

# CULTIVATING RESISTANCE

An Urban Agriculture  
Toolkit to Support  
Oakland's Independent  
Food System



Written and compiled by  
Oakland Food Policy Council  
and City Slicker Farms



# ACKNOWLEDGMENTS



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# **WE BELIEVE THAT GROWING FOOD IS A RIGHT**

**Access to food is a basic human right. Our ability to determine our own access to food that is healthy, affordable, culturally relevant is part of that right.**

# INTRODUCTION

## What Is Cultivating Resistance?

We can grow our food in Oakland as an act of independence from, and resistance to, **an unjust food system that is structurally racist<sup>1,2,3</sup> economically oppressive<sup>4,5,6</sup> and environmentally toxic<sup>7,8</sup>**. By gathering to celebrate food, share resources and knowledge, and preserve food-ways, we nourish and strengthen the resilience of our communities. The connections forged in these acts cannot be underestimated. We create health, leadership, livelihood and civic engagement-- the basic currencies to define our future for ourselves and our families. We've created this document to support local communities growing food together to build health and economic empowerment.

The benefits to growing food in the city are multi-fold. These include:

- Increased access to healthy, local and culturally appropriate food.
- Protecting our cultures from being lost, and misappropriated, by maintaining cultural practices to empower and preserve food wisdom held deeply by our ancestry.
- Maintaining diverse knowledge of soil health, cultivation and food preparation from seed to plate.
- Ensuring power and control over our own vital resources.

- Creating and maintaining neighborhood green spaces for community resilience, recreation, beautification, urban agriculture education and therapeutic/nutritional health.
- Improving public safety by connecting neighbors, cultivating civic engagement and developing greater community cohesion.
- Creating economic opportunity through sustainable business development.
- Maintaining a genetic library of food seeds that have acclimated to local soils and climates.



## How to Use This Toolkit

We offer this toolkit as a guide to navigate existing regulations, opportunities and resources for anyone interested in growing and selling raw agricultural products in Oakland, CA. This toolkit is intended to:

- 1** Save you time and money by consolidating municipal, county, state and federal regulations that govern food cultivation and distribution in Oakland;
- 2** Provide suggestions for how to access land for cultivation; and
- 3** Offer resources to support starting and running a small food business.

Through collaboration between the Oakland Food Policy Council and City Slicker Farms, this document has been created with the shared goals of supporting household incomes, improving access to healthy foods, and strengthening local communities and economies.

Nearly all of the information and forms mentioned in this guide are available online. Wherever possible, for ease of use, website links have been included, in addition to phone numbers and addresses to key city or county offices.



City Slicker Farms Youth Crew Member  
Tory Shavers, ally Sarah Holle and ally Rachel Sullivan

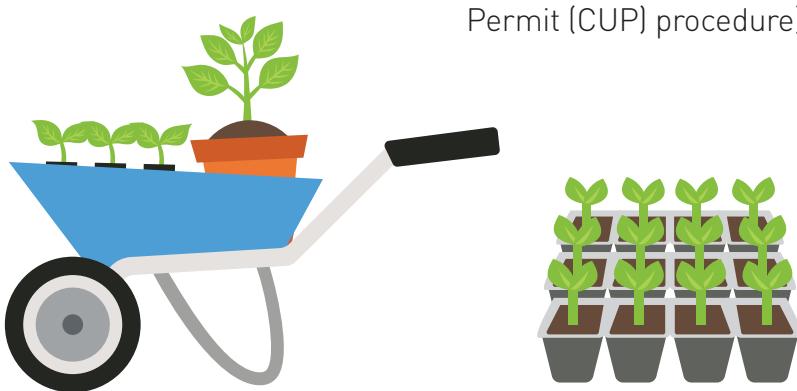


## Categories of Agriculture

The following categories of agriculture come directly from Oakland Planning code which the City uses to define what uses are and aren't allowed on a site, as well as standards of operations, such as hours of operations, what types of structures you can have, etc. Appendix C includes a table of the City of Oakland zones and permit requirements. You can find zoning code definitions on the [Citywide Zoning Map<sup>9</sup>](#) and complete City of [Oakland Zoning Code online.<sup>10</sup>](#)

## *Community Garden*

Community Gardens Activities are a civic (or community) activity defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by one or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18. Community Gardens are permitted by right if they do not include the cultivation of animals, animal products, and/or livestock production, except for beekeeping, which is permitted.



## *Limited Agriculture*

Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This classification also includes certain activities accessory to the above (in this case, "accessory" means not considered the primary activity), as specified in Municipal Code Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for beekeeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Municipal Code Section 17.10.600 Plant Nursery Agricultural Activities. Limited Agriculture is permitted outright if the activity occupies less than one (1) acre of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the Conditional Use Permit (CUP) procedure).

## *Extensive Agriculture*

Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including beekeeping activities involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to the use of any heavy mechanized farming equipment. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include any activity classified in Section 17.10.505 Animal Boarding Commercial Activities or Section 17.10.510 Animal Care Commercial Activities. Extensive Agriculture is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following use permit criteria: 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.

# CALIFORNIA STATE LAWS

*The state of California has four laws on the books that do, or, in the case of AB551, could, have major effects on growing and selling food in Oakland. We profile these laws below.*

## AB1616 – Cottage Food

A Cottage Food Operation (CFO) is considered an operation in a home that allows for foods that are deemed low-risk to be made and packaged for sale. Low risk foods are defined as foods that do not require refrigeration such as dried fruits and baked goods. The California Department of Public Health has [a more extensive allowed foods list](#).<sup>11</sup>

CFOs can be considered either Class A or Class B; Class A means the operation is allowed only to partake in “direct sale” of their goods while Class B can additionally engage in “indirect sales” i.e. sales through a third party. Class A CFOs are required to be registered with the local enforcement agency whereas Class B CFOs must obtain a permit from them. Inspection of the Class A operation is not routine unless there is reason to believe that they are in violation of food safety laws, while Class B CFOs receive an inspection before granted their permit and annual follow-up inspections thereafter.

Gross sales for CFOs must remain below \$50,000 as of 2015. There can only be one full-time equivalent (FTE) employee outside the family.

Anyone operating a CFO is required to participate in a Food Processor Course offered by your County’s Environmental Health Department. To be in compliance, there are CFO operational requirements and labeling requirements that must be followed. A more detailed document on [labeling can be found online](#)<sup>12</sup> and as can [operational requirements](#).<sup>13</sup>

Additional informational documents can be found via the [California Department of Health](#).<sup>14</sup>



Backyard Gardener Rosa Oliva

## AB1990 – Community Food Producer

A “community food producer” (CFP) is defined as one who produces food and agricultural products, and that is in an area zoned as something other than for intentional agricultural use, yet is in compliance with limits and laws for personal, community, school, and culinary gardens within their given zone. Additionally, a “gleaner” is one who legally harvests or gathers either portions or the entirety of crops or agricultural products from a given area on either public or private land.

Community food producers are allowed to sell their uncut fruit, vegetables and eggs to the public, as well as cottage food operations and permitted restaurants as long as they are following all requirements, including those that are made compulsory by the local government. These requirements include labeling with the name and address of the producer or appropriate signage with this information if it is being sold on-site. There are specific requirements for selling eggs, which Certified farmers’ markets, community food producers, community-supported agriculture (CSA) and farm stands are exempt from under this law, as long as their egg sales stay under 15 dozen eggs per month (15 dozen = 180 eggs). Local city or county health enforcement offices may require registration of community food producers or gleaners.

See [UC Cooperative Extension<sup>15</sup>](#) for a vast array of Urban Agriculture information related to this law.

## AB2561 – Neighborhood Food Act

This law removes restrictions for food production on renters and landowners that may otherwise be in place. Renters and members of a Homeowners Association (HOA) are no longer restricted by rules prohibiting the cultivation of food for personal consumption on their land. This refers specifically to tenants of single family or duplex homes, whom shall now be permitted to grow food in containers that are approved by their landlords. It requires that tenants maintain the area, and it does not interfere with the maintenance of the property. Checking the terms of the lease agreement or Conditions, Covenants & Restrictions of the HOA is still advised as guiding rules and regulations, and if there is nothing prohibiting the renter or member of the HOA, they are free to grow their food. Landlords are given the power to decide where the growing containers are located on the property, as well as restricting the use of synthetic chemical herbicides, pesticides, fungicides, rodenticides, insecticides, or any other synthetic chemical product commonly used in the growing of plant crops. The landlord may create agreements with tenants about the use of water and disposal of excess waste that cannot be composted. Restrictions for selling can be noted in other laws, such as the Community Food Producer (see above) and there are no restrictions on donating the food produced. There are no restrictions on the types of fruits or vegetables that can be grown with the exception of marijuana.

Read more about this law on this fact sheet from the [Sustainable Economies Law Center<sup>16</sup>](#) and in this document.

## AB551 – Urban Agriculture Incentive Zone Act

AB551 is a land access bill, not a food access bill. This is an important distinction. AB551 is a voluntary opt-in program that requires both County and City agreement on administration and implementation. The goal of AB551 is to incentivize productive use of vacant parcels specifically with urban agriculture (which does not pertain solely to growing food). Urban agriculture can help to revive economic, social and ecological disparities in urban neighborhoods. In order to improve land access for agricultural use, landowners of vacant land benefit by a significantly lowered property tax assessment for those who commit their land to urban agriculture for a minimum of 5 years. The size of the property must be between 0.1-3 acres, and this state law, thereby, makes it more desirable to lease land to those who are committed to urban agriculture. Cities with  $\rightarrow 250,000$  residents are allowed to adapt their own local regulations to support urban agriculture, and designate zones within their cities as “urban agriculture incentive zones,” which are the areas where these tax incentives take place. Urban agriculture is loosely defined by the law to allow for any of the following, but not limited to, crop production, soil cultivation, beekeeping, or animal husbandry with the exclusion of farming timber. The only policy on chemicals is that cities that prohibit use of chemicals must allow the use of those permitted under the USDA’s National Organic Program.

While this law is, specifically, a land access law, many urban agriculture practitioners are hopeful that the tax incentive would foster improvement to urban communities through

creating better access to healthy locally produced foods. It is crucial to note, however, that without clear criteria included in County or city AB551 program implementation, this goal will not be attained. Implementation should be done in a way that works to eliminate racism, poverty of current residents, and violence in the area; this will mean taking a local approach to applying the law and working directly with policy makers **working to establish an equitable and sustainable food system.**<sup>17</sup>

As of September 2015, Oakland has not opted into an AB551 program.

The California Legislative Info site provides [the full bill text.](#)<sup>18</sup>



# GROWING FOOD

We have endeavored to provide guidance based on land by ownership type. The local rules for growing and selling food are governed by Land Use regulations issued from the Planning Department of Oakland and approved by both the Planning Commission and City Council. These land use regulations provide designated zones for activities, possible permits for activities within zones, and/or define what activities are allowable “by right.” Activities “by right” mean no permits are required, such as growing food in all zones but public parks (open space zones) and industrial zones, provided you are accessing the land with permission of the landowner and through legal means - this includes land that is privately owned or owned through a public agency, such as East Bay Municipal Utilities District (EBMUD) or San Francisco Public Utilities Commission (SFPUC) for example.

## **Soil Contaminants and Preventing Exposure: A Precautionary Approach**

In urban areas, soil quality can vary significantly from one location to the next. Because of this soil variability, and individual site histories, City Slicker Farms no longer requires soil tests in advance of building gardens, **but takes steps to ensure best practices for lead (and other toxins)-safe gardening.** City Slicker Farms puts a barrier on the bottom of our planter boxes to prevent soil contamination, and brings in all new soil to fill the boxes. Additionally, UC Cooperative Extension and City Slicker Farms recommend mulching in order to prevent direct contact with contaminated soil, which can be dangerous when inhaled or directly ingested. It is especially important to be diligent if small children or pregnant women will be interacting with the soil. Always cover your soil; options include an initial layer of weed fabric or cardboard, with mulch, gravel, or thick grass on top. When working in the garden or harvesting food, always thoroughly wash your hands and food before consuming. UC Cooperative Extension's **Soils in Urban Agriculture<sup>19</sup>** publication also highlights Best Management Practices for California Community Gardens, School Gardens, and Urban Farms that prevent soil exposure.

*For information about heavy metals and gardens, check out these fantastic resources:*

**Heavy Metals and Gardens<sup>20</sup>**

**Alameda County Lead Poisoning Prevention Program<sup>21</sup>**

**Guidance on Specifications for Interim Control of Soil Lead Hazards<sup>22</sup>**

**Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing<sup>23</sup>**

**East Bay Urban Agriculture Alliance Soil 101<sup>24</sup>**



## Soil Testing

Should you want to learn about soil testing, see **Cornell Waste Management Institute Guide to Soil Testing and Interpreting Results<sup>25</sup>**. The **NCAT Alternative Soil Testing Lab Locator<sup>26</sup>** is one tool to help locate a soil testing laboratory. You can find additional supportive **resources on soil testing<sup>27</sup>** at the UC Cooperative Extension (UCCE) website. For information and assistance related to soil quality education, you can contact both City Slicker Farms and the UCCE contact, as of September 2015: **Rob Bennaton, the UCCE Alameda County/Bay Area Urban Ag Advisor, (510) 639-1270, rbennaton@ucanr.edu.** UCCE can provide soil quality-information and public education on improving your soil quality, soil sampling and mapping and advanced soils management.

## Growing Food Based on Land/Ownership Type: Private & Public

The rules for growing food in Oakland depend largely on the land type or ownership type of the land. For instance, the rules governing private residential spaces differ for renters and owners. Similarly, school, public spaces and open spaces have their own rules.

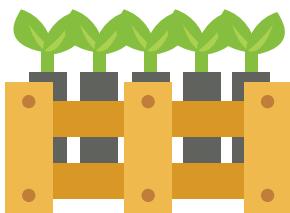
### Private Residential Yard Space

This category applies to residents who are gardening or farming in a private backyard, whether they are home-owners and/or tenants. Regulations vary depending on the type of residence: owned houses, owned condominiums, rented houses and duplexes, and multi-unit apartments with private yards. Rented apartments in buildings with more than two units that share backyard space are covered in Multi-Unit Residences.

While for both homeowners and tenants of single home and duplexes in Oakland, no permit is required to grow produce, Homeowner's Associations (HOAs) and landlords may place some restrictions on growing plants. The rules regulating growing in private residences for renters have largely been defined by the Neighborhood Food Act (AB 2561), passed by the California legislature in 2014. The law removes some of the barriers renters and members of homeowners' associations (HOAs) face when trying to grow food for themselves at home. You can read more about the law at Sustainable **Economies Law Center site.<sup>28</sup>**

## Condominium Owners

Condominium owners may face slightly more restrictions, but are allowed to grow produce - in containers or in the ground - in any yard space that is for their exclusive use. HOAs are prohibited from placing “unreasonable restrictions” on private yard space for condominiums, meaning that condominium owners are not required to check with their HOA before planting a garden unless it is outside their private yard space. The definition of “reasonable restriction” is “restrictions that do not significantly increase the cost of engaging in personal agriculture or significantly decrease its efficiency.” If an HOA’s Conditions, Covenants & Restrictions does not place restrictions on other types of growing, condominium owners may also plant in other areas (balconies, front yards, etc.)



## Renters in a One- or Two- Unit Building

Renters who live in a one- or two-unit building cannot be prohibited from growing food in portable containers and in areas of the backyard approved by the landlord. This applies only to backyards, not to front yards or balconies. Even in backyards, landlords may still place restrictions, e.g. limiting the size of the garden. Read your lease: if it doesn't have restrictions, you can do what you want in your backyard.

## Renters Who Live in a Multi-Unit Residence with Private Yard Space

The Neighborhood Food Act does not provide any rights, specifically, that cover renters who live in a multi-unit residence with private yard space unless permitted by the landlord or HOA. If food growing is not specifically stated to be prohibited in the lease agreement or Conditions, Covenants & Restrictions, then food can be grown, but tenants should have a conversation with their land-

lord and get permission to garden in writing if possible. A tenant generally does not have the right to make permanent alterations to the property, even if the lease does not specify that, so whether the tenant needs permission to do gardening often depends on the effect it would have on the property. For example, just like one can't rip out fixtures in the kitchen and replace them however one wants in their rental unit, a tenant could be held liable for replacement costs if the tenant ripped out some professional landscaping installed by the landlord and replaced it with a vegetable garden without permission.

There are also situations where the tenant would not need permission. For example, placing potted plants or raised beds on top of concrete somewhere that is part of the tenant's lease and where the tenant would remove those items when they move out. So, permission often depends on whether there is a permanent alteration involved.

## Private Non-Residential Land

If you have identified a plot of private land you would like to cultivate food on which does not contain a residence and which you do not own, you need to identify the owner.

*Contact information for land owned by government agencies is easily found by looking it up at the Alameda County Assessor Records either by searching online or going to the Assessor's Office at 1221 Oak St. Call beforehand to check office hours: (510) 272-3787.*

### Publicly accessible information from the Assessor's Office includes:

- Assessor's Parcel Number
- Owner's Name
- Property Address
- Assessed Land, Building, Fixture, and Business Property Values
- Homeowner's and Other Exemption Values
- Total Assessed Value
- Tax Rate Area Code
- Property Use Code
- Assessor's Parcel Map

For private land you can look to local realtors for information and land use history. Foreclosed land may be listed with a city agency with the previous owner and/or a bank. In Appendix A you will find an excellent land access checklist for the steps you will need to take to use the land to grow food and potentially raise animals. The checklist covers issues such as permissions, utilities access, and liability insurance.

## Affordable Housing

Throughout the United States, affordable housing developments have often integrated open space into their site designs to allow low-income residents an opportunity to cultivate the land. The New York City Housing Authority, established in 1934, operates one of the oldest urban gardening programs in the U.S. based on affordable housing property. Locally, examples of urban food growing projects on public housing properties include Alemany Farm and the Girls 2000 Urban Farms, both on San Francisco Housing Authority lands. Today, that same practice continues in development plans, and some public and private affordable housing agencies even facilitate resident-driven gardens for food cultivation with varying degrees of support.

### Publicly Owned Affordable Housing

Oakland Housing Authority (OHA) is an example of publicly owned affordable housing. OHA has multiple sites. Each housing site has a project manager that is the main point person to communicate with to learn if you can start a community garden. While the [OHA website lists<sup>30</sup>](#) their housing sites and their property management teams, OHA also has partnerships with developers that offer affordable housing through OHA and have OHA property managers. The best way to locate a project manager for a site is to go to the offices located at a site.

The land access checklist included in Appendix A is a helpful resource to understand what information will likely be wanted from you to request permission to create a community garden. An excellent local example of community partnership with OHA is Acta Non Verba **Urban Youth Urban Farm Project**<sup>31</sup> (ANV) located at the Tassafaranga Village in East Oakland. ANV operates through the Tassafaranga Village offices and is located on Parks and Recreation land in the midst of the housing. Successful coordination with the Tassafaranga Recreation Center director from the Oakland Parks and Recreation Department and the Tassafaranga Village project manager has made ANV a **nationally recognized model program**.<sup>32</sup>

However, note that to create their urban farm site on public park land, ANV required a Minor Conditional Use Permit (CUP). The CUP process will also require you to answer the questions outlined in the land access checklist, as well as a \$2,800 administrative fee that is non-refundable regardless of whether permission for the project is granted.

### ***Privately-Owned Affordable Housing***

One of the affordable housing organizations that provides growing space for its residents in Oakland is SAHA, the Satellite Affordable Housing Associates. The following are details on their structure and permission process for growing food in their housing developments.

*As with the Oakland Housing Authority, SAHA sites have project managers. As of September 2015, the main contact for information on organizing community gardens on SAHA sites is Property Manager Name: Hang Mosier (510) 809-2717 [hmosier@sahahomes.org](mailto:hmosier@sahahomes.org).*

SAHA's community gardens give residents and volunteers an opportunity to participate in their community, while providing a happy, secure, and enjoyable outdoor space and peaceful socialization. SAHA encourages gardening in order to build community and leadership among their residents. The garden space encourages residents to enjoy being outdoors and stay active. In their senior population, the community garden program is aimed at promoting physical activities and healthy eating habits while preventing social isolation, which has been linked to depression, and contributes to declines in mental and physical health.

Opportunities available for resident's cultivating gardens on SAHA grounds include a support structure for residents. SAHA organizes an initial meeting at each building to assign plots and discuss policies of the garden. The garden group will subsequently meet quarterly to discuss issues impacting the garden and provide resources, education and training to gardeners, including compost, plants, tools and water-conservation, community-horticulture and nutrition workshops. SAHA also partners with City Slicker Farms to provide support to some gardens sites.

Anyone who lives in a SAHA property with a garden program may participate in their Community Garden Program. In order to keep the community garden safe and accessible, all garden participants must sign the program's guidelines and agreement. Some guidelines state that residents are allowed to grow pollinator attracting flowers that pollinate their vegetables. They can have either individually-managed or communally-managed plots in their community gardens, depending on the site. Food production is encouraged. While sharing food is allowed, transactions such as bartering or selling produce is not allowed.

Because each individual property that SAHA operates is unique, SAHA created three community garden models to accommodate the populations that they serve. The three models are: individual, collaborative, and a hybrid model. In the individual model, each participating household gets a plot assigned to them. That individual then can decide what they want to grow in their plot and is responsible for keeping up with it. When it is time for harvesting, the individuals can keep what they have grown to consume and are also encouraged to share any extras with their neighbors. In the collaborative model, a Garden Committee of interested participants is formed. The Garden Committee will take on the responsibility of making decisions that would benefit everyone at large. The Garden Committee would work collectively on decision making of what to grow, when to grow, and when to harvest. In the hybrid model, residents may choose to garden individually or collectively. At some properties, residents team up with other residents and share the responsibility and harvest of an assigned plot.

## Non-Housing Government Agency

Examples of government agencies that have also allowed urban agriculture include East Bay Municipal Utilities District (EBMUD) or San Francisco Public Utilities Commission (SFPUC) for example. The best first step is to have a clear idea of the garden project you and envision and its benefit. Then contact the government agency who owns the property to invite them to partner with you to implement your public benefit project. While these agencies may not have a specific garden/urban agriculture department, they may have robust resources for gardening. For example, **EBMUD offers grants<sup>33</sup>** and other resources to support community organizations who create publicly accessible community gardens or urban farm projects that demonstrate water conservation principles. An example of a successful community partnership is the

Lafayette Community Garden where **EBMUD entered into agreement<sup>34</sup>** with Sustainable Lafayette with approval from Lafayette City Council. The information provided in the linked agreement is a great example of what information you will want to have thought through before approaching government bodies for support.

*Current contact information for EBMUD:  
(866) 403-2683  
[waterconservation@ebmud.com](mailto:waterconservation@ebmud.com).*

The SFPUC is partner to a number of community garden/urban agriculture projects. The SFPUC **alone owns 84,000 acres.<sup>35</sup>** An innovative The Sunol Ag Park is an innovative East Bay example where 18 acres of farmland are **leased by the nonprofit<sup>36</sup>** Sustainable Agriculture and Education (SAGE) and farmed by **a variety of farm projects.<sup>37</sup>** When a government site does not offer a direct contact for inquiring about land use for agricultural projects, looking to their contacts for garden resources is a second best option.

*For instance, SFPUC offers community garden grants for City departments, hospitals, schools, non-profits, community groups, neighborhood associations, developers, homeowners, landlords, or businesses.*

*You can email this program at [landscape@sfgov.org](mailto:landscape@sfgov.org).*

*You can also reach out to their key partners Garden For the Environment: (415) 558-8246 [info@gardenfortheenvironment.org](mailto:info@gardenfortheenvironment.org)*

*or SAGE: (510) 526-1793 [info@sagecenter.org](mailto:info@sagecenter.org).*

## Public Schools: Oakland Unified School District

Oakland Unified School District (OUSD) makes every effort to establish a school garden (in-ground, raised bed, nearby park or community garden) for each school site of sufficient size to provide students with experiences in planting, harvesting, preparing, serving, and tasting foods. Depending on their level of program and infrastructure development, schools' garden education activities are integrated into curriculum during in-school academic classes, and/or after-school enrichment programs. Garden-based education is closely linked to other OUSD Science and Wellness programs such as Harvest-of-the-Month, School Produce Stands, and California Thursdays. As of 2015, approximately 5,000 OUSD students are participating in these programs on a consistent basis.

OUSD recognizes that school gardens can improve student health and wellness, instill the value of healthy eating, increase physical activity, improve student achievement, and create highly engaging, interactive, and hands-on learning environments. OUSD supports the school gardens as a hands-on teaching environment to enhance learning and enliven standards-based curriculum, while providing tangible ways for parents and families to contribute to the school community.

The OUSD Garden Specialist works within the Science and Wellness Departments, carrying out OUSD's vision for garden-based education using the following strategies:



City Slicker Farms Farm Assistant Joseph Davis with a school tour

- 1** Creation and distribution of garden-based outdoor science curriculum for multiple grade levels.
- 2** Training, supplies, and other direct support provided to science teachers, school site Wellness Champions, and garden educators working with community-based partner organizations.
- 3** Assistance to school sites in developing infrastructure for garden-based education.
- 4** Development of for-credit internship and job-training programs that support youth entering the field of garden-based education.

*For information and assistance related to OUSD garden-based education, please contact the OUSD Garden Education Specialist: As of September 2015, the contact is Grey Kolevzon, 510-776-5556 or grey.kolevzon@ousd.org.*

## Oakland Community Garden Program

*As of September 2015, Oakland Parks and Recreation runs gardens at 16 locations.<sup>38</sup> To apply to possible plots within the existing gardens or find out how you might start a new garden site to participate in the Oakland Community Garden Program, contact the Program Administrator. As of September 2015, the contact is Carla Jasso 510-238-2197 communitygardens1870@gmail.com.*



Your Neighborhood Garden

Requirements for participating in the garden program are [listed on the City of Oakland website](#).<sup>39</sup> If you are considering starting a garden on public park land, note that at this time, you will require a minor CUP. The CUP process will require you to answer the questions outlined in the land access checklist, as well as a \$2,800 administrative fee that is non-refundable regardless of whether permission for the project is granted. For further information, contact the previously mentioned Program Administrator. Be aware that partnering with existing urban farming organizations may streamline the process and lend credibility to your project.

# SALES: Farm Stand Sales and Beyond

## Who Can Sell

“Community food producer” means a producer of agricultural products on land that is not zoned for agricultural use, but is otherwise in compliance with applicable local land use and zoning restrictions, including but not limited to, restrictions governing personal gardens, community gardens, school gardens, and culinary gardens (California Retail Food Code (Cal Code), Section 113752).

A “Gleaner” is a person who legally gathers remnants of an agricultural crop or harvests part of, or all of, an agricultural crop made available by the owner of the agricultural crop (California Retail Food Code (Cal Code), Section 113796). Depending on the case, the landowner may be a public agency or a private individual or company.

## Community Food Producer Registration

While Alameda County is authorized to require community food producer registration in the local system, currently the requirement is not in effect.

As of January 2015 the California Retail Food Code, unless prohibited by a local ordinance, [Section 114376(a)], authorizes a Community Food Producer and/or Gleaner, as defined below, to sell or provide whole uncut fruits or vegetables and up to 15 dozen unrefrigerated shell eggs per month (15 dozen = 180 eggs). Community Food Producers and/or Gleaners may only sell directly to the public, to a permitted restaurant, or to a Cottage Food Operator. Currently, no local ordinances prohibit this activity in Oakland, CA or Alameda County. Requirements include that products must be labeled in a visible manner with the community food producers name and address, i.e., a clearly identified produce-source. In instances where labeling is not possible, copious signage must be placed at the point of sale with the community food producers name and address. Pooled produce for a Community Supported Agriculture (CSA) is allowable as long as the various community food producers names and addresses are clearly provided at site of sale and/or on product.

## Where You Can Sell

Know your land use zone. Every parcel is assigned within a land use zone, e.g. residential, commercial, open space, industrial, etc. You can find a map of zones and their definitions on the [City of Oakland website](#).<sup>40</sup>

In Oakland, growing and selling food is a right and doesn't require special permitting beyond the standard business tax license except in public parks (open space zones), some industrial zones and some commercial districts. Please see included tables for the complete list of zones where agriculture is permitted by right and where conditional use permits are required by the city (Appendix C). Again, you can see the map layout with the previous provided link to the City of Oakland zoning map.

As a Community Food Producer and/or Gleaner in California, you have the right to sell food to a food facility which is defined as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level (California Retail Food Code (Cal Code), Section 113789).

Community Food Producers and/or Gleaners may only sell directly to the public, to a permitted restaurant, to a Cottage Food Operator or on premises controlled by the producer (California Retail Food Code (Cal Code), Section 113789 (c)6)..

You may not conduct sales such as selling to a market that will then sell your community food product (whole uncut fruit or vegetable or unrefrigerated shell eggs) to their customers.

## Farm Stand in Private Backyard & Limited Agricultural Sales

To run a business where you reside (whether you own the land or not), the city of Oakland requests that you obtain a [Home Occupation permit](#)<sup>41</sup> and a [Business Tax License](#).<sup>42</sup> A "home occupation" is commerce which is performed within a living unit, or within an attached garage, in an outdoor area on the same lot as a living unit by an occupant of the living unit. This just means any activity outside of just residing on the property is considered secondary and incidental. The city of Oakland also refers to such activity as "accessory." When that accessory activity is done for business transaction, it is considered a home occupation.

A home occupation may include, but is not limited to, the handicraft manufacture of products, educational classes, crop cultivation with the intent to sell (unless the activities include mechanized farming equipment), beekeeping (unless the activities include more than three [3] hives) with the intent to sell, the conduct of an art or profession, the offering of a service, or the conduct of a business.

Limited Agricultural Activities as a home occupation includes the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for beekeeping involving no more than three [3] hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.

To be clear, while you can keep your own animals, you cannot sell unregulated meat, pelt and dairy products.

## Farm Stand Community Garden Sales

While community gardens are defined as cultivation of communal land for personal consumption and/or donation, limited seasonal sales are allowed without permits. While a definition for “seasonal sales” is not provided, the common interpretation of this is to mean quarterly sales that coincide approximately with the four generally recognized calendar-based seasons: spring (vernal), summer (estival), autumn (autumnal) and winter (hibernal). Rules do not limit the number of times one can vend during those seasonal sales. It is recommended to be mindful of possible foot traffic and car congestion, increase of noise levels, and litter so as to prevent being considered a nuisance to neighbors.

## Farm Stand Extensive Agriculture Sales

Being that Extensive Agriculture requires a Minor Conditional Use Permit (CUP) request, the details of proposed sales are negotiated through the CUP process.<sup>43</sup>

## What You Can Sell

Any whole uncut fruit or vegetable or unrefrigerated shell egg grown or produced in compliance with all applicable federal, state, or local laws, regulations, and food safety guidelines issued by a regulatory agency shall be deemed to be from an approved source.



## Selling Fresh Shell Eggs

If selling eggs, you must register with the Egg Sales Registration with the California Food and Agriculture Egg Safety and Quality Management Program.

### Egg Handler Registration

Allows you to sell eggs within the state of California:

- Register with the California Department of Food & Agriculture
- Registration Fee:
- \$75 Starting January 1, 2015
- Annual Renewal: \$50
- Grading, Labeling and Handling Requirements



## Direct Market Basics For Eggs<sup>44</sup>

Raw Shell Eggs sold from your property or at Certified Farmer's Market are covered by these regulations.

- 1** Eggs must be from hens under your ownership and care.
- 2** Complete an Egg Handlers Registration Form - no exemptions! Everyone selling eggs must register. Return the completed form to Egg Safety and Quality Management at: Cashier, CDFA, P.O. Box 942872, Sacramento, CA 94271.
  - Registration fee: \$75
  - Annual renewal fee: \$50
- 3** California Shell Egg Food Safety Regulation Guidance<sup>45</sup>
- 4** If you will be selling at a Certified Farmers Market, you will also need to complete a **Certified Producers Certificate Application**<sup>46</sup> and file it with the Ag Commissioner office. For significant educational resources on Small Scale Poultry Management, guidance on Starting, Raising and Managing a Poultry Business, please refer to the UC Cooperative Extension Urban Ag page [on this topic](#).<sup>47</sup>

For Handling Disease and Parasites in Poultry please refer to UC Cooperative Extension page [on this topic](#).<sup>48</sup>

## Honey

"Beekeeping activity" is the maintenance of honeybee colonies, commonly in hives, by one or more persons. A beekeeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other beekeepers.

You may sell your own unprocessed honey as long as it contains a label with **the net weight**<sup>49</sup>, producer's name, city, state, phone number **and one of the U.S Grades**<sup>50,51</sup>, pollen added is visible and each such container is plainly and conspicuously labeled with the words "**pollen added**".<sup>52</sup> We do not recommend you label your honey as "organic" as you are unable to control where your bees forage for their pollen in an urban setting.

For further information we recommend you contact the Alameda County Agricultural Commission: (925) 245-0846.

For additional educational resources on beekeeping, go to Guides to Beekeeping Operations **and other resources**.<sup>53</sup>



# FURTHER RESOURCES



New Roots Garden

- [Cal Code<sup>54</sup>](#) California Retail Food Code
- [Egg Safety & Quality Management Program<sup>55</sup>](#) California Department of Food & Agriculture
- [USDA Standards<sup>56</sup>](#) USDA Standards, Grades and Weight Classes for Shell Eggs
- [Egg-Grading Manual<sup>57</sup>](#) USDA Egg-Grading Manual
- [Shell Egg Factsheet<sup>58</sup>](#) USDA Shell Eggs from Farm to Table
- [UCCE Poultry<sup>59</sup>](#) for backyard, small-scale and commercial production operations.
- [Pasture-Based Poultry<sup>60</sup>](#) by UCCE Foothill Farming with resources for both egg production and meat birds.
- [Small and Backyard Flocks<sup>61</sup>](#) by extension all aspects of raising poultry.
- [American Pastured Poultry Producers Association<sup>62</sup>](#)
- [Oakland Food Policy Council<sup>63</sup>](#)
- [City Slicker Farms<sup>64</sup>](#)
- [UC Cooperative Extension Urban Agriculture Program<sup>65</sup>](#)



Volunteer Alissa Greenberg and  
Backyard Gardener Asha Moseley

# REFERENCES

## INTRODUCTION

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- <sup>2</sup> <http://www.centerforsocialinclusion.org/wp-content/uploads/2014/07/Building-the-Case-for-Racial-Equity-in-the-Food-System.pdf>
- <sup>3</sup> [http://www.nado.org/wp-content/uploads/2015/03/SCI-Grantee-Mtg\\_021815v4.pdf](http://www.nado.org/wp-content/uploads/2015/03/SCI-Grantee-Mtg_021815v4.pdf)
- <sup>4</sup> <http://laborcenter.berkeley.edu/the-hands-that-feed-us/>
- <sup>5</sup> [http://worldhunger.org/harmfuleconomicsystems.htm#Keeping\\_people\\_oppressed/preventing\\_revolution](http://worldhunger.org/harmfuleconomicsystems.htm#Keeping_people_oppressed/preventing_revolution)
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## CALIFORNIA STATE LAWS

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- <sup>11</sup> <https://www.cdph.ca.gov/programs/Documents/fdbCFOfoodslist.pdf>
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## GROWING FOOD

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- <sup>21</sup> <http://www.achhd.org/leadpoisoning/gardening.htm>
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- <sup>26</sup> [https://attra.ncat.org/attra-pub/soil\\_testing/](https://attra.ncat.org/attra-pub/soil_testing/)
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# APPENDIX A: Land Access Checklist

This checklist has been provided by Willow Rosenthal and Novella Carpenter from their book *Essential Urban Farmer*:

***First write a one-page letter that includes the following:***

- Who you are
- A brief description of your proposal for the land including any community benefit (e.g. community garden plots; donations of produce to food banks)
- A proposal to lease the land for free or for a comfortable price
- Your willingness to pay for water, obtain necessary liability insurance, sign a liability waiver, and leave the property as you found it, should you leave
- An offer to provide a detailed proposal along with personal references
- Your contact information
- Your gratitude for their consideration

***If they respond, write a letter or e-mail proposing a meeting. Include a proposal that describes the following:***

- Your ideas for the land, including a site design-layout diagram and any community benefit  
The minimum amount of time you are willing to use the land; for example, that you would like to use the property for at least three years, with a provision for renewing your agreement on a year-to-year basis (any less, e.g. three months, is not worth your while)
- Any structures you want to put up, such as a greenhouse or cold-frames, a chicken coop or rabbit pen; any existing plants (example: trees) or structures you'd like to remove to facilitate your plan
- How you will maintain the property in terms of a written food safety plan and heavy metals-safe growing plan with practices to be followed and, possibly, publicly posted and aesthetics (owners can be cited by the city for blight and will be concerned about this)  
What you will do if and when you leave the land (e.g., clean up; restoring; finding a qualified successor)
- Who will have access to the property; how will that affect the lessee or owner's liability?
- Who will work the land
- Options for how the water bill would be paid (e.g., either by transferring it to your name or by arranging to pay the owner)

- Your willingness to obtain liability insurance, including a possible provider and/or organization name and contact information
- Your intention to obtain the necessary business licenses and agricultural inspections;
- Character and/or professional references. The authors suggest that if you want to incorporate animals, like chickens, consider waiting a year for just growing produce before approaching the landowner with that request.

***If the owner agrees to you using the property:***

- Negotiate an agreement in writing. A sample agreement can be found in Appendix A.
- Ideally meet in person to hammer out details.
- Create a written document for signing. It's not necessary to involve a lawyer, but you may want to have it reviewed by one. If you can't meet the owner's demands, it would be better to find another site than to commit to something that's uncomfortable.

***Set up the payment system for utilities:***

- There should be easy ways to communicate about and pay the water bill. The ideal solution is to transfer the water service into your name, since busy landlords can be tardy in passing them along.
- If the bill isn't transferrable into your name, have the landlord send you quarterly copies with your portion noted.

***Set up liability insurance:***

- Find out if the owner has a liability policy, and if so, if it will cover your activities. If not, offer to pay for increased coverage, or take out another policy.
- Find out if your city has a program to provide liability coverage for community gardens, or if there are nonprofit urban farming organizations willing to add your site to their policy. Because rates are calculated based on the total number of acres, if your garden is small enough, adding you may not increase their rates.
- Consider purchasing a personal umbrella insurance policy as well, since few insurance policies will cover everything someone could sue for.

# APPENDIX B: Model Lease Agreement

This agreement is based on a draft agreement by the Oakland Climate Action Coalition's Edible Parks Task Force, which includes Oakland Food Policy Council and City Slicker Farms

- 1) **Secure land tenure.** This would include:
  - At least a \_\_\_\_\_ -year term lease between landowner and urban ag organization; and
  - The landowner could not terminate the lease within this term, except for a material breach of the lease [and under other specified reasonable circumstances]
  - Unresolved disputes would require mandatory mediation before seeking judicial resolution.  
Mediation costs would be evenly split between the landowner and The Tenant.
- 2) **Onsite sales** of raw agricultural products and other specified products allowable by local, state and federal law
- 3) **Water access** (as needed) is enabled by the landowner, [with hookup costs split equally between parties], and ongoing service bills paid by The Tenant.
- 4) **The Tenant may only modify the landscape with non-permanent improvements,** except with written permission of the landowner.
- 5) **The Tenant may remove all non-permanent improvements** [including plants] **that it installed at any time, including at the termination of agreement.**
- 6) **The Tenant may remove, move or alter the specified structures and types of plants that are present on the property at the beginning of the lease term.**
- 7) **The Tenant will sign indemnity and liability waiver** outlining release of claims of harm against landowner, except for gross negligence or willful harms inflicted by the landowner.
- 8) **The Tenant will secure and show evidence of general liability insurance** providing coverage for bodily and personal injury liability.
- 9) **Electricity access (as needed) is enabled by landowner**

- 10) **The landowner has the right of access for inspection,** but must give specified reasonable notice before entering the premises (except in emergencies).
- 11) **The landowner and urban ag organization must act reasonably to prevent hazardous substances from posing harm** on the premises, to others or to surrounding properties, and must abide by the CA Health and Safety Code as it applies to Community Food Producers.
- The landowner would be required to either:
    - a. warrant that s/he has no knowledge of any release of any hazardous substances on the premises. or
    - b. disclose his or her knowledge of any known release of hazardous substances.
  - The landowner would be required to disclose known historical uses of the property including previous uses of the property that might have led to hazardous substances being released on the property.
  - During the term of the lease, the landowner would be prohibited from using hazardous materials that could have negative health and environmental impacts, and must abide by the CA Health and Safety Code as it applies to Community Food Producers.
- 12) **Both parties to the lease must take reasonable steps to ensure that no GMO seeds or plants are planted on the property.**
- 13) **The Tenant must use and operate the property in compliance with all applicable zoning, environmental, and other laws and regulations.**
- 14) **Subletting and all transfers are prohibited. The Tenant must not assign, transfer, or encumber the lease, or any interest in the lease, without the prior written consent of the landowner.**
- 15) **First right of refusal is granted to The Tenant to allow a first shot at bidding for purchase of the property.**
- 16) **The Tenant will use the parcel for the sole purposes of providing agricultural**  
\_\_\_\_\_ {add "and educational" if appropriate} activities that \_\_\_\_\_  
{describe as appropriate and add "and onsite sales of \_\_\_\_\_," if appropriate.}. The Tenant will use the leased premises for no other purpose except with the prior written consent of the landowner.

- 17) **Term of Lease.** *The Term of this lease is for \_\_\_\_\_ years, starting on \_\_\_\_, 20\_\_\_\_ and ending on \_\_\_\_\_, 20\_\_\_\_. This Lease will terminate upon the expiration of this term or the final renewal term, if any, or if either party terminates it as described in Section(s)* \_\_\_\_\_{the relevant lease section(s) would be listed here.}
- 18) *On the day that the lease is signed and on each following \_\_\_\_, the urban ag org, named, herein, will pay the landowner a specified amount of rent for \_\_\_\_\_. For each renewal term, the landowner may increase the annual rent payment by up to \_\_\_% by notifying the urban ag org \_\_\_\_ months before the renewal term starts.*
- 19) *On the day that the lease is signed, The Tenant pays the owner \$\_\_\_ as a security deposit.*
- 20) *The Tenant will operate the farm in accordance with CA state best management practices that allow for food safety.*
- 21) **Maintenance.** Tenant must, at Tenant's own expense, keep and maintain the leased premises, all improvements on the premises, and all facilities appurtenant to the leased premises, in good order and repair and in as safe and clean a condition as they were when received from Landlord, reasonable wear and tear excepted.
- 22) **Waste or Nuisance.** Tenant must not commit, or knowingly permit others to commit, any waste on the leased premises. Tenant must not maintain, commit, or knowingly permit the maintenance or commission of any nuisance as defined by California Civil Code §3479 on the leased premises. Tenant must not use or knowingly permit the use of the leased premises for any unlawful purpose.
- 23) **Security.** If the property is not secured, the \_\_\_\_\_{urban ag organization or landowner} will install a system, where practicable, to prevent entrance to the farm outside of operating hours and/or when the farm is unattended, such as a system of fences and locks. The Tenant will maintain this system.
- 24) **The Tenant may not incur any lien on the property.**
- 25) **The Tenant is responsible for obtaining and any paying for sewage, storm sewer, and any utility not addressed in Elements 3 [Water] or 9 [Electricity].**

- 26) **The lease will automatically renew \_\_\_\_\_ unless either party gives written notice** to the other of non-renewal no later than 60 days before the end of the current term.
- 27) **Termination of Agreement.** Either party may act to terminate the lease under specified reasonable circumstances, with such termination taking effect within a mutually agreed-upon time of no less than two months and no more than six months after written notice is delivered to the other party.
- 28) **The Tenant must leave the property when the lease is terminated.**
- 29) **When the lease is terminated, The Tenant will leave the parcel in at least as good a condition as the property was when the lease was signed, except for reasonable wear.**
- 30) **The Tenant has no rights to the property once the lease is terminated; at that point those rights revert to the landowner.**
- 31) **The Tenant and the landowner will cooperate in good faith in reasonable transition activities with Landowner before and after termination of the lease in order to minimize any negative impact on the community and the landowner's use of the parcel.**
- 32) **Personal Property.** If The Tenant, or any of its employees or volunteers, leaves any of their personal property on the Parcel after the termination of this Lease, Landowner may store it as required by law, for Tenant's account and at Tenant's account and risk. Landowner will release the property only when Tenant pays all charges relating to storage and all other amounts Tenant owes under this Lease.
- 33) **Holding Over.** If Landowner terminates this Lease, any holding over by The Tenant after termination of this Lease without Landowner's express written consent is not a renewal or extension of the Lease and will not give The Tenant rights in or to the land.
- 34) **Cumulative Remedies. The landowner has all of the rights established by the lease, as well as any other rights established by law.**

# APPENDIX C: City of Oakland Zones and Permits Table

## URBAN AGRICULTURE REGULATIONS *Community Gardens*

***Revised Definition of "Community Gardens":***

17.10.140 Essential Service Civic Activities.

Essential Service Civic Activities include the maintenance and operation of the following installations:

B. **Community Gardens.** For the purpose of this classification, Community Gardens are defined as land that is used for the cultivation of fruits, vegetables, plants, flowers, herbs, ornamental plants, and/or animal products and livestock production by one or more persons for personal consumption and/or donation. This classification does not include the use of heavy mechanized farming equipment, or commercial sales on or off the premises, except for limited seasonal sales. Any keeping, grazing, or feeding of animals must conform to all applicable regulations, including but not limited to Municipal Code Chapters 6.04, 8.14, and 8.18;

**Community Gardens (Essential Service Civic)  
– Allowed Activity in Each Zone**

| Zone Designations | Permitted | Conditionally Permitted | Prohibited | Limitations |
|-------------------|-----------|-------------------------|------------|-------------|
|                   | ✓         | ✓                       | ✗          |             |

## Ch. 17.11 – OS Open Space Zones Regulations

|         |  |  |
|---------|--|--|
| OS(RCA) |  | Allowed with Conditional Use Permit (CUP) only |
| OS(RSP) |  | "  |
| OS(CP)  |  | "  |
| OS(NP)  |  | "  |
| OS(AMP) |  | "  |
| OS(PMP) |  | "  |
| OS(LP)  |  | "  |
| OS(SU)  |  | "  |
| OS(AF)  |  | "  |

## Ch. 17.13 – RH Hillside Residential Zones Regulations

|      |  |                    |
|------|--|--------------------|
| RH-1 |  | Permitted outright |
| RH-2 |  | "                  |
| RH-3 |  | "                  |
| RH-4 |  | "                  |

## Ch. 17.15 – RD Detached Unit Residential Zones Regulations

|      |  |                    |
|------|--|--------------------|
| RD-1 |  | Permitted outright |
| RD-2 |  | "                  |

## Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations

|      |  |                    |
|------|--|--------------------|
| RM-1 |  | Permitted outright |
| RM-2 |  | "                  |

|  |   |  |
|--|---|--|
| RM-3   | ✓ | "  |
| RM-4   | ✓ | "  |
| <b>Ch. 17.19 – RU Urban Residential Zones Regulations</b>                |   |  |
| RU-1   | ✓ | Permitted outright   |
| RU-2   | ✓ | "  |
| RU-3   | ✓ | "  |
| RU-4   | ✓ | "  |
| RU-5   | ✓ | "  |
| <b>Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations</b> |   |  |
| RD-80  | ✓ | Permitted outright   |
| <b>Ch. 17.30 – CN Neighborhood Center Commercial Zones Regulations</b>   |   |  |
| CWN-1  | ✓ | Permitted outright – <b>except</b> if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – <u>then CUP required</u> |
| CN-2   | ✓ | "  |
| CN-3   | ✓ | "  |
| CN-4   | ✓ | "  |
| <b>Ch. 17.35 – CC Community Commercial Zones Regulations</b>             |   |  |
| CC-1   | ✓ | Permitted outright   |
| CC-2   | ✓ | "  |
| CC-3   | ✓ | "  |

## Ch. 17.37 – CR Regional Commercial Zone Regulations

CR-1



Permitted outright

## Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations

C-40



Permitted outright

## Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations

C-45



Permitted outright

## Ch. 17.58 – CBD Central Business District Zones Regulations

CBD-R



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

CBD-P



“

CBD-C



“

CBD-X



“

## Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations

HBX-1



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

HBX-2



“

HBX-3



“

HBX-4



“

## Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations

M-20



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

M-30



Permitted outright

M-40



Permitted outright

## Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations

CIX-1A



Permitted outright – **except** when combined with T Overlay – then CUP required

CIX-1B



“

CIX-1C



“

CIX-1D



“

CIX-1



Permitted outright

CIX-2



Permitted outright

IG



Allowed with CUP only

IO



Allowed with CUP only

## Ch. 17.74 – S-1 Medical Center Zone Regulations

S-1



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

## Ch. 17.76 – S-2 Civic Center Zone Regulations

S-2



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

## Ch. 17.78 – S-3 Research Center Zone Regulations

S-3



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

## Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations

S-15



Permitted outright – **except** if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – then CUP required

S-15W



"

## Ch. 17.30 – D-WS Wood Street District Zone Regulations

D-WS



Allowed with CUP only

## Ch. 17.30 – D-OTN Oak to Ninth District Zone Regulations

D-OTN



Allowed with CUP only

## Ch. 17.101D – D-BV Broadway Valdez District Commercial Zones Regulations

|        |  |  |
|--------|--|--|
| D-BV-1 |  | Allowed with CUP only  |
| D-BV-2 |  | "  |
| D-BV-3 |  | "  |
| D-BV-4 |  | Permitted outright – <b>except</b> if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – <u>then CUP required</u> |

## Ch. 17.101 – D-K Kaiser Permanent Oakland Medical Center District Zones Regulations

|        |  |  |
|--------|--|--|
| D-KP-1 |  | Permitted outright – <b>except</b> if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – <u>then CUP required</u> |
| D-KP-2 |  | "  |
| D-KP-3 |  | "  |

## Ch. 17.101E – D-CE Central Estuary District Zones Regulations

|        |  |  |
|--------|--|--|
| D-CE-1 |  | Allowed with CUP only  |
| D-CE-2 |  | "  |
| D-CE-3 |  | Permitted outright – <b>except</b> if it includes cultivation of animals, animal products, and/or livestock production (other than beekeeping involving no more than 3 hives) – <u>then CUP required</u> |

|  |  |                       |
|--|--|-----------------------|
| D-CE-4   |  | "                     |
| D-CE-5   |  | Allowed with CUP only |
| D-CE-6   |  | "                     |
| <b>Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations</b> |  |                       |
| D-GI   |  | Prohibited            |

|   |  |                    |
|---|--|--------------------|
| <b>Ch. 17.101G – D-LM Lake Merritt Station Area District Zone Regulations</b> |  |                    |
| D-LM-1  |  | Permitted outright |
| D-LM-2  |  | "                  |
| D-LM-3  |  | "                  |
| D-LM-4  |  | "                  |
| D-LM-5  |  | "                  |

|   |  |                    |
|---|--|--------------------|
| <b>Ch. 17.101H – D-CO Coliseum Area District Zone Regulations</b> |  |                    |
| D-CO-1  |  | Permitted outright |
| D-CO-2  |  | "                  |
| D-CO-3  |  | "                  |
| D-CO-4  |  | "                  |
| D-CO-5  |  | "                  |

## URBAN AGRICULTURE REGULATIONS *Limited Agricultural Activities*

### **New Activity Type:**

17.10.610 Limited Agricultural Activities.

Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for beekeeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.

### **Limited Agriculture – Allowed Activity in Each Zone**

| Zone Designations | Permitted | Conditionally Permitted | Prohibited | Limitations |
|-------------------|-----------|-------------------------|------------|-------------|
|                   | ✓         | ✓                       | ✗          |             |

### Ch. 17.11 – OS Open Space Zones Regulations

|         |   |            |
|---------|---|------------|
| OS(RCA) | ✗ | Prohibited |
| OS(RSP) | ✗ | "          |
| OS(CP)  | ✗ | "          |
| OS(NP)  | ✗ | "          |
| OS(AMP) | ✗ | "          |

|         |  |   |
|---------|--|---|
| OS(PMP) |  | " |
| OS(LP)  |  | " |
| OS(SU)  |  | " |
| OS(AF)  |  | " |

### Ch. 17.13 – RH Hillside Residential Zones Regulations

|      |  |   |
|------|--|---|
| RH-1 |  | Permitted outright w/<br>limitations for Residential Zones[1] |
| RH-2 |  | "   |
| RH-3 |  | "   |
| RH-4 |  | "   |

### Ch. 17.15 – RD Detached Unit Residential Zones Regulations

|      |  |   |
|------|--|---|
| RD-1 |  | Permitted outright w/<br>limitations for Residential Zones (typ.) |
| RD-2 |  | "   |

### Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations

|      |  |   |
|------|--|---|
| RM-1 |  | Permitted outright w/<br>limitations for Residential Zones (typ.) |
| RM-2 |  | "   |
| RM-3 |  | "   |
| RM-4 |  | "   |

## Ch. 17.19 – RU Urban Residential Zones Regulations

|      |  |   |
|------|--|---|
| RU-1 |  | Permitted outright w/<br>limitations for Residential Zones (typ.) |
| RU-2 |  | "   |
| RU-3 |  | "   |
| RU-4 |  | "   |
| RU-5 |  | "   |

## Ch. 17.30 – R-80 High-Rise Apartment Residential Zone Regulations

|      |  |   |
|------|--|---|
| R-80 |  | Permitted outright w/<br>limitations for Residential Zones (typ.) |
|------|--|---|

## Ch. 17.33 – CN Neighborhood Center Commercial Zones Regulations

|      |  |   |
|------|--|---|
| CN-1 |  | Additional CUP findings for Limited<br>Agriculture required[2]              |
| CN-2 |  | Additional CUP findings for Limited<br>Agriculture required (typ.)          |
| CN-3 |  | Permitted outright w/ limitations for<br>Commercial/Industrial Zones[3]     |
| CN-4 |  | Permitted outright w/ limitations for<br>Commercial/Industrial Zones (typ.) |

## Ch. 17.35 – CC Community Commercial Zones Regulations

|      |  |   |
|------|--|---|
| CC-1 |  | Permitted outright w/ limitations for<br>Commercial/Industrial Zones (typ.) |
| CC-2 |  | "   |
| CC-3 |  | "   |

## Ch. 17.37 – CR Regional Commercial Zone Regulations

CR-1



Prohibited within 300 feet of Hegenberger Road. Permitted outright elsewhere w/ limitations for Commercial/Industrial Zones (typ.)

## Ch. 17.54 – C-40 Community Thoroughfare Commercial Zone Regulations

C-40



Permitted outright w/limitations for Commercial/Industrial Zones (typ.)

## Ch. 17.56 – C-45 Community Shopping Commercial Zone Regulations

C-45



Permitted outright w/ limitations for Commercial/Industrial Zones (typ.)

## Ch. 17.58 – CBD Central Business District Zones Regulations

CBD-R



Permitted outright w/ limitations for Commercial/Industrial Zones (typ.)

CBD-P



“

CBD-C



“

CBD-X



“

## Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations

HBX-1



Permitted outright w/ limitations for Residential Zones (typ.)

HBX-2



“

HBX-3



“

HBX-4



“

## Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations

|      |  |  |
|------|--|--|
| M-20 |  | Permitted outright w/ limitations for Commercial/Industrial Zones (typ.) |
| M-30 |  | "  |
| M-40 |  | "  |

## Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations

|        |  |  |
|--------|--|--|
| CIX-1A |  | Permitted outright with limitations for Commercial/Industrial Zones (typ.), except when combined with T Overlay – then CUP w/ additional findings for Limited Ag required (typ.) |
| CIX-1B |  | "  |
| CIX-1C |  | "  |
| CIX-1D |  | "  |
| CIX-1  |  | Permitted outright w/ limitations for Commercial/Industrial Zones (typ.)   |
| CIX-2  |  | "  |
| IG     |  | Additional CUP findings for Limited Agriculture required (typ.)  |
| IO     |  | Additional CUP findings for Limited Agriculture required (typ.)  |

## Ch. 17.74 – S-1 Medical Center Zone Regulations

|     |  |  |
|-----|--|--|
| S-1 |  | Permitted outright w/ limitations for Commercial/Industrial Zones (typ.) |
|-----|--|--|

## Ch. 17.76 – S-2 Civic Center Zone Regulations

|     |  |  |
|-----|--|--|
| S-2 |  | Permitted outright w/ limitations for Commercial/Industrial Zones (typ.) |
|-----|--|--|

## Ch. 17.78 – S-3 Research Center Zone Regulations

S-3



Permitted outright w/ limitations for Commercial/Industrial Zones (typ.)

## Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations

S-15



Permitted outright w/ limitations for Commercial/Industrial Zones (typ.)

S-15W



“

## Ch. 17.101A – D-WS Wood Street District Zone Regulations

D-WS



Additional CUP findings for Limited Agriculture required (typ.)

## Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations

D-OTN



Additional CUP findings for Limited Agriculture required (typ.)

## Ch. 17.101C – D-KP Broadway Valdez District Commercial Zones Regulations

D-BV-1



Prohibited

D-BV-2



“

D-BV-3



“

D-BV-4



Additional CUP findings for Limited Agriculture required (typ.)

## Ch. 17.101D – D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations

D-KP-1



Additional CUP findings for Limited Agriculture required (typ.)

D-KP-2



“

D-KP-3



“

## Ch. 17.101E – D-CE Central Estuary District Zones Regulations

|        |  |   |
|--------|--|---|
| D-CE-1 |  | Additional CUP findings for Limited Agriculture required (typ.) |
| D-CE-2 |  | "   |
| D-CE-3 |  | Permitted outright w/ limitations for Residential Zones (typ.)  |
| D-CE-4 |  | "   |
| D-CE-5 |  | Additional CUP findings for Limited Agriculture required (typ.) |
| D-CE-6 |  | "   |

## Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations

|      |  |            |
|------|--|------------|
| D-GI |  | Prohibited |
|------|--|------------|

## Ch. 17.101G – D-LM Lake Merritt Station Area District Zone Regulations

|        |  |   |
|--------|--|---|
| D-LM-1 |  | Additional CUP findings for Limited Agriculture required (typ.) |
| D-LM-2 |  | "   |
| D-LM-3 |  | "   |
| D-LM-4 |  | "   |
| D-LM-5 |  | "   |

## Ch. 17.101H – D-CO Coliseum Area District Zone Regulations

|        |   |  |
|--------|---|--|
| D-CO-1 |  | Permitted outright w/ limitations for Commercial/Industrial Zones (typ.) |
| D-CO-2 |  | "  |
| D-CO-3 |  | "  |
| D-CO-4 |  | "  |
| D-CO-5 |  | "  |

**[1] Limitations on permitted Limited Agriculture in Residential Zones (typ.):** the activity occupies less than one (1) acre of land area and any on-site sales occur no more than two (2) times per week between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size; conditionally permitted if the activity occupies one (1) acre or more of land area, or the sales activity exceeds the specified square feet in size, frequency per week, or hours of operation per day.

**[2] Additional CUP findings for Limited Agriculture (typ.):** **1.** The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic; **2.** Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and **3.** The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

**[3] Limitations on permitted Limited Agriculture in Commercial/Industrial Zones (typ.):** the activity occupies less than one (1) acre of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area.

## URBAN AGRICULTURE REGULATIONS *Extensive Agriculture*

**New Activity Type:**

17.10.615 Extensive Agricultural Activities.

Extensive Agricultural Activities include the keeping, grazing, or feeding of animals by agricultural methods, including beekeeping involving more than three (3) hives, intended to provide animals or animal products for on- or off-site sale; and agricultural activities not included in Section 17.10.610 Limited Agricultural Activities, including but not limited to the use of any heavy mechanized farming equipment.

### Extensive Agriculture – Allowed Activity in Each Zone

| Zone Designations | Permitted | Conditionally Permitted | Prohibited | Limitations |
|-------------------|-----------|-------------------------|------------|-------------|
|                   | ✓         | ✓                       | ✗          |             |

### Ch. 17.11 – OS Open Space Zones Regulations

|         |   |            |
|---------|---|------------|
| OS(RCA) | ✗ | Prohibited |
| OS(RSP) | ✗ | "          |
| OS(CP)  | ✗ | "          |
| OS(NP)  | ✗ | "          |
| OS(AMP) | ✗ | "          |
| OS(PMP) | ✗ | "          |
| OS(LP)  | ✗ | "          |
| OS(SU)  | ✗ | "          |
| OS(AF)  | ✗ | "          |

## Ch. 17.13 – RH Hillside Residential Zones Regulations

|      |  |  |
|------|--|--|
| RH-1 |  | Additional CUP finding for Extensive Agriculture required[1] |
| RH-2 |  | "  |
| RH-3 |  | "  |
| RH-4 |  | "  |

## Ch. 17.15 – RD Detached Unit Residential Zones Regulations

|      |  |  |
|------|--|--|
| RD-1 |  | Additional CUP finding for Extensive Agriculture required (typ.) |
| RD-2 |  | "  |

## Ch. 17.17 – RM Mixed Housing Type Residential Zones Regulations

|      |  |  |
|------|--|--|
| RM-1 |  | Additional CUP finding for Extensive Agriculture required (typ.) |
| RM-2 |  | "  |
| RM-3 |  | "  |
| RM-4 |  | "  |

## Ch. 17.19 – RU Urban Residential Zones Regulations

|      |  |  |
|------|--|--|
| RU-1 |  | Additional CUP finding for Extensive Agriculture required (typ.) |
| RU-2 |  | "  |
| RU-3 |  | "  |
| RU-4 |  | "  |
| RU-5 |  | "  |

## Ch. 17.30 – **R-80** High-Rise Apartment Residential Zone Regulations

R-80



Additional CUP finding for Extensive Agriculture required (typ.)

## Ch. 17.33 – **CN** Neighborhood Center Commercial Zones Regulations

CN-1



Additional CUP finding for Animal Raising required (typ.)

CN-2



“

CN-3



“

CN-4



“

## Ch. 17.35 – **CC** Community Commercial Zones Regulations

CC-1



Additional CUP finding for Extensive Agriculture required (typ.)

CC-2



“

CC-3



“

## Ch. 17.37 – **CR** Regional Commercial Zone Regulations

CR-1



Prohibited within 300 feet of Hegenberger Road / CUP with additional finding for Extensive Agriculture (typ.) required elsewhere

## Ch. 17.54 – **C-40** Community Thoroughfare Commercial Zone Regulations

C-40



Additional CUP finding for Extensive Agriculture required (typ.)

## Ch. 17.56 – **C-45** Community Shopping Commercial Zone Regulations

C-45



Additional CUP finding for Extensive Agriculture required (typ.)

## Ch. 17.58 – CBD Central Business District Zones Regulations

|       |   |  |
|-------|---|--|
| CBD-R | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| CBD-P | ✓ | “  |
| CBD-C | ✓ | “  |
| CBD-X | ✓ | “  |

## Ch. 17.65 – HBX Housing and Business Mix Commercial Zones Regulations

|       |   |  |
|-------|---|--|
| HBX-1 | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| HBX-2 | ✓ | “  |
| HBX-3 | ✓ | “  |
| HBX-4 | ✓ | “  |

## Ch. 17.72 – M-20, M-30, and M-40 Industrial Zones Regulations

|      |   |  |
|------|---|--|
| M-20 | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| M-30 | ✓ | “  |
| M-40 | ✓ | “  |

## Ch. 17.73 – CIX, IG, and IO Industrial Zones Regulations

|        |   |  |
|--------|---|--|
| CIX-1A | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| CIX-1B | ✓ | “  |
| CIX-1C | ✓ | “  |
| CIX-1D | ✓ | “  |

|  |   |  |
|--|---|--|
| CIX-1  | ✓ | "  |
| CIX-2  | ✓ | "  |
| IG   | ✓ | "  |
| IO   | ✓ | "  |
| <b>Ch. 17.74 – S-1 Medical Center Zone Regulations</b>                 |   |  |
| S-1  | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| <b>Ch. 17.76 – S-2 Civic Center Zone Regulations</b>                   |   |  |
| S-2  | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| <b>Ch. 17.76 – S-2 Research Center Zone Regulations</b>                |   |  |
| S-3  | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| <b>Ch. 17.97 – S-15 Transit Oriented Development Zones Regulations</b> |   |  |
| S-15   | ✓ | Additional CUP findings in <b>Section 17.97.100 required</b>     |
| S-15W  | ✓ | Additional CUP findings in <b>Section 17.97.100 required</b>     |
| <b>Ch. 17.101A – D-WS Wood Street District Zone Regulations</b>        |   |  |
| D-WS   | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |
| <b>Ch. 17.101B – D-OTN Oak to Ninth District Zone Regulations</b>      |   |  |
| D-OTN  | ✓ | Additional CUP finding for Extensive Agriculture required (typ.) |

### Ch. 17.101D – D-KP Kaiser Permanente Oakland Medical Center District Zones Regulations

D-KP-1



Prohibited

D-KP-2



“

D-KP-3



“

### Ch. 17.101G – D-LM Lake Merritt Station Area District Zone Regulations

D-CE-1



Additional CUP finding for Extensive Agriculture required (typ.)

D-CE-2



“

D-CE-3



“

D-CE-4



“

D-CE-5



“

D-CE-6



“

### Ch. 17.101F – D-GI Gateway Industrial District Zone Regulations

D-GI



Prohibited

### Ch. 17.101G – D-LM Lake Merritt Station Area District Zone Regulations

D-LM-1



Additional CUP finding for Extensive Agriculture required (typ.)

D-LM-2



“

D-LM-3



“

D-LM-4



“

D-LM-5



“

## Ch. 17.101H – D-CO Coliseum Area District Zone Regulations

|        |   |  |
|--------|---|--|
| D-CO-1 | ✓ | Permitted outright w/ limitations for Commercial/Industrial Zones (typ.) |
| D-CO-2 | ✓ | "  |
| D-CO-3 | ✓ | "  |
| D-CO-4 | ✓ | "  |
| D-CO-5 | ✓ | "  |
| D-CO-6 | ✓ | "  |

**[1] Additional CUP finding for Extensive Agriculture (typ.):** 1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic.



Full Harvest Farm

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