





GHOSTS

IN THE

GHOST SHIP

THE TRAGEDY THAT STRUCK
OAKLAND IN DECEMBER
WAS PRE-WRITTEN IN THE
CITY'S BUILDING CODES.
BUT RE-WRITING THEM
COULD UNLEASH ANOTHER
KIND OF DISASTER.

BY BRANDON R. REYNOLDS
ILLUSTRATIONS BY JONATHAN BARTLETT



CARMEN BRITO LIVED IN THE GHOST SHIP FOR ALMOST EXACTLY A YEAR, UNTIL THE DEADLIEST FIRE IN OAKLAND HISTORY DESTROYED IT.

She had found the place on Craigslist in late 2015 after four years of work and travel in Asia. On her first visit to the 86-year-old Fruitvale warehouse, which doubled as a ramshackle artists' collective called Satya Yuga, she got hopelessly lost. It happened to everyone. There were too many details to take in—a motley assortment of pianos, rugs, Asian statuary, and cuckoo-clock wood carvings. “It was magical,” she says. “It was kind of like being on an adventure when you’re a kid.”

Brito first moved her stuff into a trailer parked inside the space and then, later, onto a loft with platforms and a window. She brought from her mother’s house in Grass Valley her books and the things she’d collected on her travels: antique Burmese records, Indonesian shadow puppets. Handwoven Thai silks became curtains, adding to the ornate decoration that made the Ghost Ship a confusing dream. She paid \$600 a month, utilities included.

When Brito, 29, tells the story of her life at the Ghost Ship, as she has many times now, her large eyes look off into the distance. She is willing to talk, to draw pictures of the space on the back of a napkin, but she, like the rest of Oakland, is still grappling with what happened there. That the building could burn so quickly. That close to a hundred people—musicians and graphic designers and photographers and teachers like her—could all be trapped, that many would die. And that so many competing stories, of cause and effect and, ultimately, of blame, would be left in their wake.

She emphasizes that the Ghost Ship’s residents didn’t think of their home as a potential death-trap. “Nobody lived there like, ‘Yeah, let’s live on the edge,’” Brito says. “We lived there because it was a beautiful space.” Though it hadn’t been officially inspected in 30 years, rumors of a past visit by Child Protective Services lent a false sense of security.

If the building was a safety hazard, wouldn’t somebody have done something about it?

On Friday, December 2, the last night of the Ghost Ship, Brito returned from work and changed her clothes. There were a bunch of things going on that evening, including the electronic music show upstairs. It promised to be a long night, so she decided to take a nap. Her loft was partially under the DJ station on the floor above. When music was blasting, the air itself must’ve vibrated. At 11:20 p.m., she woke up. “I remember loudness,” she says. She was breathing smoke. She saw an orange glow through the curtains that separated her studio from the rest of the downstairs space. (What caused the fire is still undetermined.) Reeling from the smoke, she put on her coat and shoes, grabbed her phone, and staggered out into the main corridor and through the front door. The young fire was maybe 20 feet away. She saw a few other roommates. Only when somebody yelled “Fire!” did she realize it was actually happening. She found herself standing on the sidewalk across the street, still half-asleep, watching her home burn. She called the fire department two minutes after she woke up. The first truck arrived maybe three minutes later. Firefighters rushed in and right back out, expelled by smoke and flame, carrying no one. “It feels like everything took an impossibly long time,” she remembers. Moments later, the power went out at the Ghost Ship for the last time. Whoever didn’t get out in those first few moments didn’t get out.

She knew that night that one of her roommates—Peter Wadsworth—hadn’t survived. But it would be days before the final count was confirmed: 36 people lost. Almost everyone who died was on the second floor; they were mostly visitors, there for the show upstairs. From the sidewalk, Brito snapped one picture of her former home. “We’re going to lose everything; might as well,” a roommate told her. Friends arrived and eventually Brito left with them. What else was there to do? Then absurd mundanities: a slice of pizza in Berkeley, a lost contact lens case, a glass of whiskey, a sleepless night, a trip to the Target to buy clothes.

Reporters found her soon enough, and once they did, the narrative moved quickly and in strange directions. Many blamed the residents, and their master tenant Derick Ion Almendra, for their negligence. Soon cities around the country (and their landlords) moved to evict their clusters of residents from similar warehouse spaces. This was a weird bit of association, the assumption that where there were artists, disaster would follow. Certainly some of the blame was good old-fashioned victim shaming. But there was also the typical human mistake of searching for a specific individual scapegoat for

a widespread systems problem.

A similar transference of blame has been happening across the bay for years, as a spate of fires in San Francisco, especially in the Mission District, have been chalked up by the suspicious, the angry, and the conspiratorial as the work of greedy landlords wanting to cash in. Though the specific details—and certainly the human toll—differed wildly, the Ghost Ship tragedy united Oakland and San Francisco and many other American cities in a story about failing infrastructure, soaring costs of living, and the way lawmakers attempt to artfully dodge the two. In Oakland, blame fell all around: on the mayor, the fire department, the landlord, the tenants. So, too, after a cluster of fires in the Mission, where blame also coalesced into a set of conspiracy theories. The truth, of course, is that the cause of a fire is almost always mundane. But people see what they want in the flames.

RATHER than being a harbinger of the imminent collapse of warehouse spaces around the country, the Ghost Ship is a story about limits, risks, and tolerances. It’s about official neglect and ad hoc communities. And underlying all that is something more fundamental and less sexy: building code.

Nobody knows this better than Thomas Dolan, an architect who has spent many of the past 25 years turning illegal warehouses into live-work spaces all over Oakland. Dolan’s architecture firm is in a small office on the top floor of a building he and his wife own and live in. The building is an extrusion of the Dolans’ tastes, a warren of rooms and nooks and halls that surround and open onto an enclosed courtyard. Dolan is soft-spoken and has a great wild swoop of white hair. He helped author Oakland’s 1996 live-work ordinance; consequently, he’s spent a lot of his career working at the edge of what code allows buildings to be. He recognizes the conflict at the heart of the Ghost Ship debate.

“The primary way that artists have been able to afford to live in Oakland is because of illegal live-work,” he says. “Illegal live-work is affordable, legal live-work is expensive—I mean, it’s really that simple.” Since the Ghost Ship fire, Dolan has visited a dozen illegal live-work warehouses in Oakland at the invitation of tenants who want to bring their spaces up to code before the city takes notice. Dolan is doing the work pro bono, he says, and other architects and builders he knows are too. Collectively, they’ve been in about 40 spaces; he guesses there may be as many as a hundred. (None, incidentally, are imminent fire traps, he says.) “The huge conundrum that Oakland faces right now, post-fire, is that the city is culturally very rich in part because of the ability of people to live in affordable live-work



SHE WAS BREATHING
SMOKE. SHE SAW AN ORANGE
GLOW THROUGH THE CURTAINS
THAT SEPARATED HER
STUDIO FROM THE REST OF THE
DOWNSTAIRS SPACE.
THE YOUNG FIRE WAS MAYBE
20 FEET AWAY.

space, which is also illegal,” he says.

Oakland mayor Libby Schaaf is in the awkward position of any politician asked to protect both lives and culture. Her press conferences after the fire saw her negotiating two unpleasant outcomes. What had more or less worked for Oakland was a delicately maintained architecture of feigned ignorance, which rests on an alliance that Dolan dubs a don’t-call-me lease. Artists, musicians, freelancers, makers, and other DIYers rent cheap warehouse space from landlords who aren’t interested in pouring money into improvements. This is fine with the tenants, who want the freedom to build and modify, to live, work, and, sometimes, to host underground performances. “The landlord gets their rent without any hassle, the tenants get to live how they want to live without any

hassle,” he says. The city need never be brought into the equation, though it benefits from the accumulation of cultural capital in the form of mostly young, vibrant art-communitarians.

Over the years, a three-way blind-eye trust between tenants, landlords, and the city managed to erect a kind of reality-resistant bubble around parts of Oakland. That bubble burst on December 2 with such force that studio and performance spaces throughout the Bay Area, and in cities as disparate as Baltimore, Nashville, and Denver began to be shuttered. Locally, landlords scrambled to boot residents from illegal warehouse spaces even as city management spoke in soothing voices and tried to assure everybody that they weren’t trying to drive artists from their homes. In January, the Oakland mayor’s office released

an executive order that “creates new protocols and tasks consistent with existing regulations” to make unpermitted spaces more safe while also “reducing the risk of displacement” within “cultural community assets.”

Read between the lines and you’ll see what’s implied: These “cultural community assets” were only ever possible in a system that is, strictly speaking, totally illegal. What made the mayor look uncomfortable in press conferences was that she undoubtedly understood that reaching too far into the rat’s nest of building codes to make safety adjustments could threaten to bring the whole system down. If the city pushed too hard, enforcing building codes to the letter of the law, landlords would be forced to make costly upgrades or, eschewing that, sell outright—driving out low-rent tenants



either way. If the city did nothing, it could risk another Ghost Ship.

But, says Erica Derryck, the mayor’s director of communications, “we don’t want to give the public the impression that we have these tools to make property owners do what they don’t want to do.” The city, in other words, can’t force landlords to commit to upgrades and keep rents low. High rent, insufficient housing stock, and unmaintained buildings are issues that are 20 and 30 years in the making, she says. It didn’t start with the Ghost Ship, but the fire is illustrating how difficult it is to make change quickly—and to please everyone. “People demand changes that the city can’t make,” Derryck says. She points out that the city has to balance the needs of non-artist residents: the monolingual communities, the black neighborhoods, the rest of the middle class. That opens up other paradoxes. Convert all the warehouses into artist residences and there’ll be no space for new industry that blue-collar

workers rely on.

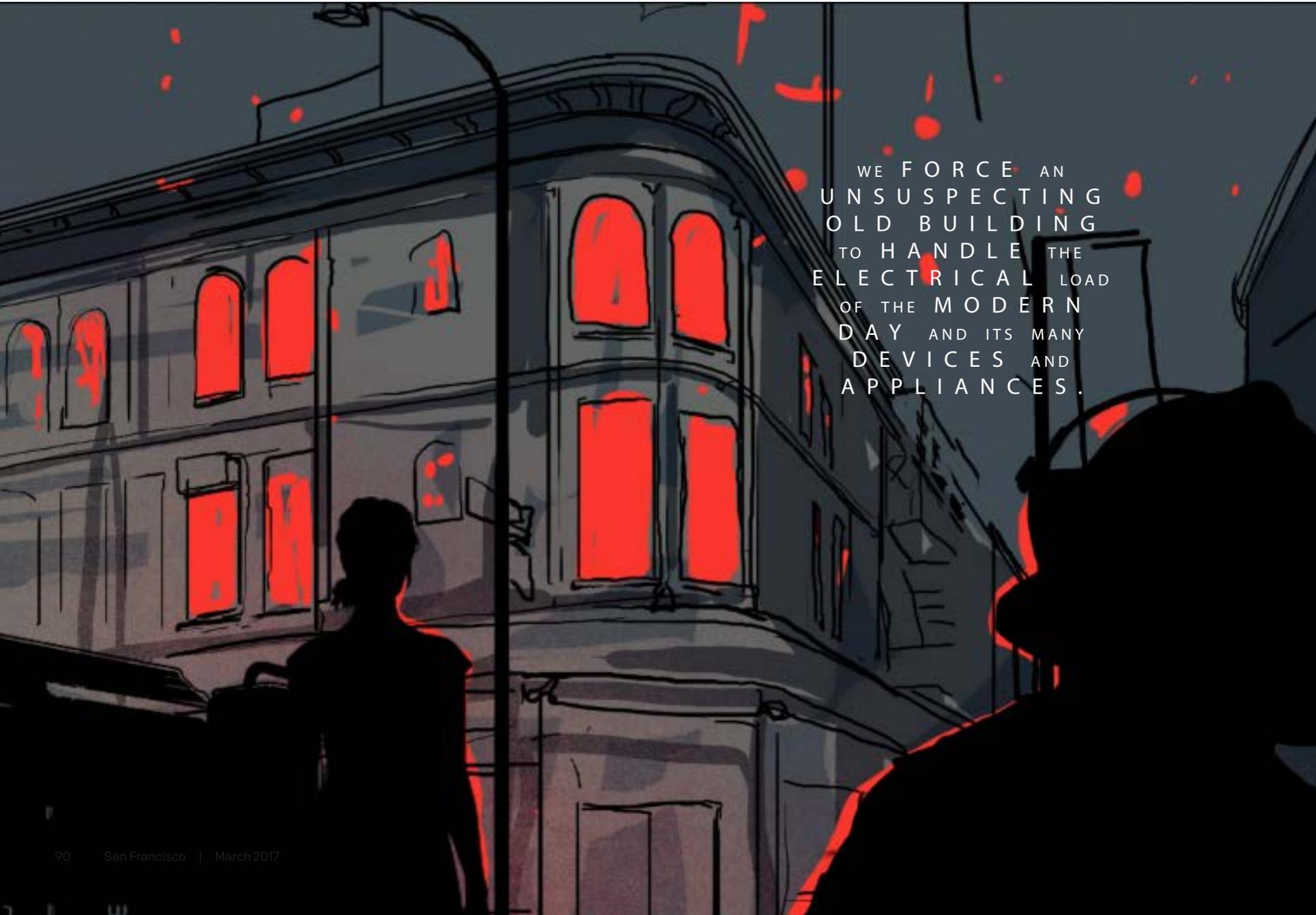
Oakland has, broadly speaking, two options: enforce code or ignore it. As it stands, Dolan says, neither is really tenable. “To really legalize these buildings you need to sprinkler them, you need to do a seismic retrofit, you need to create sound insulation between units, you need to have heat and properly insulated windows and skylights, and these are things that clearly tenants can’t pay for,” he says. But there’s a third option: change the code.

Dolan’s talking with the City of Oakland about how it can work with tenants in unpermitted spaces, modifying codes to appease the landlords, maintain safety, and not trigger displacement. It’s about “designing a way of living more in line with how these people want to live,” says Kelley Kahn, a City of Oakland policy director focused on arts and real estate issues. “We want to make it possible to do it more safely and still have a more affordable type of living come out the other end of it.”

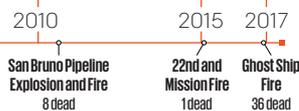
“There seems to be a real desire to effect a reconciliation of these goals,” Dolan says. But of course this is government we’re talking about. And building code. Both have the tendency to warp reality, rather than be shaped by it.

WHEN we go home, we carry our phones and laptops into the past. Or, to put it differently, we venture into a time machine: Every edifice we enter takes us back to the moment of the building’s birth.

In California, a building is considered “up to code” if it conforms to the code of the year it was built. A four-unit apartment house built in 1930 only has to live up to the standards of that distant year. We force an unsuspecting old building to handle the electrical load of the modern day and its many devices and appliances. And in cities where rent is high, there is an excess of people packed into places intended for far fewer. Decades-old code (and



WE FORCE AN
UNSUSPECTING
OLD BUILDING
TO HANDLE THE
ELECTRICAL LOAD
OF THE MODERN
DAY AND ITS MANY
DEVICES AND
APPLIANCES.



ancient electrical wiring) does not handle the modern condition well.

Until last November, Patrick Otellini was San Francisco's chief resilience officer. (It was a partially grant-funded gig, and that grant has ended; he's now working as a project manager for construction company Swinerton Webcor, although his previous job still exists.) If this was the old days, the powers that be would have called Otellini something like City Disasterman. He focused on preparing the city for earthquakes and sea level rise, and the fires that might follow; he sees its future written in the code of its past. "I think the landlords are one component" of fire prevention, he says, "but I think the more interesting component, which relates to both earthquake and fires, is really the built environment."

For such a relatively young city, San Francisco doesn't know itself very well. The Department of Building Inspection has records only on structures built since 1960, which accounts for one-quarter of residential buildings. In other words, 75 percent of the city is more than 50 years old, and thus subject to vastly archaic rules. "The building code is a really clunky mechanism for regulating older buildings," he says. "It's pretty good if you're going to build a new building from scratch. It gives you very prescriptive ways to do that. When you approach it from looking at an older building, the only time the building code really comes into play is if you do some type of a major alteration."

Despite having a terrifyingly complex amount of code, both San Francisco and Oakland allow buildings to live in the past to spare landlords the economic load of bringing their properties into the future—unless the landlord undertakes renovation or new construction, in which case the modern age may pour through the front door. In trying to help out landlords, the cities allow them to forgo repairs and upgrades. Landlords, including well-meaning ones without massive cash reserves, are permitted—and sometimes even tacitly encouraged—to hide in the past.

This system is in place for a good reason, says Otellini. "If you had to upgrade a building with any code change that comes out, every building owner would sell their property in a minute because you'd be just spending money every single day. You'd have a great building, you'd have a very safe and robust building, that would be great." But there'd be one glaring problem: "It'd be unaffordable to most."

If a bad landlord wants to clear out rent-controlled tenants and capitalize on the robust modern market, a city provides a perverse way to let that happen: Improve nothing, and in so doing, increase the chances that the building might catch fire and burn down. Not enforcing

the code violated in older wood residential buildings or warehouses like the Ghost Ship amounts to a kind of passive arson in which an invisible hand draws the spark. "No matter which way you pencil it out, the economics skyrocket for that owner if that building collapses," Otellini says. The land is desirable even without a standing building (maybe more so, since demolition costs are lower) and although right-of-return rules ensure that tenants can come back to a restored building, construction takes so long that people often move on to other places, leaving the landlord free to rent to higher-paying tenants. "That's a horrible way to incentivize the landlords not to do work," Otellini says.

Because much of the Mission district didn't burn in the 1906 catastrophe, its buildings are older than average. There have been several major fires in the Mission in recent years. One man was killed and 50 people displaced at 22nd and Mission in January 2015. Fifty-eight residents were made homeless after a June 2016 fire at 29th and Mission. Two dozen were displaced temporarily at 23rd and San Jose Avenue in April 2016. Thirty lost their homes after a November 2015 fire at 16th and Shotwell. In total, 194 people have been displaced and 3 killed by fires in the Mission over the last five years. In every one of these cases, the buildings were old and poorly kept. Most didn't have sprinklers. That they happened to occur in one of the city's hottest areas for real estate speculation, and because they appeared to be happening so frequently, gave many people in the Mission cause to project a nefarious motive onto the fires. Landlords must have been burning them to get rid of low-paying tenants.

SFFD's fire marshal Dan De Cossio argues that accusations of arson are facile, and that both economic and entropic forces are at work on the Mission's old, wood-framed, poorly insulated buildings. "The density's increasing in San Francisco, so we have more and more people living in San Francisco than ever before, and more and more people in tighter quarters, and old structures where they weren't originally designed to house the numbers they're housing," he says. People have been forced by rising prices and a shifting employment landscape to live together. "As such, when we do have a fire, more people are impacted by that fire. I think that is part of the response from the citizens of San Francisco: They're seeing more and more people affected by the fires, although the fires haven't been increasing." (Fires in the city have been fallen from 317 in 2005 to 186 in 2015.)

Stories of villains and victims are seductive—"Landlords burn their own buildings"; "Artists have so little regard for property that they can't be trusted with it"—and they are accurate just

enough of the time that we find it easy to assume the worst. The reality is that the solution to the building-upkeep problem starts, and often ends, with the bureaucrats, Otellini says: A city has to give landlords "realistic options" to make improvements to their buildings while keeping their residents in place. "Whether that's voluntary or mandatory, I think that depends on what the intervention is. I think that's the sweet spot of public policy where you actually are doing the right thing—balancing the needs of both the property owners and the tenants that live in the building."

IF you assume that building technology improves over time, then letting a building live in the past is just tempting fate. It's as if you only had access to medicine available the year you were born. But the alternative has its own damaging side effects. Among the most weirdly controversial options for modernizing the building codes is mandating the introduction of sprinklers into all housing units. Sprinklers cut way down on death and property damage. A National Fire Protection Association report found that fatalities were 82 percent lower in residences with sprinkler systems. (The Ghost Ship didn't have sprinklers.) When sprinklers were installed in San Francisco SROs in October 2001, fires went down. Everybody thinks they're a great idea. The question is: Why not force sprinklers into all buildings, regardless of age?

As with every discussion about fires, nothing about the answer is simple. Tenant activists who might normally support improved safety measures worry about how to sprinkle the city without displacing even more people. Landlord activists, meanwhile, worry about accruing massive costs. A November report commissioned by then-Supervisor David Campos's office found that sprinkler installation can range from \$11,579 for a single-family home to \$574,309 and up for a 16-unit building. And that's just sprinklers in established housing. Dolan estimates that upgrading an illegal live-work—heat, windows, sprinklers, and so on—can run to \$100 a square foot. The Ghost Ship was 10,000 square feet. Is it fair to saddle a landlord with a million dollars in out-of-nowhere extra costs?

Imagine the wave of small-time landlords who'd be forced to sell their buildings if a city chose to enforce all codes. Imagine who'd buy them: big companies, developers, flippers who might see more value in new, expensive condos for new, expensive people. Or, stranger still, there's Dolan's theory that much of Oakland's warehouse space will be bought up by cannabis companies for indoor grows, which become "the logical market for a landlord that wants to

Ghosts

CONTINUED FROM PAGE 91

get out of the business of owning illegal live-work.”

To avoid these either-or scenarios, Dolan has devised three possible tiers of safety improvements for Oakland warehouse spaces: the “low-hanging fruit” of hard-wired alarms, fire extinguishers, and lighted exits; modifications like additional windows to aid escape; and the “really expensive stuff” like sprinkler systems that are ideal but cost-prohibitive.

For Oakland’s policy makers, San Francisco can offer at least one helpful model of middle-ground disaster prevention. During his tenure as San Francisco’s chief resilience officer, Otellini managed the earthquake retrofit program, which is on track to upgrade 5,000 buildings by 2020. How to reinforce buildings without evicting everyone? The city came up with a streamlined “soft story” solution that requires surgery on the first floor only. Something similar could be done for fire prevention, whether it’s high-dollar sprinklers or one of Dolan’s other tiers. Public and private money could fund the upgrades. “That’s a perfect example of working and crafting the policy,” Otellini says, including how “we actually work with the people, both tenants and landlords, to make sure there’s an efficient flow and we’re not defeating our own policies through bad processes.”

Even before the Ghost Ship fire, says Oakland policy director Kahn, there were efforts in both cities to work with nonprofits to create funds that would allow arts organizations to, say, pay for upgrades to a commercial building in exchange for a long-term lease at low rates. Or, better still, to buy a building outright. “The only way you can really control a red-hot real estate market is if you get the property in the hands of the vulnerable communities,” she says.

Forever laboring in the world of code and design, Thomas Dolan doesn’t think there’s a

looming apocalypse of burning warehouses. In 30 years, he’s seen only one place he thought was truly unsafe. He sees solutions in exit signs and unbarred windows and a patient, though involved, city. And that means not over-enforcement or under-enforcement, but change in the face of reality. In his explorations of those illegal spaces, Dolan discovered something obvious to anyone who bothered to look. Many of these warehouses represent a kind of living space as yet unaccounted for; single-kitchen residences that are both ideal for artists and relatively insulated from market forces. “Yuppies are not going to want to live together and share one kitchen,” he says. “It is a particular way of living that suits artists who are willing to sacrifice privacy in favor of community.”

Not until the Ghost Ship fire had this distinction been clear for Dolan. From a code perspective, it’s like discovering a new species hiding in plain sight. To that end, he wants to introduce a new type of “work-live” code to make the buildings both practically and officially safe. It can be done, he thinks. “How artists work and how they live their lives doesn’t really fit well with today’s building codes,” he says. The goal is “to accommodate something that’s just not on the map right now.”

That’s what Brito wanted to make clear when she started telling the story of her fallen community at the Ghost Ship. Sure, it was economics that pushed them all together into that surreal and dangerous place—but there was something exciting about creating a family inside all that postindustrial upheaval. She’s now living in a room in a regular house not too far from the Ghost Ship. She went into the warehouse once after the fire, with agents from the ATF, and found some things in the rubble: a book from childhood, wet and with a burned-away cover but containing her last remaining photo of her whole family—her seven siblings smiling awkwardly, her parents still married. Her home was now like that dispersed family, her