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Toward a food policy "first step" in Oakland, California: A food policy council's efforts to promote urban agriculture zoning

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Abstract

Urban agriculture (UA) is cropping up in back-yards, vacant lots, rooftops, and city parks across North America. Despite popular interest, zoning often serves as an obstacle to UA's expansion. In this reflective case study, we document the efforts of the Oakland Food Policy Council (OFPC) to develop recommendations for urban agriculture zoning in Oakland, California, as a means of fostering UA's expansion. First, we focus on the role of zoning in urban agriculture planning, drawing on best practices from around the country. Then we provide an overview of Oakland's food system and place the OFPC within the context of local food justice initiatives. Next, we outline the process by which the council prioritized food system goals before focusing more specifically on its efforts to create new zoning definitions and operating standards for UA, including both successes and obstacles to gaining the attention of city officials and moving the policy agenda forward. We conclude by reviewing the OFPC's lessons learned.

Keywords

urban agriculture, food policy councils, food systems planning, land use planning, zoning

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Introduction

Statistics portray a bleak picture of food access in Oakland, California: 87% of schoolchildren receive free or reduced lunch; 20% of families live below the federal poverty line; one in three children will develop diabetes; one third of Alameda County residents are food insecure (Beyers et al., 2008; OFPC, 2010). This is particularly striking given Oakland's position at the heart of the Bay Area's "foodie" culture, where gourmet restaurants abound and fresh organic produce is available at a farmers' market every day of the week (Alkon, 2008; Farley, 2010; Guthman, 2007).[1] Indeed, the landscape of food access in this city of 391,000 is a bifurcated one. In the lower-income "flatlands" of North, West, and East Oakland, fast-food restaurants and liquor stores dominate food retail, while in the affluent Oakland hills, supermarkets and gourmet food shops are much more common. This geography also marks the demographic make-up of the city; Oakland's flatlands are largely home to people of color, while the hills are mostly white. This geographic delineation is due in large part to a post–World War II history of racially discriminatory housing restrictions and mortgage lending and the flight of industrial and residential capital to the suburbs (McClintock, 2011a; Self, 2003).

A recent public health report states that an African American child in West Oakland is seven times more likely to be born into poverty as a white child born in the Oakland hills and will die 15 years earlier on average due to higher incidence of diabetes, hospitalization, cancer, stroke, and heart disease (Beyers et al., 2008). In another study using a human development index — a measure of life expectancy, earnings, and educational attainment — the Oakland hills rank 11 of 233 census neighborhood and county groups in California, while the flatlands rank 222 (Burd-Sharps & Lewis, 2011). The child who grows up in the hills will have access to healthier food, due not only to closer proximity to a farmers' market or supermarket, but also to greater purchasing power given significantly higher incomes for hills residents. A meta-analysis of various assessments of the Oakland food system underscores that affordability is the most important factor that influences where low-income residents shop for food (Wooten, 2008). Limited access to transportation is another fundamental constraint to accessing healthy food for flatlands residents (Treuhaft, Hamm, & Litjens, 2009).

Over the last few years, nonprofit organizations, community groups, and government agencies have all mounted efforts — both individual and coordinated — to address the inequities of Oakland's food system. While these efforts have centered on the various components of the food system, from production to distribution, retail, and food waste recycling, urban agriculture (UA), in particular, has played a prominent role in the food justice and community food security movement in Oakland.[2] Since the early 2000s, several food justice organizations, mostly concentrated in West Oakland, have mobilized volunteers and community residents to grow food in the flatlands. Organizations such as City Slicker Farms, People's Grocery, Phat Beets Produce, and Planting Justice provide fresh produce to North and West Oakland through a variety of models: community-supported agriculture (CSA), sliding-scale produce stands, and backyard garden mentorship. Oakland Food Connection, the East Oakland Boxing Association, East Bay Asian Youth Center, and PUEBLO have been central to UA efforts in East Oakland. In addition to the work of these organizations, Oakland Parks and Recreation Department manages community gardens in 10 city parks. More than 100 schools in Oakland have school gardens that have received support from Alameda County Cooperative Extension and a series of state grants. Finally, a large but uncounted number of Oakland residents practice UA in their yards (Farfan-

[1] Furthermore, food processing historically was a cornerstone of the city's economy, and two major supermarket chains, Safeway and Lucky Stores, were once headquartered there (McClintock, 2011a; Walker 2001, 2005)..

[2] Broadly defined, UA denotes the subsistence and/or commercial production of fruits, vegetables, mushrooms, herbs, livestock, meat, eggs, milk, honey, and other raw agricultural products within towns and cities, grown for personal consumption, sale, donation, or educational uses (Hodgson, Caton Campbell, & Bailkey, 2011; Smit, Ratta, & Nasr, 1996).

Ramirez, Olivera, Pascoe, & Safinya-Davies, 2010; McClintock, 2011b; Reynolds, 2011).

The current momentum around UA builds on a long history of cultivation in the city. Indeed, UA in Oakland, as in most American cities, is not a new phenomenon; home gardens have always supplemented urban diets with fresh fruits and vegetables. Influxes of rural populations at various moments have also contributed to UA's presence in Oakland. Tens of thousands of African Americans migrated to Oakland during World War II for wartime manufacturing jobs, bringing with them culinary and agricultural traditions from the rural South. While older generations hold much of this knowledge, they remain a rich resource base for urban farmers in Oakland. More recently, large numbers of Latino, Chinese, and Southeast Asian immigrants have brought UA to the Oakland flatlands (McClintock, 2011b).

A long history of social justice activism in Oakland and environs has also been central to rise of UA. In the 1960s and '70s, the Black Panther Party integrated fresh produce from urban gardens into its free food programs. In the 1990s and 2000s, several environmental justice campaigns in the flatlands invigorated a new generation of activists, many of whom became involved in more recent food justice efforts. At the same time, garden-based education efforts in Berkeley, many of which arose in coordination with national community food security efforts and funding, benefited fledgling garden efforts in neighboring Oakland and provided both material support and expertise to fledgling projects in Oakland (Lawson, 2005; McClintock, 2011b).

As UA programs oriented toward food justice began to take root in the flatlands in the early 2000s, a growing emphasis on sustainability began to filter into Oakland's municipal policy and planning decisions. A series of sustainability reports, a food system assessment, and a climate action plan have all emphasized the important role that a local food system (including UA) should play in moving the city toward a vision of sustainability (City of Oakland, 2010; OFPC, 2010; Unger & Wooten, 2006). Until recently, however, city policies that explicitly address UA in Oakland were virtually nonexistent. These included zoning regulations, which have been slow to respond to UA's growing popularity.

This is changing slowly. Since early 2011, UA zoning has become a priority for Oakland's Planning Department. In preparation for the development of UA zoning proposal, planners convened a public hearing on UA in July 2011 to elicit community input on how best to update the municipal code in relation to UA. A crowd of over 300 people participated in what Deputy Planning Director Eric Angstadt described as "the biggest meeting I've seen" in his 20 years of zoning work (quoted in Florez, 2011). In August and September, planning staff consulted with a Technical Advisory Group to discuss best practices and has since been drafting UA zoning language. This process is still underway. Project managers anticipate that the proposal will be presented to the public for comment by the end of 2012, with hopes of moving from the Zoning Update Committee to passage by the Planning Commission and City Council by the end of 2013.

The slow (and as of yet incomplete) process of developing UA zoning has involved a growing coalition of stakeholders advocating for the expansion of UA. This coalition includes urban farmers and gardeners as well as stakeholders from food justice and urban sustainability organizations, community groups, and public officials from a range of agencies, from planning to public health workers and parks and recreation, to the school district. In this case study, we reflect as insiders on the efforts of one of these stakeholder groups, the Oakland Food Policy Council (OFPC), and describe its central role in advocating for zoning to protect and foster UA in Oakland. While the city's efforts to develop UA zoning is ongoing, the OFPC's active role in the process — identifying UA as a priority, developing specific zoning recommendations, and advocating for the city to consider these recommendations — is largely complete. As such, we felt it important to identify the strengths and weaknesses of the OFPC's efforts to promote UA zoning in Oakland and to reflect on the processes through which such a group might best engage with municipal policy makers and planners to develop food policy.

A brief note on method: This reflective case study is written from an insider perspective by three individuals who were active participants in the OFPC during the organization's first two years, from 2009 to 2011, as it actively pursued the development of UA zoning as one of 10 "food policy first steps" in Oakland.[3] For this article, we draw on city and OFPC documents, email archives, articles in popular media, our observations as participant observers, and interviews with planners involved with the UA zoning effort. As with any engaged or participatory scholarship, our perspective inevitably has been shaped by our role as participants (Elwood, 2006; Minkler & Wallerstein, 2003; Petersen, Minkler, Vasquez, & Baden, 2006). We nevertheless have attempted to reflect on this process as objectively as possible, and, as such, offer as honest and reflexive an appraisal as possible given our position within the process.

We begin in the first section by providing an overview of recent efforts by planners and advocates to incorporate UA into municipal zoning ordinances. We discuss the role of land use controls in supporting UA and highlight some "best practices" currently underway in the U.S. and Canada. In the second section, we briefly review the history of the Oakland Food Policy Council and the process of identifying first policy steps. We then describe the OFPC's efforts in 2010 and 2011 to get UA integrated in to city's planning code. In the paper's final section, we discuss the lessons learned from our experiences.

Food Policy and Land Use Tools To Support Urban Agriculture: Lessons from the Field

Over the last decade, food systems have once again come to the attention of city and regional planners (Clancy, 2004; Pothukuchi & Kaufman, 1999, 2000).[4] Despite efforts to formalize food systems planning (American Planning Association [APA], 2007; Pothukuchi, 2009; Raja, Born, & Russell, 2008), however, it remains a relatively nascent and specialized practice among professional city and regional planners. Given the lack of food systems expertise within planning departments themselves (Raja et al., 2008) as well as the growing emphasis on collaborative approaches to planning (Forester, 1999; Healey, 1992; Innes & Booher, 2010), many planners have worked closely with other public agencies, nonprofits, community-based organizations, and citizen activists. While food policy initiatives in some cities (e.g., Seattle, Vancouver, and New York) have arisen from *within* the halls of municipal government, food policy councils have played a central role in bringing the expertise of *outside* stakeholders to municipal planners and politicians in many cities across the U.S. and Canada (Clancy, Hammer, & Lippoldt, 2008; Pothukuchi, 2009; Schiff, 2008). Food policy councils often serve a range of functions that can help facilitate the integration of food systems into municipal planning and policy: (1) bringing together a diversity of stakeholders from the food system; (2) integrating and coordinating issues of food, health, transportation, and economic development; (3) generating locally appropriate policy recommendations; and (4) formulating programs that help to implement food systems change (Harper, Shattuck, Holt-Giménez, Alkon, & Lambrick, 2009). This cross-sector networking of various actors has helped to mainstream concerns over public health (Dixon et al., 2007; Muller, Tagtow, Roberts, & MacDougall, 2009) and equity (Allen, 2010; Bedore, 2010; Wekerle, 2004) within the food system, bringing them into discussions over land use planning.

[3] A. Brown was the council's coordinator from 2009 to 2011; N. McClintock served as an appointed member of the Council from 2009 to 2011, and H. Wooten has been an appointed member since 2009. Both McClintock and Wooten served on the City Innovations working group (with four other OFPC members) during this period.

[4] Challenging the popular idea that food systems are "a stranger to the planning field" (Pothukuchi & Kaufman, 2000, p. 113), Donofrio (2007) delineates three periods prior to the Second World War when planners focused on the food system. Similarly, Corburn (2009, pp. 25–60) explains that planning and public health were fully integrated prior to the design-oriented City Beautiful movement of the 1910s and the post–WWI "siloing" of garbage, water supply and sewerage, housing, occupational safety, and school health into separate municipal departments. The focus on food systems and "healthy cities" thus signals a return to the original concerns of planners.

Given its multifunctionality, UA figures centrally in the efforts of many community food security and food justice advocates (Bellows, Brown, & Smit, 2003; Brown & Jameton, 2000; Gottlieb & Joshi, 2010). While UA is of interest to city health officials, economic development staff, environmental managers, and parks administrators, given its potential to provision cities with food, create jobs, beautify neighborhoods, and provide ecosystems services and educational spaces (Kaufman & Bailkey, 2000; McClintock, 2010; van Veenhuizen, 2006), it is of particular interest to land use planners. In densely built urban areas such as Oakland where land values are at a premium, devoting space for UA on private property comes at a cost: the loss of other, more high-value land uses, such as housing or commercial development. On sites designated as public open space, multiple stakeholder groups vie for use; a grassy area converted to food production precludes other open-space uses, such as picnicking, sports, and other recreational activities. How to locate and designate space for UA as it grows in popularity therefore poses a significant challenge.

Recently, food systems and UA advocates have worked with planners and food policy councils to inventory vacant and underutilized land for potential agricultural use in cities such as Portland (Balmer et al., 2005), Vancouver (Kaethler, 2006), Seattle (Horst, 2008), Oakland (McClintock & Cooper, 2009), Detroit (Colasanti & Hamm, 2010), and Toronto (MacRae et al., 2010), among others. Identifying vacant land for UA is a first step, but determining if this land can legally be farmed is equally important. As UA grows in popularity and practice, increasing numbers of communities are undertaking zoning code revisions to promote and protect UA and to remove onerous or poorly tailored regulatory barriers (Hodgson, Caton Campbell, & Bailkey, 2011; Masson-Minock & Stockmann, 2010).[5] As table 1 illustrates, zoning code revisions can address a number of key issues that have been at the heart of debates surrounding UA policy in Oakland and elsewhere. These include (1) incorporating definitions for a range of UA activities; (2) identifying specific areas in a community where UA is allowed; (3) allowing small-scale entrepreneurial activity to flourish in concert with UA; and (4) addressing on-site growing practices that have the potential to affect neighbors or the community at large, such as parking, fertilizer use, and use of heavy equipment.

Zoning *use definitions* are important because they govern what activities are legally allowed in specific zoning districts. Without a zoning definition, a use is considered to be *de facto* illegal. The examples provided in table 1 show how communities are developing use definitions for a range of UA activities, from home gardens to urban farms. These definitions provide a meaningful distinction between types of UA, and also allow a community to specify where different types can take place. For example, by creating a distinction between a community garden (generally either smaller in size, noncommercial, or both) and an urban farm (larger scale or intensity of use, oriented toward growing for sale rather than personal consumption), a community can allow smaller community gardens that serve the neighborhood in residential zoning districts, while limiting urban farms to industrial or commercial districts.

Additionally, zoning can include *operating standards* that can be used to address a range of onsite practices. Operating standards (or "use regulations") are additional requirements or regulations to which uses must conform. Operating standards offer communities an additional tool to ensure that potential nuisances or health and safety issues associated with a given use can be minimized. For example, some residents may be concerned that allowing sales, especially in residential zoning districts, will create nuisances

[5] In some cities, however, efforts to zone for UA arise as a means to *control* UA and *limit* its expansion. Debates in Portland and Chicago, for example, have arisen around restricting UA in residential areas. Attempts to regulate a previously-unregulated activity inevitably involve debates over the proper role of public oversight, and the extent to which new requirements or standards will create additional costs, barriers, or other burdens on practitioners.

Table 1. Examples of Urban Agriculture Zoning Best Practices

UA Activity	Sample Zoning Code Language	Location / Code
Residential (Home) Garden	*Home gardens*: Maintained by those residing on the property. Food and horticulture products are grown for personal consumption, sale or donation. Any land that fits within the description of a CSA [Community Supported Agriculture] cannot be considered a home garden.	Kansas City, MO Zoning Code § 88.312.02-A
Community Garden	*Community Garden* means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.	Cleveland, OH Zoning Code § 33.602
Urban Farm (or "Market Garden")	*Urban Farm* means a use in which plants are grown for sale of the plants or their products, and in which the plants or their products are sold at the lot where they are grown or off site, or both, and in which no other items are sold. Examples may include flower and vegetable raising, orchards and vineyards.	Seattle, WA Municipal Code § 23.42.051
Location	*Home Garden*: Allowed in all Manufacturing; Downtown District; Office, Business and Commercial District; and Residential District zones *Community Garden*: Allowed in all Manufacturing; Downtown District; Office, Business and Commercial District; and Residential District zones *Community Supported Agriculture*: Allowed in all Manufacturing; Downtown District; Office, Business and Commercial District zones.[a]	Kansas City, MO Ordinance No. 100299
On-Site Sales	*Neighborhood Agriculture*: Limited sales and donation of fresh food and/or horticultural products grown on site may occur on site, whether vacant or improved, but such sales may not occur within a dwelling unit. Food and/or horticultural products grown that are used for personal consumption are not regulated. In all districts, sales, pick-ups, and donations of fresh food and horticultural products grown on-site are permitted. In every district except "Residential Districts," value-added products, where the primary ingredients are grown and produced on-site, are permitted. Sales of food and/or horticultural products from the use may occur between the hours of 6 am and 8 pm.	San Francisco, CA Planning Code § 102.35
Management Plan Required	*Market Garden*: Submission of a Management Plan to the Zoning Administrator, Alderperson of the district where the garden is located, Department of Public Health for Madison and Dane County, and any neighborhood and/or business association that serves the area where the garden is located for the following activities as part of a market garden: 1. Animal husbandry; 2. Off-street parking of more than ten (10) vehicles; 3. Processing of food produced on site; 4. Spreading of manure; 5. Application of agricultural chemicals, including fertilizers and pesticides; 6. Use of heavy equipment such as tractors.	Madison, WI Zoning Code § 28.151

[a] *Community Supported Agriculture* is the term used in Kansas City to describe an urban farm/market garden: "*Community Supported Agriculture*: an area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation" (Kansas City, MO Ordinance No. 100299)

(such as increased traffic or noise). However, many communities that have amended their code to address UA have also lifted restrictions on sales, provided that farmers adhere to specific operating standards. For example, as seen in the excerpt from San Francisco's newly amended code (see table 1), some cities have addressed the issue of potential nuisances associated with UA commercial activity by curbing the scale of the activity, such as by limiting sales to only produce grown on-site (or processed food made from produce grown on-site). Another way municipal code can address potential nuisance or public health issues is through a flexible regulatory scheme, such as a requirement to submit a management plan as a condition of approval of use (see the example from Madison, Wisconsin, in table 1). Management plans can be tailored to the specific proposed UA activities, the size of the site, the surrounding uses, and any special environmental or other issues (e.g., slope, location of water sources, contamination, etc.)

While each of the cities included in table 1 is unique in terms of existing built environment infrastructure, density, and availability of sites for UA, the language provided in these codes serve as examples for Oakland and other cities where UA zoning is not yet in place. Indeed, our policy recommendations, discussed below, integrated some of the lessons learned from such national best practices.

Seeds of Change: The Oakland Food Policy Council

In this section, we introduce the Oakland Food Policy Council (OFPC) and discuss the process through which the group selected UA as one of its priorities. In 2005 the Oakland Mayor's Office of Sustainability commissioned a study of the Oakland food system. The resulting report, *A Food Systems Assessment for Oakland, CA: Towards a Sustainable Food Plan,* provided a baseline analysis of the state of the Oakland food system and recommended the creation of a food policy council to coordinate between food system sectors, bring underserved populations to the food policy table, and recommend policies that would foster the emergence of an equitable, healthy, and sustainable food system (Unger & Wooten, 2006). The Oakland City Council approved the idea in a 2006 resolution that allocated start-up funding for the OFPC (Oakland City Council, 2006).

Food First (Institute for Food and Development Policy) has served as the OFPC's "incubator" since 2008. After an extensive recruitment and application process, the OFPC seated its first group of members in September 2009, representing stakeholders from each broad sector of the food system: production, distribution, processing, consumption, and waste recycling. Many of the same players who advocated for and participated in the founding of the OFPC were also active in establishing other local food advocacy and food justice organizations, including the HOPE Collaborative, a Food and Fitness Initiative funded by the W. K. Kellogg Foundation working to improve health and quality of life in Oakland's most vulnerable communities (Herrera, Khanna, & Davis, 2009; HOPE Collaborative, 2009). HOPE and the OFPC have evolved as sister organizations, with the HOPE Collaborative focusing on community engagement and the OFPC translating the priorities of community residents into policy recommendations and advocacy.

During their first year serving as an active council, OFPC members assessed the data and community input gleaned from studies on the Oakland food system and from HOPE's community-engagement process and discussed a wide range of ideas for food system transformation. To guide the process of identifying priorities, the OFPC used a tool called *Whole Measures for Community Food Systems* that breaks down the concept of a healthy food system into six "values": Justice and Fairness; Strong Communities; Vibrant Farms; Healthy People; Sustainable Ecosystems; and Thriving Local Economies (Center for Whole Communities, 2009). For each of these six values, the OFPC identified one or more "Recommended First Steps" that will move Oakland toward a healthier food system. First steps ranged from encouraging accessible and affordable farmers' markets and healthy mobile vending to developing a Fresh Food Financing Initiative and expanding composting and food scrap recycling (see appendix A). When selecting these first steps, council

members considered the potential financial burden, the appropriate time frame, and potential political synergies associated with each potential recommendation.[6] While the process took approximately 8 months and involved iterative reworking and wordsmithing to capture the vision of the group's 21 members, it was notably free of disabling conflict. As one newspaper reported on an OFPC meeting, "The atmosphere around the table was laid back, with calm voices coupled with occasional bouts of laughter, and council members only rising from their seats in order to claim another Asian pear" (Schoneker, 2010, para. 9). The lack of internal struggle during the process of identifying and agreeing on priorities may have been helped by the fact that the council brought in outside facilitators to lead meetings. Several council members had previously collaborated on other food systems initiatives, which may have contributed to a relatively smooth process.

The OFPC's proposed first steps were presented to the community for feedback in a series of listening sessions in summer 2010, were officially released in *Transforming the Oakland Food System: A Plan for Action* in November 2010, and were presented to City Council in January 2011.

One of these 10 recommended first steps (and the focus of this article) was to "Protect and expand urban agriculture." In order to determine *how* to take this and the other nine first steps, OFPC members and interns conducted a scan of over 150 existing city, county, and state policies that have implications for all sectors of the food system in Oakland.[7] Adding to the zoning restrictions identified in *Cultivating the Commons,* the HOPE-funded vacant land inventory (McClintock & Cooper, 2009), the OFPC team identified several policies relevant to UA at the municipal, county, and state levels. Municipal code that could potentially affect UA ranged from nuisance regulations that could be applied to manure odors or livestock noise, to defining setbacks required for animal shelters and coops,and recycling and composting regulations, to permits and inspections required for selling food. County regulations pertained mostly to implementing food-safety requirements and controlling disease vectors from livestock, while state regulations included laws defining "food facilities" (including farm stands on UA sites), water conservation, animal welfare, and pesticide and fertilizer handling requirements.

When we began our work, Oakland Municipal Code included an existing use classification for "Agricultural and Extractive Activities" (§17.10.590). This general description included two activity types related to UA: "Crop and Animal Raising" (§17.10.610) and "Plant Nurseries" (§17.10.600). Under this use classification, UA was allowed in much of the city, but only with a conditional use permit (CUP). A CUP currently costs approximately USD2,000 to USD3,000, and acquiring one is a complicated and lengthy process. While crop- and animal-raising was limited to residential zoning districts, plant nurseries were also allowed in commercial districts. Neither agricultural activity was allowed in Oakland's industrial zoning districts, which span the entire length of the city in the flatlands along the waters of the San Francisco Bay and Alameda Estuary (see figure 1).

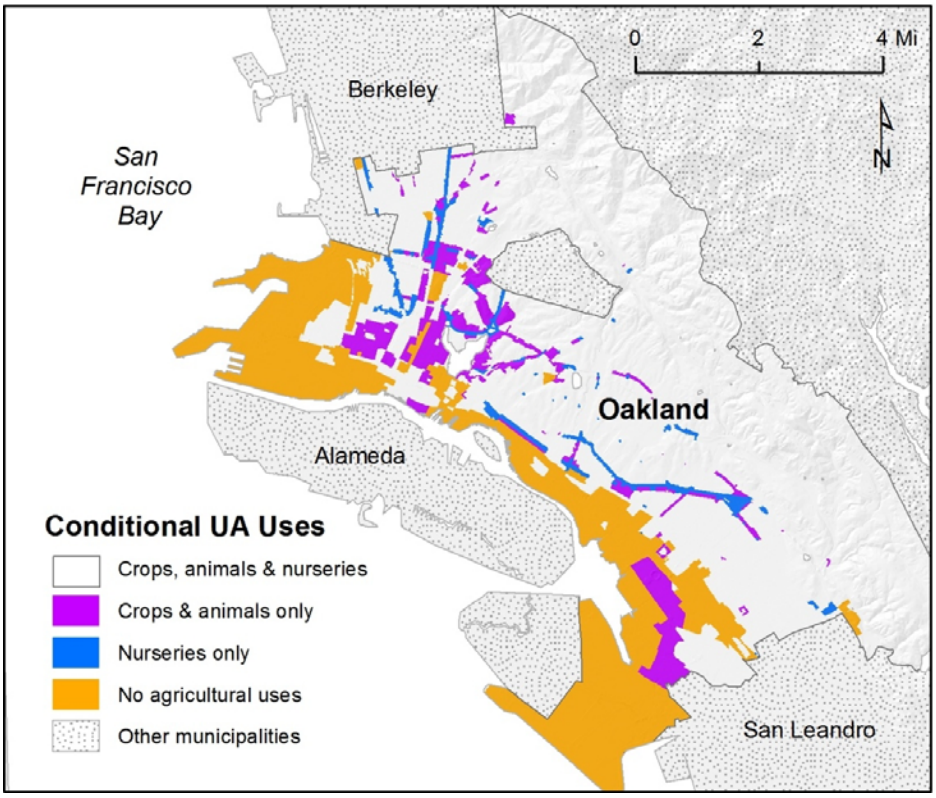
While it seemed that a CUP made sense for large-scale commercial urban farms — the type of UA that still existed in Oakland in 1932 and 1965 when the use definition was written and last updated — the high cost no longer seemed appropriate for the community gardens and small-scale market gardens that typify UA in Oakland today. Moreover, existing zoning interdicted UA in the city's industrial districts where large tracts of vacant land are numerous. Even large-scale greenhouse, aquaponic, and hydroponic

[6] For more detail on the history of the OFPC and how it operates and the use of the *Whole Measures* to identify policies that matched the six Values, see *Transforming the Oakland Food System: A Plan for Action* (OFPC, 2010).

[7] The OFPC Policy Scan (http://www.oaklandfood.org/home/policy_scan) is an effort to identify policies already "on the books" so future recommendations to improve Oakland's food system are not duplicated. The scan also identifies which agencies are involved so that the OFPC knows with whom to form partnerships when preparing to make formal policy recommendations. While this policy scan examined existing policy related to all aspects of the food system (production, processing, distribution, retail, and waste), we limit our discussion here to those related to UA.

Figure 1. Conditionally Permitted Agricultural Uses in Oakland Prior to OFPC Recommendations

Under post-recommendation interim zoning passed in April 2011, UA is conditionally permitted in the entire city. Under the OFPC recommendations, residential and civic UA would be permitted citywide, while commercial UA would be permitted in commercial and industrial zones but retain its conditional status in residential zones. The extent to which the city's proposal will reflect these recommendations remains to be seen.



industrial activities were defined as "the on-site production of goods by methods other than agricultural and extractive in nature" (§17.10.540).

Developing Zoning Recommendations for Urban Agriculture in Oakland

Once we had identified the existing regulatory barriers to UA, the next step was to develop recommendations for how to protect and expand UA. The full council tasked one of the work groups (to which two of the authors belonged) with developing the UA recommendations. Given the development of UA ordinances in other cities such as San Francisco and Seattle and the outdated zoning, the work group decided to focus on potential changes to the city's planning code. Updating the existing use definitions and zoning to better reflect contemporary forms of UA seemed a "low-hanging fruit" on which to focus during our first year. Furthermore, these changes seemed also to be fundamental to protecting and expanding UA. The work group unanimously decided that defining exactly *what* UA is and *where* it can be practiced were the essential first steps. Drawing on an early draft of Public Health Law & Policy's inventory of UA best practices and model zoning language for community gardens (Wooten & Ackerman, 2011), such as that included in table 1, OFPC members compiled a set of zoning use definitions, as well as operating standards, that would provide protection and guidance to community gardens and urban farms.

Cities generally differentiate between urban farms and community gardens in their zoning codes in one of two ways: either by *purpose* or by *size* (and, occasionally, by some combination of both factors).[8] The recommendation put forward by the OFPC was to differentiate by purpose, where "urban agriculture — civic" would apply to gardens where food was grown for personal consumption or donation by a nonprofit or community group, and "urban agriculture — commercial" would apply to farms where food was grown for sale (either nonprofit or for-profit). We felt that distinguishing between civic UA and com-

[8] For an example of distinctions by purpose, see Cleveland, OH, Zoning Code § 33.602. For an example of differentiation by size, see San Francisco Planning Code § 102.35.

mercial UA and allowing civic projects in all parts of the city would lift the financial and bureaucratic obstacles that may stand in the way of community groups and nonprofit organizations interested in practicing UA. Commercial UA, on the other hand, would be permitted in commercial and industrial zones but allowed in residential areas only with a CUP. As such, commercial UA would be privileged in commercial and industrial zones, requiring only business permits and adhesion to operating standards, but no CUP. In residential areas, commercial UA (beyond the scale of a home garden) would retain the status quo of being conditionally permitted. While we recognized that large-scale civic UA projects might raise objections in residential areas, we never agreed on a maximum area for civic UA without a CUP. Suggestions ranged from 10,000 square feet (0.09 hectare) to one acre (0.4 hectare), but we ultimately felt that the city's planning staff would be able to better fine-tune this number, as we were not familiar enough with the nuanced distinctions between the five different residential zoning types. Table 2 summarizes Oakland's zoning code for UA before 2011, the recommended changes proposed by the OFPC, as well as the interim revisions adopted by the city in spring 2011 following a process that we describe in more detail below.

Once the OFPC had drafted these initial recommendations for a successful UA land use policy, it was essential to strategically advocate for these changes among elected officials and city planning staff. An opportunity to present our ideas arose in late 2009 when Oakland was in the process of undertaking a comprehensive zoning update of residential and commercial districts. While the opportunity for inserting UA into the zoning update seemed ripe — a comprehensive zoning update is a natural opportunity to incorporate zoning changes — the timing was slightly off. The city's Planning staff tasked with leading the process was reluctant to take on developing new zoning regulations for UA because the Zoning Update Commission had already completed the bulk of its work. During a public comment period, OFPC members emphasized the importance of protecting space for UA in the zoning update at these public forums, but were told by the deputy planning director that there was not time, staff, or money available to include such changes into the current zoning update (C. Waters, OFPC email to Planning and City Council, September 14, 2010).[9] From the perspective of a planner involved, completion of the zoning update was the top priority. While "other issues" — such as UA, mobile vending, transit-oriented development, and parking — "rose to the top, they took second, third, fourth place" (anonymous, interview, March 8, 2012).

Throughout 2010, OFPC members continued to communicate with Planning staff over email and in person in an effort to advocate for our recommendations on UA (as well as on farmers' markets and mobile vending), which were becoming more and more concrete. Since elected officials have the ability to direct staff to work on specific issues, we also began to contact City Council members to share our UA zoning recommendations. In September 2010, OFPC members sent a letter to City Council and the Zoning Update Commission requesting that they "direct staff to include these food policy-related areas — and work with the OFPC regarding our recommended amendments — as part of the current Zoning Update process" (C. Waters, OFPC email to CEDA, September 14, 2010). Members of the OFPC then met with staffers for several City Council members, asking them to encourage Planning staff to consider our recommendations.

As a result of these advocacy efforts, the city council president requested a report (with actionable items) from Planning on how the OFPC's recommendations could be incorporated into the zoning update. In the report, presented to City Council in October 2010, Planning staff outlined a phased plan for writing and adopting new UA zoning regulations with some minor changes incorporated into the zoning update and more significant changes following. Under the interim zoning text amendment (see table 2), which went into effect with the passage of the zoning update in April 2011, UA is allowed in *all* zoning districts with a CUP; indoor food production

[9] The community meeting was held on November 7, 2009, at Peralta Elementary School, Oakland.

Table 2. Original, Proposed, and Interim Use Definitions and Zoning Related to Urban Agriculture in Oakland, California

	Use Definitions	Zoning
Planning code prior to OFPC recommendations	**17.10.590 General description of Agricultural and Extractive Activities** include the on-site production of plant and animal products by agricultural methods and of mineral products by extractive methods. They also include certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2450)	
	17.10.600 Plant Nursery Agricultural Activities include the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. They also include certain activities accessory to the above, as specified in Section 17.10.040.	Conditionally permitted in most residential and commercial zoning districts; not permitted in industrial zones
	17.10.610 Crop and Animal Raising Agricultural Activities include the raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase. They also include certain activities accessory to the above, as specified in Section 17.10.040. (Prior planning code § 2461)	Conditionally permitted in most residential zoning districts; not permitted in industrial zones
Initial OFPC recommendations	**Urban Agriculture, RESIDENTIAL** shall consist of land used for the cultivation of fruits, vegetables, plants, flowers or herbs, and/or for animal products and livestock production by a Community Group with the primary purpose of growing food for personal consumption and/or donation. The land shall be served by a water supply sufficient to support the cultivation practices used on the site.	Permit in all residential zoning districts
	Urban Agriculture, CIVIC shall consist of land used for the cultivation of fruits, vegetables, plants, flowers or herbs, and/or for animal products and livestock production by a Community Group with the primary purpose of growing food for personal consumption and/or donation. The land shall be served by a water supply sufficient to support the cultivation practices used on the site. Such land may include available public land. Community gardens are subject to the operating standards set forth in a forthcoming zoning bulletin.	Permit in all zoning districts
	Urban Agriculture, COMMERCIAL shall consist of land used for the cultivation of fruits vegetables, plants, flowers or herbs, and/or for animal products, livestock production, or value increase by an individual, organization, or business with the primary purpose of growing food for sale (including for-profit and non-profit enterprises). The land shall be served by a water supply sufficient to support the cultivation practices used on the site. Such land may include available public land. Urban Agriculture COMMERCIAL is subject to the operating standards set forth in a forthcoming zoning bulletin.	Permit in all commercial and industrial zoning districts. Permitted in residential zones with a CUP
Interim zoning for 2011 following initial OFPC recommendations	See **"17.10.610: Crop and Animal Raising Agricultural Activities,"**above	Conditionally permitted in all residential and commercial zoning districts
	Indoor food production can be interpreted in the interim as a "Custom Manufacturing" activity when applied to buildings of less than 10,000 square feet (929 square meters).	Industrial and mixed industrial zoning districts
	Clarify definition of "Community and Botanical Gardens" under "17.10.140: Essential Service Civic Activities" to incorporate OFPC definition.	

(hydroponic, aquaponic, and greenhouse) is allowed use in industrial zones; and UA is explicitly listed as a civic activity.

The November 2010 mayoral election also may have played a role in bringing UA to the fore. During her campaign for mayor, At-Large Councilmember Rebecca Kaplan repeatedly emphasized the importance of adopting the OFPC's recommendations, providing the OFPC with some much-needed attention in City Council.[10] The presentation of the OFPC Plan for Action, *Transforming the Oakland Food System,* and the revised print edition of *Cultivating the Commons* also helped to raise awareness of UA among City Council members. Finally, as we will discuss in the next section, growing public interest in UA helped put the requisite pressure on decision-makers to keep the ball rolling.

Community Engagement

In addition to the research of OFPC council members and Food First interns, the overall process has relied heavily on community participation at various stages (see figure 2). First, the goals and values of the OFPC were defined in part through the work of the HOPE Collaborative's community engagement process, which included participatory data collection and a series of listening sessions and charettes (HOPE Collaborative, 2009). Second, the OFPC's First Steps were presented to the public for comment at three listening sessions in July and August 2010. Finally, the specific recommendations were presented to urban farmers, NGOs, and community groups advocating and practicing UA on several occasions during the first half of 2011 with the intention of modifying our recommendations to meet their needs. This iterative process — of draft proposals, feedback from community and government stakeholders, and refinement by the OFPC — forged connections between stakeholders and emphasized common goals, ultimately increasing the likelihood that changes will actually be implemented in the books and on the ground. As Mendes and colleagues illustrate in their comparative study of Portland and Vancouver, the creation of a "networked movement" such as this, and "promoting more inclusive and participatory local decision making, and encouraging citizen engagement and buy-in" (Mendes, Balmer, Kaethler, & Rhoads, 2008, p. 447) aids in the integration of UA into planning and policy decisions.

The delay in getting the OFPC UA zoning recommendations incorporated into the zoning update ultimately proved to be a positive turn of events, as it gave us time to engage more directly with the public and hone our recommendations for regulations that may ultimately be on the books for decades. Until the spring of 2011, there was a lack of understanding on the part of both the public and decision-makers about how zoning served as a barrier to UA. Two events helped to catalyze public interest in the ramifications of zoning on UA in Oakland and fueled dialogue between the public and the OFPC regarding our recommendations: the passage of the San Francisco's UA Ordinance and the case of Ghost Town Farm.

First, San Francisco's Board of Supervisors unanimously passed Ordinance No. 66-11 on April 12, 2011, which amended the city's planning code to include UA. It now stands as one of the nation's most comprehensive pieces of UA legislation (McMenamin, 2011; Terrazas, 2011). An umbrella organization of UA advocates called the San Francisco Urban Agriculture Alliance was largely responsible for crafting and advocating for this ordinance. In early 2011 members of the SF group along with the environmental group Pesticide Watch helped to convene a similar group, the East Bay Urban Agriculture Alliance (EBUAA), made up of urban farmers from Berkeley, Oakland, Richmond, Vallejo, Hayward, and other parts of the East Bay. The OFPC presented our zoning recommendations to this group in February 2011, seeking input on a number of issues, notably the issue of sales in residential and civic UA zones. Some EBUAA members (who also frequented OFPC meetings) invited Planning staff and City Council members to tour their urban farms and gardens in an effort to foster a better understand-

[10] At a January 2011 OFPC presentation to the City Council Life Enrichment Committee, Councilmember Kaplan moved to hear the OFPC's UA and mobile vending recommendations during full session of the council. See also Kaplan (2010).

ing of urban farming as practiced in Oakland.

Second, the case of Ghost Town Farm, a West Oakland urban farm run by author and blogger Novella Carpenter, catalyzed public mobilization around UA zoning. Carpenter had been operating a working urban farm and pop-up farm stand for a number of years on property in West Oakland she first "squatted" and then purchased. She also maintains a blog in which she details her farming life, including posts discussing raising and slaughtering rabbits, chickens, and turkeys.[11] Animal rights activists who disagreed with her animal husbandry practices complained to Oakland zoning enforcement. Code enforcement cited her for a lack of compliance with existing city regulations; specifically, the farm stand's on-site sales were technically illegal under the zoning scheme at the time (Keeling, 2011; Kuruvila, 2011a). This single widely publicized case contributed to both heightening the sense of urgency surrounding zoning reform and raising the profile of the many existing UA organizations and activities in Oakland (Johnson, 2011; Kuruvila, 2011b; "Let urban farmer grow," 2011; Rosenbaum, 2011).

While the OFPC did not comment specifically on the Ghost Town Farm case, a sub-committee of the OFPC (that included all three authors of this article) used the opportunity to draft a public statement of support for UA in Oakland (see appendix B) in April 2011. The statement received unanimous support from the full council. During this period, the OFPC saw a marked increase in attendance by the public to council meetings, and other UA groups and individual urban farmers mobilized to ensure that the recommendations truly protect and expand UA.

The OFPC's statement on UA received broad support but was not without critics. While support was unanimous within the OFPC, the same animal rights activists concerned with Carpenter's activities (cf Rubenstein, 2011) attended the May 2011 OFPC meeting and publicly voiced their concern over the inclusion of livestock into our definition of UA. They felt that allowing livestock in the city (despite retaining the legal status quo) would open the door for animal cruelty. The OFPC's recommendations motivated animal rights activists to organize. They began calling and emailing their concerns to the Planning staff charged with the UA zoning proposal, as well as publishing several op-eds and online postings (Anderson, 2011; Elwood, 2011).

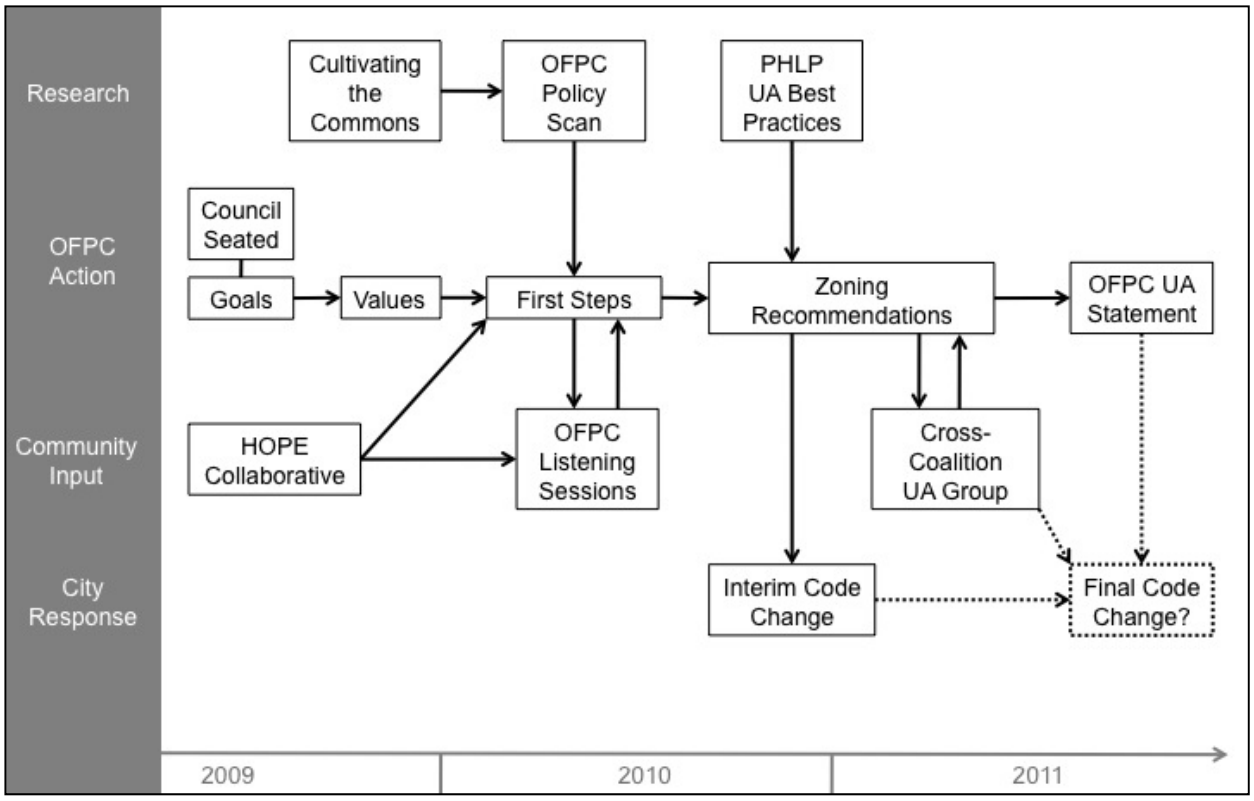
This protest took us by surprise; it seemed to be absent from every other UA land use policy process we were familiar with from around the country. Ultimately, however, it galvanized UA advocates to come together to define what ideal UA policy and zoning might look like. In May 2011, the NGO Bay Localize convened a "Cross Coalition Meeting of Oakland Urban Ag Campaigners" that included members of the OFPC, EBUAA, the Oakland Climate Action Coalition (which has incorporated UA as a central component of the climate action plan it is developing for the city), and other organizations and individuals involved in UA. Over the course of several meetings and email exchanges, participating parties commented on the OFPC zoning recommendations. Participants have been concerned expressly with preserving the relatively liberal zoning language regarding livestock, allowing sales in residential and civic UA zones, and preventing for-profit agribusiness (including medical marijuana growers) without a vested interest in food justice from taking over available vacant land. The OFPC and Bay Localize presented a statement, signed by more than 40 organizations represented by the Cross-Coalition, to Planning in July 2011. These mutually defined recommendations underscored the importance of defining UA as inclusive of both crops and livestock (see appendix C).

If at First You Don't Succeed… Lessons Learned and Future Directions

Following the passage of the zoning update in April 2011, Planning committed several staff to developing UA zoning and further changes began to take place. In June 2011 the City Council Planning Committee voted to approve sales of produce grown without the use of machinery in home gardens and community gardens (Seltenrich,

[11] See her blog, "Ghost Town Farm: a Blog by Novella Carpenter" (online at http://ghosttownfarm.wordpress.com/) and *Farm City: The Education of an Urban Farmer* (Carpenter, 2009).

Figure 2. Interactions Between Research, Community Partners, Oakland Food Policy Council, and City Government in the Development of a UA Zoning Recommendations for Oakland



2011), a change subsequently approved by City Council in October 2011 (Kuruvila, 2011c). Planning staff met several times with OFPC members and other community stakeholders involved in UA before convening the July 2011 public hearing. The city's UA zoning proposal will consider the OFPC recommendations and also will propose the creation of an owner-based operating permit as an alternative to the parcel-based CUP for urban farmers wishing to expand the scale of commercial production in residential zones (E. Angstadt, personal communication, June 6, 2011).

Between August and November 2011, Planning staff also convened four meetings of a Technical Advisory Group including three members of the OFPC (two of whom are authors of this paper), urban farmers, UA organization staff, and representatives from various municipal and county bodies, including Environmental Health, Animal Control, Code Enforcement, Cooperative Extension, and 4-H to provide input on what a UA zoning ordinance should include. Since then, Planning staff has been working on the draft zoning proposal, which should be presented to the Zoning Update Committee and then to the public for comment by the end of 2012.

Planning staff members anticipate that the public comment period will be difficult given the divide between those who think that animals should be allowed and those who do not. One planner commented, "interest groups are on complete opposite sides on many issues and I don't see room for much coming together, especially around livestock in the city" (anonymous, personal communication, September 6, 2012). The city's proposal "won't be as far forward as the OFPC or other urban ag groups would like" (E. Angstadt, interview, March 8, 2012). Another planner commented, "I'm sure when we present our proposal, we'll try to be reasonable, but everyone will think it's unreasonable from their standpoint" (anonymous, interview, March 8, 2012). For

example, small animals may be included but large animals will not. Similarly, the proposal will not address UA on park land, despite OFPC and others' pressure. A planner noted, "We're generally amenable to that, but it opens up a sticky situation where we'd be putting urban ag in more advantageous place than other park uses....We're not ready to do an update of Open Space" (anonymous, interview, March 8, 2012). After public comment, the proposal will go to the Planning Commission for a vote and finally to City Council for approval. Given the conflict around livestock, Planning expects that the proposal will not move to City Council before the end of 2013 (anonymous, personal communication, September 6, 2012).

The development of the new zoning regulations has clearly been a slow and complex process, and adoption still appears to be on the distant horizon. The OFPC's advocacy for changes to zoning was a slow and grueling process requiring a great deal of patience, tenacity, and negotiated roles that, in some cases, evolved on the fly. At first, the OFPC felt unable to garner the necessary interest from Planning staff and City Council members during the zoning update. In the eyes of OFPC members working on the UA recommendations, the request for the Planning report by the City Council president was essential to getting the gears moving. For the deputy director of planning, however, this event nearly derailed the OFPC's efforts and undermined the relationship between Planning and the OFPC. Preparation of a staff report is time-consuming, and Planning staff felt it an unnecessary burden given that UA was first on a list of priorities once the zoning update was completed. Deputy Director of Planning Eric Angstadt recalled,

> The negative thing was that when OFPC was talking to staff and unhappy with our response, they got engaged with [City] Council and went over our head. Council throwing a demand for a staff report was what led to some of the bad feelings. We felt we'd given a coherent answer, that we had to finish our work first. So it was not a good way to start a real working relationship. (E. Angstadt, interview, March 8, 2012)

Planning staff felt that a working relationship between the OFPC and Planning needed to respect the official process and boundaries. Angstadt explained, "Getting the OFPC or any community council established as an offshoot of a political body is fraught with problems. Whenever it's set up by City Council, it's hard to set up a good working relationship with [Planning] staff. There's a needed split between the legislative and executive branch, and because of that, there will always be tension with professional staff" (E. Angstadt, interview, March 8, 2012). At the same time, Angstadt acknowledged that the OFPC's pressure on City Council did actually provide an impetus for Planning to prioritize UA zoning:

> On the positive side, the OFPC definitely helped bring the issue up to Council in a way that made it easier to get it in to our work plan earlier. That type of pressure was positive. In general, it is always easier for staff to move x ahead of y if people are advocating for Council to support something… The power of 10 or 15 organized people is really underestimated. A [food policy] council that can really get something done will turn people out to a public meeting. (E. Angstadt, interview, March 8, 2012)

Reflecting on the process, Angstadt commented, "Even though it started off on a wrong foot, it arose from a positive desire to get something done quickly.…We had a conversation, saying, 'Here are our lanes.' Just getting that communication on how we're going to work together was key" (E. Angstadt, interview, March 8, 2012).

One of the Planning staff involved with the UA zoning proposal commented, "What we appreciated about the OFPC was that a lot of research was done that we could piggyback off of, statistics, even the language that was done" (anonymous, interview, March 8, 2012). However, developing specific language is a fine line. General

language and specific examples of existing language might be useful, but the exact language clearly depends on the context of the specific city. Angstadt explained the need for a clearer division of labor, for simply "getting the food policy council to talk about concepts, but letting us operationalize. There was a little too much interest in trying to write things too close to code. That's the difference between professional staff steeped in zoning code and groups who aren't" (E. Angstadt, interview, March 8, 2012). For example, he noted that the specific language of our recommendations needed to be tweaked, as the terms "civic," "commercial," and "residential" have distinct use meanings separate from UA in existing Oakland code (E. Angstadt, personal communication, June 6, 2011). What was more important to the process than specific language, however, was the OFPC's ability to bring in concepts and background research. Angstadt continued,

> Rarely are staff experts, so getting access to research is a good thing for a policy group to do. We need to know what humane chicken-raising looks like. Even more so than the language, we need the concepts, the background info, so we can operationalize that into a set of code. [The OFPC members involved in the UA zoning work] were very good at that, like the report on vacant land, otherwise staff has to do this on our own. This can save time, move us closer to operationalizing the ideas. (E. Angstadt, interview, March 8, 2012)

Working with city staff and City Council members, consulting with community organizations and urban farmers, drafting the two statement letters on UA that residents and supporters could sign on to, and drafting recommendations based on best practices are examples of the coordination and community organizing necessary to increase decision-maker awareness and move toward policy change. The OFPC's efforts to lay the groundwork for UA policy in Oakland offer a number of wider lessons to communities working to adopt new UA regulations as well as those tackling local food policy more broadly.

1. *Create an advocacy structure that can weather a lengthy policymaking process.* The community organizing, policy research, and advocacy process that led up to Oakland's first round of UA zoning reform (and that continues today) was several years in the making, dating back to the Oakland Food System Assessment and the HOPE Collaborative. One of the key benefits of working through a food policy council is that it institutionalizes resources and partnerships, making it more likely that stakeholders and advocates are able to continue a policy campaign over a potentially protracted timeline.

2. *Identify the appropriate advocacy role early in the process.* Because the OFPC hopes to develop a long-term relationship with city officials and staff, and because the council's platform is broader than a single issue, using antagonistic or adversarial advocacy techniques was not a preferred strategy. Rather, the strategy was governed by an attempt to build trust, positive relationships, and offer support or resources whenever possible, in essence remaining as diplomatic as possible while firmly pressing our agenda forward.[12] As the case shows, however, defining this role was a process in itself, one that required negotiating a division of labor with Planning.

3. *Emergencies or immediate problems may both postpone and expedite action.* The policy-making process is one shaped by contingency. Garnering attention from both policy-makers and city staff is a competitive process. While almost all the staff and elected officials that the OFPC engaged

[12] This is not to say that more adversarial approaches and overt protest, organizing, or mobilization are not appropriate in some cases. Indeed, including groups that use such strategies at the table is essential. As a food policy council with an interest in maintaining congenial relations with municipal government, however, it makes more sense to channel or translate the concerns and ideas of more activist organizations into language perhaps less threatening to public officials.

supported the general idea of UA, there was not enough momentum to actually move policy reform forward until zoning enforcement cited Ghost Town Farm with a violation, sparking a more widespread outcry for change. At the same time these cries for change were sharply divided into pro-livestock and anti-livestock camps. While the crisis precipitated Planning to act, public division over livestock has ultimately slowed the process down.

4. *Successful advocacy benefits from both inside and outside "champions."* Even before the Ghost Town Farm incident, City Council members had shown increasing interest in including UA as part of their own political platforms. This support was instrumental in moving staff to begin to include UA in code updates. Identifying internal champions among city Planning staff earlier would have contributed to a more streamlined process. Getting to know the key players and their histories is important to identifying these champions. In this case, Planning staff did not initially appear to display a personal passion for tackling UA in the zoning code update. With time, however, it became clear that the head of Planning was actually quite committed to UA and made it a priority once the zoning update was complete. Had we better understood his personal commitment earlier, we could have avoided the oppositional relationship that threatened to derail our efforts. Moreover, had we established a clear division of labor at that point, we could have saved the time we spent crafting and fine-tuning specific language that may or may not factor into the final proposal.

5. *UA policy change benefits when it is part of a larger food system plan.* While UA policy reform certainly can be tackled as a single issue, the OFPC's broad platform with an emphasis on equity brought a number of stakeholders to this process who may not have been attracted to UA as a standalone issue. For example, OFPC members include representatives from the Alameda County Community Food Bank, the business community, and farmers' market organizations — groups for whom UA may not be a top food system priority. However, the food system framework allows each of these groups to support and champion UA and situate it within a context of economic development, environmental sustainability, and healthy communities. A singular focus on municipal zoning, therefore, may ultimately run into roadblocks because many of the existing policies affecting UA are regulated at the county and state levels. Identifying how these higher-level policies play out at the municipal scale is vital. The diversity of voices involved helped shape both the OFPC and Cross-Coalition statements on UA. While involving this broad range of stakeholders did not necessarily expedite the process of UA zoning, it nevertheless helped to put pressure on Planning to get the process started.

6. *Policy without people is boring.* Admittedly, zoning regulations are an incredibly abstract and distant issue from the day-to-day experiences of most Oakland residents. These regulations are generally not visible outside a circle of professional planners and developers. For the myriad individuals and organizations going about their business of gardening and farming in the city, zoning regulations certainly seemed irrelevant. However, when residents and advocates began to understand that these rules come with real costs (such as when "illegal" operations are fined or shut down), there is a tangible connection between the abstract code on paper and the living, breathing, and growing community. The next step is to facilitate a public conversation about how policy might in fact support and promote a more sustainable, healthy, and community-driven way of life. Over 300 people attended the city-sponsored workshop asking for resident feedback on the UA ordinance — more than attended any other zoning meeting hosted by the Planning Department during their comprehensive code update. In the words of a City Council staffer, "That stands as a testament to the work of many groups and individuals, including the OFPC, in engaging people and insisting that policy reflect and support how real individuals

> and communities sustain themselves and live their lives" (A. Chan, personal communication, March 20, 2012). While the substantial interest in UA may have motivated many to participate on their own accord, the outreach efforts of the OFPC and Cross-Coalition mobilized a large number to show up.[13]

Indeed, working to protect and expand UA is only one of 10 first steps that the OFPC defined. Moreover, our effort to change zoning was only the first of many steps to scale up UA in Oakland.[14] We perceived it as a low-hanging fruit given the confluence of factors: a zoning update, the passage of San Francisco's zoning ordinance, the heightened visibility of the impact of zoning on UA following the Ghost Town Farm case, and, most importantly, the political will to prioritize UA within both City Council and Planning. While the details of the city's urban agriculture proposal and the politics surrounding its passage are still yet to be seen, the OFPC's advocacy early on certainly helped get the ball rolling. Once the city has released its proposal, the OFPC, along with the Cross-Coalition, will certainly identify new roles and strategies for UA advocacy.

Ultimately, zoning deals only with the question of *where* (and under what conditions) UA can occur in a community. While the OFPC's role in the development of UA zoning in Oakland has largely come to a close, members and other UA advocates have already identified additional necessary policy reforms, such as streamlining the licensing and permitting process (which deals with *who* can practice UA). Also needed is the creation of a transparent and streamlined process for access to public land through standardized requests for proposals (RFPs) and lease agreements. This may include developing use agreement templates for civic UA on public land, permitting for commercial UA, and advocating for a sliding scale or tiered fee structure for permits. Other possible policy interventions may address subsidizing liability insurance, water, and UA extension programs. Best practices already being implemented in other cities first need to be identified and examined, and then, if appropriate, reworked to fit the Oakland context. Ultimately, the extent to which these changes take effect depend not only on our effectiveness as advocates, but also on the extent to which city officials perceive an equitable food system as a priority — no easy task considering the vagaries and uncertainties of the political process and the state of municipal, state, and federal budgets. Clearly, the work is only beginning.

[13] See, for example, the "Grow Local" campaign video (accessed May 11, 2012): http://www.baylocalize.org/programs/green-your-city/growlocal

[14] Increasing food access cannot be completely addressed simply by increasing urban food production. As Nobel Laureate Amartya Sen (1983) reminds us, hunger is rarely a function of limited food production, but rather of limited entitlements, or "the command over goods and services," which, in industrialized nations, is mediated primarily by wages and purchasing power. Similarly, food justice work and efforts to improve "access" must extend beyond production, as well as beyond processing, distribution, retail, and waste recycling, to include structural reforms to increase entitlements through a range of mechanisms, notably by expanding economic opportunities in low-income areas. For these reasons, scholars have expressed the dangers of focusing on spatial proximity to healthy food or using "local" as the defining characteristic of a just and equitable food system (Allen, 2010; Born & Purcell, 2006; DeLind, 2010; Hinrichs, 2003).

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Appendix A. OFPC Recommended Food Policy First Steps

Value	First Steps
Justice and Fairness	1. *Develop "environmentally preferable purchasing protocols."* Partner with the city of Oakland to develop and implement new RFP standards and language prioritizing and outlining "Environmentally Preferable Purchasing Protocols" (EPPP) and nutrition standards for all city contracts, phased in over five years.
Strong Communities	2. *Protect and expand urban agriculture.* Create zoning definitions and operating standards for both civic and commercial urban agriculture.
	3. *Strengthen community-government links.* Build relationships between residents, community leaders, and key government representatives.
Vibrant Farms	4. *Encourage accessible and affordable farmers' markets*. Advocate for the development of zoning regulations to protect and expand farmers' markets.
	5. *Scale up local purchasing.* Scale up purchasing from local producers and formalize the collaborations between and aggregation of small farmers.
Healthy People	6. *Promote use of food assistance programs at farmers' markets.* Promote use and acceptance of food assistance program benefits at farmers' markets.
	7. *Encourage healthy mobile vending*. Expand mobile vending regulations to include additional areas of Oakland and encourage fresh food vending.
Sustainable Ecosystems	8. *Create synthetic pesticide- and GMO-free production zones*. Build upon the GMO-ban successes of Marin, Trinity, and Mendocino counties to inform Alameda County policies on pesticide and GMO-free zones.
	9. *Expand composting and food scrap recycling.* Develop a citywide waste management contract that expands composting and food scrap recycling.
Thriving Local Economy	10. *Develop a "Fresh Food Financing Initiative."* Develop and implement an initiative that will provide financing, technical assistance, and location assistance in underserved communities.

(adapted from OFPC, 2010)

Appendix B. OFPC Statement on Urban Agriculture, April 2011

The Oakland Food Policy Council has identified support for and expansion of urban agriculture (UA) through local policy and coordination as one of our top goals.

Broadly, UA encompasses the cultivation of fruits, vegetables, plants, flowers or herbs, and/or raising animals and livestock in cities. Oakland is already home to a thriving community of urban farmers and gardeners who contribute to our city's culture, health, environment, and economic vitality.

However, our planning process identified a number of areas where Oakland residents could benefit from clearer, updated, and streamlined local policies related to urban agriculture – especially in our zoning code. ***The widely publicized case of Ghost Town Farm, which was recently cited for lack of compliance with Oakland's current zoning codes, highlights the need for an open dialogue about what sort of regulatory framework for UA activities we want to have here in Oakland.*** We would like to use this opportunity to generate public discussion about policy barriers and opportunities related to UA and to continue to urge the City to expedite the revision of existing zoning that in some cases hinders UA in Oakland. Most important, we are interested in promoting a positive and productive dialogue where our policymakers, city staff, and residents can work together to chart a course for the future of UA.

We have identified two priority areas where we recommend policy changes:

1. **Update zoning for UA to include a broader and more diverse range of food growing practices.** Under the most recent citywide zoning update that is about to take effect, "Crop and Animal Raising Agricultural Activities" are allowed in all residential and commercial zoning districts with a Conditional Use Permit (CUP). The OFPC is working with the Planning Department to draft new UA definitions and amend the UA sections of the Zoning code in order to both clarify and streamline how different types of UA activities are regulated. Instead of one blanket policy that applies to all kinds of UA regardless of scale or intensity of activities, we are proposing definitions (and appropriate operating standards) for three types of UA that will help determine where UA can be practiced in Oakland:

    - **Residential** UA is any form of plant and animal raising activity on a private residential property by an individual or family with the primary purpose of household consumption (regarding sales of Residential UA surplus, see the next point below). We propose that residential gardens be allowed as-of-right (with no additional permits or fees required) in all residential zones.

    - **Civic** UA must be organized and operated by a Community Group, which may include local civic associations, public agencies, non-profit agencies, gardening clubs, homeowners associations, or even a group formed for the purpose of establishing a garden. We propose that civic gardens be allowed in all residential zones, and in most commercial zones (it may be appropriate for some commercial areas, such as our downtown, to require a CUP).

    - **Commercial** UA use is distinguished from Civic UA by the intensity of site cultivation, the size of the site cultivated, and the primary purpose of the site's use, which is growing vegetables, plants, flowers or for sale (including for-profit and non-profit enterprises). We propose that commercial UA be permitted in Commercial and Industrial Zones, and in residential zones with a CUP.

    We welcome comments from the public regarding these definitions and zoning regulations.

2. **Update zoning for sales of raw agricultural products to allow for small-scale entrepreneurial activities.** Currently, selling raw, unprocessed agricultural products such as produce is regulated by a number of different laws, including Oakland's zoning code (briefly, where selling can take place) and by city business permitting and licensing (who is allowed to sell). Generally, commercial activity (like selling produce grown onsite) is not allowed under current code in residential zones.

   The OFPC supports modifying our code to allow some sales of raw agricultural products in residential zones. Prohibiting produce sales in residential zones may limit both the healthy food access benefits of urban agriculture and the small-scale entrepreneurial opportunities that it provides to residents. A number of cities, such as San Francisco, CA, Seattle, WA, Cleveland, OH, and Kansas City, MO have recently relaxed prohibitions on sales in residential areas and allowed gardeners to offer their bounty for-sale with appropriate operating standards in place. Additionally, we recommend that any CUP process take into account size and scale of the UA operation (considering such issues as gross sales), and offer a tiered cost structure.

In addition to the priority policy recommendations above, there are several other areas where updated policies could benefit Oakland's urban farmers and gardeners, including raising animals and livestock. For example, Seattle's new urban agriculture zoning increased the number of chickens permitted per household and added other allowed animals, including potbelly pigs. The OFPC also strongly supports the integration of animals into urban food production systems because they provide products that can improve the diets of Oakland's residents (e.g. fresh milk, honey, eggs, and meat). Some urban farmers collect wool and goat hair for cottage industries. Finally, manure is an important fertilizer source for sustainable, ecological food production that is not reliant on petroleum-based chemical fertilizers.

The time is ripe to craft regulations that protect and expand UA, while ensuring that it will consistently be practiced in ways that are compatible with surrounding uses. The OFPC has already compiled suggested zoning code language (including a matrix of zones and UA activities) which we have shared with the City of Oakland Planning & Zoning Department, and we encourage you to contact your City Councilmember to encourage them to support these important policy changes.

The OFPC is prepared to help facilitate this dialogue in any way needed. We, along with all those who have signed this letter, believe that the recommendations outlined above will make for a healthier, more vibrant Oakland.

Appendix C. OFPC and Bay Localize Letter to Planning Department, July 2011

July 20, 2011

Eric Angstadt
Deputy Director of Planning and Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Mr. Angstadt:

We, the members of the Oakland Food Policy Council along with the undersigned organizations, urban farms, and coalitions, wish to commend you and your staff for your work to update the City of Oakland's zoning codes to reflect our communities' growing urban agriculture movement and to encourage and facilitate local food production.

By breaking down legal barriers and creating clear operating standards for urban farmers, we can create more community gardens, more local food enterprises, and more affordable, healthy food options for Oakland residents. We can also open up more safe and welcoming spaces where the community can come together, learn hands-on gardening skills and nutrition, and reconnect with the land. Expanding urban agriculture can also help reduce carbon emissions as called for in the city's Energy and Climate Action Plan by cutting the need to transport food. And it can boost the local economy by encouraging food dollars to stay within the community, while creating local green jobs in urban agriculture.

As you embark upon the comprehensive urban agriculture zoning update, we urge you to take the following Seven Key Recommendations for Urban Ag into account, which reflect the ideas and aspirations of a broad, diverse range of voices from within our communities:

1. **Define Urban Agriculture to include both plant- and animal-based food production.** While we share the goal of ensuring humane standards of care for animals, excluding them from our urban food system is a denial of basic rights for Oakland residents. The choice of whether to eat meat, eggs, or milk is a personal one, often deeply connected to cultural heritage. That's not up to the city to decide. Through the zoning update process, we can place limits on the number and types of animals that can be raised on a plot of land, setting clear expectations of local residents. By clarifying these policies, we can create a more efficient, well-regulated system that upholds humane standards.
2. **No backyard slaughterhouses!** To ensure that only safe, humane, and well-regulated facilities are used for commercial animal slaughter and processing, we urge the city to prohibit commercial slaughterhouses in residential zones, allowing them only in industrial and commercial zones. This will also help preserve the character of Oakland's neighborhoods, while preserving the option of building local food infrastructure.

3. **Allow for on-site sales of locally-grown produce and value-added goods citywide.** Affirm the right of all local residents, community groups, and businesses to sell produce grown on-site in all zones, provided they adhere to existing standards and regulations for the zones in which they're operating. To ensure economic viability of food enterprises, the sale of value-added goods, where the primary ingredients are grown and produced on-site, should be permitted. In all zones, sales, pick-ups, and donations of fresh food and horticultural products grown on-site should be permitted.
4. **Ensure affordable and timely permitting for urban agriculture operations.** To maximize the participation of residents, community groups, and businesses in local food production, permit fees for initiating urban agriculture operations should be set at the minimum feasible level to allow the city to cover its administrative costs. Further, sufficient staff time should be dedicated to ensure a timely approval process.
5. **Support process for facilitating community access to public lands for food growing.** As outlined in Nathan McClintock's *Cultivating the Commons* report, a significant portion of Oakland's produce needs could be met by growing food on city-owned lands. The Planning Department should support the efforts of the Oakland Parks and Recreation Department, community groups, and other public landowners to develop a clear process by which residents and Oakland-based groups can secure access to such lands for growing food that respects and balances the multiple needs and interests of the broader community. This process should give preference to community groups that seek to maximize community benefit and prohibit for-profit, commercial enterprises.
6. **Uphold the highest humane, ecological, and neighbor-friendly standards of operation.** As the operating standards for urban agriculture practitioners are developed, they should a.) seek to meet or exceed existing animal welfare regulations as set forth in state law, reiterating clear penalties for non-compliance; b.) encourage ecological best practices, including water-wise irrigation techniques and technologies, integrated pest management plans and techniques which promote the least toxic pesticides, and public health protection strategies; and c.) outline clear "Good Neighbor Standards" that conform to or exceed existing nuisance and property laws.
7. **Create clear and comprehensive Urban Agriculture Toolkit.** The city, in collaboration with community partners, should produce a guide for residents, community-based organizations, and entrepreneurs interested in urban agriculture that clearly outlines a.) the process of starting a community garden or urban farm; b.) the permits, if any, that are needed; c.) the types of operations allowed in each zone; d.) the standards that are expected of local operators; e.) resources for ecological and humane best practices; f) a list of contacts within government around permitting and regulations, and g) a directory of local urban agriculture groups, operations, and related resources.

Thank you in advance for considering these recommendations. We look forward to working with you and your staff in building a locally resilient, equitable food system for Oakland!

Sincerely,

Oakland Food Policy Council, plus the organizations, farms, and coalitions listed below.

cc: Oakland Planning Commission
Oakland City Council
Mayor Jean Quan

(continued)

SUPPORTING ORGANIZATIONS:

- Acta Non Verba: Youth Urban Farm Project
- Agrariana
- All Edibles
- Bay Localize
- California Food and Justice Coalition
- Center For Popular Research, Education & Policy (C-PREP)
- Center for Progressive Action
- City Slicker Farms
- Communities for a Better Environment
- Communities Rooting Together (CoRooT)
- Community Alliance with Family Farmers (CAFF)
- Community Health for Asian Americans
- DIG Cooperative
- East Bay Urban Agriculture Alliance (EBUAA)
- Ecology Center
- Farm to Table Food Services
- Food & Water Watch
- HOPE Collaborative
- The Institute of Urban Homesteading
- Movement Generation: Justice & Ecology Project
- Natural Logic
- Oakland Food Policy Council (OFPC)
- Oakland Resilience Alliance
- People's Grocery
- Pesticide Watch Education Fund