



DISTRIBUTION DATE: April 29, 2021

## *MEMORANDUM*

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Melinda Drayton  
Interim Fire Chief

**SUBJECT:** Ghost Ship Fire Anniversary Update  
Progress Report

**DATE:** April 6, 2021

City Administrator   
Approval

Date Apr 29, 2021

### **INFORMATION**

The devastating Ghost Ship warehouse fire and loss of 36 precious lives on December 2, 2016, was a tragedy that resonated across Oakland and the nation. It highlighted deep and complex issues that Oakland wrestles with as a community: the impact of the housing affordability crisis, the importance of maintaining a vibrant local arts community, and the need to ensure our housing and public spaces are safe, and safely habitable. This informational memorandum provides a status update on the City's progress to address those issues.

### **HISTORICAL BACKGROUND INFORMATION**

Immediately following the fire, Mayor Libby Schaaf requested support and advice from the National Fire Prevention Association (NFPA), the California Fire Marshal and fire safety experts, several local architects, artists, housing advocates, and community members. Mayor Schaaf sought to address the issues raised by the fire, including: fire and life safety standards for buildings, unsanctioned live/work spaces, minimized displacement of people inhabiting the buildings, and changes and actions necessary to retain these types of uses, as well as provide affordable live/work spaces if safety and habitability standards can be met.

On December 8, 2016, members of the NFPA traveled to Oakland for a day of dialogue with several City officials with the goal of helping the City devise a framework to help improve building, event, life and safety. The NFPA's recommendations ultimately became the framework for the Fire Safety Task Force, which comprised four subcommittees:

1. Data Subcommittee: an interdisciplinary team to develop a system integrating City parcel data from multiple sources, to ensure full and accurate inventory is available and readily accessible by City staff members from all relevant departments.

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2. Fire Budget and Staffing Subcommittee: a team charged with determining the total number of required annual fire inspections, prioritized based on risk, and to develop strategies and recommendations for optimal staffing levels, staff schedules, equipment requirements, and technological improvements.
3. Inspection and Displacement Protocols Subcommittee: a team responsible for considering necessary changes to protocols for correcting fire and building code violations and recommended ways to improve communications among the Fire Department, the Planning & Building Department (PBD), and other City departments.
4. Zoning and Building Code Changes Subcommittee: this team was challenged to review and make recommendations on the City's existing zoning and building codes as they pertain to people living or holding events in non-conforming spaces, and to identify areas for changes and/or improvements to the City's building code to make it easier to create safe, affordable live/work spaces in the future.

On January 11, 2017, Mayor Schaaf issued Executive Order 2017-1, included as **Attachment A**, Improving Safety of Non-Permitted Spaces While Avoiding Displacement. The Executive Order directs the City Administrator and City departments to take action to preserve housing, workspaces, and cultural gathering spaces while improving life safety in unpermitted buildings.

Oakland has long been at the forefront of adaptive reuse and live-work strategies for many former warehouse and industrial buildings. In recognition of that distinction, the Executive Order created new protocols and tasks consistent with existing regulations to enhance safety in unpermitted spaces, while reducing the risk of displacement. One purpose of the Executive Order is to balance the need to enhance safety while also protecting cultural community assets and preventing unnecessary tenant displacement during this time of unprecedented housing insecurity.

The Executive Order further summarizes:

- Housing, workspaces, and cultural gathering spaces in unpermitted spaces that operate safely and responsibly are valuable to the community, and the City should take actions to preserve and legalize these spaces to avoid adverse impacts on the City's affordable housing stock and availability of workspaces and performance venues for vulnerable members of our community.
- Additional steps must be taken to protect physical, cultural, and artistic assets and workspaces in the community while making necessary changes to improve life safety, provide for safer public events, and improve standards and procedures for evaluating and assuring compliance.

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Since 2017 these four subcommittees were combined into two functional working groups:

- **Data Integration Group:** established to better integrate the City's inspection and data processes, the Accela database this group developed is accessible by Fire and Finance Departments, the Planning and Building Department (PBD) and the Department of Information and Technology to collectively share information.
- **Interdepartmental Case Management Group:** Fire and Housing and Community Development Departments, PBD and the Office of the City Attorney (OCA) joined forces to focus on improving life safety while minimizing displacement and helping property owners address complex fire and life safety issues in unpermitted residential spaces. The group regularly meets bi-monthly or as needed.

As of December 2020 the City continues to focus on six key areas:

1. Bring buildings into compliance
2. Increase inspection capacity and enhance protocols
3. Improve inter-departmental communications (referrals and data-sharing)
4. Strengthen tenant protections and education
5. Streamline special event permitting
6. Identify housing resources

### **Progress to Date: How Oakland is Safer Today**

More than three years have passed since the Ghost Ship Fire Anniversary Update and Progress Report dated November 9, 2017, and many positive strides have been achieved across these six areas. Concurrently, the commitment by the Fire Department's Fire Prevention Bureau (FPB) has grown more robust. This enhanced commitment has equated to career growth of the professional staff demonstrated by increased responsibility, higher quality of work, and deeper accountability.

A performance audit was completed by the Oakland City Auditor, with a report published on September 30, 2020, highlighting 30 recommendations that will serve as a critical roadmap to the prescribed and evolving areas with which the FPB, PBD and OCA have been charged since the Ghost Ship Fire.

The following progress report outlines updated details of the significant and complex work the City has undertaken over the past four years to tackle myriad challenges. Highlights of our progress include:

- Within a week of the Ghost Ship fire, the affected City departments, including FPB, PBD and Housing and Community Development (HCD) immediately evaluated the holistic

system, and aligned with National Fire Prevention Association best practices, and prioritized the following:

- Ranking inspections based on risk
  - Improving data and information sharing between departments
  - Identifying appropriate staffing levels and funding sources
- Reorganization and realignment of business practices to broaden capacity of the FPB, to include: addition of a Sworn Assistant Fire Marshal to enhance connectivity between engine companies and fire prevention staff, and assignment and tracking of referrals, with prioritization of inspections based on a community risk reduction model.
  - Establishment of an interdepartmental case management team (Fire, PBD, OCA, and HCD) focused on improving life safety while minimizing displacement; helping property owners address complex fire and life safety issues in unpermitted residential spaces that meets bi-monthly or as needed.
  - Investigations of 32 suspect warehouses and/or commercial properties were initiated and, after determining either no unpermitted residential occupancies existed, or issuance of permits was achieved, 16 investigations were resolved and/or closed. The balance of 16 are works in progress with property owners to achieve compliance (see Table 1). Future quarterly reports will include additional properties that have earned the attention of the interdisciplinary team.

The following sections provide details and data regarding the efforts over the past three years to address fire and life safety issues in Oakland since the 2017 progress report:

### **Bringing Buildings into Compliance**

Through efforts of PBD, HCD, FPB, and the OCA, a team was created to bring into compliance identified unpermitted residential occupancies. Success from this collaboration is attributable to educating property owners and issuance of permits.

With compliance gained, or in progress, on a majority of identified properties, additional sites have been identified for compliance by bringing life safety measures to standard.

The Executive Order directed the City Administrator and City departments to bring buildings into compliance that are not permitted for residential occupancy, and do not conform with building, housing, fire code, or zoning requirements, but do not represent an immediate threat to life safety. It further directed staff to avoid displacement of individuals residing or working in the property if that can be accomplished without imminent life safety risk.

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To track and coordinate compliance for these properties, the City Administrator’s Office (CAO) convened an inter-departmental “Properties Team” consisting of staff from the PBD, the Fire Department, the HCD, and the OCA. This inter-departmental team took a case management approach to their work, focusing on collaboration and problem solving as they work with property owners to address fire and life safety issues in these non-permitted residential spaces. The team meets bi-weekly, or as needed, to identify issues and share information to resolve problems.

As summarized in **Table 1** below of the original 32 properties identified:

***Table 1: Status of Unpermitted Occupancies or Assemblies***

Resolved cases (permits issued to remove unpermitted use)	16
<b>Residential Violations Confirmed</b>	
Open cases (working with owner to address violations)	8
<b>Non-residential Violations Confirmed</b>	
Open cases (working with owner to address violations)	8
<b>Total Cases</b>	<b>32</b>

Every code enforcement case presents unique circumstances given the age and condition of the building, and type of occupancy. The City works diligently with property owners to improve safety in unpermitted spaces. The time necessary to achieve compliance varies greatly based on the complexity of the case, the measures required, and the cooperation of the owner.

When the City receives a complaint, fire and building inspectors jointly conduct a thorough investigation of the property to confirm the nature of the potential violations and the degree of risk. In some cases, there are no violations found; in other cases, violations are easily identifiable and correctable, and; in other cases, it may take time to fully understand the extent of the violations and the corrections needed. Some property owners take independent action to correct violations without the need for further City action; alternatively, other property owners are less cooperative and require additional levels of enforcement and fines to comply.

**Improving Life Safety While Working to Avoid Displacement**

To maintain safe and habitable living conditions was the overriding goal in 2017 and remains the same priority for the City today. In alignment with this goal, FPB has closely monitored

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residential buildings that have been placed on Red Tag or Fire Watch. Both processes allow FPB to work closely with property owners in maintaining a high standard of gaining compliance to ensure habitability. Only 2 of the 32 properties required displacement of families and/or individuals due to unpermitted construction in non-residential occupancies and uninhabitable spaces of existing residential buildings. Through the working relationship between PBD and HCD, those properties identified by FPB Red Tag were granted immediate temporary housing. In the spirit of educating to gain compliance, when all options are exhausted for compliance and property owner(s) still have not implemented the required changes for safe living, FPB has worked with OCA for assistance.

To ensure alignment with the Mayor's Executive Order to maintain safe and habitable living conditions, to protect life safety and to minimize displacement the Properties Team implemented the following approach to inspections and compliance:

- To avoid displacement, inspections initially focus on imminent threats of fire and life safety. The land use and zoning designation, while necessary to gain compliance, is not as crucial as correcting fire and life safety issues.
- A compliance plan is the standard method of correcting violations within certain time frames, and the building owner/landlord will have a 60-day period to submit a plan and timetable with the City. The length of time for implementation of the plan will vary, based on the extent of the code violations.
- Building occupants are given a 5-day notification ahead of the inspection date unless an immediate threat to life safety is observed.
- If temporary or permanent relocation is required, information is provided about the Code Compliance Relocation Program (CCRP), O.M.C. Section 15.60, which includes relocation benefits and return rights, as well as information on the City's Just Cause for Eviction law. An HCD staff person provides responses to questions about the CCRP and assists tenants facing displacement with information on housing resources and emergency referrals. If an owner refuses to pay required relocation benefits, the City may pay these benefits to the tenant and recover such costs from the owner.
- Fire and building inspectors generally work in the spirit of cooperation with property owners, tenants, and master lessors to maximize safety and housing security.

The City typically issues a Notice of Violation (NOV) to notify the property owner of specific violation(s) and establish options to correct the violation(s), along with timeframes. An Order to Abate is issued for serious and more immediate problems, or for unsafe conditions. An Order

to Vacate (Red Tag) is posted upon identification of immediate serious threat to life safety. In the event of imminent hazard, the City may order a building be vacated immediately and may cause the occupants to leave the building; however, in all other cases of substandard/dangerous conditions, the landlord must follow the unlawful detainer process provided by state law to remove tenants. Most tenancies are subject to the Just Cause for Eviction Ordinance

Oakland's Code Compliance Relocation Ordinance provides certain protections and benefits to tenants of residential unpermitted spaces, including requiring landlords to pay relocation benefits for temporary and permanent relocation and a right to return to previous units if, and/or when, they are permitted. On January 23, 2017, the Oakland City Council amended the Code Compliance Relocation Program to increase the payment amount for relocation and to expand the eligibility for receipt of relocation payments. Ord No 13416; at the same time the Uniform Relocation Ordinance was adopted (No 13468, and codified in Section 8.22.820, which is cross-referenced in CCRP, Section 15.60.110.A).

### **Exploring Building Code Changes to Improve Safety of Unpermitted Live/Work Spaces**

Existing building codes currently have clear standards that apply to individual live/work units where one or several people might work and live in a single space. The Ghost Ship tragedy revealed a different type of building occupancy that is not a distinct category under existing building and fire codes: a communal, and therefore more affordable, use of space that includes multiple bedrooms and a shared kitchen, bathroom, and working/assembly spaces in spaces not permitted for residential occupancy.

The City Administration convened a working group of City staff, community stakeholders from the Do- It-Yourself (DIY) community, and individuals with expertise in industrial building conversions to study potential amendments to the State's Building Code. The purpose of the work is to create a pathway for these types of unpermitted, communal live/work and assembly spaces to establish legal occupancy in a safe and affordable manner, while also preserving affordability for existing tenants, including Fire Watch procedures and permit revocation clauses. To establish legal occupancy under these possible/conceptual alternative code requirements, a property owner would be required to commit to affordable rents for existing tenants for a specified period of time.

The working group now has a preliminary set of proposals to explore alternate means of addressing the building code that require additional vetting and analysis with fire and building code experts. A Request for Proposal (RFP) to retain the expertise of an outside consultant to perform the technical work necessary to refine the proposals, and to prepare specific code changes and standardized criteria for correcting imminent life safety hazards that may be brought forward for legislative action was conducted and completed. The West Coast Code Consultants (WC<sup>3</sup>) firm was retained as a consultant working in close collaboration with the PBD on this

technical work, and in continued dialogue with the working group on this next phase of the process to potentially modify the existing building code.

As described later in this report, to further incentivize owners of these types of buildings to come forward and implement changes to make them safely habitable, the City is exploring a revolving loan option to help fund safety improvements in nonconforming residential spaces, in exchange for affordability protections.

### **Increasing Inspection Capacity and Strengthening Protocols**

The City has taken concrete steps to expand our inspection capacity and strengthen inspection and compliance protocols, both within the FPB and the PBD.

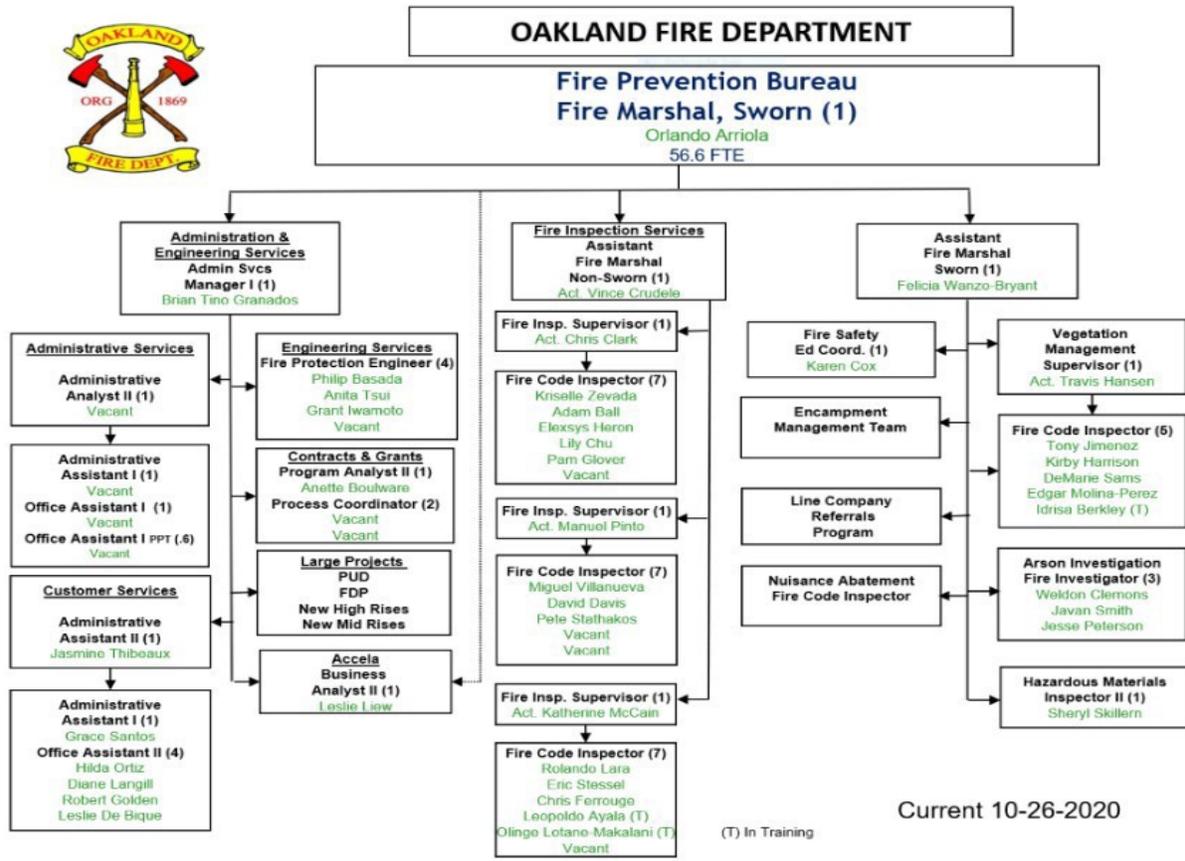
### **Staffing Growth and Opportunity**

Increased staff will enhance the FPB's ratio of management-to-supervisors and supervisors-to-inspectors. As shown on the Organization Chart below, the addition of 3 full time inspection supervisors will allow the inspectors to be effectively trained, mentored, and held to a higher standard of accountability, as well as offer enhanced quality assurance of their work. When these positions are permanently filled, FPB will have solidified a workflow consistent with providing the highest quality of inspections for the City. These 3 FTEs should be in place by First Quarter 2021.

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An increase in staff in the FPB has also increased the capacity and complexity of the inspections conducted. The inspection staff may now expand to focus on additional fire hazards in the City, such as homeless encampments, in addition to specialty areas new to the City, such as cannabis businesses. With the continued increase in City development, construction inspections have also ranked high in the FPB’s ability to ensure new and improved sites meet the Fire Code intent, and the protection of life and integrity of property is established and maintained.

A key position added to the FPB staff is the Business Analyst (BA), whose completed work includes creating the database to which FPB will soon migrate. FPB currently utilizes One Step and has started the transition to Accela – which allows for completion of inspections on a digital platform. Completing inspections digitally is new for the FPB, and will offer increased accountability of inspections, follow-through on non-compliant inspections, and automatic scheduling of upcoming inspections. In addition to interdepartmental sharing capacity of data and information, Accela tracks referrals made by Engine companies to be followed up by FPB inspectors. Already proven to be a more efficient process for completing inspections at every level, planned broader implementation of Accela will continue to reduce redundancy and increase productivity.

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In Table 2, staff increases at Fire Prevention are demonstrated:

**Table 2: Fire Code Inspection Staff Increased 2016-2020**

	<b>Fire Code Inspectors</b>	<b>Supervisors</b>	<b>Fire Protection Engineers</b>	<b>Business Analyst</b>	<b>Administrative Support</b>	<b>TOTAL</b>
December 2016 Staffing	8	2	3	0	4	17
Total Staff Added 2017-2020	18	2	1	1	7	29
<b>TOTAL FTEs</b>	<b>26</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>11</b>	<b>46</b>

The PBD has also increased its code inspection capacity by hiring positions to fill retirement and new vacancies. The specific position hiring is illustrated in Table 3, which shows the increase in capacity and effectiveness of the Code Enforcement Division.

**Table 3: Building Code Enforcement Staff Increased Between 2016-2019**

	<b>Code Inspectors</b>	<b>Supervisor</b>	<b>Admin. Support*</b>	<b>TOTAL</b>
December 2016 Staffing	8	1	11	20
Additional staff by December 2017	3	0	0	3
Additional staff by December 2018	3	0	4	7
Additional staff by December 2019	7	1	0	8
<b>TOTAL FTEs</b>	<b>21</b>	<b>2</b>	<b>15</b>	<b>38</b>

\* Administrative staff supports both code enforcement and building permitting operations

**Targeted Inspections at Prioritized Properties**

Communication is a critical aspect in the ongoing relationship between the Fire Prevention Bureau (FPB) and the Engine companies and reporting of unsafe properties by the Engine companies to FPB is key in keeping Oakland safe. Since 2017, FPB has staffed a permanent Sworn Assistant Fire Marshal as the liaison between the Engine referrals and the inspection processes for both FPB and PBD. FPB has also established a process currently in the testing phase on Accela: a reporting system that records Engine company findings and automatically messages FPB for follow up. The process put in place has, thus far, been successfully tested. For discoveries that may fall into the scope of either department, this reporting system also includes the work of the Planning and Building Department.

In addition to improving the connectivity between the firefighters and the inspections team, the Fire Marshal holds a daily briefing with code inspectors to set priorities for the day, and there are bi-weekly case management meetings with the Planning and Building Department code inspectors. To enhance the collections process, FPB billing was consolidated to the Revenue Division in the City's Finance Department. FPB is raising the professional standards for inspectors hired, as well as developing new performance measures to increase accountability.

### **Updated Fire Watch / Yellow Tag Policy and Procedures**

With the established "Yellow Tag" policy, the process and requirements to institute a Fire Watch have been successful in identifying serious fire hazard conditions or activity in a building. The temporary remedial measure mandated by the Fire Department ensures a continuous and systematic surveillance of identified at-risk buildings. A public posting with a designated placard as prescribed by the California Fire Code identifies buildings with structural or interior integrity and degree of hazard. In addition to educating the public of non-compliant life safety conditions, which includes addressing any conditions that may cause fire or contribute to its spread, affected persons' ability to safely exit a building, or delays notification of a fire, the property owner or responsible party is held responsible. All of these measures remain in place until all life safety systems are in compliance and the integrity of the building renders it habitable.

Lastly, since the inception of this policy the Oakland Fire Department's emergency responses have shifted from what may have been an interior fire response attack to a defensive one. With a known compromise of structural integrity and/or life safety systems, the Oakland Fire Department can strategically decide on risk-versus-gain on how best to mitigate the emergency.

### **Commercial Inspections**

Commercial inspections are completed by Engine companies in the field. The Fire Department deems the commercial inspection program critically important, not only for residents and business owners, but for the safety of our fire crews. As a critical element of this process, Engine companies are conducting pre-fire plans in commercial buildings.

The pre-fire plan gives firefighters an opportunity to look at the exterior and interior of a building, identifying building attributes, such as; utility shut-offs, egress locations, best access, and other unique attributes. This walk-through enables business owners to ask questions about fire concerns and can improve compliance in a non-inspection format to increase the safety of commercial establishments.

To further enhance the commercial inspection program, the Fire Department is contemplating a self-certification program targeted to a subset of low-hazard buildings to further increase efficiencies and boost compliance at commercial properties. A pilot self-certification program has already started with local farmers' markets.

### **State-mandated Inspections**

The California State Fire Marshal mandates annual inspection of certain occupancies and requires local jurisdictions to conduct those inspections. The Bureau's personnel have been stretched thin from meeting its annual state-mandated inspections by other work, such as inspections required by the City's building and development boom, addressing fire and life safety issues at the many homeless encampments throughout the City, and the hiring and training of new staff. The Bureau's practice to repeatedly re-inspect properties to bring them into compliance has also diverted significant time away from conducting mandated inspections.

However, recent improvements such as increasing staff, creating new supervisor positions, and realigning the administrative duties for increased span of control and building better business flow processes and establishing transparent accountability systems and reports using validated data from the new inspection database, has allowed the Fire Prevention Bureau to get back on track with conducting mandated annual inspections.

The overall objectives of the audit were to determine whether the Bureau implemented the 2017 recommendations from the Mayor's Task Force and whether the Bureau has established adequate controls to ensure all state mandated inspections were completed and fire safety was adequately enforced. The audit also identifies opportunities for the Fire Prevention Bureau to improve its fire prevention practices. The report includes 30 recommendations to address the deficiencies identified in the audit.

The Department has agreed to implement 29 of the 30 recommendations, and on one of the recommendations it appears the Department is proposing a more comprehensive approach than we recommended. Therefore, we commend the Department for this, and consider their response to be an agreement of implementation.

Over 4700 state-mandated inspected properties have been identified and inventoried by the Fire Prevention Bureau (FPB records). Over 50% of buildings inspected will require at least an additional re-inspection to ensure code compliance. Since 2020, COVID-19 Directives as per County of Alameda have severely limited state mandated inspections in Group-Assemblies, Education, Institutions, Residential, and High-rise Occupancies. Guided by a risk-based approach, the FPB continues to coordinate with property managers in scheduling inspections while also adhering to current AICo and state COVID-19 protocols.

Since staff met with the Interim Fire Chief, the Fire Marshal, and his management team in May 2020 to discuss the audit findings, the Fire Marshal established a plan to address the backlog of the City's high-rises that the analysis shows had not been inspected between September 2018

and 2019. Between May 26 and July 31, 2020, the Fire Marshal's goal is to have inspected all 121 of the City's state-mandated high-rise properties, bringing the high-rise state-mandated inspections into compliance for 2020. The remaining state-mandated inspections identified in the audit will be addressed as the COVID-19 related shelter in place restrictions are lifted.

An objective identified within the audit is to establish adequate controls to ensure that all state-mandated inspections are conducted annually. In the Summer 2019, the Bureau began to deliver a management report on the inspections conducted each month. The FPB has recently developed and is utilizing a quality assurance- flow process and performance evaluation tools to track activities and work trends on a daily, weekly, monthly, quarterly and annual basis. The performance measurement tools are also uploaded on the Share Drive and readily available for review and inspection by FPB Managers and the Fire Chief.

The Bureau will evaluate its work capacity based on the recently developed Performance Index(PI) and determine the best course of action and task assignment alternatives for successfully completing all fire inspections. Furthermore, the FPB organizational structure may be internally reorganized in support of improving productivity by assigning Fire Inspector Supervisors (FIS) to specific functions and programs rather than assigning Fire Inspector Supervisors to geographical boundaries: The three functions/programs currently identified are:

- State Mandated Inspections (A,E,I,Rs, and High-Rise)
- New Construction Inspections
- Hazardous Inspections (cannabis, haz-mat, and encampments)

### **Conducting Proactive Inspections to Improve Housing Habitability**

Consistent with the recommendations from the 2011-2012 code enforcement improvement effort, the Housing Equity Roadmap, and the Mayor's Housing Cabinet Report, the CAO is creating the Healthy Housing Inspection Program to complement the existing complaint-based inspection process by proactively inspecting multi-family residential housing and improving the quality of life for residents in substandard housing. Modeled on similar programs in cities across the country, the program would more effectively identify housing habitability issues through both random and targeted annual visits to a subset of the City's housing stock, and the inspection of all units throughout a multi-year cycle. The Healthy Housing Inspection Program would also integrate inspections with other basic services, such as pairing an inspector with a community health worker to provide case management services.

### **Strengthening Business Processes and Protocols**

To enhance inspection protocols, the PBD is developing standardized criteria for correcting imminent life safety hazards while minimizing displacement. The PBD is also improving the

way affected building tenants and occupants may access more information about the status of properties under investigation, as well as tenants' rights and protections.

### **New Leadership at the Helm**

Melinda Drayton was appointed Interim Fire Chief in April 2020 and continues to work with her counterparts to strengthen inter-departmental collaboration as it relates to reimagining the permitting process and improving the customer experience of inspections, while staying focused on a well-informed community that is healthy and safe.

PBD Director William Gilchrist appointed on July 21, 2017, following an extensive national search, has been instrumental in leading the PBD's ongoing efforts to address safety and habitability of homes and buildings in Oakland through code compliance and permitting.

Among the top priorities both the Planning and Building and Housing and Community Development departments has been the advancement of Live-Work protocols that are specifically responsive to the Live-Work building modifications that have occurred across the City, and in a manner that works within the intent of the Mayor's Executive Order. The PBD has also enlisted the assistance of an Executive through the FUSE Fellow Program with expertise in program management, and operations management.

### **Improving Inter-Departmental Communications, Referrals & Data Sharing**

#### Enhancing Interdepartmental Communication and Referrals

The Fire Marshal, supervisors from PBD, and the OCA meet bi-weekly to review any properties that have been flagged and discuss habitability issues. The new database discussed below will significantly enhance data sharing between the departments, but the team is not relying on technology alone to address life safety issues. Most of these properties are complex and require a significant level of case management and inter-disciplinary problem solving to minimize displacement and address life safety issues.

### **Cross Departmental Data Integration: Leveraging Technology to Create a Shared Fire and Building Safety Database**

As part of its initial assessment, the Fire Safety Task Force identified the need for a cross-departmental data system to better integrate the City's inspection data and processes. Not only can data between the City's Fire Department and PBD be shared, but data from Business Tax License as well as local calls for service across a number of departments may be more easily shared, allowing for improved and more robust analytics in determining potentially hazardous properties.

After a comprehensive review, staff determined the best option was to convert all City inspection data to the Accela database system, an online record-keeping tool already used by the PBD. The expanded database will allow departments to more efficiently and effectively share information. As part of this project, PBD and the Fire Department will specify reporting protocols that will be reflected in the system design.

Fire inspectors have smart phones and engine/truck companies have been equipped with tablets so they may access this system to enter data while in the field, and can alert other departments immediately when a hazard is identified. It will also enable firefighters to report hazardous buildings quickly, as well as enable them to check in real time if buildings or properties have existing complaints or hazards.

A public access portal has been enabled in Accela for the public to report violations, file complaints for follow-up from code enforcement officials, view the status of inspections or inspection results, view the status of permit processes, or request an inspection. This enhances efficiency and enables users to see information in real time. Having successfully tested this with vegetation management inspections over the past two years, it will now be implemented across all inspection types.

Forecast for completion by Spring 2021 when the Accela system is fully implemented in the Oakland Fire Department, additional applications will be built to draw in data from other departments, such as Oakland Police Department's dispatch data and the Finance Department's business tax license data, all of which may be used to highlight potential fire and life safety hazards.

### **Strengthening Tenant Protections and Education**

As part of a larger effort to strengthen renter protections and services, the City expanded our just cause eviction laws to protect more renters. Additionally, property owners must now petition to raise rents above the cost of living, and, on January 31, 2020, the City Council increased the relocation fees that owners must provide tenants who are evicted due to code enforcement action. These fees now more closely match the actual cost that a tenant would incur when securing new housing in the current rental market. The City has also expanded services to ensure more renters know their rights and can access free help to defend themselves.

The OCA released a Frequently Asked Questions document regarding the rights and protections afforded tenants living in non-conforming living spaces and how they can take action to better protect their tenancy if they feel that their home is unsafe. The office has conducted several workshops for City staff, including staff from the Housing Assistance Center and Rent Adjustment Program on these rights and protections, as well as non-profit legal services providers who make available housing counseling and legal defense against eviction.

The previously mentioned Healthy Housing Inspection Program will also improve education and outreach to tenants and provide information about rights under Oakland's rent control and tenant protection laws.

The City has continued its efforts to improve tenant protections and ensure robust outreach and education on the City's rent laws are available to both tenants and property owners. Key highlights include:

- The City adopted amendments to the Tenant Protection Ordinance which provide expanded protections for tenants, enhance protections for vulnerable populations, improve enforcement mechanisms, and ensure ordinance conformance with State law.
- The RAP has increased its housing counseling services to assist tenants and property owners in answering questions and resolving issues. This increase in services has resulted in a doubling of the number of residents served in the last two years. Just prior to the start of the pandemic, housing counseling was expanded to evening hours, with services being provided in libraries. This will resume once the health emergency has subsided.
- Prior to shelter in place orders, RAP had a regular schedule of informational workshops for tenants and property owners. A total of twenty sessions occurred between 2017 and 2020, with an increased number occurring over each successive year. Since shelter in place orders went into effect, in-person workshops ceased; however, an online series is being planned for the end of 2020 and into 2021.
- Beginning in 2017, RAP staff have attended twenty-eight community events to distribute informational materials and respond to questions. RAP presence at these events has increased nearly three-fold over the past three years.
- RAP published a comprehensive "Guide to Oakland Rental Housing Law" and fourteen topical Information Sheets. All materials are provided in English, Spanish, and Chinese and may be found on the HCD website.
- RAP's online portal for information about rent control petitions is continually upgraded to ensure easy access for tenants and property owners filing petitions and seeking information.

- A database project to digitize RAP documents such as eviction notices, petitions and hearing decisions facilitating enhanced public access to information is in development.
- During 2018, the City launched its anti-displacement program called Oakland Housing Secure which provides legal services and emergency financial assistance to low income tenants facing displacement. In its first two years of service this program has served more than 800 residents to ensure housing stability.

During 2020, the City adopted the Fair Chance Access to Housing Ordinance which removes barriers to housing for those exiting the criminal justice system. HCD staff provide support, in partnership with several non-profit agencies, to implement this ordinance.

### **Streamlining Event Permitting**

#### Special Events and Permitting

With interdepartmental collaboration, the City has made special events and permitting a priority, and all reporting departments have a responsibility in making the community and City visitors safe. Through the collaborative efforts of the CAO, Department of Transportation, Oakland Public Works, Oakland Fire Department and Oakland Police Department, policies have been established and updated on a continual basis to make sure safety remains the priority.

FPB inspectors focus on ensuring the intent of the California Fire Code and Oakland's fire code amendments is upheld, and public safety is not compromised. Even during the pandemic of COVID-19 this work has continued to be a priority for the City.

The City convened a Special Events Permit Redesign Task Force to identify process improvements to make it easier to comply with special event permit requirements, which in turn encourages compliance and helps ensure safety. This work acknowledges that special events play a key role in promoting a vibrant, diverse and creative community in Oakland.

The Special Events Task Force comprises staff from the CAO, the Mayor's Office, the Cultural Affairs Office, Oakland Police Department, Oakland Fire Department, and the PBD. The group shared internal expertise, examined past efforts to redesign the special event permit process, and met with a focus group of event holders, as well as the Executive Director of San Francisco's Entertainment Commission, to gather suggestions on how to improve the permitting processes.

The Special Events Task Force identified several barriers that currently discourage compliance, including: a lack of clarity around the rules that govern entertainment, administrative obstacles requiring applicants to navigate various city, county, and state departments, and the expense of bringing a non-conforming space into compliance.

The Special Task Force has outlined the following preliminary recommendations to address these barriers and encourage compliance:

- Implementing a “one-stop shop” online application
- Creating a user-oriented website that provides information relevant to event and entertainment permitting
- Holding public trainings several times a year on the special event permit process
- Preparing a public inventory of spaces approved for events to make it easier to find safe venues
- Streamlining application submissions and time frames for repeat events happening at the same location with the same pre-approved layout
- Over the longer term, hiring dedicated City staff to help applicants navigate the permit process and serve as a primary point of contact

The Special Events Task Force recently released these findings and recommendations to the public as part of an online survey for further refinement and input. Public feedback received will be used to guide the implementation of these proposed reforms.

### **Identifying Housing Resources: State & Local Resources**

State Senator Nancy Skinner successfully advocated for a portion of Senator Toni Atkins’s (D-San Diego) SB 2, one bill that was part of the Legislature’s recently approved Housing Package. SB 2 is a \$75 fee that will be assessed to any real estate transaction and those fees will go to fund affordable housing projects. Use of SB 2 funding is described below.

Measure KK and Measure A1 both provide much-needed funding for the acquisition and rehabilitation of affordable housing projects. Measure KK is a \$600 million infrastructure and affordable housing bond, that will help fulfill Mayor Libby Schaaf’s “17K/17K” goal to protect 17,000 housing units and produce 17,000 new housing units in Oakland by 2024. Alameda County’s Measure A1 is a \$580,000,000 affordable housing bond measure for affordable local housing. Both Measure KK and Measure A1 were approved on November 8, 2016. The total allocation for affordable housing from the Measure KK bond is \$100 million. The potential allocation for affordable housing for the City of Oakland from the Alameda County Measure A1 bond is \$100 million, based upon \$54 million from the base and \$47 million from the competitive North County regional pool. This increase in the number of below market rate units will help those in need of affordable housing to find a home in Oakland.

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The City has continued its efforts to identify non-local resources to advance the work of creating affordable housing opportunities that will alleviate the pressures that cause people to turn to non-compliant spaces as their only viable, affordable option to stay in Oakland. The City has also been steadily deploying its Measure KK and Affordable Housing Impact Fee resources as well as other local housing funds. As of December 2020, 3,094 units of affordable housing were in the predevelopment phase of development (applied for entitlements or building permits), and another 443 units are in construction.

In 2019 and 2020, the City issued seven Notices of Funding Availability (NOFA) to advance affordable housing projects, including new construction, acquisition and rehabilitation, and preservation projects. Through this activity, all of the Measure KK funds available for affordable housing will be committed, with the majority of funds going toward the acquisition and rehabilitation of properties that will be converted to affordable housing, as well as to preserve existing affordable housing.

The City has also applied for new State funding to supplement City resources and provide additional affordable housing, as follows:

- CalHOME: applied for and received \$3 million for an Accessory Dwelling Unit program
- Homekey: applied for and received \$22.4 million in funding for three projects serving people experiencing homelessness, resulting in 165 units
- SB2 – Permanent Local Housing Allocation Program: applied for funds to create a capitalized operating reserve for housing serving people experiencing homelessness (awards announced in October 2020)
- Local Housing Trust Fund Program: applied for \$5 million for new construction of affordable housing (awards announced in October 2020)

In addition, during 2020, developers of affordable housing in Oakland have been very successful in leveraging City funds to garner State funds. A total of \$120 million in State funds from the following State programs were awarded which will support 689 affordable housing units: Affordable Housing and Sustainable Communities (AHSC), Multifamily Housing Program (MHP), and Infill Infrastructure Grants (IIG).

### **The Work Ahead**

It was immediately clear following the Ghost Ship tragedy that the challenge moving forward would center on balancing the City's parallel goals of making the community safer while

protecting living spaces, commercial buildings, and art spaces at a time when the regional housing affordability crisis is making many Oaklanders vulnerable to displacement.

Specific priorities to address these challenges in the future include:

- Creation of a pathway for unpermitted, communal live/work and assembly spaces to establish legal occupancy in a safe and affordable manner while also preserving affordability for existing tenants. An outside code consultant agency has been hired to prepare specific code changes and standardized criteria for correcting imminent life safety hazards that can be brought forward for legislative action.
- Compliance with the 30 recommendations in the Fire Prevention Audit.
- Elimination of the backlog of state-mandated fire inspections.
- Hiring, training, and supporting the success of new fire code and building code inspectors, and new inspection supervisors.
- Completion of the implementation and roll out of the Accela database by Spring, 2021.
- Continuation of the efforts of the PBD's standardized criteria for correcting imminent life safety hazards while minimizing displacement and working with consultants and constituent groups in this effort.
- Continuation of tenant outreach and education activities to ensure tenants understand their rights and protections. Continue to provide services pursuant to the Code Compliance Relocation Program.
- Implementation of planned performance metrics and continue to re-organize business practices in the FPB to optimize opportunities for enhanced efficiencies that will result from migration to the new Accela platform.

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- Execution of the Reimagining Permit Center collaboration project.

Respectfully submitted,

*Melinda Drayton*

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MELINDA DRAYTON

Interim Fire Chief/Oakland Fire Department

*William Gilchrist*

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WILLIAM GILCHRIST

Director/Planning & Building Department

*Shola Olatoye*

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SHOLA OLATOYE

Director/Housing & Community Development

Attachment A: Executive Order 2017-1





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January 11, 2017

**EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

Buildings in Oakland should be safe places to live, work and play. In the wake of the Ghost Ship tragedy, unpermitted living, assembly and work spaces are under heightened scrutiny. We must unite as a City to improve the safety of non-conforming spaces while also working to avoid displacing vulnerable community members.

This executive directive creates new protocols and tasks consistent with existing regulations to enhance safety in unpermitted spaces while reducing the risk of displacement. It also clarifies our immediate work ahead to first enhance safety, while also protecting cultural community assets and working to prevent unnecessary tenant displacement during this time of unprecedented housing insecurity.

In the aftermath of the Ghost Ship Warehouse Fire, property owners have become more aware of the potential hazards of allowing unpermitted uses in former warehouse and industrial buildings and have, in some cases, evicted current tenants in an effort to reduce personal liability. Such evictions have resulted in displacement of people with few options for alternate housing or workspace due to the current affordability crisis. In many cases, tenants of these former warehouses and industrial buildings have long remained silent in the face of unresolved safety issues because alternative housing and workspaces are unaffordable and there is a high degree of anxiety concerning displacement or fear of eviction in response to their seeking life safety improvements.

The City of Oakland has long been in the forefront of adaptive reuse and live-work strategies for many former warehouse and industrial buildings, developing code compliance strategies and life safety standards that assure safe use of such buildings. We as a City affirm that having housing, workspaces and cultural gathering spaces in unpermitted spaces that operate safely and responsibly are valuable to the community, and the City should take actions to preserve and legalize these spaces to avoid adverse impacts on the City's affordable housing stock and availability of workspaces and performance venues for vulnerable members of our community.

## **EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

We must take additional steps to protect physical, cultural and artistic assets and workspaces in the community while making necessary changes to improve life safety, provide for safer public events and improve standards and procedures for evaluating and assuring compliance.

Therefore through this Executive Directive, I hereby direct the City Administrator to direct the applicable City Departments to undertake the following actions:

1. In existing buildings that are not permitted for residential occupancy and that do not otherwise conform to Building, Housing or Fire Code or zoning requirements, including nonconforming residential, work space, or live work uses, but in the judgment of the Building Official or Fire Marshal, based on physical inspection and evaluation of identified hazards and known conditions, do not represent an immediate threat to life safety of the individuals currently residing in the building or to the surrounding properties, the property owner shall enter into an abatement and compliance plan with the City within 60 days. The following criteria shall guide the development of any abatement and compliance plan:
  - a. avoid displacement of any individuals residing or working in the property if that can be accomplished without imminent life safety risk;
  - b. cure Building, Housing and Fire Code violations within the time prescribed by the abatement and compliance plan, which plan shall be based on the severity of the violations;
  - c. secure any necessary zoning approvals if the property is not currently permitted for residential occupancy;
  - d. in the event any temporary or permanent relocation of residential occupants may be required, provide information to all known tenants and property owners on their rights and duties to comply with Relocation Payment, Right of Return and Just Cause for Eviction requirements;
  - e. for Building, Housing and Fire code inspections not requested by an occupant of the building, when practicable, notify occupants of the building of the scheduled time for inspections of the property at least five (5) calendar days prior to the inspection, except in the event of an immediate threat to life safety of the individuals currently residing in the building or to the surrounding properties as determined by the sole judgement of the Building Official or Fire Marshal; and
  - f. generally work in the spirit of cooperation with property owners, tenants and master lessors to correct code violations that are not deemed to be an imminent life safety risk; and while immediate life safety determinations rest in the sole professional judgment of the Fire Marshall or Building Official, these officials shall utilize problem solving skills and tools, including, for example, requiring on-site Fire Watch, to maximize both safety and housing security.
2. Review available housing resources to make recommendations during both the Notice of Funding Availability (NOFA) and the Budget process as to how such resources can be

## **EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

used to assist in legalizing non-conforming residential units that house vulnerable community members, as well as work with the Artist Housing and Workspace Task Force to jointly present an informational meeting about these resources and assistance within 60 days.

3. Have the Housing, Residential Rent and Relocation Board review the Just Cause for Eviction Ordinance, Tenant Protection Ordinance and their regulations to see if there are any amendments to those ordinances or their regulations that could be enacted to strengthen protections and avoid displacement of occupants of nonconforming buildings.
4. Convene a Special Event Permits System Redesign group to implement process improvements to encourage greater compliance with permitting requirements, as well as seek safety enhancement recommendations from the Fire Safety Task Force.
5. With the assistance of the City Attorney, create an easy-to-understand “frequently asked questions” clarifying the rights and duties of tenants, landlords and persons who may be living or working in non-conforming spaces; and within 10 days commence a public education campaign to disseminate such information.
6. Ensure the Fire Safety Task Force promptly delivers its initial priorities: (1) developing and conducting a Community Risk Assessment and Risk Reduction Plan, including a census of buildings and structures, building fire safety risk assessment, and prioritization method for inspections that maximizes fire prevention while minimizing tenant displacement, (2) conducting an assessment/audit of the Fire Prevention Bureau using the NFPA 1730 Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations, and (3) creating a shared database and reporting protocols for better sharing of information across various city departments.

Unless required sooner, the City Administrator or her designee shall report back to me at least every 60 days on each of the above actions along with any additional plans or recommendations to further this directive until all tasks are complete.

We will never forget those lost in the Ghost Ship Warehouse Fire and we will learn all we can from this horrific tragedy to make Oakland a safer and more resilient community.

Mayor Libby Schaaf  
City of Oakland

Cc: Sabrina Landreth, City Administrator  
Darin Ranelletti, Interim Director of Planning and Building

**EXECUTIVE ORDER 2017-1: Improving Safety of Non-Permitted Spaces While Avoiding Displacement**

Michelle Byrd, Housing Director  
Barbara Parker, City Attorney