## CITY OF OAKLAND COUNCIL AGENDA REPORT FFICE OF THE CITY CLERK

2003 NOV -6 PM 2:49

TO: Office of the City Manager

ATTN: Deborah Edgerly

FROM: Community & Economic Development Agency

DATE: November 18,2003

RE: A PUBLIC HEARING AND ADOPTION OF RESOLUTION DENYING THE

APPEAL AND AFFIRMING THE PLANNING COMMISSION APPROVAL OF A MAJOR CONDITIONAL USE PERMIT AND A MINOR VARIANCE (CMV03-

207) FOR A CLEAN **AND** SOBER FACILITY AT 114412<sup>TH</sup> STREET.

#### **SUMMARY**

This project, a conversion of an existing duplex to a clean and sober facility for 10 residents, was originally approved by the City Planning Commission on September 3,2003. On September 15, 2003, Ellen Wyrick-Parkinson filed an appeal of the Planning Commission's approval (Attachment A). The appellant raises three points in the appeal; namely that 1) the Planning Commission granted a Variance for parking requirements on the basis of availability of two permanent parking spaces at 1324 Adeline Street but there is no proof of availability of parking at that address; 2) That there is 325 feet between the proposed project and another group home allegedly located at 1125 Magnolia Street while the staff report stated it to be more than 500 feet; 3) That the area near Lowell Park is a problem area in terms of crime. Please see Key Issues and Impacts section, below, for an analysis of the points of the appeal.

The 3,610 square foot project parcel is located on 11" Street in West Oakland. The nearest cross street is Adeline Avenue. The site is zoned R-70 High-Density Residential zone and is developed with a 2,402 square foot Victorian duplex that appears to be in good condition. The surrounding area is developed with one and two story residential dwelling units with three churches within one block of the project site. Staff recommends that the City Council adopt the attached Resolution denying the appeal and affirming the Planning Commission's approval of a Major Conditional Use Permit and Variance (CMVO3-207) for a clean and sober facility at 1144 12" Street.

#### FISCAL IMPACT

The project involves a private development, does not request or require public funds and has no fiscal impact on the City of Oakland. The appellant submitted the required appeal fees.

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#### **BACKGROUND**

This is a request by the applicant Christian Women Supporting Women (CWSW) to convert an existing 2,402 square foot, two-story Victorian duplex to a "clean and sober facility" (a service-enriched housing facility) for 10 residents. CWSW is a nonprofit organization designed to assist chemically dependent women who have experienced chronic relapses. CWSW requests to establish a Sunday to Saturday facility with **24-hour** staff supervision. To be eligible for the program, the women must have successfully demonstrated a commitment to recovery or have been referred by another agency having evidenced an acceptable period of sobriety. The facility endeavors to provide a non-profit, post-transitional housing program that provides a clean and sober living environment for women maintaining recovery from drug and/or alcohol abuse.

There will be **two** permanent employees, with one employee **on** site at all times. The residents will be all women. Total number of residents will be ten who will reside in a total of four bedrooms that range in size from 128 sq. ft. to 208 sq. ft. One staff member will reside on the second floor in a room that will double as Staff Room (126.5 sq. ft.) during day-time hours and bedroom during night hours. Common areas (710 sq. ft.) on the first floor include a living **room**, dining and kitchen area, a quiet room and a rear deck. Common areas (677 sq. ft.) on the second floor include a living area, dining and kitchen area, a quiet room, and a rear deck. CWSW will provide all furniture for the facility and charge residents rent in exchange for board and lodging.

All residents are expected either to work or attend school. The resident stay will be no more than one year. It is anticipated that children of residents may visit during the weekends (Friday evening to Sunday evening). These visits will be scheduled to prevent overcrowding. Counseling and case management services will be provided on-site for the residents and educational classes may be provided from time to time.

The project was reviewed initially by the Planning Commission on August 6, 2003. (Please refer to the Planning Commission Staff Report dated August 6,2003 Attachment "B"). At the public hearing, the Commission considered the project, took public testimony and directed staff to further investigate whether similar facilities are located within 300 feet of the project site. One of the findings required by the Zoning regulations for approval of the project is that there are no Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activities located within 300 feet of each other.

At the September 3,2003 Planning Commission Hearing, staff provided the requested information and recommended approval of the project as all appropriate findings, including the 300 feet restriction on over concentration, could be made (Please refer to the Planning Commission Staff Report dated September 3,2003 Attachment "C"). The Planning Commission approved the project adding a condition that a Compliance and Operational Status Report for the facility be submitted to and reviewed by the Planning Commission six and twelve months after the date of approval.

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#### **KEY ISSUES AND IMPACTS**

Staff finds that appeal does not raise any substantial issues that would prevent the Council to make the applicable findings necessary for approval of this project. As conditioned, staff believes that the proposed use is appropriate and recommends that the City Council uphold the project and deny the appeal.

The following analysis provides basis for which the project approval was appealed. The appellant's letter is attached (see Attachment "A"). The basis of the appeal as contained in the appeal letter is shown in bold text. A staff response follows each point.

1. That the Planning Commission granted Variance for parking on the basis of availability of two permanent parking spaces at 1324 Adeline Street but there is no proof that the owner has the authority to assign these spaces. Further, Oak Center Neighborhood Association did not receive any information on the parking agreement.

Staff Response: Staff report prepared for the August 6, 2003 Planning Commission public hearing included as Attachment I, a letterfrom Robert Clark, Board Secretary, The Oak Center Cultural Center, Inc., that indicated an agreement by the Board to designate two parking spaces for the use by Christian Women Supporting Women (the applicant). The Oak Center Cultural Center, Inc is the owner of record for the property where parking is located. Oak Center Neighborhood Association is not a party to the agreement and is not required to be advised.

2. That there is 325 feet between proposed project and another group home allegedly located at 1125 Magnolia Street while the staff report stated it to be more than 500 feet.

Staff Response: Section 17.102.212 (B) requires that "no Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than 300 feet away from any other such Activity or Facility." At the August 6<sup>th</sup> Planning Commission hearing, it was alleged that a group home existed at 1125/1129 Magnolia (corner lot on Magnolia Street and 12<sup>th</sup> Street). At the September 3<sup>rd</sup> hearing, staff reported to the Planning Commission that property was located more 500 feet away from the project parcel. Staff used the City's Geographic Information Systems (GIS) Database to calculate the distance between the two properties. If the distance is calculated as one would walk, the measurement comes to 552 feet and f it is calculated as "the crow flies" then the measurement comes to 462 feet.

The appellant states that using Alameda County Assessor's maps "it is their belief that it is more like 325 feet between the two group homes". The appellant's calculation excludes the width of Adeline Street (80feet), Magnolia Street (60feet) and 12" Street (80feet) and therefore arrives at a number smaller than 500feet. Even by appellant's calculation (that does not include the street widths necessary to arrive at an accurate estimate), the distance between the project site

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and the location of the alleged group home is 325 feet. This distance is adequate to make the finding required by Section 17,102.212 (B) of the Zoning regulation.

Further, it may be noted that there is no record of the issuance of a Conditional Use Permit necessary for operation of a Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity at 1125/1129 Magnolia Street. The Code Compliance staff is currently investigating this corner property. As of writing of this report, no evidence to support that such an operation taking place at this site has been found. If any evidence of violation is noted, then the property owner would be cited and required to remedy the violation.

## 3. The appellant states that the area near Lowell Park is a problem area in terms of crime and provides crime statistics for the area.

Staff Response: The appellant provides **no** explanation or evidence to support the cause-effect relationship between the proposed use and the existing crime in the area. Staff has **no** reason to believe that operation of a clean and sober facility would negatively impact crime in the neighborhood. Conversely, staffalso has **no** reason to believe that the existing crime in the area would negatively impact the operation of the proposed facility.

#### NEW DEVELOPMENT SINCE THE PLANNING COMMISSION APPROVAL

The applicant has informed staff that *Oak* Center Cultural Center can no longer honor their parking agreement. Subsequently, the applicant has procured two parking spaces across the Cultural Center at 1136 14<sup>th</sup> Street (also identified as 1400 Adeline Street). This modification in project proposal increases the distance between the project site and provision of off-site parking from 390 feet to 430 feet. Staff believes that the variance to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided can be approved, as the increase in distance is marginal and residents of the facility are prohibited by the conditions of approval from having cars. **See** Attachment B for justification for variance outlined in the August 6'' staff report.

See Attachment D for the permission of property owner 1136 14<sup>th</sup> Street to designate two parking spaces as well as the plans for the existing 13-car parking lot. This property is zoned C-10/S-20 (Local Retail Commercial Zone/Historic Preservation District Combining Zone) and is developed with a two story structure with approximately 2000 sq. ft convenience store on the first floor and two apartments on the second floor. Per Sections 17.116.060 and 17.116.080 of Planning Code, the residential uses trigger a requirement for one parking space while the commercial use less than 3000 sq. ft. does not generate parking requirement. Therefore, the existing uses will have adequate parking spaces even after designation of two parking spaces for the clean and sober facility.

In order to reflect the new development regarding provision of parking spaces, Condition of Approval Number 11 regarding recordation of the parking agreement between owner(s)

City Council November 18,2003 providing parking spaces and the owner of project site is recommended to be revised (See Attachment C for September 3<sup>rd</sup> Planning Commission Report). The change in the condition is included in the Resolution and as well as in revised recommended conditions of approval in Attachment E.

#### SUSTAINABLE OPPORTUNITIES

Economic: The project will expand the available housing inventory in the City of

Oakland and returns an existing underutilized facility to a viable use.

Environmental: The project has been found to be exempt under Section 15301

"Modifications to Existing Structures" of the State of California

Environmental Quality Act (CEQA).

Social Equity: The project benefits the community by offering **support** services to at

risk women in the community to continue and solidify their recovery and

become productive members of society. The conditions and requirements set forth in the Use Permit will address neighbors' concerns about appropriate operation of the facility and provide for a

formal review by the Planning Commission.

#### DISABILITY AND SENIOR CITIZEN ACCESS

The Building Division of the Community and Economic Development Agency will require the project to conform to the Americans With Disability Act in all provisions to ensure equal access to this facility.

#### STAFF RECOMMENDATION AND RATIONALE

Staff recommends that the City Council uphold the Planning Commission approval and deny the appeal. 1) The Planning Commission's decision was based on its thorough review of all pertinent aspects of the project. 2) The change in provision of off-site parking spaces is a non-material change to the project approved by the Planning Commission.

#### ALTERNATIVE CITY COUNCIL ACTIONS

The City Council also has several other options in addition to the one provided in the recommendation above.

- 1. The City Council could uphold the appeal and reverse the Planning Commission decision, denying the project.
- 2. The appeal could be denied, but with additional conditions imposed.
- 3. The item could be continued pending new information or further clarification of conditions.

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#### ACTION REQUESTED OF THE CITY COUNCIL

- 1. Affirm staffs environmental determination.
- 2. Adopt Resolution denying the appeal and affirming the Planning Commission's approval of a Major Conditional Use Permit and Variance (CMV03-207) for a clean and sober facility at 114412<sup>th</sup> Street.

Respectfully submitted,

CLAUDIA CAPPIO
Development Director

Community & Economic Development Agency

Prepared by:

Miroo Desai Brewer, Planner III

Planning & Zoning

Approved and Forwarded to the City Council:

DEBORAH EDGERLY

Office of the City Manager

#### **ATTACHMENTS:**

- A. Appellant's letter of September 15,2003
- B. Planning Commission Staff Report of August 6,2003
- C. Planning Commission Staff Report of September 3,2003
- D. Parking Agreement and Parking Lot Plans
- E. Recommended Findings and Conditions of Approval

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#### OAKLAND CITY COUNCIL

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RESOLUTION N	To C.M.S.	
INTRODUCED BY COUNCILMEMBER		

RESOLUTION DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION APPROVAL OF A MAJOR CONDITIONAL USE PERMIT AND A MINOR VARIANCE (CMV03-207) FOR A CLEAN AND SOBER FACILITY AT 1144 12<sup>TH</sup> STREET, OAKLAND.

**WHEREAS**, the applicant, Jacqueline Wooley (Christian Women Supporting Women), filed an application on May 14, 2003 to convert an existing duplex into a clean and sober facility (a service enriched housing facility) at the property located at 114412<sup>th</sup> Street; and

WHEREAS, The City Planning Commission took testimony and considered the matter at its meeting held August 6, 2003. Action on the matter was deferred to the September 3, 2003 City Planning Commission Meeting to allow staff to obtain further clarification. The City Planning Commission took testimony and considered the matter at its meeting held on September 3, 2003. At the conclusion of the public hearing held for the matter, the commission deliberated the matter, and voted. The project was approved, 5-2; and

WHEREAS prior to acting on the matter, the Planning Commission added a condition of approval as Condition Number 14 to read as follows: The Planning staff shall provide a Compliance and Operational Status Report of the facility to the Planning Commission at a scheduled public hearing six months and twelve months after the approval date.

**WHEREAS** on September 15, 2003, an appeal of the Planning Commission's approval and a statement setting forth the basis of the appeal was received; and

**WHEREAS,** after giving due notice to the Appellant, the Applicant, all interested parties and the public, the Appeal came before the City Council for a public hearing on November 18, 2003: and

WHEREAS, the Appellant, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

**WHEREAS**, the public hearing on the Appeal was closed by the City Council on November 18,2003;

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### Now, Therefore, Be It

**RESOLVED:** The requirements of the California Environmental Quality Act (CEQA) of 1970, as prescribed by the Secretary of Resources, and the City of Oakland's environmental review requirements, have been satisfied, and, in accordance the adoption of this resolution is exempt from CEQA under Section 15301 "Modifications to Existing Structures" of the State CEQA Guidelines.

**FURTHER RESOLVED:** That, the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the City Planning Commission's decision, and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence already contained in the record before the City Planning Commission that the City Planning Commission's decision was made in error, that there was **an** abuse of discretion by the Commission or that the Commission's decision was not supported by substantial evidence in the record based on the November 18, 2003, City Council Agenda Report (attached as Exhibit "A"), September 3,2003 Staff Report to the City Planning Commission (as set forth in Attachment C of Exhibit "A"), and August 6,2003 Staff Report to the City Planning Commission (as set forth herein. Accordingly, the Appeal is denied, the Planning Commission's CEQA findings and decision are upheld, and the Project is approved (the Major Conditional Use Permit and Minor Variance), subject to the findings and conditions of approval contained in Attachment E to Exhibit "A" in the Staff Report for this item prepared for the City Council meeting of November 18,2003.

**FURTHER RESOLVED:** That, in support of the City Council's decision to approve the Project, the City Council affirms and adopts the September 3,2003 Staff Report to the City Planning Commission (including without limitation the discussion, findings, conclusions and conditions of approval) (as set forth in Attachment C of Exhibit "A") as well as the November 18,2003, City Council Agenda Report, attached hereto as Exhibit "A," (including without limitation the discussion, findings, and conclusions) except where otherwise expressly stated in this Resolution.

**FURTHER RESOLVED:** That, the Condition of Approval Number 11 outlined in September 3,2003 Staff Report to the City Planning Commission (as set forth in Attachment C of Exhibit "A") be revised to read as the following: Per Section 17.116.180, the owner or owners of 1144 12<sup>th</sup> Street and owner of owners of 113614<sup>th</sup> Street shall prepare and execute to the satisfaction of the City Attorney and file with the Alameda County Recorder, an agreement guaranteeing that two parking spaces at 113614<sup>th</sup> Street will be designated for Clean and Sober Facility located at 114412<sup>th</sup> Street for the duration of operation of the facility.

**FURTHER RESOLVED:** That, the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Exemption with the appropriate agencies.

**FURTHER RESOLVED:** That, the record before this Council relating to this application and appeal includes, without limitation, the following:

- 1. the application, including all accompanying maps and papers;
- 2. all plans submitted by the Applicant and his representatives;
- 3. the notice of appeal and all accompanying statements and materials;
- 4. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation and all related/supporting final materials, and all final notices relating to the application and attendant hearings;
- 5. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the application and appeal; and all written evidence received by relevant City Staff before and during the public hearings on the application and appeal;
- 6. all matters of common knowledge and all official enactments and acts of the City, including, without limitation (a) the General Plan; (b) Oakland Municipal Code (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

**FURTHER RESOLVED:** That, the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, CA.

**FURTHER RESOLVED:** That, the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

In	Council,	Oakland,	California,	•	2003
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#### PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-
ABSTENTION-

ATTEST:

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

14.3 ORA/COUNCIL NOV 1 8 2003

## OF OAKL

Development Agency

### CITY OF OAKLAND

# REQUEST FOR APPEAL OF DECISION TO PLANNING COMMISSION OR CITY COUNCIL

(REVISED 8/14/02)

PROJECT INFORMATION  Case No. of Appealed Project: 1144 12 ra 44 4
APPELLANT INFORMATION:  Printed Name: Ellen Lyrick-Parkin 9Phone Number: 5/0-935-2290  Mailing Address: 1420 Megseliu St Alternate Contact Number:  City/Zip Code Cakland CA 94607 Representing: Oak Cantar Naghborhadd A
An appeal is hereby submitted on:  AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)
YOUMUST INDICATE ALL THAT APPLY:  Approving an application for an Administrative Project Denying an application for an Administrative Project Administrative Determination or Interpretation by the Zoning Administrator Other (please specify)
Pursuant to the Oakland Municipal and Planning Codes listed below:  Administrative Determination or Interpretation (OPC Sec. 17.132.020)  Determination of General Plan Conformity (OPC Sec. 17.01.080)  Design Review (OPC Sec. 17.136.080)  Small Project Design Review (OPC Sec. 17.136.130)  Minor Conditional Use Permit (OPC Sec. 17.134.060)  Minor Variance (OPC Sec. 17.148.060)  Tentative Parcel Map (OMCSection 16304.100)  Certain Environmental Determinations (OPCSec. 17.158.220)  Creek Protection Permit (OMCSec. 13.16.450)  Hearing Officer's revocation/impose or amend conditions (OPCSecs. 15.152.150 & 15.156.160)  Other (please specify)
□ A DECISION OF THE <u>CITY PLANNING COMMISSION</u> (TOTHE CITY COUNCIL) ☐ Granting an application to:  See Affectived
(continued on reverse)  ORACOUNCIL L:\Zoning Forms\APPEALFORM-final-revJune02.doc 09/30/02  NOV 1 8 2003

### A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

### YOU MUST INDICATE ALL THAT APPLY.

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		d. (The appellant must submit all supporting evidence dong
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with this I	Ed.	9/15/03
The Ydate	Eliza de la companya della companya	<u>9/15/03</u>
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8/14/02

TOTAL P.03

#### Appeal to Planning Case file Number CMV03-207

#### Minor Variance - Parking

We believe the Planning Commission **did errnr** in granting a Minor Variance for Parking to the applicants at 1144 12" Street because the parking use for the center does have a detrimental affect on the neighborhood. It is our understanding that this Variance was granted to the applicant at 1144 I?" Street based on the statement that two permanent parking spaces are allocated to the applicant at 1324 Adeline Street. There is no proof that the owner at 1324 Adeline Street has the authority to permanently assign these spaces. We have requested a copy of the authorization letter from the Planning Department however, the request was not granted and we did not receive any information on the parking. In documents submitted to the Oak Center Neighborhood Association (**See attached**), it is stated that there would be no more than 23 cars at the site at a time. Additional 23 cars in any neighborhood create a significant impact.

#### **Major Conditional Use Permit**

It is our belief that the Planning Commission **did error** in granting the Major Conditional Use Permit because of the close proximity to another group home. The Planning Staff states that there **are** more than 500 feet between the group homes. It is our belief that it is more **like** 325 feet between the group homes. (**See Alameda County maps attached.**)

1203 12" Street and 1129 Magnolia Street *are* the two addresses for same house. It has an entrance on 12" Street and an entrance on Magnolia St. = 33 ft. 4in.

1188  $12^{th}$  Street = 256 ft. Sin. 1146  $12^{th}$  Street = 37ft. Sin.

#### Others:

#### Crime

Attached is all the crime statistics for the area. as the nearby Lowell Park has been a problem area for some time and continues to be an area to watch. (See attached)

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RECORDING REQUESTED BY 602051

Founders Țitle Company

WHEN RECORDED MAIL TO

City and County Employees Street Address Credit Union 8137 Capwell Drive

RECORDED at REQUEST OF Francis Tale da. At 13:30 7.....

020-03/5 CORNEIAL RECORDS OF ALACIEDA COUMER, CALVOLLOS RENE C. DAVIDSON

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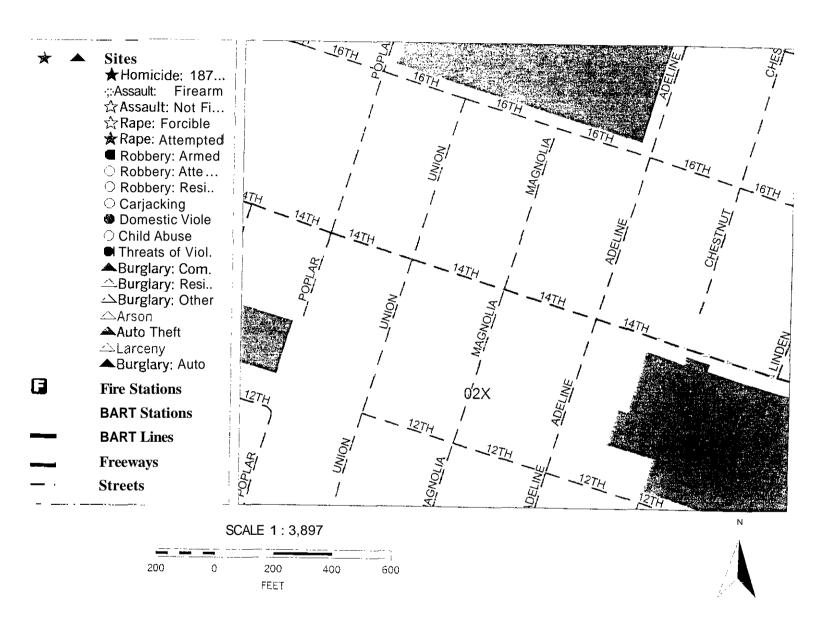
CORREST RECORDER Oakland, Californis SPACE ABOVE THIS LINE FOR RECORDER'S USE. SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS This Deed of Trust, made this 30th day of November, 1976 크 WILLIAM S. CRANFORD and FRANCES B. CRAWFORD, his wife California , becein called trustor, whose address is 1203 - 12th St. Cakland, (number and street) (city) FOUNDERS TITLE COMPANY OF ALAMEDA COUNTY, a California corporation, herein called TRUSTEE, and CITY AND COUNTY EMPLOYEES CREDIT UNION , herein called nenericiary. Withersoth: Touside prevocably grants, transfers and assigns to trustee in trust, with fower of sale, that property in Oakland Alameda County, California, described as: Commencing at the point of intersection of the Southerly line of 12th Street, formerly West 12th Street, with the Westerly line of Magnolia Street, and running thence Westerly along said line of 12th Street, 100 feet, thence at right angles Southerly 53 feet, 4 inches; thence at right angles Easterly 100 feet to be Westerly line of Magnolia Street; and thence Northerly along said last named line, 33 feet, 4 inches to the point of commencement. Being a portion of Block 562, as per Boardman's Nap of Oakland, files April 23, 1883, Book 17 of Maps, Page 14, Alameda County Records.
In the event the herein described property or any part thereof, or any interest therein is sold, agreed to the sold, conveyed or ellenated by the Trustor, or by the operation of law or otherwise, all obligations secured by this instrument, freespecific of the maturity dates expressed therein, at the option of the holder bereaf and without demand or notice shall immediately became due and payable. TOGETHER MITH the cents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authornry given to and conferred Apain Beneficiary by paragraph (19) of the provisions incorporated berein by reference to collect and apply such tents, issues and profits. For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension or renew althereof, in ineprincipal sum of \$\frac{15,000.00}{\text{cond}}\$ executed by Trustoc in favoral Beneficiary of order. L. Parment of such further sums as the then record ownered said property bereafter may befrow from Beneficiary, when evidenced by another note (or notes) reciting it is so secured. To Protect the Security of This Deed of Trust, Trustor Agrees: By the execution and delivery of this Deed of Trust, Trustor Agrees: By the execution and delivery of this Deed of Trust and the nate secured hereby, that provisions (1) to (13) inclusive, of the licitious deed of trust recorded in Santa Burbara Cauncy and Somma County October 18, 1961, and in all other counties October 23, 1964, in the book and at the page of Official Records in the office of the county recarder of the county where said property is furnied, noted below apposite the name of such county, viz.: COUNTY BOOK PAGE COUNTY BOOK PAGE COUNTY BOOK PAGE COUNTY BOOK FAGE Alomeda 435 684 1 250 104 348 Xings Lake Lation Los Angeles Madero 833 39 792 362 171 13053 810 1508 27 279 1247 184 57 2194 Sistra Siskiyau Salana Sanama Slanislaus Sutter Places 895 831 301 Alpine Amader Plumas Riverside 3005 4331 271 5567 4332 2470 1151 Butte 1145 145 296 3978 78 368 4626 422 Riverside
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KI CERCARIEK CERCAREC WEEK

M.A. Bowen

Name (Teped in Printed)

## Uakiang Wap Room: CrimeWatch



REPORTNO	DATE	TIME	LOCATION	CRIME	CRIME DESCRIPTION
03-069934	8131031	5:00 PM	1024 LINDENST	10851(A)	TAKE VEHICLE W/O OWNERS CONSENT/VEHICLE THE—
03-069757	8/4/03		780 13TH ST	10851(A)	!TAKEVEHICLE W/O OWNERS CONSENTNEHICLE THEFT
03-072643	8/11/03	6:00 PM	1055 8TH ST	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-074819	8/14/03	5:00 PM	1119 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-073201	8/14/03	8:30 AM	600 LINDEN ST	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-073517	8/14/03	11:30 PM	1000 CHESTNUT ST	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-074485	8/15/03	7:00 PM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-075494	8/20/03	6:15 PM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-075575	8/20/03	12:00 PM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-075574	8/20/03	12:00 PM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-077146	8/26/03	11:00 PM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-077148	8/26/03(	11:00 PM	1155 3RD ST	(10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079559	8/28/03	7:00 PM	195 MIDDLE HARBOR RD	(10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079323	8/28/03	10:00 AM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079292	8/29/03	12:00 AM	195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079293	8/29/03	12:00 AM	195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079922	9/3/03	12:00 AM	1195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079928	9/3/03	12:00 AM	195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079294	9/3/03	12:00 AM 1	195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079295	9/3/03	12:00 AM	195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079296	9/3/03	12:00 AMİ1	195 MIDDLE HARBOR RD	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-079508	9/4/03	2:00 AMI7	'00 LINDEN ST	10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-080147	9/5/03	10:00 PMIS	31 FILBERT ST	[10851(A)	TAKE VEHICLE W/O OWNER'S CONSENT/VEHICLE THEFT
03-075618	8/21/03	12:00 PM 7	49 ADELINE ST	211	ROBBERY
03-077093	8/26/03	8:20 PM/1	200 MARKET ST	211	ROBBERY
03-079910	9/5/03	8:20 AM 1	070 MARKET ST	211	ROBBERY
03-072099	8/10/03	2:55 AM 8	03 FILBERT ST	212.5(A)	ROBBERY: FIRST DEGREE
03-069722	8/2/03		216 8TH ST	245(A)(1)	ADW OR GBI FORCE: NOT FIREARM
03-069724	8/3/03		062 10TH ST	245(A)(1)	ADW OR GBI FORCE: NOT FIREARM
03-073267	8/13/03		00 FILBERT ST	245(A)(1)	ADW OR GBI FORCE: NOT FIREARM
03-080590	9/7/03	<del></del>	44 KIRKHAM CT	245(A)(1)	ADW OR GBI FORCE: NOT FIREARM
03-080759	9/8/03	5:30 PM 1	000 POPLAR ST	245(A)(1)	ADW OR GBI FORCE: NOT FIREARM
03-081312	9/7/03	12:00 AMIA	DELINE ST	261	RAPE: NOT SPECIFIED
03-077988	8/30/03	1:00 AMIA	DELINE ST	273.5(A)	INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT
03-079669	9/3/03		IARKET ST	273D	INFLICT INJURY UPON CHILD
03-069622	8/3/03	·	016 LINDEN ST	(459(A)	BURGLARY: AUTO
03-071020	8/4/03		00 ADELINE ST	459(A)	BURGLARY: AUTO
03-072434	8/10/03	<del></del>	00 MARKET ST	459(A)	BURGLARY: AUTO
03-072852	8/12/03		00 MANDELA PK	459(A)	BURGLARY: AUTO
03-072946	8/13/03		DO UNION ST	459(A)	BURGLARY: AUTO
03-074782	8/18/03	~ <del></del>	200 10TH ST	459(A)	BURGLARY: AUTO
03-075459	8/19/03		30 11TH ST	459(A)	BURGLARY: AUTO
03-074769	8/19/03		051 10TH ST	459(A)	BURGLARY: AUTO
03-077302	3/26/03!	·	055 8TH ST	459(A)	BURGLARY: AUTO
03-077739	3/28/03!	~	195 MIDDLE HARBOR RD	459(A)	BURGLARY: AUTO
03~079576	3/4/03	12:00 AMI10		459(A)	BURGLARY: AUTO
03-078207	3/28/03:	12:00 PMI1	195 MIDDLE HARBOR RD	459(C)	BURGLARY: COMMERCIAL

		LOCATION	CRIME	CRIME DESCRIPTION
8/1/03!	3:25 PM 1	015 ADELINE ST	484(A)	THEFT: PERSONAL PROPERTY
81131031 _	6:30 PM 9	000 MARKETST _ ~	484(A)	THEFT: PERSONAL PROPERTY [OVER \$400]
8/15/03	3:00 PM 9	00 MARKETST	484(A)	PETTY THEFT: SHOPLIFT
8/16/03		-055 8TH ST	484(A)	!THEFT: PERSONAL PROPERTY
8/27/ <b>0</b> 3	5:30 AMÍ1	024 12TH ST	484(A)	PETTY THEFT: AUTO ACCESSORY
8/27/03	10:00 AM	00 MARKET ST	484(A)	PETTY THEFT: SHOPLIFT
9131031	3:00 PM 7	49 ADELINE ST	484(A)	PETTY THEFT: AUTO ACCESSORY
8/8/03	2:00 PM 1	121 KIRKHAM ST	487	/GRANDTHEFT
8/14/03	7:50 AM/9	91 14TH ST	487	GRAND THEFT
	81131031 _ 8/15/03  8/16/03  8/27/03  8/27/03  9131031 8/8/03	81131031 6:30 PM 9 8/15/03  3:00 PM 9 8/16/03  5:30 AM 1 8/27/03  10:00 AM 9 9131031 3:00 PM 7 8/8/03  2:00 PM 1	8/13/1031 6:30 PM 900 MARKETST	81131031 6:30 PM 900 MARKET ST 484(A) 8/15/03 3:00 PM 900 MARKET ST 484(A) 8/16/03 1055 8TH ST 484(A) 8/27/03 5:30 AM 1024 12TH ST 484(A) 8/27/03 10:00 AM 900 MARKET ST 484(A) 9131031 3:00 PM 749 ADELINE ST 484(A) 8/8/03 2:00 PM 1121 KIRKHAM ST 487

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Case File Number CMV03-207

August 6,2003

**Location:** 1144 12<sup>th</sup> Street (See map on reverse)

Assessors Parcel Number: 004-00350-038-00

**Proposal:** To convert an existing two unit residential structure to a clean and

 $sober\ facility\ (a\ Service-Enriched\ Residential\ facility)$ 

Applicant: Christian Women Supporting Women/Jacqueline Wooley

Owner: K. M. Lewis

Planning Permits Required: Major Conditional Use Permit and Minor Variance to allow

designation of two parking spaces located more than 390 feet away

where 300 feet is required.

**General Plan:** Mixed Housing Type

**Zoning:** R-70: High Density Residential Zone

**Environmental Determination:** Exempt 15301; State CEQA Guidelines, Existing Facilities

Historic Status: Potentially Designated Historic Property. Survey Rating: C2+

Service Delivery District: I – West Oakland

**City Cnuncil District:** 3

**Date Filed:** May 14,2003

Take public testimony and continue the item with direction to staff to

**Staff Recommendation:** prepare appropriate findings. **Finality of Decision:** *Appealable to City Council* 

For Further Information: Contact case planner Miroo Desai Brewer at 510-238-6935

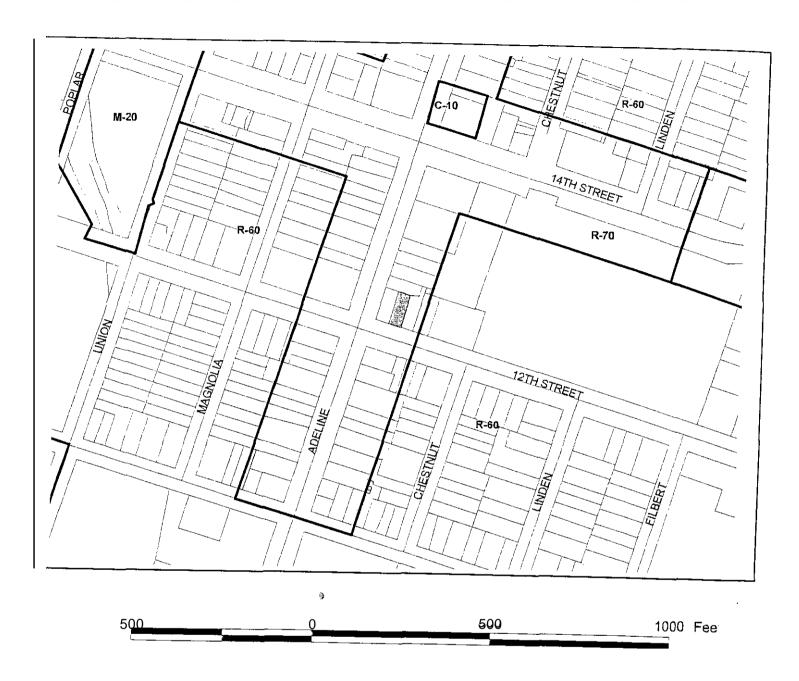
#### **SUMMARY**

The applicant, Christian Women Supporting Women (CWSW), proposes to convert an existing Victorian duplex to a clean and sober facility for 10 residents. CWSW requests to establish a Sunday to Saturday facility with 24-hour staff supervision. There will he two permanent employees with one employee on site at all times. The residents will be ten women who will reside in four bedrooms. All residents are expected either to work or attend school. The resident stay will he no more than one year. Counseling and case management services will be provided on-site for the residents and educational classes may be provided from time to time.

Clean and sober facilities fall under the use category of service-enriched residential facilities that are permitted in a residential zone with issuance of a major conditional use permit. One parking space is provided on-site and two parking spaces are provided at 1324 Adeline Street located approximately 390 feet (one block) away. The applicant also requests a variance to the parking requirements to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided.

The project has support from some residents in the neighborhood but not from Oak Center Neighborhood Association (OCNA), a local community organization. Staff has also received letter from Nancy Nadel's office (City Council District 3) expressing concerns for the proposal. Staff recommends that the Planning Commission take public testimony and continue the item with direction to staff to prepare appropriate findings.

### CITY OF OAKLAND PLANNING COMMISSION



Case File: CMV03-207

Applicant: Christian Women Supporting Women

Address: 1144 12th Street

Zone: R-70



#### PROJECT DESCRIPTION

The applicant, Christian Women Supporting Women (CWSW), proposes to convert an existing 2,402 square foot Victorian duplex to a "clean and sober facility" for 10 residents. CWSW is a nonprofit organization designed for chemically dependent women who have experienced chronic relapses. CWSW requests to establish a Sunday to Saturday facility with 24-hour staff supervision. To be eligible for the program, the women must have successfully demonstrated a commitment to recovery or have come from another referral agency having evidenced an acceptable period of sobriety. The facility endeavors to provide a non-profit, post-transitional housing program that provides a clean and sober living environment for women maintaining recovery from drug and/or alcohol abuse.

There will be two permanent employees with one employee on site at all times. The residents will be all women. Total number of residents will be ten who will reside in four bedrooms. Two bedrooms will hold 2 residents each and two bedrooms will hold 3 women each. On the first floor, the bedroom sizes expected to accommodate 2 residents and 3 residents are 147 square feet and 184 square feet respectively. On the second floor, the bedroom sizes expected to accommodate 2 residents and 3 residents are 128 square feet and 208 square feet respectively. One staff member will reside on the second floor in a room that will double as Staff Room (126.5 square feet) during day-time hours and bedroom during night hours. Common areas on the first floor include a 225 square foot living room; 201 square foot dining and kitchen area; 103 square foot quiet room; and a 181 square foot rear deck. Common areas on the second floor include a 223 square foot living area; 117 square foot dining and kitchen area; a 103 square foot quiet room; and a 234 square foot rear deck. CWSW will provide all furniture for the facility and charge residents rent in exchange for food and board.

All residents are expected either to work or attend school. The resident stay will be no more than one year. It is anticipated that children of residents may visit during the weekends (Friday evening to Sunday evening). These visits will be scheduled to prevent overcrowding. Counseling and case management services will be provided on-site for the residents and educational classes may be provided from time to time.

No physical internal or external changes are proposed.

#### PROPERTY DESCRIPTION

The 3,610 square foot project parcel is located on 11" Street in West Oakland. The nearest cross street is Adeline Avenue. The site is zoned R-70 High-Density Residential zone and is developed with a 2,402 square foot Victorian duplex that appears to be in good condition. The surrounding area is developed with one and two story residential dwelling units with three churches within one block of the project site.

#### GENERAL PLAN ANALYSIS

The subject property is located in the "Mixed Housing Type" General Plan designation. This classification is intended to create, maintain and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, and neighborhood businesses. The desired character of the classification is primarily residential in character with small commercial enterprises and small-scale compatible civic and institutional uses.

The document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (the Guidelines) passed by the Planning Commission on May 6, 1998 is silent regarding service-enriched residential facilities. The proposed use is primari<sup>1</sup> support services that can be considered institutional services. Fur

use under the Zoning Ordinance and is characterized as a "Residential Activity". Staff believes that the project conforms to the Mixed Housing Type and Urban Residential General Plan designation in that the proposal is primarily a residential activity that provides housing opportunity at a reasonable cost and conforms with the General Plan Policy N6.1 regarding encouraging a mix of housing types.

#### **ZONING** ANALYSIS

The proposed use falls under Service Enriched Permanent Housing Residential classification per Section 17.10.114 which includes "permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as, health, mental health, education and employment/training services."

The site is located within the R-70, High Density Residential Zone that is intended to "create, preserve, and enhance areas for apartment living at high densities in desirable settings." Service-enhanced permanent housing is a conditionally permitted use under Section 17.28.060 (*Conditionally permitted activities*) of the Zoning Ordinance.

Section 17.134.020 of the Zoning Ordinance (*Definition of major and minor conditional use permits*) states that any all service enriched housing residential uses are considered major and requires a hearing in front of the Planning Commission. To permit this project, the Planning Commission must make the regular Conditional Use Permit findings (Section 17.134.050), special use permit findings (Section 17.102.212) and Minor Variance Findings (Section 17.148.050a). New special use permit findings (Section 17.102.212) were adopted in 1999 to provide guidance in evaluating applications for Service Enriched Residential activities as well as other related special housing activities. Key issues to be addressed are parking and over-concentration of activities.

#### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines lists projects that qualify as categorical exemptions from environmental review. The project falls under the category exemption listed in Section 15301, which relate to modifications to existing structures.

#### KEY ISSUES AND IMPACTS

The proposed development is to convert an existing Victorian duplex to a clean and sober facility for 10 residents. The applicant requests to establish a Sunday to Saturday facility with 24-hour staff supervision. There will be two permanent employees and one employee will he on site at all times. The residents will be all women and the ten women will reside in four bedrooms. All residents are expected either to work or attend school. The resident stay will be no more than one year. It is anticipated that children of residents may visit during the weekends (Friday evening to Sunday evening). These visits will be scheduled to prevent overcrowding. Counseling and case management services will be provided on-site for the residents and educational classes may he provided from time to time. No external or internal improvements are proposed.

#### Parking and Traffic

Per Section 17.116.060 (B) of the Zoning Code Service-Enriched Permanent Housing requires two spaces for each three dwelling units and one space for each three rooming units plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle. The proposal involves two dwelling units, 4 rooming units, and two employees. There will be facility vehicle. This triggers a parking requirement of three spaces. One par

site and two parking spaces are provided at 1324 Adeline Street located approximately 390 feet (one block) away. Section 17.116.170 allows provision of parking spaces on another lot located within 300 feet and having at least one owner in common with the lot where the activity is taking place. The applicant requests a variance to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided.

Staff believes that the variance can be granted. The general intent of distance requirement of 300 feet (roughly one city block) is considered a reasonable distance for a person to walk to his/her destination. The off-site parking spaces are located roughly one block away and are only 90 feet further than what is required. The marginal increased distance will not deter utilization of parking spaces at 1324 Adeline Street by users. As regards to ownership requirements, the intent of this requirement is to ensure that designation of parking spaces on a lot other than where the activity is taking place are kept during the life of the operation of that particular use. Staff believes that this intent can be met via an agreement executed by the property owners of 1324 Adeline Street and 1144 12<sup>th</sup> Street and recorded at the County Recorder's Office will be sufficient to address the intent of the common ownership requirement. (See Condition Number 11.)

Although the proposed use generates a parking requirement of 3 spaces, staff believes that it would not be unreasonable to expect some of the 10 residents to use a car as means of transportation. For this reason, the staff has included a condition that restricts residents of this facility from using private vehicles (See Condition Number 12). The operator has agreed to enforce this condition.

#### Over concentration of facilities

Section 17.102.212 (B) requires that "no Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than 300 feet away from any other such Activity or Facility." The City's database record of alcohol and drug rehabilitation facilities show that no such facility is located within 1000 feet of project site. (See Attachment B for Map Showing Location of Drug and Alcohol Facilities in Oakland and Map Showing Absence of such facilities within 300 feet and 1000 feet radius of project site).

Staff used California Community Care Licensing Division's (CCLD) database to conduct search for a variety of facilities for the 94607 and 94612 Zip Codes (Zip Codes for West Oakland). The facility category included the following: Adult Residential Facilities; Adult Support Center; Group Homes; Transitional Care Facilities for Children, Small Facility Homes, Social Rehabilitation Facilities, Residential Care for Elderly and Temporary Shelters. No such facilities fell within 300 feet of the project site. (See Attachment C for CCLD Database Search Results).

The applicant conducted a search using different method that also did not yield a presence of similar facilities within 300 feet of the project site. (See Attachment D for Applicant's Search Results).

From the data available, staff believes that there are no Residential Care, Service-Enriched Permanent Housing, Transitional Housing or Emergency Shelter Residential Activity are located within 300 feet of the project site thereby complying with the requirement in Section 17.102.212 (B).

#### Community Input

Oak Center Neighborhood Association (OCNA) reviewed the project proposal and reached the conclusion that it could not support the project for a clean and sober facility at 1144 12<sup>th</sup> Street. (See Attachment E for OCNA's letters). From the correspondence, it appears that OCNA's main issues were a

shifting project description by the applicant, overcrowding, qualified staffing and issues of adequate parking and over concentration of similar facilities in the neighborhood.

The applicant has submitted 108 signatures of support for the proposed facility from residents living in the surrounding neighborhood. Ten letters of support have also been submitted. (See Attachment F for Signatures and Letters of Support).

Staff has also received letter from Nancy Nadel's office (City Council District 3) expressing concerns for the proposal regarding overcrowding, parking, over concentration of similar facilities and in general, ability of the applicant to successfully run the proposed facility. (See Attachment J). Please see applicant's response to this letter as Attachment K.

#### **CONCLUSION**

Although the proposed activity will provide an essential service to the community by offering support services to at risk women in the community to continue and solidify their recovery, a concern has been raised regarding the ability of the applicant to successfully operate the proposed facility.

**RECOMMENDATIONS:** 

1. Take public testimony and continue the item with direction to staff to prepare appropriate findings.

Prepared by:

Miroo Desai Brewer

Planner Ⅲ

Approved by:

**GARY PATTON** 

Deputy Director of Planning and Zoning

Approved for forwarding to the City Planning Commission:

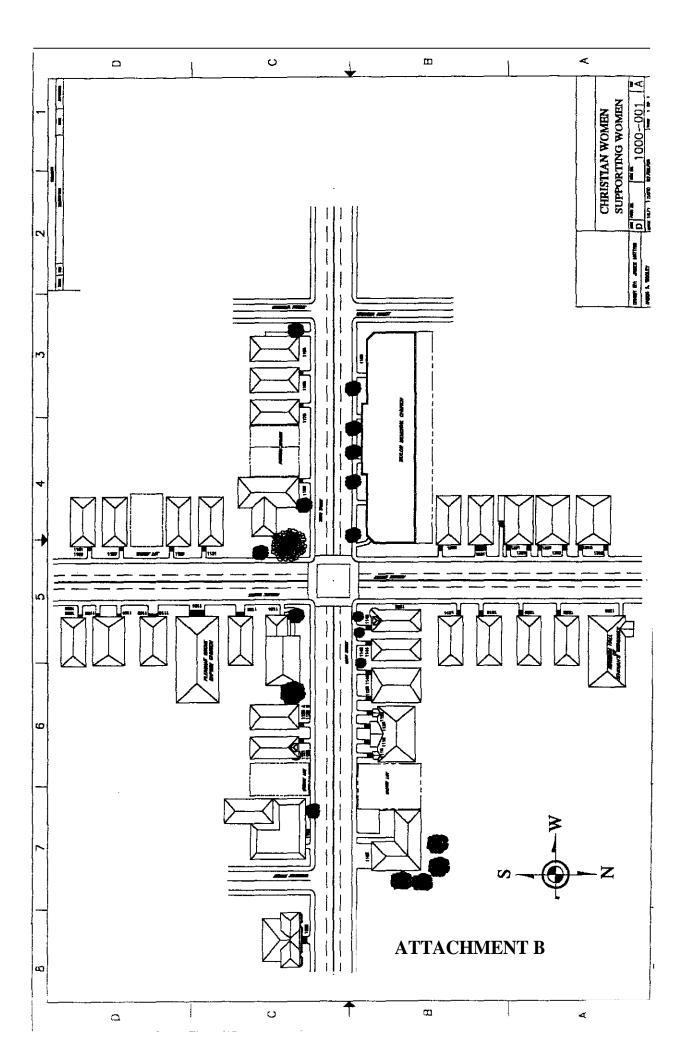
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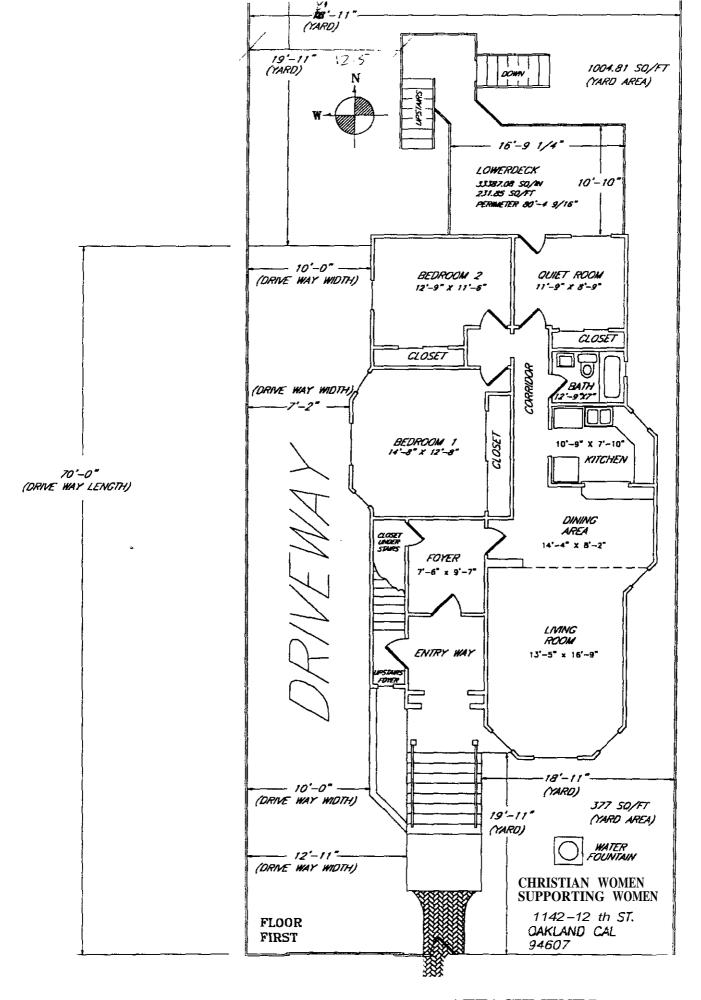
LESLIE GOULD

Director of Planning and Zoning

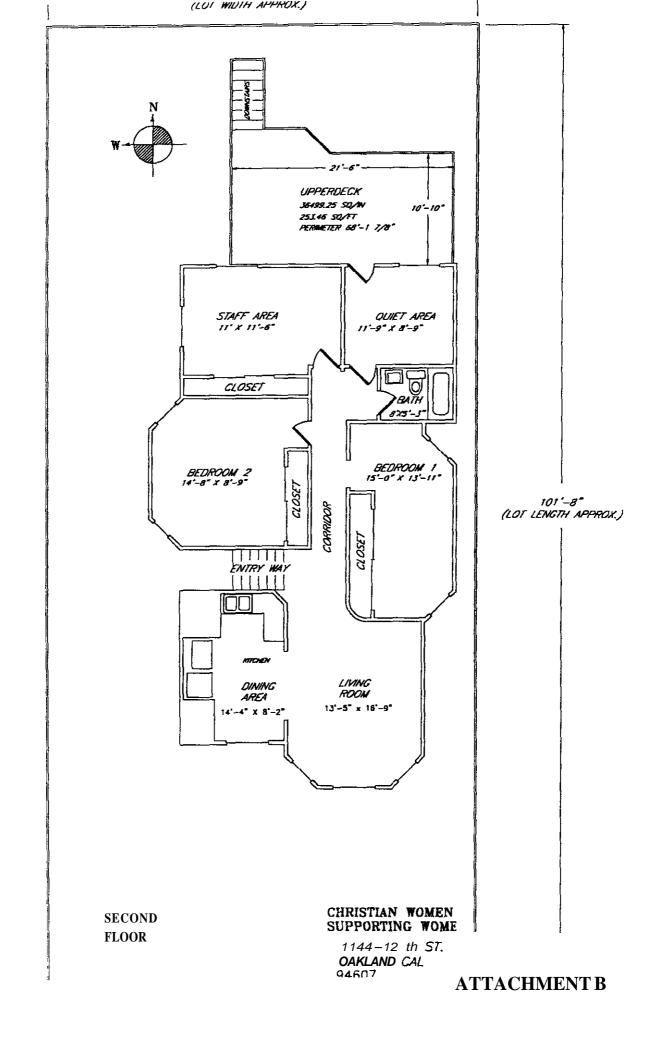
#### **ATTACHMENTS:**

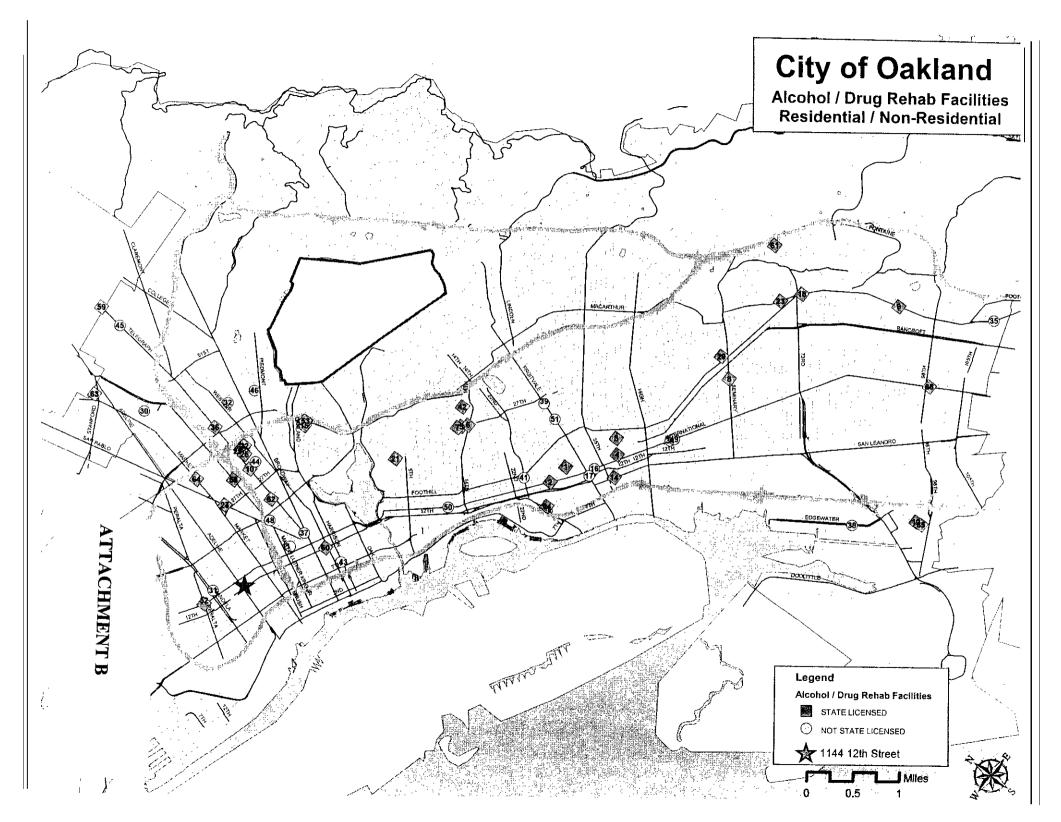
- A. Plans and Elevations
- B. Map Showing Location of Drug and Alcohol Facilities in Oakland & Map Showing Absence of such facilities within 300 feet and 1000 feet radius of project site.
- C. CCLD Database Search Results (Conducted by Staff)
- D. Applicant's Search Results
- E. Oak Center Neighborhood Association Correspondence
- F. Signatures and Letters of Support
- G. Client Rules and Regulations Service Agreement
- H. Christian Women Supporting Women (CWSW) Objectives and By-Laws
- I. Letter from Oak Center Cultural Center Designation of Parking Spaces at 1324 Adeline Street
- J. Letter from Nancy Nadel, City Council District 3
- K. Applicant's Response to Letter from Nancy Nadel



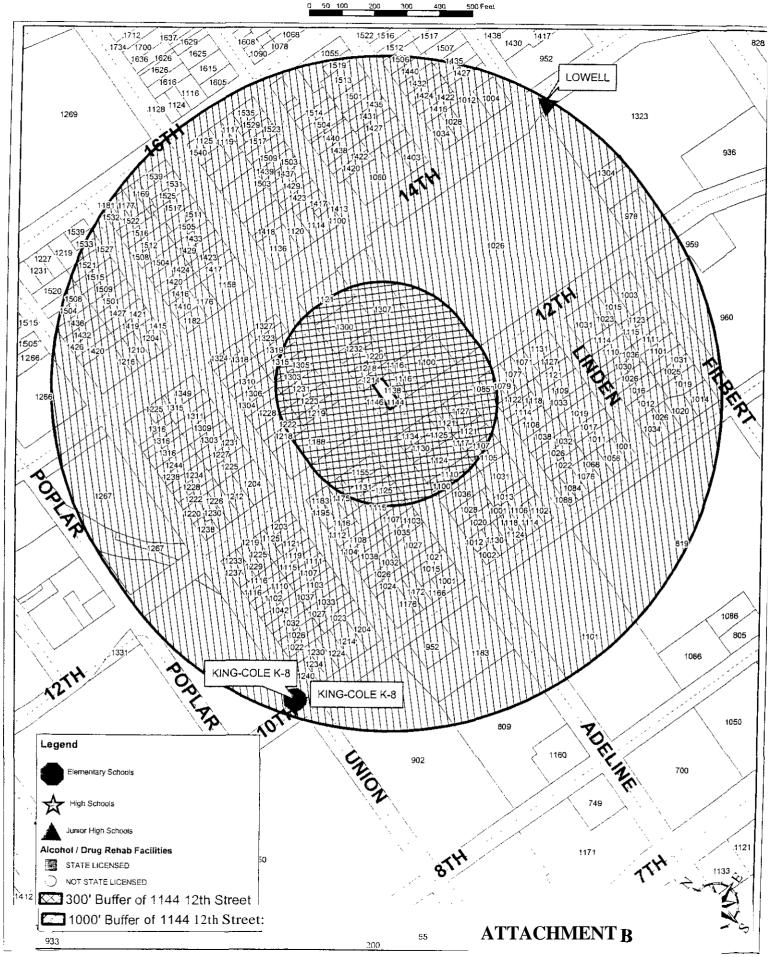


**ATTACHMENT B** 





### **1144 12th Street**



# alifornia

**CCLD Home** 

Search for a Licensed Facility

My CA

**Facility Types** 

Search for a Facility

**CCLD Facility Search Form Results** 

Licensing Forms

Your search:

**Employment** 

Category: Social Rehab Zip Code: 94612

**Regional Offices** 

**Community Care Undates** 

City: Oakland County: ALAMEDA

Title 22 Regulations

An Overview of Licensing

**Provider Letters** 

**Index to Precedent** 

<u>Links</u>

**Website Comments** 

**Website Search** 

Internal Applications

No Facilities match that criteria.

Please press your browser's BACK button and redefine your search

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A'

## Welcome to California (1) Thomas Holly Wood

**CCLD Home** Search for a Licensed Facility

My CA

**Eacility Types** 

Search for a Facility

**CCLD Facility Search Form Results** 

**Licensins Forms** 

Your search:

**Employment** 

Category: Social Rehab

Regional Offices

Zip Code: 94607 City: Oakland

Title 22 Regulations

**Community Care Updates** 

County: ALAMEDA

An Overview of Licensing

Provider Letters

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# Welcome to California ( Party Wood

CCLD Home Search for a Licensed Facility

€ My CA

Facility Types

Search for a Facility CCLD Facility Search Form Results

**Licensing Forms** 

Your search:

**Emplovment** 

Category: Adult Support Center

Regional Offices

Community Care Updates

Zip Code: 94607 City: Oakland

Title 22 Regulations

County: ALAMEDA

An Overview of Licensing

**Provider Letters** 

No Facilities match that criteria.

Index to Precedent

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# Welcome to California ( HOLLY WOOD

Search for a Licensed Facility

My CA

Facility Types

Licensing Forms

Your search:

**Employment** 

Category: Adult Residential Facilities

Regional Offices

Zip Code: 94612 City: Oakland

Title 22 Regulations

County: ALAMEDA

An Overview of Licensing

Community Care Updates

There is 1 facility in your search results

Provider Letters

Clicking on the facility street address will display a map to the facility.

<u>Links</u>

Website Comments

Index to Precedent

This information is updated weekly.

Website Search

Listed facilities are not necessarily open for business. Call the Regiona (R.O.) phone number given for each facility if you have any questions  $\varepsilon$ 

Internal Applications

particular facility.

Facility No:015600242 Capacity:0021

License Status: Licensed

ROSEVILLE RESIDENTIAL CARE HOME

6115-6117 SAN PABLO AVENUE

OAKLAND, CA 94612

(510) 658-1093

Contact: EBOJO, ROSAL

**RO: GREATER B.AREA ADULT(15)** 

RO Phone: (510) 286-4201

# Welcome to California 13 E AGLIX WOOD

Search for a Licensed Facility

Facility Types

€ My CA

Search for a Facility

**CCLD Facility Search Form Results** 

Licensing Forms

Your search:

**Employment** 

Category: Family Child Care Home (Large only)

Resional Offices

Community Care Updates

Zip Code: 94612 City: Oakland

Title 22 Regulations

County: ALAMEDA

An Overview of Licensing

Provider Letters

There are 3 facilities in your search results.

Index to Precedent

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<u>Links</u>

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particular facility.

Website Search

**Internal Applications** 

**Website** Comments

Facility No:013411239 Capacity:0012

License Status: Licensed **GUINN, CHARLOTTE** OAKLAND, CA 94612

(510) 763-2439

Contact: GUINN, CHARLOTTE RO: BAY AREA-CC OAKLAND (02)

RO Phone: (510) 622-2602

Facility No:013412570 Capacity:0014

License Status: Licensed **HICKS, MARJORIE** OAKLAND, CA 94612

(510) 836-3150

Contact: HICKS, MARJORIE

RO: BAY AREA-CC OAKLAND (02)

RO Phone: (510) 622-2602

Facility No:013416874 Capacity:0014

License Status: Pending

LEE, LA SONYA

OAKLAND, CA 94612

(510) 465-7567

Contact: LEE, LA SONYA

RO: BAY AREA-CC OAKLAND (02)

RO Phone: (510) 622-2602

#### Welcome to California (1) E HOLLYNGED

**Search for a Licensed Facility** 

Facility Types

Search for a Facility CCLD Facility Search Form Results

Licensing Forms

Your search:
Category: FFA
Zip Code: 94612
Community Care Updates
Title 22 Regulations

County: ALAMEDA

An Overview of Licensing

Provider Letters

There **is** 1 facility in your search results.

Index to Precedent

Clicking on the facility street address will display a map to the facility

<u>Links</u>

**Website** Comments

Website Search

**Internal Applications** 

This information **is** updated weekly.

Listed facilities are not necessarily open for business. Call the Regiona (R.O.) phone number given for each facility if you have any questions  $\varepsilon$  particular facility.

Facility No:010707644 Capacity:0000

License Status: Licensed

PARENTAL STRESS SERVICES, INC. 1727 MARTIN LUTHER KING WY#109

OAKLAND, CA 94612

(510) 893-9230

Contact: KARENPICO

RO: CENTRAL COAST CR/RES(26)

RO Phone: (408) 277-1289

**ATTACHMENT B** 

My CA

# Welcome or Californiars Welcome or Californiars

Search for a Licensed Facility

My CA

Facility Types

**Employment** 

Search for a Facility CCLD Facility Search Form Results

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Your search:
Category: FFA
Zip Code: 94607
City: Oakland

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There are 2 facilities in your search results

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Clicking on the facility street address will display a map to the facility.

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This information is updated weekly.

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Listed facilities are not necessarily open for business. Call the Regiona (R.O.) phone number given for each facility if you have any questions  $\epsilon$ 

Internal Applications

particular facility.

Facility No:015200691 Capacity:0000

License Status: Licensed

BLACK ADOPTION PLACEMENT AND RESEARCH CENTER

125 SECOND STREET OAKLAND, CA 94607

(510) 839-3678

Contact: KING, GLORIA

RO: CENTRAL COAST CR/RES(26)

RO Phone: (408) 277-1289

Facility No:015200928 Capacity:0000

License Status: Licensed FAMILIES THAT CARE 1404/06 8TH STREET OAKLAND, CA 94607

(510) 893-2235

Contact: TOTTY, LOBART L.

RO: CENTRAL COAST CR/RES(26)

RO Phone: (408) 277-1289

#### liformia

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**CCLD Facility Search Form Results** 

Your search:

Category: Social Rehab

Zip Code: 94607 City: Oakland

County: ALAMEDA

No Facilities match that criteria.

Please press your browser's BACK button and redefine your search,

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acility CCLD Facility Search Form Results

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Category: Social Rehab

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Zip Code: 94607 City: Oakland

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Your search:

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Category: Transitional Care Fac for Children

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Zip Code: 94607 City: oakland

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Your search:

**Employment** 

Category: Transitional Care Fac for Children

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Zip Code: 94612

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Your search:

<u>Employment</u>

Category: Adult Support Center

Reaional Offices

Zip Code: 94612 City: Oakland

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Your search: Category: RCFCI Zip Code: 94607 City: Oakland County: ALAMEDA

No Facilities match that criteria.

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Your search: **Employment** Category: RCFCI **Regional Offices** Zip Code: 94612 City: Oakland **Community Care Updates** County: ALAMEDA Title 22 Regulations

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Your search: **Employment** Category: GH Regional Offices Zip Code: 94607 **Community Care Updates** City: Oakland County: ALAMEDA Title 22 Regulations

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Clicking on the facility street address will display a map to the facility

This information is updated weekly.

Listed facilities are not necessarily open for business. Call the Regiona (R.O.) phone number given for each facility if you have any questions  $\varepsilon$ 

particular facility.

Facility No:015600316 Capacity:0012

License Status: Licensed

**FILBERT HOUSE** 1625 FILBERT

OAKLAND, CA 94607

(510) 658-3030

Contact: PORTER, KENNETH

RO: CENTRAL COAST SC/RES(14)

RO Phone: (650) 266-8800

Facility No:015600648 Capacity:0006

License Status: Provisional

**IJEOMA HOUSE** 

1433 ADELINE STREET OAKLAND CA 94607

(510) 268-4048

Contact: OZUOR, MARILYN

RO: CENTRAL COAST SC/RES(14)

RO Phone: (650) 266-8800

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Your search:

**Employment** 

Category: Small Family Homes

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Zip Code: 94607 **City:** Oakland

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Your search:

Category: Residential Care for the Elderly

Zip Code: 94607 City: Oakland

County: ALAMEDA

No Facilities match that criteria.

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Listed facilities are not necessarily open for business. Call the Regiona (R.O.) phone number given for each facility if you have any questions  $\varepsilon$ 

Internal Applications

particular facility.

Facility No:011400369 Capacity:0275

License Status: Licensed

LAKE PARK 1850 ALICE

OAKLAND, CA 94612

(510) 835-5511

Contact: JACOBSON, STEPHEN RO: CENTRAL COAST SC/RES(14)

RO Phone: (650) 266-8800

#### Welcome to California (1) HOLLY WOOD

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Your search:

Category: Temp Shelter

Zip Code: 94607 City: Oakland

County: ALAMEDA

No Facilities match that criteria.

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Your search:

Category: Temp Shelter

Zip Code: 94612 City: Oakland

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Your search:

Category: Adult Residential Facilities

Zip Code: 94607 City: Oakland

County: ALAMEDA

There are 3 facilities in your search results.

Clicking on the facility street address will display a map to the facility.

This information is updated weekly.

Listed facilities are not necessarily open for business. Call the Regional (R.O.) phone number given for each facility if you have any questions a

particular facility.

Facility No:011403430 Capacity:0006

License Status: Licensed **ADELINE BOARD & CARE** 2702 ADELINE STREET OAKLAND, CA 94607

(510) 835-4736

Contact: RAY, FRANZ

RO: GREATER B.AREA ADULT(15)

RO Phone: (510) 286-4201

Facility No:011403200 Capacity:0004

License Status: Licensed

ADELINES BOARD AND CARE HOME

1427 MAGNOLIA STREET OAKLAND, CA 94607

(510) 835-3580

Contact: SWEENEY, ADELINE RO: GREATER B.AREA ADULT(15)

RO Phone: (510) 286-4201

Facility No:019200035 Capacity:0006

License Status: Licensed

NEW HORIZONS RESIDENTIAL CARE HOMES, INC.

1006 CHESTNUT STREET OAKLAND , CA 94607

(510) 336-2728

Contact: RUTH & CAROL BRUMFIELD RO: GREATER B.AREA ADULT(15)

RO Phone: (510) 286-4201

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\* No facilly (C) Thus

#### Christian Women Supporting Women 1144/1142 12<sup>th</sup> Street Oakland, California 94607

April 25, 2003

Neil Gray City of Oakland Zoning Department Oakland, California 94608

Dear Mr. Gray

Re: Oak Center neighborhood **Businesses** 

As per your request attached is our research for businesses in the Oak Center Area. These businesses seem to be the closes business to clean and sober living we could find.

The City of Oakland Business Tax Division gave us a list of businesses licensed by the City of Oakland that are in the Oak Center area. This list is by street and addresses. From web site www.quidestar.org we received a list of all non-profit organizations in the zip code (94607). We also used the Valley Yellow Pages of the Oakland, Alameda, /Berkeley, Emeryville and San Leandro Directory and the SBS Business-to-Business Directory as our resources. Many businesses were checked on AOL.

See the list of our findings.

West Oakland Community School

Educational Service

955 12th Street

**OBUGS** Educational Service

1724 Mandela Pkwy

Glory Cares Employment Agency

780 13th Street

Marjorie's Family Day Care Child Day Care Service

788-14 Street

Legal Service

Bruce H. Nicholson 1225 16th Street

D.R.E.A.M. 874 19<sup>th</sup> Street

Other Soc. Service

Community Child Care Council of Alameda 756 21st Street

Child Day Care School

Phase III Christian Service 1014 21<sup>st</sup> Street

other Soc. Service. male recovery program

Maureen Harrigan Ministries 840 20<sup>th</sup> Street

Educational Service

One Nation Project 865 22<sup>nd</sup> Street

Educational Project

Rose's Day Care 1407 West Street

Child Care

Freddie Mae Wilson Foundation 2024 West Street

Ind. & Family Soc. Service

Next Step Learning Center, Inc. 2222 Curtis Street

Educational Service

Evelyn's Child Care 1515 Myrtle Street Child Care

Sessions Residential Care Home 1525 Myrtle

Residential Care

Greater New Beginnings Youth Service, Inc. 1625 Filbert Street

Residential Care Your Service

Continental Training Center 1517 Linden Street

Education Service

Little Blessings 1038 Chestnut Street

Child Care

Torin's Tots

Child Care

Alameda County Youth Development, Inc.

Soc. Services

#### 1651 Adeline Street

Alameda County Mental Health Assn.

1801 Adeline Street

other health

Coalition for West Oakland

Revitalization 1801 Adeline Street other Health Services

Humphrey's Family Child Care 1022 Union Street

Child Care

Genesis Project 1123 Magnolia Street

Health Service

Group De Alcolicos

Nonprofit Organizations (94607)	const Costition
ELLOO DICTOR MICH OF THE CO. T. C.	ional Coallion
African American Advisory Committee on Crime	
African American Development Association	
Akonadi Foundation	
Alameda County Juvenile Court Porgrams	
Ala <del>meda</del> County Law Library	
Alameda County Mental health Association	
Alliance-for West Oakland Development Inc.	
Alpha-Omega Foundation	
APL Limited	
Aposolic Bible Wat Chruch	
APPA- Association of Higher Educaton Facilities Officers	
Asian Advisory Committee on Crime	
Asian Community Mental Health Board Asian Employees Association at the Port of Oakland	
Asian Employees Association at the Port of Oakland	
Asian Foundation for Community Development	
Asian Health Services	
Asian Immigrant Women Advocates, Inc.	
Asian Immigrant Women's Leadership Project **	
Asian Pacific Environmental Network Association for the Preservation of the Presidential Yacht Potomac	
Association of Africans and African Americans	
Association of Dermatology Administrators and Managers	
Avalon Flousing, Inc.	
Barrios Trust	
Bay Area Counties Roofing Industry Apprenticeship Training Eund	
Bay Area Dance Series	
Bay Area Seafarers Services	
Bayporte Development Corp.	
Beth Eden Baptist-Church of Oakland California	
Beth Eden Gardens	
Bethlehem Lutheran Church	
Black Manhood Training program	
Business Men's Fellowship USA	
California Association of County Drug Administrators **	
California Chinese Orchestra	
California Conference African Methodist Episcopal Zion Church Inc.	
California Sportscience Center, Inc.	
Care Research & Training Institute	
Carnwath-Knecht-Frey-Artists-Legacy Foundation	
Catholic Charities Diocese of Oakland	
Center for Research Art Tehonology & Education	
Center Street Community Development Cropration	
Chinese American Citizens Alliance	
Chinese American Physicians Society	
Chinese Indpendent Baptist Church of Oakland	
Chinese Musicians and Entertainers Association	
Chinese Presbyterian Church	
Chinese Revival Christian Church	
Christ-Union-Missionary-Baptist-Church	
Church of Amron	

Nonprofit Organizations (94607)
Church of the Living God Faith Tabernacle
Coalition for West Oakland Revitilization
Community Economics, Inc. **
Community Relations Information Communication Exchange
Cooper-Piedmont Educational Project
Corinthian Baptist Church
D & N Institute
Dental Health Foundation
East 14th-Street, Inc.
East Bay Asian Design Professionals
East Bay Asian Local Development Corp.
East Bay Asian Voter Education Consortium
East Bay Asians for Community Action
East Bay Community Recovery Project
East Bay Conservation Corps
East Bay Housing organizations
East Bay Urban Gardeners
East Bay Wu Yi Benevolent Family Association
Ebony Museum of Arts, Inc/
Eddie Walker Sr. Memorial Scholarship Fund
Emeritus Enterprises
Environmental Justice Fund
Fellow Travelers Performance Group
Filipinos for Affirmative Action, Inc.
Forget Them Not -
Friends of Acom
Friends of Acom-
Friends of the Oakland Public Library
George W. Ushijima Memorial Foundation
Golden State Life Leaders Influencing Furture Environment
Golden State Warriors Foundation
Gosswood Housing, Inc.
Greater Cooper African Methodist Episcopal Zion Church
Home Place Initiatives Corporation
Intenational Association of Underpriveleged and Women-Inventors
Israelite Spiritual Temple
tvy-Hill Development Corporation
Jäck London Museum
Jack London Neighborhood Association
Jackie of Alameda County
Japan Pcaific Resource Network Inc.
Jazz in Flight
Jim-Hines Foundation
<del>Jubilee West</del> Inc.
Kappa Alpha Psi Community Project
Kazan McClain Edises Simon & Abrams Foundation
Khadafy Foundation for Non-violence Inc.
Knights of Peter Claver
Kwan Yan Buddhist-Temple of California
Lao Rattaram Temple
Latino Advisory Committee on Crime

	Nonprofit Organizations (94607)
	Light of Buddha Temple Inc.
	Lighthouse Mission Church of God in Christ
	Loong Kong Tien Yee Association
	Lovelife Foundation
	Madison Park Housing Inc.
	Madrone Hotel Inc.
	Mar Housing Inc. **
i	Marvin L. Lee Scholarship Foundation Inc.
	Mary Ann Wright Foundation
1	Milton Shoong Chinese Cultural Center
Ì	Mount Zion Missionary Baptist Church
ĺ	Museum of Children's Art
	Muy Brothers Helper Inc.
1	Nature Sounds Society Inc.
	New Jerusalem Deliverance Center Remnant
-	next Step Leaning Center Inc.
-	North American Society of Phlebology, Inc.
	Oak Center Cultural Center Inc.
	Oak Center Neighborhood Association
ĺ	Oakland Asian Cultural Center'Oakland Chinese Community Council, Inc.
	Oakland Chinese Association
	Oakland College of La Foundation
- 1	Oakland Concerened Mens Youth Program
- 1	Oakland Crimestoppers, Inc.
	Oakland Home Alert Coalition,
4	Oakland Lamorinda Toy Campaign
	Dakland Mohr-I Tenants Association
	Dakland Museum of California Foundation
•	Dakland Point Historic Interpretive Center
	Dakland Police Rmergency-Net
1	Dakland Police-Community Activities League
	Dakland School Volunteers
7	DBUGS
	Open Door Mission Inc.
	Pacific Regional Synod the Association of Evangelical Lutheran Churches
	Palyul Samphol Norbu Foundation
1	Peniel Missions Inc. Oakland Rehabilitation Center **
, –	Pentacostal Way of Truth Church Corp
ŧ	Phi Thet Kappa
	PolicyLink
	Positive Impact Tutorial Center
	Postal peralta Block Association
1	Prescott Family Resource Center
ı.	Prescott-Joseph Center for Community Enhancement Inc.  Preserverence in Space Plus Mass Foundation
!	Pro Arts
1	
1	PTA Califonria Congress of Parents Teachers & Students Inc. PTA Califonria Congress of Parents Teachers & Students Inc.
	T
	Public Health Foundation of Alameda County, Inc.
ŀ	Public Health Research Association of Alameda County
ட	Ralph-Johnnie & Associates **

	Nonprofit Organizations (94607)
	Regents of the Univerity of California Office of the Presidnet
	Regional technical Training Center **
	Revelation Economic Development Corporation
	Rhythm Tap Hall of Fame
	Sakya Dechen Ling
1	San Antonie Community Revitilization Inc.
-	Seminary Avenue Development Corporation **
	Sophia Project
	St. Vincents Day Home
Į,	Swans Market Inc.
	Swans Market Place-Inc. **
1	Sweatshop Watch
- 1	Taylor Memorial Community Services Inc.
	aylor Methodist Housing Inc. **
	eenage Opportunity Program
,	emple of Peace Evangelical Baptist Church
í	he Crucible
1	helma Doelger TR For Animals
	igray Community in Northern California
	oishan Benevolent Association Inc.
	rinity Development Corporation
	Inderworls Opera Company
	Initi Institute
	esper Society Group
	ukasin Family Foundation
	/at Lao Rattanaram Temple
	Ve the People Legal Foundation Inc. **
	est-Oakland Community School
	/est Oakland Health Council-Inc.
	/est-Oakland-Health-Facilities-Developemnt-Corp.
	/est-Oakland Mutual Housing-Association.Inc. ***
	/est Oakland Neighborhhod Housing Copr. **
	est Oakland Senior Action Center
	est Side Economic Development Corp. **
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		1523615 PEACE CREATIONS	1651ÚB) MARJORIB'S FAMILY DAY CARE	OVERSTREET VISION TECHNOLOGY	AFRICAH BEAN COFFEE COMPANY	LEE MAYS, CONSULTANT	LETRISHA CULBERISEH	EXPRESS MORTGAGES	AFRICAN IMPORTS & GIFTS	THE EBONY MUSEUM OF ART INC	HARDING GENERAL CONTRACTORS & CONST MGMT	THE TREASURE CHEST	COMMAIR MECHANICAL SERVICES	ABM ENGINEERING SERVICES	AMTECH LIGHTING SERVICES CO	RELIABLE TAAMSPORTATIOM SERVICE	
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	222858	DAVID HILLIARD	1431	WEST ST			94612 - 0000	7392	DAVID		HILLIARD
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	551457	DAVID ABRAMS	1835	WEST ST			94612 - 1038	7530	DAVID		ABRANS
	916989	LAKESHORE PERSONAL MANAGEMENT	1835	WEST ST			94612 - 1038	7392	James		EDWARDS
	956989	RAPTURE VIDEO PRODUCTION	1835	WEST ST			94612 - 1038	7999	JAMES		EDWARDS
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### Oak Center Neighborhood Association 1420 Magnolia Street Oakland, CA 94607

October 14, 2002

Ms. Leslie Gould
Oakland Planning Department
Oakland City Hall
Frank Ogawa Plaza
Oakland, CA 94612

RE: 1144 12th

Dear Ms. Gould,

The Oak Center Neighborhood Association CANNOT support the licensure of a care home at 1144 12<sup>th</sup> Street.

Representatives of the Christian Women Supporting Women were invited to meet with the Oak Center Neighborhood Association at the monthly meeting on October 7, 2002 to discuss their program. However, the representatives chose not to attend, nor state a reason why.

We are requesting that the license for a care home at 1144 12th Street be **DENIED**.

Sincerely.

Ellen Wyrick-Parkinson, President

CC: Jason A. Wooley, Christian Women Supporting Women

Aleta Cannon, Secretary



April 22, 2003

OAK CENTER

Neighborhood Association

1420 Magnolia Street Oakland, CA 94607

Ms. Jacqueline Wooley Christian Women Supporting Women 1144 12<sup>th</sup> Street Oakland, CA 94607

Dear Ms. Wooley,

Please accept this letter as the official notification that the Board of Directors of the Oak Center Neighborhood Association voted not to support your proposal for 1144 12<sup>th</sup> Street, a residential home in the Oak Center Area.

The members of the board believe there are too many existing programs like the one you have proposed that already existing in the Oak Center Area.

Your proposal to house 13 clients at the site that has only 4 bedrooms (see the floor plan you submitted 2 bedrooms upstairs and 2 bedrooms downstairs), would make the site vastly overcrowded. Also, at the 4/7/03 Oak Center Neighborhood Association public meeting, you stated that you "have moved in the site and this is your permanent address is 1144 12<sup>th</sup> Street". Thus leading us to believe that you will occupy one of the bedrooms, which will leave a total of 3 bedrooms for your clients.

During your first presentation at the Oak Center Neighborhood Association meeting you stated that "the women will be out of the home during the day at work or school". Now in your written proposal you list classes that will be taught at the home, yet in your response you stated that "this is not a rehabilitation program, but a support program". Your organization gave a number of other conflicting statements about this site and the proposed use during inquiries.

The Board of Directors of the Oak Center Neighborhood Association voted not to support your proposal for the site at 1144 12<sup>th</sup> Street. We wish you success in your future endeavors.

Sincerely,

Ellen Wyrick-Parkinson

Chairperson

CC: Vice Mayor Nancy Nadel Supervisor Keith Carson

Assemblymember Wilma Chan

Leslie Gould, Oakland Planning Director

1420 Magnolia Street.

Oakland, California 94607

510.835.2290

TOTAL P.01

#### April 15, 2003

### Minutes of OCNA Board Meeting

Members Present: Ellen Wyrick-Parkinson, Dollie Rambo, Adeline Sweeney, Dorothy Payne, Richard Wang and Ossie Horne

Members Excused: Linda Roberts, Midas Jones, Yolanda Woodard and Mary Taylor

The Board of Directors of the Oak Center Neighborhood Association met at the home of Chairperson Ellen Wyrick-Parkinson on Tuesday, April 15, 2003 to take up the matter of the proposal for use of 1144 12<sup>th</sup> Street as a group home.

The Chairperson called the meeting to order at 7:10 P.M.

Board Member Payne raised the question about the number of proposed tenants compared to the number of room listed in the proposal as bedrooms. She stated that the proposed 13 tenants would be vastly overcrowded.

Board Member Rambo reminded the member of the number of such homes already in the area and that our neighborhood is saturated with group homes that does not conform to the Oak Center Plan.

Board Members Sweeney, Wang and Horn reminded the members of the home a block away at 12 and Magnolia Streets, 18<sup>th</sup> Street and Mandela and 16<sup>th</sup> and Myrtle Streets. They stated that "this is just three of the larger ones". According to the list provided by Assemblymember Chan's office there are many more group homes in the Oak Center area.

Chairperson Parkinson, made the group aware of the many inconsistencies in the answers to the same questions in the proposal.

After much discussion on the proposal, the Board voted unanimously to **OPPOSE** the proposal.



## OAK CENTER Neighborhood Association

1420 Magnolia Street Oakland, CA 94607

April 22, 2003

Assemblymember Wilma Chan California Assembly Elihu M. Harris State Bldg. 1515 Clay Street Oakland. CA 94612

Dear Ms Chan,

The Oak Center Neighborhood Association (OCNA) received the attached proposal from a group entitled as Christian Women Supporting Women (CWSW) for use of a duplex located at 1144 12<sup>th</sup> Street, Oakland (in the Oak Center area)

The Committee reviewed the proposal and opposed it. There was a lot of discussion at several Neighborhood Association meeting. The Board of Directors reviewed the proposal and voted to oppose it. We have taken the liberty of forwarding to you correspondences between the OCNA and the CWSW. There are nine (9) active members of the Board of Directors of the OCNA. Six (6) members attended the Board meeting and the vote was unanimous of all attendees to oppose the proposal.

Included in the package: Proposal submitted by CWSW

OCNA response to the proposal

CWSW response to the OCNA

We request your support in opposing this use at this site. If you have questions, please do not hesitate to contact me.

Sincerely,

Ellen Wyrick-Parkinson

Chairperson

Enclosure



## OAK CENTER Neighborhood Association

1420 Magnolia Street Oakland, CA 94607

April 22, 2003

Supervisor Keith Carson Alameda County Board of Supervisors 1221 Oak Street Oakland, CA 94612

Dear Mr. Carson,

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OCNA response to the proposal

CWSW response to the OCNA

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Sincerely,

Ellen Wyrick-Parkinson

Chairperson

Enclosure



## OAK CENTER Neighborhood Association

1420 Magnolia Street Oakland, CA 94607

April 22, 2003

Vice Mayor Nancy Nadel Councilmember 3<sup>rd</sup> District 1 Frank Ogawa Plaza Oakland, CA 94612

Dear Ms Nadel,

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Sincerely,

Ellen Wyrick-Parkinson

Chairperson

Enclosure

### Monday, January 20, 2003 10:00 A.M. Minutes of OCNH Representatives and 1144 - 12<sup>th</sup> Street Program

#### Attendees: Program members:

Lorraine Perkins - Supporter
Barbara Washington - Member, Board of Directors
Latanya Buggs - Volunteer
Jacqueline Wooley - Volunteer
Jason Wooley - Director of the Center
Paula Taylor - Treasurer

#### Oak Center Representatives:

Ellen Wyrick-Parkinson - Chairperson Aleta Cannon - Member Dolly Rambo - Member Linda Roberts - Member

We met at the site (1144 - 12<sup>th</sup> Street). It is a Victorian style duplex. The first floor has 3 bedrooms (2 bedrooms have 2 single beds each and one bedroom has 3 single beds. The first floor also consist of a kitchen, living room, dining area and an extra room which has a sofa bed need the back that leads to a deck. This room is referred to as the quiet room, and one complete bath.

The second floor consists of a living room, kitchen with eating area, complete bath, one bedroom with 2 single beds and one with 3 single beds. There is a deck on the top level also.

- Mrs. Wooley explained that ladies that are invited to live in the home will pay \$150.00 non-refundable deposit and will pay rent based on their ability to pay.
- > The participants will be expected to the cooking and cleaning.
- > The group is exploring the possibility of applying for grants for the program.
- > There are no programs for in the home for the participants.
- Mrs. Perkins stated that she would offer a Bible study program for the ladies.
- > Mrs. Wooley stated that a supervisor of the house would be most of the time.
- > The ladies should be out of the house during the day at an outpatient program or at work
- Mrs. Wooley has talked with a number of programs about referring participants to the program
- > Minor children are allowed to spend the night on weekends
- > Husbands/male friend is allowed to come for dinner

#### OCNA questions not answered.

This appears to be a rooming house for women, since no programs are offered.

It gives the appearance of a concept and not a program.

Nothing indicates a structured program

- 1. No scheduled activities
- 2. No contracts with any other program as to where participants will come from
- 3. Vague as how participants are chosen
- 4. No follow-up program for participants
- 5. Very close living quarters (where will the children sleep when they spend the night)
- 6. Vague on financial backing
- 7. Unclear regarding 24 hours supervision of the site 7 days a week
- 8. Vague on how the necessities are received (i.e. food, and other necessities needed by the women)
- 9. What is the formula for determining how much rent each participant pays?

0RA/COUNCIL NOV 1 8 2003

#### 2.1 Location

You noted that "the surrounding neighborhoods and parks are saturated with drug and alcohol abuser." Why would want to put these women in a neighborhood that still have all the ills you are encouraging the stay away from? Doesn't such a surrounding encourage relapses?

We have asked several times for the petition, but to this date it has not been made available.

- 2.2 We would like to view Confirmed/Approved Government Documents.
- We are not clear what you mean by "no activities outside of this frame". If it is 24-hour supervision, 7 days a week, what "time frame" are you referring to?
- 2.5.1 During the interviews, we were led to believe that this would be a residential unit. In the proposal, it states "**Programs provided by our facility**". The floor plan does not display space for classrooms?
- 2.6 People on premises 13 residents in such small quarter doesn't seem reasonable. Your plan displays a total of 4 bedrooms. You realize that you are referring to 13 women with different personalities plus the special challenge of trying to stay clean of an addiction. We don't see anyplace where children staying overnight would sleep. The beds we saw were twin beds and certainly they won't accommodate a family in a shared room with another woman. The largest number of residents that can possibly be house in the 4 bedrooms is 8 residents. Perhaps 2 residents in each bedroom. Where will the supervising staff sleep?
- 2.9 **Parking** There are many residential cars on the street both day and night. We would like to see your parking plan for the large number of staff persons and residents that you say will be at the site on any given day. As it stands now, it will certainly make a serious impact on the community.
- 2.10 Oak Center Resident Status We had requested that 40% of the residents of the house be from Oak Center. The centers you listed that you are working with are not in Oak Center. Chrysalis, Solid Foundation, Prescott Resource Center are centers not located in Oak Center. We understand that Pleasant Grove has an Outreach Ministry, but it is not a rehabilitation center and it is not specific to women.
- 2.11 Screening and Orientation Who will do the screening and orientation? Looking at your list of proposed staff-persons, no one on the list stated the credentials to do screening or orientation for rehabilitation.
- 2.12 **Staff Qualification** The staff qualifications listed do not support the credentials required to provide the programs you listed.

CWSW is a nonprofit organization designed for chemically dependent women who have experienced chronic relapses. To be eligible for this program the woman must have successfully demonstrated a commitment to recovery or have come from another referral agency having evidenced an acceptable period of sobriety.

We realize many women complete programs successfully and stay clean and sober through transitional housing. However, some require extra support longer than allowed by some programs.

CWSW is dedicated to providing extended support in a nurturing recovery environment.

Please sign in support of clean and sober living at 1144 12<sup>TH</sup> Street, Oakland, CA. 94607.

### SIGNATURE: ADDRESS: 1. Evelyn J. Matthis 1216 10 th ST 2. Kathryn a: Spencer 1233 12th ST. 3. Johnne F. Clark 5. R. G. WATERS 1119 Maswolia 5TT 7. TRUVESTS CMAdelow 8. 9. 10. ATTACHMENT B 11. 12.

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. 14. Herman Turner

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16. Michele Freman

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4. Emmanuel Beals

5. Volan Hollis Bell

- 7. Eddie Pace

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### **SIGNATURE:**

### **ADDRESS:**

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3. Rence Jagans 1005 10th ST.

5. NIDEL Patillo 1/25 WEST ST.

6. Jagans 1/25 WEST ST.

7. Annette Squille 1/25 West Street 1/25 West Stree

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City Council City Hall Oakland, CA

July 11, 2003

I am in support of Christian Women Supporting Women opening their facility in my neighborhood at 1144 12th Street.

I have lived in this neighborhood at 1216 10th Street since 1984. I am in support of people having a second chance to improve their life. I think it is a wonderful legacy that this group is planning to do to help those who obviously need this kind of help.

Sincerely,

Kathryn A. Spencer

Lathyn G. Spencer

FAX NO. : Jul. 28 2003 01:50PM

1/25/03

To Whom It May Concern.

My name is Thurley Chambers and I'm writing this letter in support ex CWSW. bl. am a West Dakland resident, and all am also in recovery. I have 3 yrs Clean at this moment of live in Transitional Housing with my Children. el do believe CWSW is reeded because There is a need. There are women in recovery that have no where safe to go. This would be a great place to start

Please help women in recovery have a safe haven.

Thank you

Shirley Chambers

 $\subseteq$ 

P3. Please ful free to contact me at anytime! (510) 663-7349

ATTACHMENT B

Juson Would

Jul. 28 2003 01:51PM P6

#### VIA PAX # 510-436-4569 July 28, 2003

To Whom It May Concern:

Please accept my letter of support of the 1144 12th Street, Oakland, CA, Christian Women Supporting Women, home.

I have been a resident of the West Oakland community for over 50 years. My decision to support the program is based on a recent tour of their proposed facility and discussions I have had with the coordinator/administrator regarding the proposed program. Using that information and having personal knowledge of the work ethic and professionalism of their key administrator, I can safely state that I am in support of the program they wish to bring to the community.

If you require additional information you may contact me at (510) 821-5700.

Jo Ann Ball 1020 Adeline Street Oakland, CA 94607

1144-12 TH. STREET IS DESPERATELY NEEDED TO HELP THESE INDIVIDUALS TO POT THEIR LIVES BACK ON TIMER SO THEY MAY he-UNITE WITH THEIR FAMILES AND ONCE AGAIN LIVE NOKMAL LIVES. YOUR SUPPORT AND CONSIDERATION WILL BE ... CHEATLY APPROSIATED BY MYSELY AND HAMILY -... CHREFOLLY ANDREA, CARLOS,

MARIO MARAVE' ATTACHMENT B

Jul. 20 2000 61.01 11

City Council City Hall Oakland, CA

July 11, 2003

I am in support of Christian Women Supporting Women opening their facility in my neighborhood at 1144 12th Street.

CHA NU. .

I have lived in this neighborhood at 1214 10th Street since 1984. I am in support of people having a second chance to improve their life.

Sincerely,

Evelyn J. Matthis

Evelyn J. Matthis

Mr. and Mrs. Johnnie F. Clark 1233 12<sup>th</sup> Street Oakland, CA. 94607

July 8, 2003

To whom it may concern:

My name is Johnnie F. Clark; I reside at 1233 12<sup>th</sup> St. with my wife Theresa Clark and daughter Kia Clark. We have resided at this address since February 1984. We are writing in support of Ms. Jacqueline Wooley, who is attempting to open a Christian Woman's support home at 1142 12<sup>th</sup> St. We feel this is a worthwhile endeavor and will not have an adverse impact on our neighborhood. We have known Ms. Wooley over 20 years. We know her to be honest, caring and compassionate. We believe that Ms. Wooley is the perfect person to run this support group at 1142 12<sup>th</sup> St.

Sincerely,

Jul. 28 2003 01:55FM P16

	7/24/03
	City Council:
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	LAVA TURE RESUDENT AR IN OUT ON COM
.,	Long time RESIDENT OF WOST OAKLANK Thank worker for CWSW pro-BONG
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	THEEL this Organizion CAN ONLY SET A GOOD EXAMPLE OF BROTHERLY Town AND SUpport.
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Solieve everyone deserver a second chance. Eacht flus know homeone who have hedded or well need this serve, it may be a friendor a tamely member. Hem a supportor of this Growt.

Sincerely Havy Searcey.

510 633-8019

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Do whom it may concern: We the Perkins Family would like the City of Vakland to be adviced that we support the Christian Women Home program. We reside at 1146-12th Street here in Oakland, We have been in communications With the people who will be hunning He program. We feel and believe That such a program such as this would not only benefit this community but the City of Cakland Lets face it, as long as theren drugo in our society and some

<b></b>	dealing with some type of substance
·-	abuse, there will always be a great.
	demand presently and in the near
	future for drug treatment Conters,
	drug counciling are well as drug
	Coundara, and yes homes such as
	He Christian Women Program Christian
	Women who are visiting to open the
	doors to their homes to Lelp other
	Women who are willing to encape this
	Vicious mon cter called "druge", and
	have the opportunity to go into a
	some such as the Christian Women
ے. ۔۔۔	Program to receive Lelp.

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the ungortunate that many - families of all walks of life are dealing with love ones under the influence of some type of sub-Starce abuse, Whether it be druge on alcohol, become a burden on the family. When the realization of now persons the problem is at this point the family feels they can no longer telp their love one, and Then the burden falls upon the City to Telp this individal, puch as putting him or her in a Country Hosiptal, or this person becomes homeless or Wentually Commets a Crime That lands him or her in prion.

M : Jul. 28 2003 01:53PM P12

Which Hen becomes a burden on the tax-payers of the city. At is imperative that the Christian Women Home opens innediately po that women who are in need, and Who are ready and willing to wark Their way back to their families, and regine their self-respect in saciety, and can do so with the telp 9 He Christian Women Program. The Ferkins Family will be Kroppy, pleased and proud to Valunteer in this program where every the reld, to wetness a women going to the end of the Knogram, and respectfully back in ATTACHMENT B

A Heir famelies would be a blessing
to Witsisa
In allowing this program to
open, He City will also July
a lettle bry ar girl get Heir
MoHer back, bicause you voted yes
for the Christian Women Pregram
to Open.
Thank you for taking the
Thank you for taking the time to read this letter from
a Curing resident
Dir cerely,
Michael Lovaine Jamara
- Charles - Char
(510) 834-7801
ATTACHMENT B

JUI. 25 2003 DI-34FM F14 ity Council ATTACHMENT B

## Client Rules and Regulations Christian Women Supporting Women Service Agreement

- 1. Residents must have completed a substance abuse and after-care program.
- 2. Residents must be clean and sober and are subject to UA testing at all times.
- 3. No substance abuse. Residents found to be under the influence of any narcotics, non-prescribed medication or in possession of any paraphernalia, alcohol, or any other drug are subject to immediate discharge from the residence.
- 4. Residents will be held liable (solely responsible legally, financially and etc.) for any drug or alcohol related incidents or accidents on or around the premises.
- 5. There is absolutely no smoking allowed in the house. All smoking is to be done on the back deck. All cigarette butts are to be disposed of in the container provided. Butts are not to be put out on the ground or deck.
- 6. Threats of violence of any kind against any resident or staff are prohibited; this includes fighting, profanity, racial jokes, racial comments or verbal abuse. No weapons or contraband of any kind allowed. Acts of violence or contraband are grounds for resident to be asked to leave the premises immediately.
- 7. Residents are not to gamble or play inappropriate games on site.
- 8. Residents may not buy or sell items, such as food stamps, cigarettes, personal hygiene items, etc. With each other.
- 9. Upon approval residents may have visitors in living room, dining room and deck area. Visitors may eat meals with residents with approval of staff. (Weekends and holidays only)
- 10. In greeting visitors, meeting with them and saying goodbye, residents are to behave in an appropriate manner. Resident are not to overly embrace visitors, or allow visitors to engage (with residents) in any sexually compromising situations.
- 11. No sexual contact or relationships in the house. This will not be tolerated.
- 12. Stealing will not be tolerated. Violators are subject to immediate discharge from the residence.
- 13. All incoming mail or packages are subject to examination by staff.

ATTACHMENT B

- 14. Manipulation, of any kind is a negative con game and will not be tolerated.
- 15. There is no horse- play in the house; all residents are expected to conduct themselves in a socially acceptable manner. There is no yelling, running, screaming or walking barefooted in the house.
- 16. Residents must attend the 12 step N/A A/A Meetings weekly (mandatory) unless other wise slated.
- 17. No talking out of the windows or sitting on the front stairs holding conversations The back decks are for socializing.
- 18. There is no changing rooms or furniture without staff approval.
- 19. Prostitution is prohibited. Residents are not to engage in any kind of sexual activity for money or other material compensation.
- 20. Do not associate with drug dealers or be at known areas where drugs are sold, kept, or used. Residents are not to "hang out" in any areas where drugs may be located.
- 21. Residents are not to loan to each other or borrow from each other. (Clothes, shoes, automobile, etc.)
- 22. No eating or having dirty dishes in the living room, bedroom or study area. All food brought into the facility must be eaten in the dining area.
- 23. No televisions in the bedrooms. All radios must be kept silent. Use of an earphone is acceptable. The living room television must be turned off by 11:00 P.M., on weeknights. There are no limits on weekends or holidays.
- 24. Rooms must be kept neat and clean, including closets and dressers, at all times. Each bed must be made immediately after resident gets up for the morning.
- 25. Dirty clothes and linen must be washed weekly. No washing after 10:00 P.M. (wash days will be scheduled) Personal cleanliness is required.
- 26. Chores must be done daily without exception. (Posted chore list)
- 27. The bathroom must be cleaned after use by the user.
- 28. The telephone use is limited to 10 minutes when others are waiting to use it.

- 29. The business telephone number is to be given out for emergency purposes only.
- 30. If there are any changes of employment (whether address, change of status, or change of hours) a staff person must be notified immediately.
- 31. No pornography material of any kind is to be kept in the residence.
- 32. Any grievance against staff or other residents should be brought to the manager's attention immediately.
- 33. Due to limited closet and storage space there is a limit to what can be brought into the residents.
- 34. Rooms are subject to be searched at all times.
- 35. Rent is due on the 1st of the month. After the 5th there is a \$25.00 late fee.
- 36. Damage to the building inside or outside or damage to any contents whether accidental or not, is solely the responsibility legally and financially of the resident responsible for the damage, and could be possible grounds for dismissal.
- 37. Everyone is responsible for her own belongings.
- 38. Any person who is a trouble- maker or causes discontent in the house will be asked to leave.
- 39. All new residents will be provided with linen. There will be a security deposit for that linen, which is not refundable.
- 40. If a resident has knowledge of someone breaking the rules, she should bring the situation to the immediate attention of staff.
- 41. No illegal activities in stores or banks, such as writing bad checks.
- 42. The kitchen and dining area must be kept clean at all times and must be cleaned immediately after each meal.
- 43. Everyone must sit down together at mealtime. There are no gowns; head ties housecoats or rollers allowed at the table.
- 44. Double scrub is a group project. Once a week everyone must help.
- 45. Residents are responsible for their visitors. Visitors must follow all house rules. Discipline is a must. Residents must know where visitors are all times.

- 46. Resident must provide two weeks notice of intent to move from the residence.
- 47. When residents leave CWSW they must take all of their personal property with them. If they fail to take their property with them CWSW will only keep it for 72 (seventy-two) hours before disposing of it. No notices will be sent out.
- 48. Appropriate attire is required at all times in the residence. Inappropriate attire includes beachwear, underwear and bedroom attire.
- 49. No sleeping in the living room, study area or the deck.
- 50. Malicious gossip will not be tolerated.
- 51. Before entering any closed door knock.
- 52. Do not violate the privacy of others. Be considerate and don't read others personal papers, mail or go into others belongs such as; drawers, nightstands, boxes or parcels. (Whether locked or not)
- 53. Do not enter any bedrooms without an invitation.
- 54. Be considerate of others by not passing gas or burping loudly in the presence of others. Personal noises must be kept silent as much as possible.
- 55. All electric hair curlers, hair rollers or hair dryers, etc. must be unplugged when not in use.
- 56. No electrical cooking utensils or cooking in the bedrooms.

Any resident found not in compliance with the rules maybe subject to discharge from the residence.

I have read and I understand the house rules, and I hereby agree to abide by them for as long as I am a resident.

I also understand that if I should fail to live up to any of these rules, I will be ask to leave the resident.

Client Signature	Date	Staff Signature	Date

# CHRISTIAN WOMEN SUPPORTING WOMEN CLIENT RULE NUMBER SIX AGREEMENT

I understand there are no threats of violence of any kind against any resident or staff; this includes fighting, profanity, racial jokes, racial comments or verbal abuse. No weapons or contraband of any kind allowed. Acts of violence or contraband are grounds for resident to be asked to leave the premises immediately				
Clients sign only if you understand this rule				
Staff sign and date.				

# CHRISTIAN WOMEN SUPPORTING WOMEN CLIENT RULE NUMBER FORTY-SEVEN

I understand violators of the house rules are subject to immediate discharge from the residence. I also understand I must take my belongings with me. If I don't take my belongs with me CWSW will depose of them after seventy-two hours of my leaving.

Client sign only if you understand this rule

STAFF SIGN AND DATE

# CHRISTIAN WOMEN SUPPORTING WOMEN CLIENT RULE NUMBER THREE AGREEMENT

I understand there is no substance abuse. Residents found to be under the influence of any narcotics, non-prescribed medication or in possession of any paraphernalia, alcohol, or any other drug are subject to immediate discharge from the residence.			
Clients sign only if you understand this rule			
Sizing sign siny is you understand this falc			
Staff sign and date			

# CHRISTIAN WOMEN SUPPORTING WOMEN CLIENT RULE NUMBER ELEVEN AGREEMENT

I understand there is no sexual contact or relationship in or about the premises. This will not be tolerated.  Violators are subject to immediate discharge from the residence.			
Client sign only if you understand this rule			
Staff sign and date			

## Christian Women Supporting Women

This project creates a post transitional residence geared toward women who have been in recovery and have had a history of chronic substance abuse. It would serve women whom are working and trying to rebuild their lives and regain financial independence. The project helps families reunite, promote family skills, work skills and education.

CWSW teaches living skills and tools for women committed to making changes in their lives such as: self-esteem, self-respect, self-help and self-discipline. CWSW encourages volunteerism as a vehicle toward self-reliance and employment.

Residents must be drug and alcohol free, determined to maintain their sobriety and be employed. All residents are required to abide by the house rules.

## Objectives and Purpose

The primary objectives and purpose of this corporation shall be:

- . To make referrals to parenting classes, workshops and seminars, re: substance abuse, conflict resolution and anger management.

  Residents will be asked to volunteer for community speaking engagement working with other groups, agencies, and churches to promote sobriety.
- . Develop clean respectable supervised sober living conditions with a live in support group.
- . Provide books, video- tapes and pamphlets based on recovery and parenting-skills, family values, self-esteem and self-respect.
- . There will be N/A, A/A meetings on site weekly.
- . Provide nutritional, balance meals daily (cooked by residents-pre-scheduled)
- . CWSW will make outside activity referrals.

of

# Christian women supporting Women A California Public Benefit Corporation

ARTICLE 1 OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office of the corporation for the transaction of its business is located in Alameda County, California

SECTION 2. CHANGE OF ADDRESS

The county of the corporation's principal office can be changed only by amendment of these Bylaws and not otherwise. The Board of Directors may, however, change the principle office from one location to another within the named county by noting the changed address and effective date below, and such changes of address and effective date below, and such changes of address shall not be deemed an amendment of these Bylaws:

 Dated:
 Dated:
 Dated:

#### SECTION 3. OTHER OFFICES

The corporation may also have offices at such other places, within or without the State of California, where it is qualified to do business, as its business may require and as the board of directors may, from time to time, designate.

ARTICLE 2
PURPOSES

SECTION 1. OBJECTIVES AND PURPOSES

The primary objectives and purposes of this corporation shall be:

This project creates a post transitional residence geared toward women who have been in recovery and have had a history of chronic substance abuse. It would serve women whom are working and trying to rebuild their lives and regain financial independence. The project helps families reunite; promote family skills, work skills and education.

CWSW teaches living skills and tools for women committed to making changes in their lives such as: self-esteem self-respect, self-help and self-discipline. CWSW encourages volunteerism as a vehicle toward self-reliance and employment.

Residents must be drug and alcohol free, determined to maintain their sobriety and be employed. All residents are required to abide by the house rules.

Christian Women Supporting Women will perform the following activities:

Make referrals to parenting classes, workshops and seminars, re: substance abuse, conflict resolution and anger management.

Residents will be asked to volunteer for community speaking engagement working with other group, agencies, and churches to promote sobriety.

Develop clean respectable supervised sober living conditions with a live in support group.

Provide books, video-tapes and pamphlets based on recovery and parenting-skills, family values; self-esteem and self-respect.

There will be N/A, A/A meetings on site weekly.

secretary of all meetings of the board, provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the Meeting.

Meetings shall be governed by parliamentary procedure, as such rules may be revised from time to time, insofar as such rules are not inconsistent with or in conflict with these Bylaws, with the Articles of Incorporation of this corporation, or with provisions of law.

## Section 16. Action by Unanimous written Consent without Meeting

Any action required or permitted to be taken by the Board of Directors under any provision of law may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to such action. For the purposes of this Section only, "all members of the board" shall not include any "interested director" as defined in section 5233 of the California Nonprofit Public Benefit Corporation Law. Such written consent or consents shall be filed with the minute of the proceedings of the board. Such written consent shall have the same force and effect as the unanimous vote of the directors. Any certificate or other document filed under any provision of law which relates to action so taken shall state that the action was taken by unanimous written consent of the Board of Directors without a meeting and that the Bylaws of this corporation authorize the directors to so act and such statement shall be prima facie evidence of such authority.

#### Section 17. Vacancies

Vacancies on the Board of Directors shall exist (1) on the death, resignation or removal of any director, and (2) whenever the number of authorized directors is increased.

The Board of Directors may declare vacant the office of a director who has been declared of unsound mind by a final order of court, or convicted of a felony, or been found by a final order or judgment of any court to have breached any duty under Section 5230 and following of the California Nonprofit Public Benefit Corporation Law.

If this corporation has any members, then, if the corporation has less than fifty (50) members, directors may be moved without cause by a majority of all members, or, if the corporation has fifty (50) or more members, by vote of a majority of the votes represented at a membership meeting at which a quorum is present.

if this corporation has no members, directors may be removed without cause by a majority of the directors then in office.

Any director may resign effective upon filing written notice to the Chairperson of the Board, the President, the Secretary, or the Board of Directors, unless the notice specifies a later time for the effectiveness of such resignation. No director may resign if the corporation would then be left without a duly elected director or directors in charge of its affairs, except upon notice to the Attorney General.

Vacancies on the board may be filled by approval of the board or, if the number of directors then in the office is less than a quorum, by (1) the unanimous written consent of the directors then in office, (2) the affirmative vote of a majority of the directors then in office at a meeting held pursuant to notice or waives of notice complying with this article of these By laws, or (3) a sole remaining director. If this corporation has members, however, vacancies created by the removal of a director may be filled only by the approval of the members. The members, if any, of this corporation may elect a director at any time to fill any vacancy not filled by the directors.

A person elected to fill a vacancy as provided by this Section shall hold office until the next annual election of the Board of Directors or until his or her death, resignation or removal from office.

#### Section 18. Non-Liability of Directors

The directors shall not be personally liable for the debts, liabilities, or other obligations of the corporation.

## Section 19. Indemnification By Corporation of Directors, Officers, Employees and other agents

To the extent that a person who is, or was, a director, officer, employer or other agent of this corporation has been successful on the merits in defense of any civil, criminal, administrative or investigative proceeding brought to procure a judgment against such person by reason of the fact that he or she is, or was, an agent of the corporation, or has been successful in defense of any claim, issue or matter, therein, such person shall be indemnified against expenses actually and reasonably incurred by the person in connection with such proceeding.

If such person either settles any such claim or sustains a judgment against him or her, then indemnification against expenses, judgments, fines, settlements and other amounts reasonably incurred in connection with such proceedings shall be provided by this corporation but only to the extent allowed by, and in accordance with the requirements of, Section 5238 of the California Nonprofit Public Benefit Corporation Law.

#### Section 20. Insurance for Corporate Agents

Between meetings of the Board, the executive committee shall have and may exercise all the powers of the Board of Directors in the management of business and affairs of the corporation. The executive committee shall minutes of its proceedings and shall report the same to the Board of Directors at the next succeeding meeting of the Board. Any action of the Executive Committee shall be subjective alteration and recession by the Board of Directions, provided that no rights of third persons are impaired by such alteration or recession.

Meetings of the Executive committee may be called at any member of the committee upon notice by mail or telephone.

At any meeting of the Executive Committee, three (3) members shall constitute a quorum for the transaction of business, and the act of a majority of such members present at any meeting at which there is quorum shall be the act of the Executive Committee.

#### SECTION 10. NOTICE OF MEETINGS

Regular meetings of the board may be held without notice. Special meetings of the board shall be held upon four (4) days' notice by first-class mail or telegraph, the notice shall be deemed to be delivered on its deposit in the mail or on its delivery to the telegraph company. Such notices shall be addressed to each to each director at his or her address as shown on the books of the corporation. Notice of the time and place of holding an adjourned meeting need not be given to absent directors if the time and place of the adjourned meeting are fixed at the meeting adjourned and if such adjourned meeting is held no more than twenty-four (24) hours from the time of the original meeting. Notice shall be given of any adjourned regular or special meeting to directors absent from the original meeting if the adjourned meeting is held more than twenty-four (24) hours from the time of the original meeting.

#### SECTION 11. CONTENTS OF NOTICE

Notice of meetings not herein dispensed with shall specify the place, day and hour of the meeting. The purpose of any board meeting need not be specified in the notice.

## SECTION 12. WAIVER OF NOTICE AND CONSENT TO HOLDING MEETINGS

The transactions of any meeting of the board, however called and noticed or wherever held, are as valid as though the meeting had been duly held after proper call and notice, provided a quorum, as hereinafter defined, is present and provided that either before or after the meeting each director not present signs a waivers, consents, or approvals shall be filled with the corporate records or made a part of the minutes of the meeting.

#### SECTION 13. QUORUM FOR MEETINGS

A quorum shall consist of 3 Directors or a majority of members present when new members are in place.

Except as otherwise provided in these Bylaws or in the Articles of Incorporation of this corporation, or by law, no business shall be considered by the board at any meeting at which a quorum, as hereinafter defined, is not present, and the only motion which the chair shall entertain at such meeting is a motion to adjourn. However, a majority of the directors present at such meeting may adjourn from time to time until the time fixed for the next regular meeting of the board

When a meeting is adjourned for lack of a quorum, it shall not be necessary to give any notice of the time and place of the adjourned meeting or of the business to be transacted at such meeting, other than by announcement at the meeting at which the adjournment is taken, except as provided in Section 10 of this article.

The directors present at a duly called and held meeting at which a quorum is initially present may continue to do business notwithstanding the loss of a quorum at the meeting due to a withdrawal of directors from the meeting, provided that any action thereafter taken must be approved by a least a majority of the required quorum for such meeting or such greater percentage as may be required by law, or the Articles of incorporation or Bylaws of this corporation.

#### SECTION 14. MAJORITY ACTION AS BOARD ACTION

Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the Board of Directors,

unless the Articles of Incorporation or Bylaws of this corporation, or provisions of the California Nonprofit Public Benefit corporation law, particularly those provisions relating to appointment of committees (Section 5212), approval of contracts or transaction in which a director has a material financial interest (section 5233) and indemnification of directors (Section 52238e), require a greater percentage or different voting rules for approval of a matter by the board.

#### SECTION 15. CONDUCT OF MEETINGS

Meetings of the Board of Directors shall be presided over by the Chairperson of the Board, or, if no such person has been so designated or, in his or her absence, the President of the corporation or, in the absence of each of these persons, by Chairperson chosen by a majority of the directors present at the meeting. The secretary of the corporation shall act as

Any brother, sister, ancestor, descendant, spouse, brother-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any such person.

#### SECTION 7. PLACE OF MEETINGS

Meetings shall be held at the principal office of the corporation unless otherwise provided by the board or at such place within or without the State of California which has been designated from time to time by resolution of the Board of Directors in the absence of such designation, any meeting not held at the principal office of the corporation shall be valid only if held on the written consent of all directors given either before or after the meeting and filed with the secretary of the corporation or after all board members have been given written notice of the meeting as hereinafter provided for special meetings of the board.

Any meeting, regular or special, may be held by conference telephone, electronic video screen communication, or other communications equipment. Participation in a meeting through use of conference telephone constitutes presence in person at that meeting so long as all directors participating in the meeting are able to hear one another. Participation in a meeting through use of electronic video screen communication or other communications equipment (other than conference telephone) constitutes presence in person at that meeting if all of the following apply:

Each director participating in the meeting can communicate with all of the other directors concurrently. Each director is provided the means of participating in all matters before the board including, without limitation, the capacity to propose, or to interpose any objection to, a specific action to be taken by the corporation; The corporation adopts and implements some means of verifying 1)

That are all persons participating in the meeting are directors of the corporation or otherwise entitled to participate in the meeting, and 2) that all actions of, or votes by, the board are taken and cast only by directions and not by persons who are directors.

### SECTION 8. REGULAR AND ANNUAL MEETINGS

#### Meeting of Board of Directors

Regular meetings of the Board of Directors shall be held monthly on the second Monday of each month. The annual meeting will be held within thirty (30) days of the same month of each year in which the agency was first incorporated, thereafter, at such time as the Board directs.

If the day for the annual meeting is a legal holiday, the meeting will be held at the dame hour on the first day following which is not a legal holiday (excluding Saturday and Sunday).

#### SECTION 9. SPECIAL MEETINGS

Special meetings of the Board shall be promptly scheduled at any time by the Board in response to a request by the Chairman of the Board or the President. There will be no proxy voting unless a written request is submitted to the chair 30 days in advance of the meeting when the vote will be held.

Eligibility to Vote

All Board members and the executive director of the Exchange are eligible to vote.

Record Dates

Record dates established by the Board.

Record date for meeting notices.

Record date for voting.

#### Conduct of meeting

Meeting of the Board shall be conducted in accordance with a recognized system of parliamentary procedure or such parliamentary procedures as the Board may adopt. Notice of meetings shall specify those matters the Board intends to present for action except as otherwise provided by law, any proper matter may be presented at the meeting for action.

#### **Executive Committee**

The Board of Directors shall annually at the annual meeting, elect an Executive Committee consisting of the Board as the Board shall elect who shall hold office for one (1) year or until their successors are elected. Any vacancy in the membership of the executive committee may be filled for the unexpired term portion of the term by the Board of Directions at any meeting of the Board. In the absence of a member of members of the executive committee, the members there of present at any meeting, whether or not they constitute a quorum, may appoint another member or members of the Board of Directors to act in the place of such absent member or members.

Provide nutritional, balance meals daily (cooked by residents-prescheduled)

CWSW will make outside activity referrals.

## ARTICLE 3 DIRECTORS

#### SECTION 1. NUMBER

Christian Women Supporting Women shall have not less than three (3) or more than seven (7) directors. The number of directors may be changed by amendment of this Bylaw, or by repeal of this bylaw and adoption of a new bylaw, as provided in these Bylaws.

Vacancies in the membership of the Board of Directors may be filled by the Board, or by a vote of a majority of the remaining members of the Board.

The members of the Board at this time shall constitute the members of the corporation. Every meeting of the Board of Directors shall be deemed a meeting of the members of the corporation as well as of the Board of Directors and the Board of Directors may exercise all the rights and powers of the corporation

#### SECTION 2. POWERS

Subject to the provisions of the California Nonprofit Public Benefit Corporation law and any limitations in the Articles of Incorporation and Bylaws relating to action required or permitted to be taken or approved by the members, if any, of this corporation, the activities and affairs of this corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board of Directors.

#### SECTION 3. DUTIES

It shall be the duty of the directors to:

Perform any and all duties imposed on them collectively or individually by law, by the Articles of Incorporation of this corporation, or by these Bylaws;

Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the duties and fix the compensation, if any, of all officers, agents and employees of the corporation;

Supervise all officers, agents and employees of the corporation to assure that their duties are performed properly:

Meet at such times and places as required by these Bylaws

Register their addresses with the Secretary of the corporation and notices of meetings mailed and telegraphed to them at such addresses shall be valid notices thereof.

#### SECTION 4. TERMS OF OFFICE

Each director shall hold office until the next annual meeting for election of the Board of Directors as specified in these Bylaws, and until his or her successor is elected and qualifies. Board members may succeed themselves. Terms will be four (4) years, staggered.

#### SECTION 5. COMPENSATION

Directors shall serve without compensation. They shall be allowed reasonable advancement or reimbursement of expenses incurred in the performance of their regular duties as specified in Section 3 of this Article Directors may not be compensated for rendering services to the corporation in any capacity other than director unless such other compensation is reasonable and is allowable under the provisions of Section 6 of this article.

### SECTION 6. RESTRICTION REGARDING INTERESTED DIRECTORS

Notwithstanding any other provision of these Bylaws, not more than forty-nine percent (49%) of the persons serving on the board may be interested persons. For purposes of this Section "interested person" means either:

Any person currently being compensated by the corporation for services rendered it within the previous twelve (12) months, whether as a full-or part-time officer or other employee, Independent contractor, or otherwise, excluding any reasonable compensation paid to a director as director, or

The Board of Directors may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of any agent of the corporation (including a director, officer, employee or other agent of the corporation) against any liability other than for violating provisions of law relating to self-dealing (Section 5233 of the California Nonprofit Public Benefit Corporation Law) asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the corporation would have the power to indemnify the agent against such liability under the provisions of Section 5238 of the California Nonprofit Public Benefit.

# **ARTICLE 4**OFFICERS

#### Section 1. Number of Officers

The officers of the corporation shall be a President, a Secretary, and a Chief Financial Officer who shall be designated the Treasurer. The corporation may also have, as determined by the Board of Directors, a Chairperson of the Board, one or more Vice Presidents, Assistant Secretaries, Assistant Treasures, or other officers. Any number of officers may be held by the same person except that neither the Secretary nor the Treasurer may serve as the President of Chairperson of the Board.

#### Section 2. Qualification, Election, and Term of Office

Any person may serve as officer of this corporation. Officers shall be elected by the Board of Directors, at any time, and each officer shall hold office until he or she resigns or is removed or is other side disqualified to serve, or until his or her successor shall be elected and qualified, whichever occurs first.

#### Section 3. Subordinate Officers

The Board of Directors may appoint such other officers or agents as it may deem desirable, and such officers shall serve such terms, have such authority, and perform such duties as my be prescribed from time to time by the Board of Directors.

#### Section 4. Removal and Resignation

Any officer may be removed, either with or without cause, by the Board or directors, at any time. Any officer may resign at any time by giving written notice to the Board of Directors or to the President of Secretary of the corporation. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this Section shall be superseded by any conflicting terms of a contract which has been approved or ratified by the Board of Directors relating to the employment of any officer of the corporation.

#### Section 5. Vacancies

Any vacancy caused by the death, resignation, removal, disqualification, or otherwise, of any officer shall be filled by the Board of Directors. In the event of a vacancy in any office other than that if President, such vacancy may be filled temporarily by appointment by the President until such time as the Board shall fill the vacancy. Vacancies occurring in officers of officers appointed at the discretion of the board may or may not be filled as the board shall determine.

#### Section 6. Duties of President

The President shall be the chief executive officer of the corporation and shall, subject to the control of the Board of Directors, supervise and control the affairs of the corporation and the activities of the officers. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be prescribed from time to time by the Board of Directors. Unless another person is specifically appointed as Chairperson of the Board of Directors, he or she shall preside at all meetings of the Board of Directors. If applicable, the President shall preside at all meetings of the members. Except as otherwise expressly provided by law, by the Articles of Incorporation, or by these Bylaws, he or she shall, in the name of the corporation, execute such deeds, mortgages, bonds, contracts, checks or other instruments which may from time to time be authorized by the Board of Directors.

#### Section 7. Duties of Vice President

In the absence of the President, or in the event of his or her inability or refusal to act, the Vice President shall perform all the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions on, the President. The Vice President shall have other powers and perform such other duties as may be prescribed by law, by the Articles of Incorporation, or by these Bylaws, or as may be prescribed by the Board of Directors

#### Section 8. Duties of Secretary

The Secretary shall:

Certify and keep at the principal office of the corporation the original, or a copy of these Bylaws as amended or other wide aftered to date.

Keep at the principal office of the corporation or at such other place as the board may determine, a book of minutes of all meetings of the directors, and, if applicable, meetings of committees of directors and of members, recording therein the time and place of holding, whether regular or special, how called, how notice thereof as five, the names of those present or represented at the meeting, and the proceedings thereof.

See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.

Be custodian of the records and of the seal of the corporation and see that the seal is affixed to all duly executed documents, the execution of which on behalf of the corporation under its seal is authorized by law or these Bylaws.

Keep at the principal office of the corporation a membership book containing the name and address of each and any members, and, in the case where any membership has been terminated, he or she shall record such fact in the membership book together with the date on which such membership ceased.

Exhibit at all reasonable times to any director of the corporation, or to his or her agent or attorney, on request therefore, the Bylaws, the membership book, and the minutes of the proceedings of the directors of the corporation.

In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

#### Section 9. Duties of Treasurer

Subject to the provisions of these Bylaws relating to the Execution of Instruments, Deposits and Funds," the Treasurer shall:

Have charge and custody of, and be responsible for, all funds and securities of the corporation, and deposit all such funds in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors.

Receive, and give receipt for, monies due and payable to the corporation from any source whatsoever.

Disburse, or cause to be disbursed, the funds of the corporation as may be directed by the Board of Directors, taking proper vouchers for such disbursements.

Keep and maintain adequate and correct accounts of the corporation's properties and business transaction, including accounts of its assets, liabilities, receipts, disbursements, gains and losses.

Exhibit at all reasonable times the books of account and financial records to any director of the corporation, or to his or her agent or attorney, on request therefore.

Render to the President and directors, whenever requested, an account of any or all of his or her transaction as Treasurer and of the financial condition of the corporation.

Prepare, or cause to be prepared, and certify, or cause to be certified, the financial statements to be included in any required reports

In general, perform all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of incorporation of the corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the Board of Directors.

#### Section 10, Compensation

Director shall serve without compensation except that they shall be allowed and paid their actual and necessary expenses and paid \$50.00 for attending each meeting of the Board of Directors to cover travel, childcare, parent care etc.

## ARTICLES 5

#### Section 1. Executive Committees

The Board of Directors may, by a majority vote of directors, designate two (2) or more of its members (who may also be serving as officers of this corporation) to constitute an Executive Committee and delegate to such Committee any of the powers and authority of the board in the management of the business and affairs of the corporation, except with respect to:

- (a) The approval of any action which, under law or the provisions of these Bylaws, requires the approval of the members or of a majority of all of the members.
- (b) The filing of vacancies on the board or on any committee which has the authority of the board.
- (c) The fixing of compensation of the directors for serving on the board or on any committee.
- (d) The amendment or repeal of Bylaws or the adoption of new Bylaws.
- (e) The amendment or repeal or any resolution of the board which by its express terms is not so amendable or repeal able
- (f) The appointment of committees of the board or the members' thereof
- (g) The expenditure of corporate funds to support a nominee for director after there are more people nominated for director than can be elected.
- (h) The approval of any transaction to which the corporation is a party and in which one or more of the directors has a material financial interest, except as expressly provided in Section 5233 (d)(3) of the California Nonprofit Public Benefit Corporation Law.

By a majority vote of its members the in office, the board may at any time revoke or modify any or all of the authority so delegated, increase or decrease but not below two (2) the number of its members, and fill vacancies therein from the members of the board. The Committee shall keep regular minutes of its proceedings, cause them to be filed with the corporate records, and report the same to the board from time to time as the board may require.

#### Section 2. Other Committees

The corporation shall have such other committees as may from time to time be designated by resolution of the Board of Directors. Such other committees may consist of persons who are not also members of the board. These additional committees shall act in any advisory capacity only to the board and shall be clearly titled as "advisory" committees.

#### Section 3. Meetings and Action of Committees

Meetings and action of committees shall be governed by, noticed, held and taken in accordance with the provisions of these Bylaws concerning meetings of the Board of Directors, with such changes in the context of such Bylaw provisions as are necessary to substitute the committee and its members for the Board of Directors and its members, except that the time for regular meetings of committees may be fixed by resolution of the Board of Directors or by the committee. The time for special meetings of committees may also be fixed by the Board of Directors. The Board of Directors may also adopt rules and regulations pertain to the conduct of meetings of committees to the extent that such rules and regulations are not inconsistent with the provisions of these Bylaws.

# ARTICLE 6 EXECUTION OF INSTRUMENTS, DEPOSITS AND FUNDS

#### Section 1. Execution of Instruments

The Board of Directors, except as otherwise provided in these Bylaws, may be resolution authorize any officer or agent of the corporation to enter into any contract or executive and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

#### Section 2. Checks and Notes

Except as otherwise specifically determined by resolution of the Board of Directors, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the corporation shall be signed by the Treasurer and countersigned by the President of the corporation.

#### Section 3. Deposits

All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

#### Section 4. Gifts

The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest, or devise for the charitable or public purposes of this corporation

# ARTICLE 7 CORPORATE RECORDS, REPORTS AND SEAL

#### Section 1. Maintenance of corporate Records

The corporation shall keep at its principal office in the State of California:

- (a) Minutes of all meetings of directors committees of the board and, if this corporation has members, of all meetings of members, indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof;
- (b) Adequate and correct book and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses;
- (c) A record of its members, if any, indicating their names and addresses and, if applicable, the class of membership held by each member and the termination date of any membership;
- (d) A copy of the corporation's Articles of Incorporation and Bylaws as amended to date, which shall be open to inspection by the members, if any of the corporation at all reasonable times during office hours.

#### Section 2. Corporate Seal

The Board of Directors may adopt, use, and at will alter, a corporate deal. Such seal shall be kept at the principal office of the corporation. Failure to affix the seal to corporation instruments, however, shall not affect the validity of any such instrument.

#### Section 3. Directors' Inspection Rights

Every director shall have the absolute right at any reasonable time to inspect and copy at books, records and documents of every kind and to inspect the physical properties of the corporation.

#### Section 4. Members' Inspection Rights

If this corporation has any members, then each and every member shall have the following inspection rights, for a purpose reasonably related to such person's interest as a member.

- (a) To inspect and copy the record of all members' names, addresses and voting rights, at reasonable times, upon five (5) business days' prior written demand on the corporation, which demand shall state the purpose for which the inspection rights are requested
- (b) To obtain from the Secretary of the corporation, upon written demand and payment of a reasonable charge, an alphabetized list of the names, addresses and voting rights of those members entitled to vote for the election of directors as of the most recent record date for which the list has been compiled or as of the date specified by the member subsequent to the date of demand. The demand shall state the purpose for which the list is requested. The membership list shall be made available on or before the later of then (10) business days after the demand is received or after the date specified therein as of which the list is to be compiled.
- (c) To inspect at any reasonable time the books, records, or minutes of proceedings of the members, or of the board or committees of the board, upon written demand on the corporation by the member, for a purpose reasonably related to such person's interests as a member.

#### Section 5. Right To Copy and Make Extracts

Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspection includes the right to copy and make extracts.

#### Section 6. Annual Report

The Board shall cause an annual report to be furnished not later than one hundred and twenty (120) days after the close of the corporation's fiscal year to all directors of the corporation and, if the corporation has members, to any member who requests it in writing, which report shall contain the following information in appropriate detail:

- (a) The Assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year;
- (b) The principal changes in assets and liabilities, including trust funds, during the fiscal year,
- (c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes, for the fiscal year,
- (d) The expenses of disbursements of the corporation, for both general and restricted purpose, during the fiscal year.
- (e) Any information required by Section 7 of this Article.

The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of any authorized officer of the corporation that such statements were prepared without audit from the books and records of the corporation.

If this corporation has members, then, if this corporation receives TWENTY-FIVE THOUSAND DOLLARS (25,000), or more, in gross revenues or receipts during this fiscal year, this corporation shall automatically send the above annual report to all members, in such manner, at such time, and with such contents, including an accompanying report from independent accountants or certification of a corporate officer, as specified by the above provisions of this Section relating to the annual report.

## Section 7. Annual Statement of Specific Transactions to Members

This corporation shall mall or deliver to all directors and any and all members a statement within one hundred and twenty (120) days after the close of its fiscal year which briefly describes the amount and circumstances of any indemnification or transaction of the following kind:

- (a) Any transaction in which the corporation, or its parent or its subsidiary, was a party, and in which either of the following has a direct or indirect material financial interest.
- Any director or officer of the corporation, or its parent or subsidiary (a mere common directorship shall not be considered a material financial interest); or
- (2) Any holder of more than ten percent (10%) of the voting power of the corporation, its parent of its subsidiary

The above statement need only be provided with respect to a transaction during the previous fiscal year involving more than FIFTY THOUSAND DOLLARS (\$50,000 or which was one of a number of transactions with the same persons involving, in the aggregate more than FIFTY THOUSAND DOLLARS (\$50,000)

Similarly, the statement need only be provided with respect to indemnifications or advances aggregating more than TEN THOUSAND DOLLARS (\$10,000) paid during the previous fiscal year to any director or officer, except that no such statement need be made if such indemnification was approved by the members pursuant to Section 5238 (e)(2) of the California Nonprofit Public Benefit Corporation Law.

Any statement required by this Section shall briefly describe the names of the interested persons involved in such transactions, stating each person's relationship to the corporation, the nature of such person's interest in the transaction and, where practical, the amount of such interest, provided that, in the case of a transaction with a partnership of which such person is a partner, only the interest of the partner ship need be stated

If this corporation has any members and provides all members with an annual report according to the provisions of Section 6 of this Article, then such annual report shall include the information required by this Section.

# ARTICLE 8 FISCAL YEAR

### Section 1. Fiscal Year of The Corporation

The fiscal year of the corporation shall begin on the 1st of January and end on the 31st of December in each year.

## ARTICLE 9 AMENDMENT OF BYLAWS

#### Section 1. Amendment

Subject to any provision of law applicable to the amendment of Bylaws of public benefit nonprofit corporations, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted as follows:

- (a) Subject to the power of members, if any, to change or repeal these Bylaws under Section 5150 of the Corporations Code, by approval if the Board of Directors unless the Bylaw amendment would materially and adversely affect the rights of members, if any, as to voting or transfer, provided, however, if this corporation has admitted any members, then a Bylaw specifying or changing the fixed number of directors of the corporation, the maximum or minimum number of directors, or changing from a fixed to variable board or vice versa, may not be adopted, amended, or repealed except as provided in subparagraph (b) of this Section; or
- (b) By approval of the members, if any, of this corporation.

# ARTICLE 10 AMENDMENT OF ARTICLES

#### Section 1. Amendment of Articles before Admission of Members

Before any members have been admitted to the corporation, any amendment of the Articles of Incorporation may be adopted by approval of the Board of Directors.

#### Section 2. Amendment of Articles After admission of Members

After members, if any, have been admitted to the corporation, amendment of the Articles of Incorporation may be adopt by the approval of the Board of Directors and by the approval of the members of this corporation.

#### Section 3. Certain Amendments

Notwithstanding the above sections of this Article, this corporation shall not amend its Articles of Incorporation to alter any statement which appears in the original Articles of Incorporation of the names and addresses of the first directors of this corporation, nor the name and address of its initial agent, except to correct an error in such statement or to delete such statement after the corporation has filed a "Statement by a Domestic Non-Profit Corporation" pursuant to Section 6210 of the California Nonprofit Corporation Law.

#### **ARTICLE 11** PROHIBITION AGAINST SHARING CORPORATE PROFITS AND ASSETS

#### Section 1. Prohibition against Sharing Corporate Profits and Assets

No Member, director, officer, employee, or other person connected with this corporation, or any private individual, shall receive at any time any of the net earnings or pecuniary profit from the operations of the corporation, provided, however, that this provision shall not prevent payment to any such person of reasonable compensation for services performed for the corporation in effecting any of its public or charitable purpose, provided that such compensation is other wise permitted by these Bylaws and is fixed by resolution of the Board of Directors; and no such person or persons shall be entitled to share in the distribution of, and shall not receive, any of the corporate assets on dissolution of the corporation. All members, if any, of the corporation shall be deemed to have expressly consented and agreed that on such dissolution or winding up of the affairs of the corporation, whether voluntarily or involuntarily, the assets of the corporation, after all debts have been satisfied, shall be distributed as required by the Articles of Incorporation of this corporation and not otherwise.

### (IF FORMING A MEMBERSHIP CORPORATION, REPLACE REMAINING PROVISIONS WITH MEMBERSHIP PROVISIONS FOR PUBLIC BENEFIT CORPORATIONS)

#### **ARTICLE 12** MEMBERS

#### Section 1. Determination of Members

If this corporation makes no provision for members, then, pursuant to Section 5310 (b) of the Nonprofit Public Benefit Corporation Law of the Sate of California, any action which would otherwise, under taw or the provisions of the Articles of Incorporation or Bylaws of this corporation, require approval by a majority of all members of approval by the members, shall only require the approval of the Board of Directors.

## WRITTEN CONSENT OF DIRECTORS ADOPTING BYLAWS

We, the undersigned, are all of the persons named as the init Women Supporting Women, a California nonprofit corporation these Bylaws to take action by unanimous written consent with foregoing Bylaws, consisting ofpages, as the Bylaws.	on, and, pursuant to the authority grant to the directors by thout a meeting, consent to, and hereby do, adopt the
Dated:	
, President, (chairman of the	Board), CEO
, Vice President	
, Secretary, Treasurer	
, Director	_
, Director	_

#### ARTICLES OF INCORPORATION

Τ

The name of this corporation is Christian Women supporting Women

11

- A. This corporation is a nonprofit PUBLIC BENEFIT CORPORATION and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for: public purposes
- B. The specific purposes for which this corporation is organized are to create a post transitional residence geared toward women who have been in recovery and have had a history of chronic substance abuse. It would serve women whom are working and trying to rebuild their lives and regain financial independence. The project helps families reunite, promote family skills, work skills, and education.

Ш

The name and address in the State of California of this corporation's initial agent for service of process is:

Jason A. Wooley

1144 12th street

Oakland, California 94607

IV

- A. This corporation is organized and operated exclusively for **charitable** purposes within the meaning of Section 501(c)(3), Internal Revenue Code.
- B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

Page 1 of 2

The property of this corporation is irrevocably dedicated to **charitable** purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for **charitable** purposes and which has established its tax exempt status under Section 501(c)(3), Internal Revenue Code.

Jason A. Wooley, Incorporator

## THE OAK CENTER CULTURAL CENTER, INC.

Founded October, 1970

1324 Adeline Street Oakland, CA 94607 (510) 891-0035

July 1, 2003

To: Ms. Jacqueline Wooley

Christina Women Supporting Women

1144 – 12<sup>th</sup> Street Oakland, CA 94607

From: The Board of Directors

Re: Parking Space at OCCC

Dear Ms. Wooley,

This letter is to confirm that the Board of *The Oak Center Cultural Center* has agreed to designate two (2) parking spaces for your organization's use. You may submit this letter to any entity or organization that needs this verification, as well as instruct them to contact our Board directly, if necessary. Thank you.

Sincerely,

Robert Clark, Board Secretary

Kopet M. Clab ()

The Oak Center Cultural Center

ATTACHMENT B

# CITY HALL . I FRANK H. OGAWA PLAZA . OAKLAND, CALILFORNIA 94512

NANCY I, NADEL Vice Mayor MEMORANDUM
Councilment Del

(510) 238-7903 EAN, (514) 233-6129 TDD: (510) 830-5451

District 3

To: From: Gary Patton, Zoning Administrator

Nancy J. Nadel, City Council District 3

Re:

Proposed CWHW Residential Treatment Program 1144 12th St.

CC:

Oak Center Neighborhood Association; CWHW

I have met separately with community members in Oak Center, the location of the proposed facility, as well as CWHW program representatives. I have also been present at one Oak Center public meeting and heard the discussion about this facility.

My concerns are the following:

- 1. The description of the project has changed numerous times. It is still unclear as to what the program is. Originally we were told that it was transitional housing for women who had completed a program and were ready to work but still needed a supportive environment before returning to their own homes and families. That model appears to have changed to a treatment based model. Their own proposal seems to contradict itself saying that they will not have treatment but they will have onsite AA and NA meetings. They say that the Community Needs Assessment states that the community needs more rehabilitation programs and that is why they are opening this program but another part of the proposal (Section 2.11) states that it is not a rehabilitation program. Finally the proposal states that they will take women with chronic relapse problems. From my familiarity with this population, people with chronic relapse problems do need a rehabilitation program with skilled healthcare staff to be successful.
- 2. The density of 3 people per room with each bed a trundle bed is of concern for an environment that will really promote healing.
- 3. If treatment is one of the functions of the program, the applicants don't appear to have any staff skilled in treatment. While spiritual support is helpful, it doesn't replace skilled healthcare staff.
- 4. Will there be sufficient parking for staff?
- 5. If this is a program for women only, experienced practitioners say that it is better not to have male staff but it is my understanding that they are planning to have male staff.
- 6. The petitions of support are questionable. Several of the pages do not have a statement showing why people had signed. One page has people all from one address which is the address of a church. Another is an address of another church. Many are people who live outside the Oak Center neighborhood.

In summary, we have many programs for drug treatment and rehabilitation sprouting up throughout West Oakland. Many turn out to be scams that the control of the contro

ATTACHMENT B

Assistance money and food stamps and provide little in return. The unskilled staff addressing people with deep problems results in clients becoming problems in the neighborhood because they aren't getting the discipline and supervision they need.

I urge you to approve only programs with skilled staff in buildings that are adequate for the service to be provided and to address the over-concentration issue that is already a problem in West Oakland. It took almost a year to close down one badly run facility and the amount of time needed by our inspectors as well as the seriously diminished quality of life felt by the neighbors over that period were an important lesson to be learned.



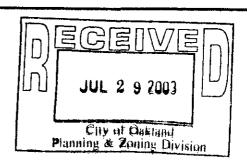


1144 12th Street î Oakland, CA 94607 î (510) 436-4569 î (510) 543-7867

# Clean & Sober Living

July 28, 2003

Nancy J. Nadel, Vice Mayor City Hall 1 Frank H. Ogawa Plaza Oakland, California 94612



Re: Proposed CWSW Clean and Sober Living Facility 1144 12th St.

Dear Vice Mayor Nadel,

As of this morning (7/28/03) I am in receipt of a faxed memorandum from Gary Patton, Zoning Administrator, regarding CWSW. The Memorandum I received has misspelled our name, miss-stated the nature of our business, and outlined a number of concerns that do not apply in any manner to CWSW.

I must say that I was very disappointed to read the contents of the memo. For nearly two years we have made every effort to comply with both the City of Oakland, and the Oak Center Neighborhood Association. We have repeatedly stated our plan, structure, mission, intentions, and description of our facility. In addition to this, we have mailed, faxed, and verbally presented documentation and facts to satisfy concerns and respond to requests for information. Upon receipt of this recent memo, I can't help but conclude that this information has fallen on deaf ears. The content and language of your memo to Gary Patton appears to have been taken from another source, (a third party perhaps), who has poorly misstated facts and given a categorically untrue assessment of our facility.

Adding to my disappointment is the fact that despite our diligence and willingness to meet every obstacle and provide all requested information, it seems to be of little consequence. You have not returned any of my telephone calls in the past few months and have not even taken the time to come by and visit the facility at 1144 12<sup>th</sup> Street to see for yourself that most of the items stated as concerns in your cut and paste memo are entirely false, erroneously stated, or do not apply to our facility at all.

Though most every item on your memo has already been addressed, asked, and answered numerous times, I would like to take this opportunity to respond to them again

in the hopes of providing a clear and unambiguous response to your concerns as they are expressed in your memo.

Your Concern: 1. The description of the project, AA and NA meetings.

Our Response: 1. CWSW is a transitional housing facility NOT a treatment center or program. We have never represented ourselves as anything other than transitional housing, hence, Clean and Sober Living, verbally or in any of our written material or collateral. Our facility is a place for women who have an alcohol or chemical dependency problem to recover and transition back into the community. They must have successfully demonstrated a commitment to recovery by completing a qualified program by a qualified agency or medical facility and have evidenced through that program that they can maintain an acceptable period of sobriety before even being accepted for Clean and Sober Living. Our clients will be referred from bona-fide programs that treat chemical dependency. They will be required to continue treatment with their doctors, physicians, or treatment centers. CWSW Clean and Sober Living is just transitional housing, not treatment.

AA and NA meetings will be offered on site as well as other arranged group meetings for those women who feel they need them. They are not mandatory and are considered an adjunct to the clients' recovery from their physicians or treatment centers. In addition to AA and NA, we also have other speakers and classes on our agenda for the year 2004. Community professionals will be offering workshops in a wide range of classes so that women can build their self esteem by learning a skill or becoming better qualified in their current positions.

Your Concern: 2. 3 to a room density and trundle beds.

Our Response: 2. Of all 6 bedrooms only the two largest have 3 beds. All other rooms have only 2 beds. There are no trundle beds in our facility now and there never have been. Each room has either a day bed or twin beds. It has been expressed and implied that the house is too small for the number of women we desire. We anticipate approximately 10 to 11 women at a time in our facility; 5 per level. We believe that this is most comfortable compared to many other facilities who pile women up 4 to 5 beds per room and have beds in the living room and dining room areas.

We do not operate in this fashion. CWSW has comfortable sleeping quarters as well as spacious common living areas. Each level has a spacious bathroom, kitchen, dining room, and living room. In addition to this each level has a spacious private outdoor deck and reading or quiet room. This facility has 24-hour security and offers its occupants a protected gated community to recover successfully.

Your Concern: 3. If treatment is a component of the program.

**Our Response: 3**. Treatment is not a component of the program. We have never represented ourselves as such. What we do offer is a nurturing, inspiring, supportive, and esteem building environment for recovery. This may have been construed as treatment, but it has never been referred to as such.

Your Concern: 4. Will there be sufficient parking for staff.

**Our Response: 4**. Yes. Our driveway provides 1 parking space in close proximity to the house. In addition to this, Oak Center Cultural Center just around the corner (in the same block at 1324 Adeline Street) have such confidence and support of our facility that they have offered two of their parking spaces to us for permanent parking for staff. We have a signed letter stating such from center Secretary Robert Clark.

Your Concern: 5. The question of male staff.

Our Response: 5. CWSW has only female staff members that come in contact with the women. The only male component to our facility at this time works in an administrative capacity only, and his focus is on business management, bookkeeping and off site administrative duties. Nearly all facilities that we have spoken to in the bay area have a male or two in one position or another that do not come in daily contact with the women.

Your Concern: 6. The issue of the Petition

Our Response: 6. We have never been given a definitive response as to the exact number of signatures we need on the petition. However, we have still received approximately 120 after being told by someone at City Hall that we needed approximately 25 or so. You seem to take issue with the signatures obtained from the two churches in the neighborhood. If it is your wish, we can retype the petition so that the "cause" is clearly stated on the top of all pages and re-obtain signatures of only those people who live in the neighborhood. We recently acquired the pro-bono assistance of a marketing firm that believes in our cause and has been actively assisting us in building community awareness and inspiring community acceptance. Again, I pose the question. How many signatures do you want?

In response to other items of concern stated in the memo: Though many of our clients will be on limited incomes, we are primarily seeking women who are working and have families that they wish to reunite with after their recovery. We have no intention of squandering their assistance, food stamps, or checks. Again, this is the practice of a few poorly operated facilities being lorded over the many

who are trying to provide a useful and productive component to the neighborhood and the community.

For reasons unknown to myself as well as the many neighbors and volunteers who have contributed time, effort, money, and countless hours of labor toward this project, there appears to be a sole deterrent to the success of this facility and its place in the community. While the objections of this individual appear sound and well founded, they are on many levels specious, unqualified, and seem to be based on information and facts that have nothing to do with our facility. It is unfair to punish one for the downfall of others. It appears that because other like facilities in the past were poorly operated ----"Let's not ever do it again!" and "Let's make sure no one else ever opens up another like facility even if their intentions are honorable." This attitude is narcissistic and has no place in a democracy or in an association that is supposed to be a forum by which "all" members are represented.

It appears that there is a governing unilateral voter with a single-minded agenda making decision for the entire neighborhood as well as the Oak Center Neighborhood Association. I find this exceedingly peculiar, as nearly all of the people in the neighborhood that I and my volunteers have spoken to appear to think that CWSW Clean and Sober Living is a fantastic approach for providing transitional housing for women coming out of recovery programs and would be a splendid and much needed asset to the community.

I do hope that you will take the time to carefully consider the contents of this letter along with all of the other information that I have submitted to you. It is also my wish that you take the time to visit Clean and Sober Living for yourself so that your determinations may be more accurately based on the actual facility rather than second hand erroneous information. Many people in the neighborhood and beyond have worked long and hard on this project. I want to give it every opportunity for success. I hope you can understand that I cannot passively let this project fall by the wayside without exhausting every possible avenue available to me. I am hoping that you will oblige me in this effort to the extent that you are able. I am available to show the facility whenever you would like to visit. I look forward to hearing from you and hope to speak to you soon.

Sincerely and Respectfully yours.

Jacqueline Wooley, Founder CWSW Clean and Sober Living

Encl:

CC:

Gary Patton, Oakland City Hall

Ellen Wyrick, Parkinson, OCNA President

Paula Taylor, Alameda County

Gwendolyn McShepard, VP Marketing - Malaga Corp. Pamela Butler-Harriss, Director, Case Management

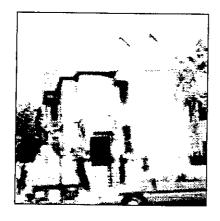
# **CWSW**

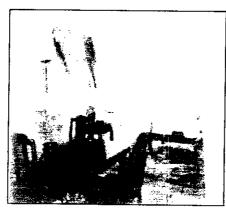
### Virtual Tour of Facility

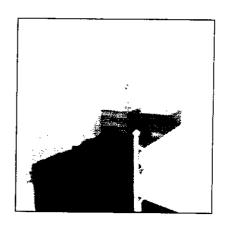


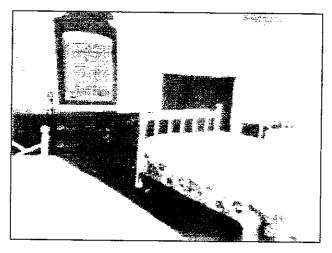
1144 12th Street ■ Oakland, CA 94607 ■ (510) 436-4569 ■ (510) 543-7867

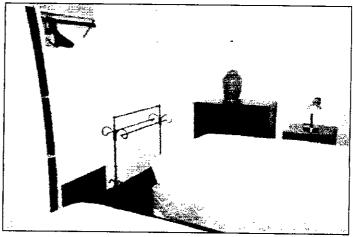
# Clean & Sober Living

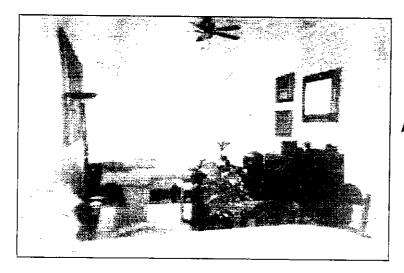












Dining room and living room common areas as seen from kitchen countertop area.

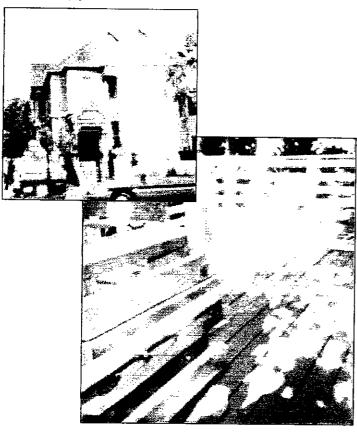
## **CWSW**

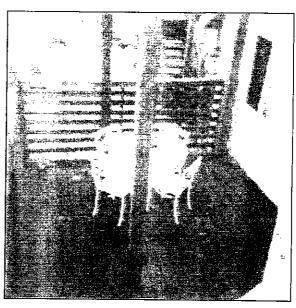
### **Virtual Tour of Facility**



1144 12th Street ■ Oakland, CA 94607 ■ (510) 436-4569 ■ (510) 543-7867

# Clean & Sober Living







Private gated decks are spacious and peaceful on both levels of facility affording clients privacy, fresh air, quiet space and a place to gather with family.

> living room common areas to be used for group meetings, etc.

# CWSW

### **Petition for Neighborhood Support**

Date:			



1144 12th Street ■ Oakland, CA 94607 ■ (510) 436-4569 ■ (510) 543-7867

### Clean & Sober Living

Located at 1144 12th Street, CWSW operates as a close-knit family of women who share a common goal: Clean and sober living. In this beautiful gated Victorian community our residents share responsibilities and provide emotional support, love, and encouragement for each other. Our facility is clean and spacious, including large decks, shared rooms, comfortable common areas, kitchen and dining areas, quiet rooms, and more.

In this environment we provide care and support through your recovery process. It is this caring attitude that provides the foundation for strength and fortitude during the healing process. Our goal is for each woman to leave CWSW recovered, confident, and productive for herself, children, family, and community. By signing your signature and address below (phone number optional) you show your support for this project in your neighborhood.

Name:	Address	Phone No.

C3 \$ 80

CWS Clean & Sober Living

Clean & Sober Living 1144 12th Street Oakland, CA 94607 (510) 436-4569 (510) 543-7867



Founder: Jacqueline Wooley **Executive Director:** Jason A. Wooley **Program Director:** Gwendolyn McShepard Community Outreach: Paula Taylor

(3 **\** 80

### CWSW: A safe House For Women in Recovery

CWSW operates as a close-knit family of women who share a common goal: Clean and Sober Living. In this beautiful gated Victorian community, our residents share responsibilities and provide emotional support, love and encouragement for each other. Our facility is clean and spacious, including large private outdoor decks, shared rooms, comfortable common areas, reading rooms and quiet areas, kitchen and dining areas and much more.

In this environment we provide care and support through your recovery process. It is this caring attitude that provides the foundation for strength and fortitude during the healing process. Our goal is for each woman to leave CWSW recovered, confident. and productive for herself, children, family, and community. Feel free to contact us to take a look at our facility. We welcome your interest and support.

CWSW, a Clean & Sober environment for women is now open and seeking qualified applicants and referrals. \$150.00 Application Fee is delayed until second month. The cost of living fee is from \$500 to \$750 per month depending on whether food is provided as a part of the cost, and is available on a month to month basis. Move in today if you qualify.

#### At CWSW we provide:

- Weekly support meetings
- One-on-One Counseling if needed
- 24-hour secure, supervised, and guarded •Spiritual Worship if desired living
- Transitional Workshops
- Training Workshops

  - Transportation to and from treatment

The life you save may be your own: **Change Your World** Call us Today!

September 3, 2003

Location: 1144 12th Street (See map on reverse)

Assessors Parcel Number: 004-00350-038-00

Proposal: To convert an existing two unit residential structure to a clean and

sober facility (a Service-Enriched Residential facility)

Applicant: Christian Women Supporting Women/Jacqueline Wooley

Contact Person/Phone Number Jacqueline Wooley/510-436-4569

Owner: K. M. Lewis

Planning Permits Required: Major Conditional Use Permit and Minor Variance to allow

designation of two parking spaces located more than 390 feet away

where 300 feet is required.

General Plan: Mixed Housing Type

Zoning: R-70: High Density Residential Zone

Environmental Determination: Exempt 15301; State CEQA Guidelines, Existing Facilities

Historic Status: Potentially Designated Historic Property. Survey Rating: C2+

Service Delivery District: I - West Oakland

City Council District: 3

Date Filed: May 14, 2003

Staff Recommendation: Approve subject to the attached conditions

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner Miroo Desai Brewer at 510-238-6935

#### **SUMMARY**

# FILE COPY

At the August 6th, 2003 public hearing, the Planning Commission considered the project, took public testimony and directed staff to further investigate whether similar facilities are located within 300 feet of the project site.

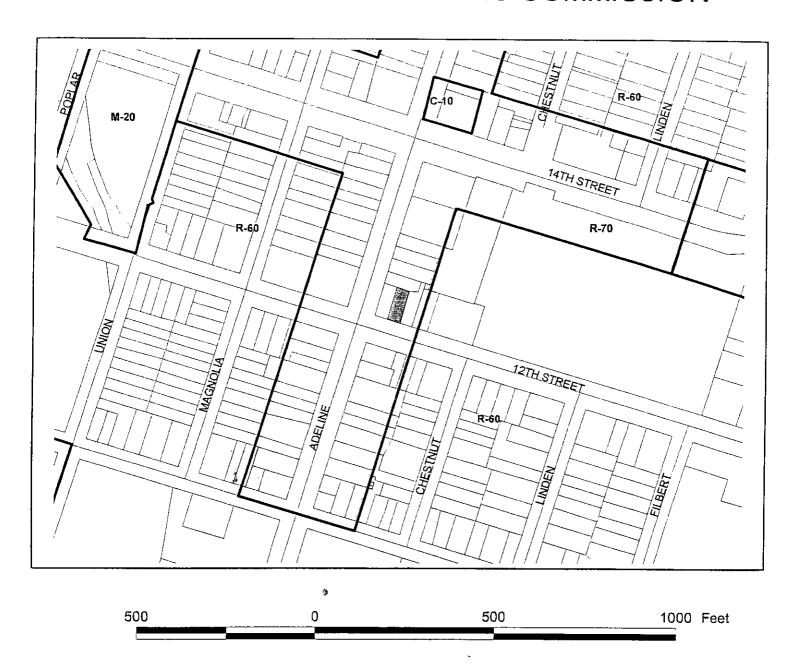
Staff requested that the Oak Center Neighborhood Association (OCNA) provide addresses of similar facilities in the vicinity of the project site. One address, 1125 Magnolia Street was provided. This property is located more 500 feet away from the project parcel. There is no record of the issuance of a Conditional Use Permit necessary for operation of a Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity at this site. Staff has requested that Code Enforcement personnel investigate this site and take appropriate follow-up action if necessary.

At the August 6<sup>th</sup> meeting, during the public testimony period, mention was made of operation of S.I.S.T.E.R. —a service-enriched permanent housing facility at 1324 Adeline Street. This location lies within 300 feet of the project site. Staff investigated and found that this facility relocated to 1724 Mandela Parkway in February 2003 and conducts no activities at their former location.

There is no evidence of similar uses being located within 300 feet of the subject site.

Staff believes that the required findings for the Conditional Use Permit and Variance for this project can be made and recommends approval subject to attached conditions.

### CITY OF OAKLAND PLANNING COMMISSION



Case File: CMV03-207

Applicant: Christian Women Supporting Women

Address: 1144 12th Street

Zone: R-70



#### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines lists projects that qualify as categorical exemptions from environmental review. The project falls under the category exemption listed in Section 15301, which relate to modifications to existing structures.

#### **CONCLUSION**

The proposed activity will provide an essential service to the community by offering support services to at risk women in the community to continue and solidify their recovery and become productive members of society. Staff believes that required findings for approval of the Conditional Use Permit and Variance can be made subject to attached conditions.

#### **RECOMMENDATIONS:**

- 1. Affirm staff's environmental determination.
- 2. Approve the Major Conditional Use Permit and Variance subject to the attached findings and conditions.

Prepared by:

Miroo Desai Brewer

Planner III

Approved by:

GARY PATTON

Deputy Director of Planning and Zoning

Approved for forwarding to the City Planning Commission:

Claudia Cappio

Director of Planning and Zoning

ATTACHMENT C

Page 4

#### **ATTACHMENTS:**

- A. August 6<sup>th</sup> 2003 Planning Commission Staff Report (Without Attachments)
- B. Letter to Oak Center Neighborhood Association

#### FINDINGS FOR APPROVAL:

This proposal meets the required findings under Sections 17.134.050 (General Use Permit Criteria), Section 17.102.212 (Special Regulations Applying to Residential Care, Service Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities) and Section 17.148.050a (Minor Variance Criteria) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

#### Section 17.134.050 (General Use Permit Criteria):

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed development involves establishing a clean and sober facility for 10 women in an existing Victorian duplex. The operating characteristics of the facility as described in Project Description section of August 6<sup>th</sup> staff report and in Client Rules and Regulations Service Agreement (Attachment G of August 6<sup>th</sup> staff report) will not adversely affect livability of surrounding neighborhood. The residents will either be working or in school and will have to follow strict rules and regulations geared to monitor resident activity and behavior.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

Introduction of a clean and sober facility will meet essentially residential and basic support needs of at risk women in an existing duplex thereby providing a functional living environment.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposed development will provide an essential service to the community by providing a safe and supportive environment to women who are struggling to stay clean and sober.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

No internal or external physical change is proposed to the existing structure.

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The subject property is located in the "Mixed Housing Type" General Plan designation. The document "Guidelines for Determining Project Conformity with the Control Plan designation. The Regulations" (the Guidelines) is silent regarding service-enriched residenti **ATTACHMENT** C

use is primarily residential in character and provides support services that can be considered institutional services. Further, the use is conditionally permitted use under the Zoning Ordinance and is characterized as a "Residential Activity". Staff believes that the project conforms to the Mixed Housing Type and Urban Residential General Plan designation in that the proposal is primarily a residential activity that provides housing opportunity at a reasonable cost and conforms with the General Plan Policy N6.1 regarding encouraging a mix of housing types.

## 17.102.212 (Special Regulations Applying to Residential Care, Service-Enriched Permanent Housing, and Emergency Shelter Residential Activities):

F. That staffing of the facility is in compliance with any State Licensing Agency Requirements.

There are no State Licensing Agency requirements for operation of a clean and sober facility.

G. That if located in a residential zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.

The project is located in a residential zone. However, there will be no operation of buses or vans to transport residents to and from off-site activities. The 10 residents are expected to work or attend school and are anticipated to use public transportation to reach their destinations. Generation of traffic by ten women to go to work or attend school will not be substantially greater than that normally generated by residential activities.

H. That if located in a residential zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential activities.

Given the small number of residents (ten), visitors are not expected to be substantially greater than what can be expected in the surrounding residential activities. Visitors will include friends, spouses and children of the residents primarily during the weekend and some counselors for residents to provide counseling and case management services.

I. That if located in a residential zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties.

The facility is not expected to generate the need of goods in large supplies given the small number of residents. Nonetheless, Staff has included a condition addressing hours for delivery of goods.

J. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.

The proposed clean and sober facility will provide housing to ten adult women who would be working or attending school. The only activities that are expected to occur onsite are meetings for purposes of case management and counseling and occasional educational classes. These activities will not adversely affect the livability of the surrounding properties. Furthermore, the facility's rules and regulations are geared to ensure that the residents do not engage in behavior that could create

general nuisance to surrounding neighbors. (See Attachment G for CWSW's Client Rules and Regulations/Service Agreement).

#### SECTION 17.148.050(a) - MINOR VARIANCE FINDINGS:

K. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

The applicant requests a variance to the parking requirements to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided.

The general intent of distance requirement of 300 feet (roughly one city block) is considered a reasonable distance for a person to walk to his/her destination. The off-site parking spaces are located roughly one block away and are only 90 feet further than what is required. The marginal increased distance will not deter utilization of parking spaces at 1324 Adeline Street by users. As regards to ownership requirements, the intent of this requirement is to ensure that designation of parking spaces on a lot other than where the activity is taking place are kept during the life of the operation of that particular use. Staff believes that this intent can be met via an agreement executed by the property owners of 1324 Adeline Street and 1144 12<sup>th</sup> Street and recorded at the County Recorder's Office will be sufficient to address the intent of the common ownership requirement. For these reasons, Staff believes that strict compliance with the regulation would result in unnecessary hardship inconsistent with the purposes of the zoning regulations.

L. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

City of Oakland has approved variances to parking requirement for similar facilities in similarly zoned property in different parts of the city. Therefore, denial of this variance would deprive the applicant of privileges enjoyed by owners of similarly zoned property.

M. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

Designation of two parking spaces for users 390 feet with no common ownership will result in marginal increase in pedestrian traffic over one city block. This will not have an adverse impact on the character, livability or development of abutting properties or the surrounding area.

N. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

City of Oakland has approved variances to parking requirement for similar facilities in similarly zoned property in different parts of the city. Therefore, approval of this project will not constitute a grant of

Page 8

special privilege nor will it be inconsistent with the purposes of the zoning regulations as explained in Finding K.

O. For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.

Requested variance from parking requirements will not involve construction of structure nor will it involve modifications to an existing structure.

#### CONDITIONS OF APPROVAL

#### **STANDARD CONDITIONS:**

#### 1. Approved Use.

#### a. Ongoing.

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on May 14, 2003 and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

#### 2. Effective Date, Expiration, and Extensions

#### a. Ongoing.

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on <u>September 3, 2004</u> unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

### 3. Scope of This Approval; Major and Minor Changes

#### a. Ongoing.

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

#### 4. Modification of Conditions or Revocation

#### a. Ongoing.

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

#### 5. Recording of Conditions of Approval

### a. Prior to issuance of building permit or commencement of activity.

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

### 6. Reproduction of Conditions on Building Plans

### a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

ATTACHMENT C
CONDIT

#### 7. Indemnification

#### a. Ongoing,

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

#### STANDARD CONDITIONS FOR CLEAN AND SOBER FACILITY:

#### 8. Waste Reduction and Recycling

#### a. Prior to commencement of activity

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

#### 9. Recycling Space Allocation Requirements

#### a. Prior to commencement of activity

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

#### STANDARD CONDITIONS FOR CLEAN AND SOBER FACILITY:

#### 10. Number of Residents

#### a. Ongoing

This permit allows no more than 10 residents and one staff member to permanently reside at the Clean and Sober facility. Any change to the number of residents will require an amendment to the permit.

#### 11. Parking Agreement

#### a. Prior to commencement of activity

Per Section 17.116.180, the owner or owners of 1144 12<sup>th</sup> Street and owner of owners of 1324 Adeline Street shall prepare and execute to the satisfaction of the City Attorney and file with the Alameda County Recorder, an agreement guaranteeing that two parking spaces at 1324 Adeline Street will be designated for Clean and Sober Facility located at 1144 12<sup>th</sup> Street for the duration of operation of the facility.

#### 12. Restriction on Residents

#### a. Ongoing

The applicant shall make a condition of service agreement for all its clients that restricts them from using a private vehicle as a means of transportation to and from the project site. The

Page 11

applicant shall provide the City of Oakland Zoning Division with copies of the service agreement prior to initial occupancy.

#### 13. Hours of Delivery

#### a. Ongoing

All deliveries to the facility by commercial operators shall be made during reasonable hours and no deliveries shall be made during the hours of 10:00 p.m. and 5:00 a.m.

APPROVED BY:	City Planning Commission:	(date)	(vote)
	City Council:	(date)	(vote)

August 6, 2003

Location: 1144 12th Street (See map on reverse)

Assessors Parcel Number: 004-00350-038-00

Proposal: To convert an existing two unit residential structure to a clean and

sober facility (a Service-Enriched Residential facility)

Applicant: Christian Women Supporting Women/Jacqueline Wooley

Owner: K. M. Lewis

Planning Permits Required: Major Conditional Use Permit and Minor Variance to allow

designation of two parking spaces located more than 390 feet away

where 300 feet is required.

General Plan: Mixed Housing Type

Zoning: R-70: High Density Residential Zone

Environmental Determination: Exempt 15301; State CEQA Guidelines, Existing Facilities

Historic Status: Potentially Designated Historic Property. Survey Rating: C2+

Service Delivery District: I - West Oakland

City Council District: 3

Date Filed: May 14, 2003

Take public testimony and continue the item with direction to staff to

Staff Recommendation: prepare appropriate findings.

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner Miroo Desai Brewer at 510-238-6935

#### **SUMMARY**

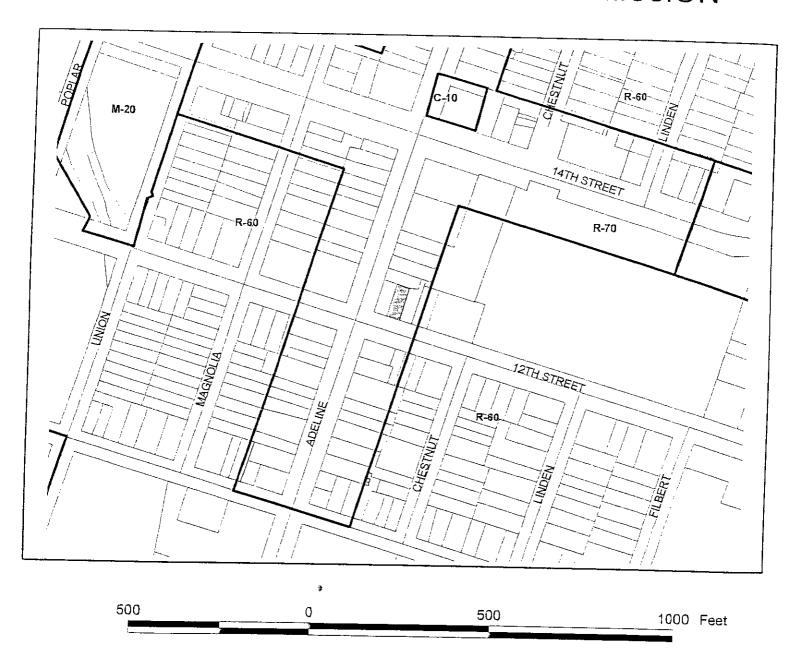
The applicant, Christian Women Supporting Women (CWSW), proposes to convert an existing Victorian duplex to a clean and sober facility for 10 residents. CWSW requests to establish a Sunday to Saturday facility with 24-hour staff supervision. There will be two permanent employees with one employee on site at all times. The residents will be ten women who will reside in four bedrooms. All residents are expected either to work or attend school. The resident stay will be no more than one year. Counseling and case management services will be provided on-site for the residents and educational classes may be provided from time to time.

Clean and sober facilities fall under the use category of service-enriched residential facilities that are permitted in a residential zone with issuance of a major conditional use permit. One parking space is provided on-site and two parking spaces are provided at 1324 Adeline Street located approximately 390 feet (one block) away. The applicant also requests a variance to the parking requirements to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided.

The project has support from some residents in the neighborhood but not from Oak Center Neighborhood Association (OCNA), a local community organization. Staff has also received letter from Nancy Nadel's office (City Council District 3) expressing concerns for the proposal. Staff recommends that the Planning Commission take public testimony and continue the item with direction to staff to prepare appropriate findings.

### ATTACHMENT C

# CITY OF OAKLAND PLANNING COMMISSION



Case File: CMV03-207

Applicant: Christian Women Supporting Women

Address: 1144 12th Street

Zone: R-70



ATTACHMENT C

#### PROJECT DESCRIPTION

The applicant, Christian Women Supporting Women (CWSW), proposes to convert an existing 2,402 square foot Victorian duplex to a "clean and sober facility" for 10 residents. CWSW is a nonprofit organization designed for chemically dependent women who have experienced chronic relapses. CWSW requests to establish a Sunday to Saturday facility with 24-hour staff supervision. To be eligible for the program, the women must have successfully demonstrated a commitment to recovery or have come from another referral agency having evidenced an acceptable period of sobriety. The facility endeavors to provide a non-profit, post-transitional housing program that provides a clean and sober living environment for women maintaining recovery from drug and/or alcohol abuse.

There will be two permanent employees with one employee on site at all times. The residents will be all women. Total number of residents will be ten who will reside in four bedrooms. Two bedrooms will hold 2 residents each and two bedrooms will hold 3 women each. On the first floor, the bedroom sizes expected to accommodate 2 residents and 3 residents are 147 square feet and 184 square feet respectively. On the second floor, the bedroom sizes expected to accommodate 2 residents and 3 residents are 128 square feet and 208 square feet respectively. One staff member will reside on the second floor in a room that will double as Staff Room (126.5 square feet) during day-time hours and bedroom during night hours. Common areas on the first floor include a 225 square foot living room; 201 square foot dining and kitchen area; 103 square foot quiet room; and a 181 square foot rear deck. Common areas on the second floor include a 223 square foot living area; 117 square foot dining and kitchen area; a 103 square foot quiet room; and a 234 square foot rear deck. CWSW will provide all furniture for the facility and charge residents rent in exchange for food and board.

All residents are expected either to work or attend school. The resident stay will be no more than one year. It is anticipated that children of residents may visit during the weekends (Friday evening to Sunday evening). These visits will be scheduled to prevent overcrowding. Counseling and case management services will be provided on-site for the residents and educational classes may be provided from time to time.

No physical internal or external changes are proposed.

#### PROPERTY DESCRIPTION

The 3,610 square foot project parcel is located on 11th Street in West Oakland. The nearest cross street is Adeline Avenue. The site is zoned R-70 High-Density Residential zone and is developed with a 2,402 square foot Victorian duplex that appears to be in good condition. The surrounding area is developed with one and two story residential dwelling units with three churches within one block of the project site.

#### GENERAL PLAN ANALYSIS

The subject property is located in the "Mixed Housing Type" General Plan designation. This classification is intended to create, maintain and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, and neighborhood businesses. The desired character of the classification is primarily residential in character with small commercial enterprises and small-scale compatible civic and institutional uses.

The document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (the Guidelines) passed by the Planning Commission on May 6, 1998 is silent regarding service-enriched residential facilities. The proposed use is primarily residential support services that can be considered institutional services. Further, the use i **ATTACHMENT C** 

use under the Zoning Ordinance and is characterized as a "Residential Activity". Staff believes that the project conforms to the Mixed Housing Type and Urban Residential General Plan designation in that the proposal is primarily a residential activity that provides housing opportunity at a reasonable cost and conforms with the General Plan Policy N6.1 regarding encouraging a mix of housing types.

#### ZONING ANALYSIS

The proposed use falls under Service Enriched Permanent Housing Residential classification per Section 17.10.114 which includes "permanent housing in which residents are tenants who live independently and have access to various voluntary support services, such as, health, mental health, education and employment/training services."

The site is located within the R-70, High Density Residential Zone that is intended to "create, preserve, and enhance areas for apartment living at high densities in desirable settings." Service-enhanced permanent housing is a conditionally permitted use under Section 17.28.060 (Conditionally permitted activities) of the Zoning Ordinance.

Section 17.134.020 of the Zoning Ordinance (Definition of major and minor conditional use permits) states that any all service enriched housing residential uses are considered major and requires a hearing in front of the Planning Commission. To permit this project, the Planning Commission must make the regular Conditional Use Permit findings (Section 17.134.050), special use permit findings (Section 17.102.212) and Minor Variance Findings (Section 17.148.050a). New special use permit findings (Section 17.102.212) were adopted in 1999 to provide guidance in evaluating applications for Service Enriched Residential activities as well as other related special housing activities. Key issues to be addressed are parking and over-concentration of activities.

#### ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists projects that qualify as categorical exemptions from environmental review. The project falls under the category exemption listed in Section 15301, which relate to modifications to existing structures.

#### KEY ISSUES AND IMPACTS

The proposed development is to convert an existing Victorian duplex to a clean and sober facility for 10 residents. The applicant requests to establish a Sunday to Saturday facility with 24-hour staff supervision. There will be two permanent employees and one employee will be on site at all times. The residents will be all women and the ten women will reside in four bedrooms. All residents are expected either to work or attend school. The resident stay will be no more than one year. It is anticipated that children of residents may visit during the weekends (Friday evening to Sunday evening). These visits will be scheduled to prevent overcrowding. Counseling and case management services will be provided on-site for the residents and educational classes may be provided from time to time. No external or internal improvements are proposed.

#### Parking and Traffic

Per Section 17.116.060 (B) of the Zoning Code Service-Enriched Permanent Housing requires two spaces for each three dwelling units and one space for each three rooming units plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle. The proposal involves two dwelling units. 4 rooming units, and two employees. There will be no facility vehicle. This triggers a parking requirement of three spaces. One parking space is provided on-

site and two parking spaces are provided at 1324 Adeline Street located approximately 390 feet (one block) away. Section 17.116.170 allows provision of parking spaces on another lot located within 300 feet and having at least one owner in common with the lot where the activity is taking place. The applicant requests a variance to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided.

Staff believes that the variance can be granted. The general intent of distance requirement of 300 feet (roughly one city block) is considered a reasonable distance for a person to walk to his/her destination. The off-site parking spaces are located roughly one block away and are only 90 feet further than what is required. The marginal increased distance will not deter utilization of parking spaces at 1324 Adeline Street by users. As regards to ownership requirements, the intent of this requirement is to ensure that designation of parking spaces on a lot other than where the activity is taking place are kept during the life of the operation of that particular use. Staff believes that this intent can be met via an agreement executed by the property owners of 1324 Adeline Street and 1144 12th Street and recorded at the County Recorder's Office will be sufficient to address the intent of the common ownership requirement. (See Condition Number 11.)

Although the proposed use generates a parking requirement of 3 spaces, staff believes that it would not be unreasonable to expect some of the 10 residents to use a car as means of transportation. For this reason, the staff has included a condition that restricts residents of this facility from using private vehicles (See Condition Number 12). The operator has agreed to enforce this condition.

#### Over concentration of facilities

Section 17.102.212 (B) requires that "no Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than 300 feet away from any other such Activity or Facility." The City's database record of alcohol and drug rehabilitation facilities show that no such facility is located within 1000 feet of project site. (See Attachment B for Map Showing Location of Drug and Alcohol Facilities in Oakland and Map Showing Absence of such facilities within 300 feet and 1000 feet radius of project site).

Staff used California Community Care Licensing Division's (CCLD) database to conduct search for a variety of facilities for the 94607 and 94612 Zip Codes (Zip Codes for West Oakland). The facility category included the following: Adult Residential Facilities; Adult Support Center; Group Homes; Transitional Care Facilities for Children, Small Facility Homes, Social Rehabilitation Facilities, Residential Care for Elderly and Temporary Shelters. No such facilities fell within 300 feet of the project site. (See Attachment C for CCLD Database Search Results).

The applicant conducted a search using different method that also did not yield a presence of similar facilities within 300 feet of the project site. (See Attachment D for Applicant's Search Results).

From the data available, staff believes that there are no Residential Care, Service-Enriched Permanent Housing, Transitional Housing or Emergency Shelter Residential Activity are located within 300 feet of the project site thereby complying with the requirement in Section 17.102.212 (B).

#### Community Input

Oak Center Neighborhood Association (OCNA) reviewed the project proposal and reached the conclusion that it could not support the project for a clean and sober facility at 1144-12<sup>th</sup> Street. (See Attachment E for OCNA's letters). From the correspondence, it appears that OCNA's main issues were a

shifting project description by the applicant, overcrowding, qualified staffing and issues of adequate parking and over concentration of similar facilities in the neighborhood.

The applicant has submitted 108 signatures of support for the proposed facility from residents living in the surrounding neighborhood. Ten letters of support have also been submitted. (See Attachment F for Signatures and Letters of Support).

Staff has also received letter from Nancy Nadel's office (City Council District 3) expressing concerns for the proposal regarding overcrowding, parking, over concentration of similar facilities and in general, ability of the applicant to successfully run the proposed facility. (See Attachment J). Please see applicant's response to this letter as Attachment K.

#### CONCLUSION

Although the proposed activity will provide an essential service to the community by offering support services to at risk women in the community to continue and solidify their recovery, a concern has been raised regarding the ability of the applicant to successfully operate the proposed facility.

**RECOMMENDATIONS:** 

1. Take public testimony and continue the item with direction to staff to prepare appropriate findings.

Prepared by:

Miroo Desai Brewer

Planner III

Approved by:

**GARY PATTON** 

Deputy Director of Planning and Zoning

Approved for forwarding to the City Planning Commission:

LESLIE GOULD

Director of Planning and Zoning

#### **ATTACHMENTS:**

- A. Plans and Elevations
- B. Map Showing Location of Drug and Alcohol Facilities in Oakland & Map Showing Absence of such facilities within 300 feet and 1000 feet radius of project site.
- C. CCLD Database Search Results (Conducted by Staff)
- D. Applicant's Search Results
- E. Oak Center Neighborhood Association Correspondence
- F. Signatures and Letters of Support
- G. Client Rules and Regulations Service Agreement
- H. Christian Women Supporting Women (CWSW) Objectives and By-Laws
- I. Letter from Oak Center Cultural Center Designation of Parking Spaces at 1324 Adeline Street
- J. Letter from Nancy Nadel, City Council District 3
- K. Applicant's Response to Letter from Nancy Nadel

### CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 · OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency Planning & Zoning Services Division

(510) 238-3911 EAX (510) 238-4730 TDD (510) 339-6451

#### BY FACISIMILE AND REGULAR MAIL

August 8, 2003

Ellen Wyrick-Parkinson Chairperson, Oak Center Neighborhood Association 1420 Magnolia Street Oakland, CA 94607

Re: Case Number:

CMV03-207

Project Address: 1144 12th Street, Oakland

Dear Ms. Parkinson:

The Planning Commission on August 6, 2003 heard the above referenced project for a Conditional Use Permit for a clean and sober facility. Based on public testimony regarding proliferation of similar facilities in the area, Planning Commission has directed staff to further investigate presence of such facilities within 300 feet of the project site. If you are aware of such facilities operating in the neighborhood (within 300 feet of the project site), I request that you provide me addresses so that the Planning staff can investigate. The Planning Commission will hear this item on September 3, 2003, so please provide the requested information no later than August 15, 2003.

If you have any questions, I can be reached at 510/238-6935.

Miroo Desai Brewer

Planner III-Case Planner

Thurs Lessi Brener

cc: Gary Patton, Deputy Director, Zoning Division

ATTACHMENT C



## Clean & Sober Living

#### Request for Permanent Periodic Parking Permission

I, the undersigned, a representative ofA	IA TOBAR
located at: 1400 Adeline S	<del>-</del>
do hereby approve the request for of our pa by CWSW Clean and Sober Living for as long as the understand that the parking space(s) may or may no between the hours 8am and 6pm by CWSW staff re	ney may need them. I not be used on weekdays
512	
IDALIA TOBAR (834-75	35)
Print Name & Title:	
Idalia Tolar	10-17-03
Signature:	Date:
10/19/03 BMA 377	15-14-23
Witnessed by:	Date:
CWSW Clean and Sober Living	
PLEASE NOTE: 1136 14th STREET	ALSO IDENTIFIED

AS 1400 ADELINE STREET



### Clean & Sober Living

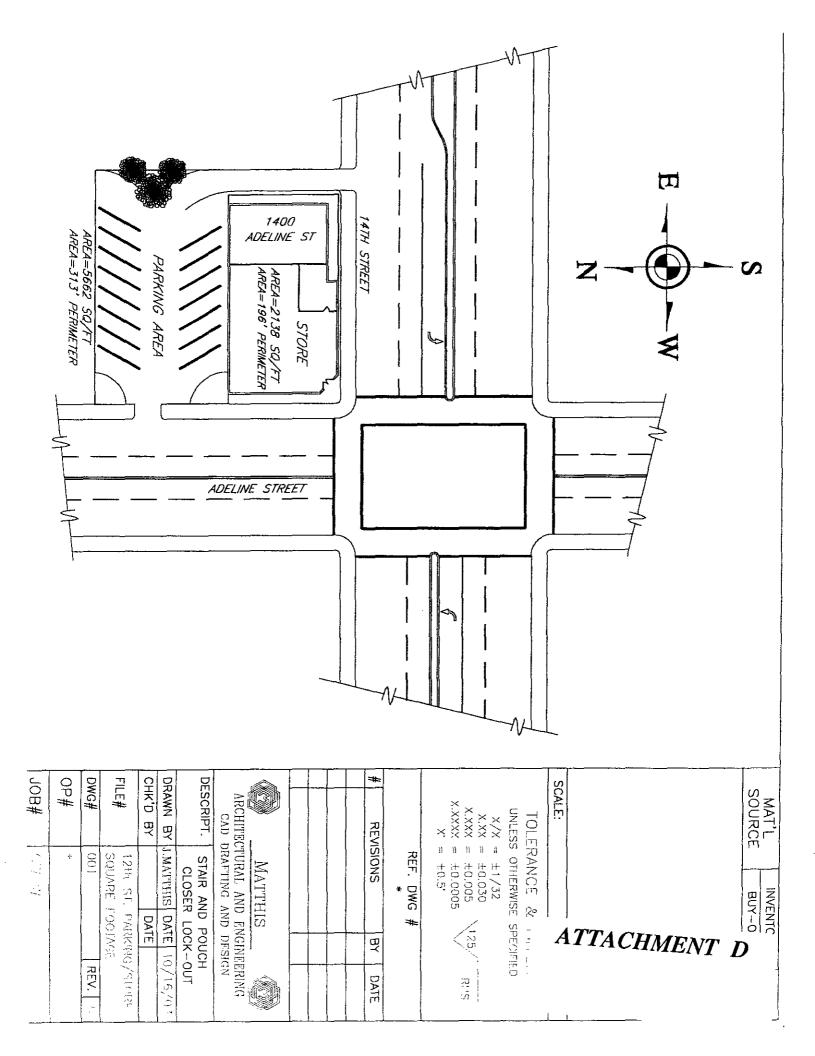
### **Request for Permanent Periodic Parking Permission**

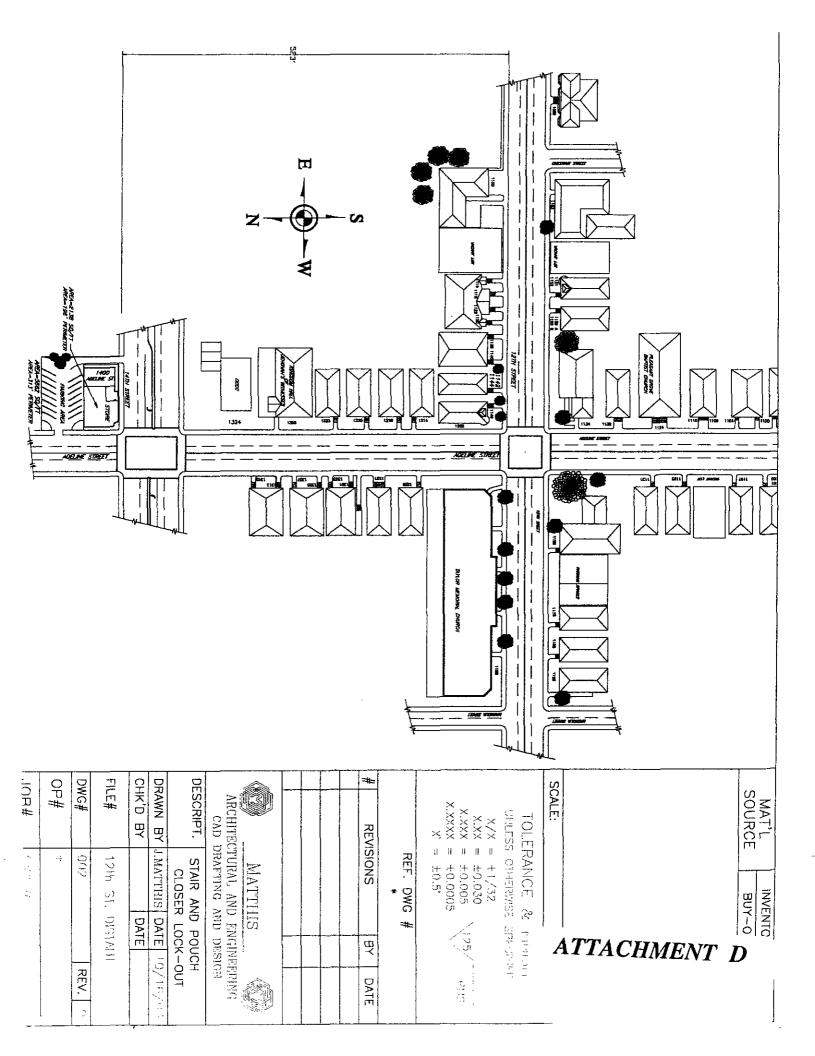
I, the undersigned, a representative of Meusen (M.

by CWSW Clean and Sober Living for a understand that the parking space(s) made between the hours 8am and 6pm by CW	s long as they may need them. I ay or may not be used on weekdays
MANSSOP GHANEM Print Name & Title:	
Mana Care Sul	10/7/03
Signature: Signature:	Date: 10/7/03
Witnessed by:	Date:
SUMBEANY W.	1400 alile A 4165-4245
	465-4245
PLEASE NOTE: 1136 14th STREET	

ATTACHMENT D

om LIAIN MARKER





#### FINDINGS FOR APPROVAL

This proposal meets the required findings under Sections 17.134.050 (General Use Permit Criteria), Section 17.102.212 (Special Regulations Applying to Residential Care, Service Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities) and Section 17.148.050a (Minor Variance Criteria) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

#### Section 17.134.050 (General Use Permit Criteria):

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed development involves establishing a clean and sober facility for 10 women in an existing Victorian duplex. The operating characteristics of the facility as described in Project Description section of August 6<sup>th</sup> staff report and in Client Rules and Regulations Service Agreement (Attachment G of August 6<sup>th</sup> staff report) will not adversely affect livability of surrounding neighborhood. The residents will either be working or in school and will have to follow strict rules and regulations geared to monitor resident activity and behavior.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

Introduction of a clean and sober facility will meet essentially residential and basic support needs of at risk women in an existing duplex thereby providing a functional living environment.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposed development will provide an essential service to the community by providing a safe and supportive environment to women who are struggling to stay clean and sober.

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

No internal or external physical change is proposed to the existing structure.

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The subject property is located in the "Mixed Housing Type" General Plan designation. The document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (the Guidelines) is silent regarding service-enriched residential facilities. The proposed use is primarily residential in character and provides support services that can be considered institutional services. Further, the use is conditionally permitted use under the Zoning Ordinance and is characterized as a "Residential Activity". Staff believes that the project conforms to the Mixed Housing Type and Urban Residential General Plan designation in that the proposal is primarily a residential activity that provides housing opportunity at a reasonable cost and conforms with the General Plan Policy N6.1 regarding encouraging a mix of housing types.

# 17.102.212 (Special Regulations Applying to Residential Care, Service-Enriched Permanent Housing, and Emergency Shelter Residential Activities):

F. That staffing of the facility is in compliance with any State Licensing Agency Requirements.

There are no State Licensing Agency requirements for operation of a clean and sober facility.

G. That if located in a residential zone, the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.

The project is located in a residential zone. However, there will be no operation of buses or vans to transport residents to and from off-site activities. The 10 residents are expected to work or attend school and are anticipated to use public transportation to reach their destinations. Generation of traffic by ten women to go to work or attend school will not be substantially greater than that normally generated by residential activities.

H. That if located in a residential zone, the on-street parking demand generated by the facility due to visitors is not substantially greater than that normally generated by the surrounding Residential activities.

Given the small number of residents (ten), visitors are not expected to be substantially greater than what can be expected in the surrounding residential activities. Visitors will include friends, spouses and children of the residents primarily during the weekend and some counselors for residents to provide counseling and case management services.

I. That if located in a residential zone, arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties.

The facility is not expected to generate the need of goods in large supplies given the small number of residents. Nonetheless, Staff has included a condition addressing hours for delivery of goods.

J. That the facility's program does not generate noise at levels that will adversely affect the livability of the surrounding properties.

The proposed clean and sober facility will provide housing to ten adult women who would be working or attending school. The only activities that are expected to occur onsite are meetings for purposes of case management and counseling and occasional educational classes. These activities will not adversely affect the livability of the surrounding properties. Furthermore, the facility's rules and regulations are geared to ensure that the residents do not engage in behavior that could create general nuisance to surrounding neighbors. (See Attachment G for CWSW's Client Rules and Regulations/Service Agreement).

#### SECTION 17.148.050(a) - MINOR VARIANCE FINDINGS:

K. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

The applicant requests a variance to the parking requirements to allow designation of two parking spaces located more than 300 feet away with no common ownership of property on which parking is provided.

The general intent of distance requirement of 300 feet (roughly one city block) is considered a reasonable distance for a person to walk to his/her destination. The off-site parking spaces are located roughly one block away and are only 90 feet further than what is required. The marginal increased distance will not deter utilization of parking spaces at 1324 Adeline Street by users. As regards to ownership requirements, the intent of this requirement is to ensure that designation of parking spaces on a lot other than where the activity is taking place are kept during the life of the operation of that particular use. Staff believes that this intent can be met via an agreement executed by the property owners of 1324 Adeline Street and 1144 12<sup>th</sup> Street and recorded at the County Recorder's Office will be sufficient to address the intent of the common ownership requirement. For these reasons, Staff believes that strict compliance with the regulation would result in unnecessary hardship inconsistent with the purposes of the zoning regulations.

L. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

City of Oakland has approved variances to parking requirement for similar facilities in similarly zoned property in different parts of the city. Therefore, denial of this variance would deprive the applicant of privileges enjoyed by owners of similarly zoned property.

M. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

Designation of two parking spaces for users 390 feet with no common ownership will result in marginal increase in pedestrian traffic over one city block. This will not have an adverse impact on the character, livability or development of abutting properties or the surrounding area.

N. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

City of Oakland has approved variances to parking requirement for similar facilities in similarly zoned property in different parts of the city. Therefore, approval of this project will not constitute a grant of special privilege nor will it be inconsistent with the purposes of the zoning regulations as explained in Finding K.

O. For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.

Requested variance from parking requirements will not involve construction of structure nor will it involve modifications to an existing structure.

#### CONDITIONS OF APPROVAL

#### **STANDARD CONDITIONS:**

#### 1. Approved Use.

#### a. Ongoing.

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on May 14, 2003 and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

#### 2. Effective Date, Expiration, and Extensions

#### a. Ongoing.

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on November 18, 2004 unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

#### 3. Scope of This Approval; Major and Minor Changes

#### a. Ongoing.

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

#### 4. Modification of Conditions or Revocation

#### a. Ongoing.

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

#### 5. Recording of Conditions of Approval

#### a. Prior to issuance of building permit or commencement of activity.

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

#### 6. Reproduction of Conditions on Building Plans

#### a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

#### 7. Indemnification

#### a. Ongoing.

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

#### STANDARD CONDITIONS FOR CLEAN AND SOBER FACILITY:

#### 8. Waste Reduction and Recycling

#### a. Prior to commencement of activity

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

#### 9. Recycling Space Allocation Requirements

#### a. Prior to commencement of activity

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

#### STANDARD CONDITIONS FOR CLEAN AND SOBER FACILITY:

#### 10. Number of Residents

#### a. Ongoing

This permit allows no more than 10 residents and one staff member to permanently reside at the Clean and Sober facility. Any change to the number of residents will require an amendment to the permit.

#### 11. Parking Agreement

#### a. Prior to commencement of activity

Per Section 17.116.180, the owner or owners of 1144 12<sup>th</sup> Street and owner of owners of 1136 14<sup>th</sup> Street shall prepare and execute to the satisfaction of the City Attorney and file with the Alameda County Recorder, an agreement guaranteeing that two parking spaces at 1136 14<sup>th</sup> Street will be designated for Clean and Sober Facility located at 1144 12<sup>th</sup> Street for the duration of operation of the facility.

#### 12. Restriction on Residents

#### a. Ongoing

The applicant shall make a condition of service agreement for all its clients that restricts them from using a private vehicle as a means of transportation to and from the project

site. The applicant shall provide the City of Oakland Zoning Division with copies of the service agreement prior to initial occupancy.

#### **Hours of Delivery** 13.

All deliveries to the facility by commercial operators shall be made during reasonable hours and no deliveries shall be made during the hours of 10:00 p.m. and 5:00 a.m. a. Ongoing

#### Compliance Review 14.

The Planning staff shall provide a Compliance and Operational Status Report of the facility to the Planning Commission at a scheduled public hearing six months and twelve a. Ongoing months after the approval date.

> 14.3 ORA/COUNCIL NOV 1 8 2003