland's and Rhode Island's lead in reviewing the effects of adjusting or eliminating the Oakland sales tax obligation for qualifying Creative Arts Enterprises within the District.
- B. Work with the state and federal programs to offer income tax benefits to qualifying Cultural Arts entities and Creative Arts Enterprises.
- C. Provide Technical Assistance Programs to start-up arts organizations and arts enterprise entrepreneurs to ensure growth and stability

**Guideline #7: Provide Tax Benefits and other incentives to property owners and developers who support Cultural Arts Entities and Creative Arts Enterprises**

- A. Research other municipalities and states that successfully identify incentives for development measures that ensure long term affordability and help preserve cultural entities and activities
- B. Research other policy mechanisms like Transfer of Development Rights or density bonuses in conjunction with Downtown development that could assist with retaining a concentration of arts and culture within a Cultural Arts District

*Fund Uses may include:*

- A. Direct support to Creative Arts Enterprises displaced by development in the District or assistance to help them avoid displacement, or as last resort offer support to pay for relocation
- B. Grants for facility and facade improvements, business development, or rent subsidies for the District's Creative Arts Enterprises
- C. Physical improvements, infrastructure needs, and marketing of the District

**Guideline #4: Design for the Success of Creative Arts Enterprises in the District**

- A. Require new developments to include pedestrian-friendly designs with adequate, well-lit sidewalks and closely spaced ground floor commercial spaces
- B. Develop a comprehensive multi-modal transit plan with innovative "smart" parking that encourages and enables visitors to patronize the UAD
- C. Maintain access for small and midsize truck deliveries.
- D. Coordinate with the Planning Commission's Design Review Committee to develop stringent requirements for top quality architectural design within a Cultural Arts District with the intent to create and designate meritorious buildings for future historical status.

**Guideline #5: Create Space for Art within New Development and Private, Public, and Other Government Owned Properties**

- A. Require a percentage of ground floor commercial space within new developments be reserved for lease to Cultural Arts Entities and Creative Arts Enterprises.
- B. Provide facility or facade improvement grants to property owners to encourage the creation and maintenance of Creative Arts Enterprises.
- C. Offer tax credits to developers/property owners proportional to the space reserved for Cultural Arts Entities and/or Creative Arts Enterprises.
- D. Revise the existing methodology for the calculation of floor area to reflect the standard method of calculating floor area ratio (FAR)
- E. Make vacant City-owned or publicly-owned property in the District available long-term for affordable leases by Cultural Arts Entities and Creative Arts Enterprises.
- F. Create free and/or affordable temporary art spaces within vacant and underutilized private and public buildings that are coupled with a business development and transition plan once a permanent tenant/owner replaces the temporary use
- G. Create a property transfer and/or acquisition program to create permanently affordable spaces for Cultural Arts Entities and Creative Arts Enterprises.
- H. Establish "lease-to-own" properties for Cultural Arts entities and Creative Arts Enterprises in collaboration with foundations and other partners.
- I. Purchase properties via community land trust to create or maintain permanently affordable work spaces for Cultural Arts Entities and Creative Arts Enterprises.
- J. Allocate a portion of ground floor, non-residential space for a Cultural Arts Easement that remains permanently affordable and operated by a not-for-profit organization like CAST in SF that supports Cultural Arts entities and Creative Arts Enterprises.

OFFICE OF THE CITY CLERK  
OAKLAND  
16 OCT 13 PM 4:00

Approved as to Form and Legality

**DRAFT**

City Attorney's Office

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY, VICE  
MAYOR ANNIE CAMPBELL WASHINGTON AND COUNCILMEMBER REBECCA  
KAPLAN ON BEHALF OF THE UPTOWN ARTS DISTRICT COMMUNITY

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**RESOLUTION DESIGNATING THE AREA FROM 27<sup>TH</sup> STREET TO  
GRAND AVENUE AND FROM BROADWAY TO TELEGRAPH AVENUE  
AS THE "UPTOWN ARTS DISTRICT", AND RECOMMENDING THAT  
THE PLANNING COMMISSION INCORPORATE INTO THE  
DOWNTOWN OAKLAND SPECIFIC PLAN THE UPTOWN ARTS  
DISTRICT AND ANTI-DISPLACEMENT MEASURES FOR CREATIVE  
ARTS ENTERPRISES**

**WHEREAS**, artists, makers and creative industries occupy a central place in  
Oakland's identity and have contributed to the cultural, economic, and social  
development of the City; and

**WHEREAS**, research finds that creative place-making as proposed through an  
arts or culture district supports the preservation of a unique place and makes significant  
contributions to the economic development, livability and desirability of the area; and

**WHEREAS**, the community of artists, business owners, property owners, and  
residents in the area from 27th Street to Grand Avenue, and from Broadway to  
Telegraph Avenue requests that the City of Oakland formally designate the area as an  
arts and cultural district titled the "Uptown Arts District" (hereinafter the "UAD"); and

**WHEREAS**, the UAD is distinctive: the birthplace of the Oakland Art Murmur and  
First Fridays, which have generated international acclaim, economic activity, and great  
civic pride; the area comprises a historic district, identified by the Oakland Cultural  
Heritage Survey as the "25th Street Garage District", which is a pedestrian friendly  
environment conducive to an arts and cultural district; and the high concentration of  
artistic production and presentation fuels innovation and supports a healthy and thriving  
community; and

**WHEREAS**, The UAD includes Oakland-based, independent, and professional  
art, maker, and cultural entities, creative individuals, and venues that actively contribute  
to the cultural vibrancy of the UAD by sharing their creative productions with fellow  
residents and visitors to the UAD, such as non-profit, co-op, pop-up, and commercial



exhibition venues; workshops or retail stores of independent makers, artisans, and craftspeople; light industrial small businesses creating uniquely artisan-made products; performing arts venues, such as locally owned and booked concert halls and independent movie theaters; artist studios that regularly open their doors to the public; and arts education facilities (hereinafter "Creative Arts Enterprises"); and

**WHEREAS**, this area is currently home to Creative Arts Enterprises including but not limited to Chandra Cerrito Contemporary, Classic Cars West, FM, Fourth Wall Gallery, Johansson Projects, Krowwork, Manna Gallery, Mercury 20 Gallery, Oakopolis, The Moon Gallery, Omi Gallery @ Impact Hub Oakland, Roscoe Gallery, Slate Contemporary, Spun Smoke, The Great Wall Of Oakland Project Space, The Wall Gallery, Vessel Gallery, Warehouse 416, The Parkway Theatre, Local Language, Platinum Dirt, Myrrhia Fine Knitwear, Werkshack, Turtle and Hare, Forage Kitchen, and 25th Street Music Studio; and

**WHEREAS**, the UAD seeks to help preserve and foster growth among its Creative Arts Enterprises that are challenged by 1) rapidly appreciating real estate values that create barriers to entry for new artists and entrepreneurs, 2) escalating commercial rents for artists workspaces and other Creative Arts Enterprises; 3) zoning regulations that favor new residential development and large scale projects over the retention of the existing commercial spaces, and 4) the lack of cultural anti-displacement policies; and

**WHEREAS**, the City of Oakland is developing a Downtown Oakland Specific Plan ("DOSP") which should recognize the UAD as essential to sustaining economic growth, attracting and retaining a competitive workforce, and meeting the cultural needs of a diverse Oakland; and

**WHEREAS**, designating the UAD is the first step towards eligibility for: any policies, subsidies, staff assistance or other government incentives that the City Council may make available to arts and culture districts in the City of Oakland; philanthropic support; and a future state designation through the California Cultural District Program process established by California Assembly Bill 189; therefore, be it

**RESOLVED:** That the City of Oakland hereby designates the area from 27th Street to Grand Avenue (inclusive of both sides), and between Broadway to Telegraph Avenues (inclusive of both sides) as the "Uptown Arts District" to preserve and foster the growth of Creative Arts Enterprises in the district and to celebrate and highlight the UAD as a place central and vital to Oakland's evolving identity, desirability, and economic vitality; and be it

**FURTHER RESOLVED:** That the City Council recommends that the City Planning Commission and City Administrator identify and incorporate the UAD, as well as other designated and potential future cultural districts, within the Downtown Oakland Specific Plan to ensure that the goals and objectives of the UAD are incorporated into the deliberations around proposed planning code amendments; and be it

**FURTHER RESOLVED:** That the City Council recommends that the City Planning Commission and the City Administrator incorporate the following into the deliberations around the DOSP: 1) how a cultural zoning overlay can enhance the success of current and future Creative Arts Enterprises in the UAD 2) how incentives, subsidies, or other benefits and programs, including those identified in the UAD Policy Guidelines, can act as anti-displacement measures for existing Creative Arts Enterprises in the UAD, 3) specify the UAD as a part of the DOSP map, and 4) incorporate the UAD community groups into the planning process; and be it

**FURTHER RESOLVED:** That the City Council directs the City Administrator to align efforts between the Planning and Building Department, the Department of Economic and Workforce Development, Department of Race and Equity and Department of Transportation to support the long-term efforts to create policies and procedures to implement arts and culture districts throughout the City of Oakland; and be it

**FURTHER RESOLVED:** That the City notify, to the extent feasible based upon information reasonably available to the City, current residents, tenants, property owners, and other interested parties within the UAD area of any proposed development projects within the UAD; and be it

**FURTHER RESOLVED:** That the City Administrator is directed to identify funding or other in-kind resources for the initial implementation of the UAD which shall, to the extent feasible, include the visual branding of the UAD through some combination of distinctive street lights, public art, historical markers, banners, way-finding signage in the vicinity of the UAD, identifying the "Uptown Arts District" by name on City maps and websites, and collaborating with other local government agencies to identify the "Uptown Arts District" by name on their maps, stations, and signage as appropriate; and be it

**FURTHER RESOLVED:** That the City Administrator and his or her designee is hereby authorized to take action with respect to this designation consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS

City Clerk and Clerk of the Council of the  
City of Oakland, California