

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2003 OCT -9 PM 12:09

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: October 21, 2003

RE: Public Hearing and Resolution on the Appeal of Planning Commission Denial of a Major Conditional Use Permit to conduct a Service Enriched Permanent Housing Residential Activity Case File Number CM03-257, located at 2375 Fruitvale Avenue, Grace V. Mangrobang applicant

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**SUMMARY**

On September 3, 2003, the Oakland Planning Commission, denied a Major Conditional Use Permit to conduct a Service Enriched Permanent Housing Residential Activity located at 2375 Fruitvale Avenue. The applicant is appealing the Planning Commission decision (See attachment A).

On the day of the Planning Commission meeting of September 3, 2003, the applicant submitted a revised proposal and asked for a postponement of the decision. The Planning Commission reviewed the new proposal as well as the original proposal and found that the changes were not significant enough to significantly reduce the nuisance activities. The Planning Commission could not make the finding that the "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". Staff recommends upholding the Planning Commission decision to deny the application.

**FISCAL IMPACT**

Upholding or reversing the Oakland Planning Commission decision to deny this application will not cause any fiscal impacts.

**BACKGROUND**

This site has been the focus of neighborhood complaints and police activity since 1995 when the current owner purchased the property. There have been numerous calls for service and the nuisance issues at this site have been the focus of a number of community meetings. Calls for service have been primarily for psychiatric emergencies and assault cases involving Grace Joy Lodge residents. Other incidents included theft and drug activity in and around the premises or parole violations. The nuisance activity brought the facility to the attention of code compliance officers who investigated the location throughout 2002 and this year.

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Code compliance staff determined that the activity constituted a Service Enriched Permanent Housing Residential Activity and asked the applicant to apply for a Conditional Use Permit or cease the activity. The applicant filed an appeal of the staff decision. The Oakland Planning Commission heard the appeal on April 16, 2003 and upheld the staff determination. The applicant then filed a Major Conditional Use Permit to conduct a Service Enriched Permanent Housing Residential Activity. On September 3, 2003 the Oakland Planning Commission upheld the staff recommendation and denied the application. The applicant has appealed the decision. Additional background and information regarding calls for service are detailed in the Planning Commission staff reports from April 16, 2003 and the September 3, 2003 (See attachment A & B).

## **KEY ISSUES AND IMPACTS**

### **Proposal Presented to the Planning Commission on September 3, 2003**

The original proposal was to legalize an existing use. As proposed the residents would consist of 47 or so people who have been unofficially referred from different social welfare entities and doctors. The residents would continue to receive services on site and off site from doctors or caseworkers. Off site services would be conducted at nearby clinics. The applicant would assist in some of the transportation duties. The applicant would continue to provide meals and limited linen service. There is a contract with a security company to have a guard visit the site. There would be **two** employees to maintain the house and grounds who would not assist in helping or providing services to the residents. The rental agreement submitted with the proposal consists of basic clauses and refers to following house rules regarding conduct. A breach of these rules may result in eviction. The rules include:

- Adherence to a curfew (9:00PM to 6:00 AM) whereby tenants would be locked out of the residence if not in by the appointed hour.
- Restrictions on "excessive" use of alcohol or drugs or gambling.
- Excessive noise by radio, TV, stereo.

The new request received on September 3, 2003 differs in the following ways (See attachment C):

1. The number of residents would be reduced to 37 to equal the number of habitable rooms determined by Code Compliance.
2. Staffing would increase to three, one of which will be on site at all times with no change to responsibilities of staff.
3. Security would be on site 24 hours a day.
4. The gates would be fixed so as to lock properly.

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5. The applicant would create a formal neighborhood complaint policy and procedures consisting of: posting a number that can be read from offsite, sending out notices to neighbors with this phone number. Complaints would be received 9:00 AM to 5:00 PM Sunday through Saturday. The administrator would meet with the complainant.
6. Lighting would be added to the exterior of the premises.
7. The curfew rule would be eliminated.
8. The administrator would coordinate service-enriched activities by providing residents with support services information by posting resources on a bulletin board and in a binder along with a monthly calander of available services.
9. House rules would be modified to add restrictions to where residents can sit and talk and what entrances they can use.
10. Rules for conduct would **not** be tied to residency and would maintain existing restrictions on noise and criminal activity.
11. The applicant would also set **up** quarterly meetings with neighbors to discuss problems.
12. The applicant would keep a roster of residents to help law enforcement identify who is a resident.
13. The applicant would add parking stalls.
14. A non-flammable litter container and ashtrays would be added to discourage littering.

### **Appellant's Grounds for the Appeal and Staff Responses**

The issues brought up in the appeal letter are discussed below with the issues in the appeal letter shown in **bold** text and staff response in *italics* text:

1. **That the "board" (referring to the Oakland Planning Commission) should have postponed the decision to allow the Planning Commission staff to incorporate the new proposal into the staff recommendation.**

*The Chair of the Planning Commission specifically asked staff, appellant, and community members to convene in a separate room to discuss the new proposal. Staff reviewed each item of the proposal with the assembled group before reporting back to the Planning Commission. The Commission heard the oral report that the differences were not significant with respect to the required findings. In discussing the proposal during the public hearing, the Planning Commission determined that the changes proposed were not significant and the findings could not be made.*

2. **The appellant had supporters who did not have an opportunity to testify.**

*Staff informed the appellant prior to the meeting that a continuance might not be granted. The appellant told staff at the hearing that they did not choose to bring the supporters because the item would be continued. One supporter did attend the meeting and spoke in favor of the appellant. A number of community members attended the meeting and spoke against both the original proposal and the revised proposal.*

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**3. The proposal was rejected because of who the appellant is and not the substance of the proposal.**

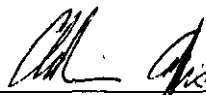
*The new proposal was rejected because the Planning Commission could not make the required findings. Specifically the Commission could not find that the "operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood".*

*During the discussion of the item during the public hearing the commissioners specifically made note of the new proposal and stated that the changes are not significant enough to ensure that the nuisance activity would be controlled and that the findings could not be made.*

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council Adopt the attached resolution denying the appeal and upholding the Planning Commission decision to deny CM03-257.

Respectfully submitted,



\_\_\_\_\_  
CLAUDIA CAPPIO  
Director of Planning, Building Services  
Major Projects & OBRA

Prepared by: Chris Candell  
Planner II  
CEDA - Planning & Zoning

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
\_\_\_\_\_  
OFFICE OF THE CITY MANAGER

**ATTACHMENTS:**

- A. Copy of the April 16, 2003 Planning Commission staff report and attachments
- B. Copy of the September 3, 2003 Planning Commission staff report and attachments
- C. Copy of the new proposal received September 3, 2003

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- D. Copy of the applicants appeal submittal
- E. Resolution to deny the appeal

2003 OCT -9 PM 1:00

OAKLAND CITY COUNCIL



RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**RESOLUTION DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE CITY PLANNING COMMISSION IN DENYING THE APPLICATION FOR A MAJOR CONDITIONAL USE PERMIT TO ESTABLISH A SERVICE ENRICHED PERMANENT HOUSING RESIDENTIAL ACTIVITY WITHIN AN EXISTING STRUCTURE LOCATED AT 2375 FRUITVALE AVENUE, OAKLAND**

**WHEREAS**, the Code Compliance Officers for the City of Oakland investigated nuisance activity at 2375 Fruitvale Avenue throughout 2002 and part of 2003; and

**WHEREAS**, on January 27, 2003, the Zoning Administrator determined that the activity at this location constituted a Service Enriched Permanent Housing Residential Activity and informed the appellant that a Conditional Use Permit is required for the activity; and

**WHEREAS**, appellant appealed the Zoning Administrator determination to the Planning Commission; and

**WHEREAS**, on April 16, 2003, the Oakland Planning Commission upheld the determination that the activity constituted a Service Enriched Permanent Housing Residential Activity; and

**WHEREAS**, on June 9, 2003, the appellant filed for a Major Conditional Use Permit to conduct a Service Enriched Permanent Housing Residential Activity; and

**WHEREAS**, on September 3, 2003, the Oakland Planning Commission held a public hearing and denied the Major Conditional Use Permit; and

**WHEREAS**, on September 11, 2003, the appellant appealed Planning Commission decision; 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 October 21, 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

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**WHEREAS**, the public hearing on the Appeal was closed by the City Council on October 21,2003;

**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 inasmuch as CEQA does not apply to the denial of a project.

**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, and other matters included with the record of this Application, 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, in part, on the September 3,2003 Staff Report to the City Planning Commission, (attached as Exhibit “A”), the minutes of the September 3,2003 Planning Commission hearing and decision on this matter, (attached as Exhibit “B”), and the October 21,2003, City Council Agenda Report (attached as Exhibit “C”) hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Commission’s CEQA findings and decision are upheld, and the Project is denied (the Major Conditional Use Permit).

**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) attached as Exhibit “A”, as well as the October 21,2003, City Council Agenda Report, attached hereto as Exhibit “C,” (including without limitation the discussion, findings, and conclusions) except where otherwise expressly stated in this Resolution.

**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; and all minutes of all public meetings where this matter was considered; and

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

**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

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## Exhibit A

[Copy of the September 3, 2003 Planning Commission staff  
report and attachments]

## Exhibit B

[Copy of the September 3, 2003 Planning Commission minutes]

Case File Number A03-054

April 16, 2003

Location:	2375 Fruitvale Avenue (See map on reverse)
Assessors Parcel Numbers:	026-0766-001-01
Proposal:	Appeal Zoning Administrator Determination that subject property constitutes "Service-Enriched Permanent Housing Residential Activity" related to Complaint number 0109886
Appellant:	Keith Brooks
Owner:	Grace V. & Francisco Mangrabang
Case File Number	A03-054
General Plan:	Mixed Housing Type
Zoning:	R-50 Medium Density Residential Zone Regulations
Environmental Determination:	Exempt 15301 State CEQA Guidelines; Minor Alterations to existing structures
Historic Status:	Potentially Designated Historic Property (PDHP); survey rating: B+3+ Major Importance
Service Delivery District:	IV Fruitvale
City Council District:	5
Date Filed	02/06/03
Staff recommendation:	Uphold Zoning Administrator determination
For further information:	Contact case planner <b>Chris Candell</b> , 138-6986 or <a href="mailto:ccandell@oaklandnet.com">ccandell@oaklandnet.com</a>

**SUMMARY**

The appellant is requesting that the Oakland Planning Commission overturn a Zoning Determination, related to a complaint. Upon investigation of nuisance complaints, the Zoning Administrator has determined that the property is being utilized as a Service-Enriched Permanent Housing Residential Activity. This activity classification is only permitted in this district upon the granting of a Major Conditional Use Permit. Thus the owner must cease those activities that constitute Service-Enriched Permanent Housing Residential Activity, or apply for a Conditional Use Permit for the activity,

The appellant in his appeal has not submitted any documentation to refute the initial staff determination. Staff has reviewed documentation regarding the activity on site and confirmed the initial determination that due to the support services made available to the residents of the facility and the manner in which these services are made available to the residents, the facility is being operated as Service-Enriched Permanent Housing Residential Activity. Staff recommends that the Oakland Planning Commission uphold the Zoning Administrator determination and deny the appeal.

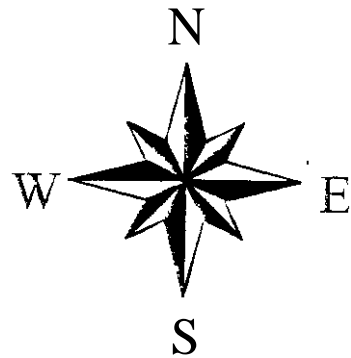
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**ATTACHMENT A**

# CITY OF OAKLAND PLANNING COMMISSION



Case File: A03-054  
Applicant: Keith Brooks  
Address: 2375 Fruitvale  
Zone: R-50



## PROJECT DESCRIPTION

The population currently residing at this location consists of many people referred from different social welfare entities and doctors. Much of the population receives visits from doctors and psychiatrists on a regular basis at the facility.

The appellant is requesting that the Oakland Planning Commission overturn a Zoning Determination, related to a complaint. The current activity consists of room, board for approximately 40 permanent residents in a facility with 46 rooms. There is a staff of four people. Some staff is on duty at any given time. The Appellant provides room, board, and linen service. In the past the owner has provided the following services. It is unclear if she is still providing some of these services:

- Check cashing and handling client finances.
- Distribution of medications.
- Clients with substitute payees. Owner receives SSI checks while clients get separate spending money check through mail.

As is described more fully below, at a hearing on an appeal of the City's determination that the facility is physically substandard, representatives from several local social welfare referral entities (Alameda County Mental Health: Telecare) testified that they have clients in need of some level of continuing care and care for these clients in their clinic or at this facility. Telecare has referred clients to this facility, the other agencies may inform clients about this facility. The facility does not operate merely as a rooming house where residents choose to live at the facility primarily because of what it offers them from a purely residential point of view, but rather it operates as a residential facility which offers both residents and social welfare agencies responsible for the well being of the residents a facility where the health and social needs of the residents can be accommodated by ready access to the specialized services needed by the residents and frequently provided or supervised by the social welfare entities.

In addition, the same doctors and psychiatrist see many of the clients and refer their patients to this facility.

## PROPERTY DESCRIPTION

The Planning Code regulates and separately defines *facilities* that are built on land and *activities* that occur in such facilities. Some zoning regulations apply only to *facilities* and others apply to *activities*. The use occurring at 2375 Fruitvale is regulated both by virtue of its facility type (rooming house, but see below on this issue) and its activity type (service-enriched housing). The 10,990 square foot lot is located in an area characterized by one and two story single-family residences with small apartments. The existing facility was a legal nonconforming rooming house at some point in the past. However, since there is some evidence, which indicates that normal rooming house activity was, abandoned a number of years ago, the legal status of the *facility* is uncertain. Staff has not yet reviewed the legal status of the facility, and that issue is not before the Planning Commission on this appeal.

The site is developed with a 12,990 square foot, three story concrete structure with block walls and stucco fashioned to look like cut stone. The building was constructed in 1906 as a luxury hotel that at that time was located just outside the city limits in the Fruitvale district. The survey rating for this Potentially Designated Historic Property is B+3+ major importance, landmark quality. Originally known as the Fairlawn Hotel the building integrity is good, the building is in excellent historic condition (although the facility has been recently deemed substandard physically, the deficiencies are internal). Visible alterations include paint, some windows, and a glassed in porch.

## BACKGROUND

This site has been the focus of neighborhood complaints and police activity since 1995 when the owner purchased the building (See attachment A). Calls for service resulting in reports:

11 in 1995, 9 in 1996, 18 in 1997, 24 in 1998, 12 in 1999, 25 in 2000, 20 in 2001, and 13 through August of 2002.

Many of the calls for service have been for psychiatric emergencies related to residents and assault cases. Other incidents include theft and drug activity or parole violations. Neighbors have been complaining about residents wandering the streets, knocking on doors, bumming cigarettes, stealing things, verbal abuse from residents in the front yard, and other nuisance behavior. The calls for service and nuisance activity brought the facility to the attention of code compliance officers who investigated the location throughout 2002 (See Attachment B).

Determination by State Department of Social Services Community Care Licensing Division

In On December 4, 2001, the State Department of Social Services sent a letter to the property owner indicating that the facility is operating without a license to operate a community care facility. Later, the department sent a letter indicating that the owner was in compliance and no longer operating without a license. On December 17, 2002 the State Department of Social Services again sent a letter to the property owner indicating that the facility is operating without a license to operate a community care facility, residential care facility for the elderly, or child care facility without a current valid license. The property owner was asked to cease operations or modify her operations such that the facility would no longer rise to the level of a community care facility (See Attachment C). Services provided included cashing checks and giving money to "clients" and distributing medications to individual residents through slots cut in doors to rooms. The operator stopped cashing checks and sealed the doors. Currently, the psychiatrist that sees many of the patients on site acts as a payee and cashes checks for his clients.

The owner has let the building physically deteriorate. On March 5, 2003, after a number of inspections spanning the last two years by code compliance inspectors, the structure was declared physically substandard by a hearing officer (See Attachment D)

## GENERAL PLAN ANALYSIS

This structure is located in the Mixed Housing Type Residential Land Use Classification. The Mixed Housing Type Residential Land Use Classification is intended to create, maintain, and enhance residential areas characterized by a mix of single family residences, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. The Rooming House facility was a legal nonconforming use in this land use category and is similar in use to the residential uses desired in this Land Use Classification in that the facility can accommodate permanent as opposed to transient housing activities. However, based on information received from the Oakland Police Department as well as from neighbors of this facility, it is apparent that the population served by the property owner and the Service-Enriched Permanent Housing Residential activities that are conducted have had a track record of creating significant nuisance activities in and around the property thus conflicting with General Plan policies N1.6 Reviewing Potential Nuisance Activities and 3.1.1 Enforcing Codes.

N1.6 states "The City should closely review any proposed new commercial activities that have the potential to create public nuisance or crime problems, and should monitor those that are existing. These may include isolated commercial or industrial establishments located within residential areas, alcoholic beverage sales activities (excluding restaurants), adult entertainment, or other entertainment activities."

N3.11 states “The City should aggressively enforce the requirements of the City’s Housing Code and other applicable regulations on housing of all types.” Both sections are applicable; in this instance the City has been actively monitoring existing nuisance activity stemming from this site and has made investigations related to housing and building codes. The hearing officer has determined that this facility is considered sub-standard housing.

### **ZONING ANALYSIS**

The facility is within the R-50, Medium Density Residential Zone. The existing Rooming House facility was a legal non-conforming use at some point in the past. The current legal status of the *facility* type is not before the Commission on this appeal.

The use meets the definition of Service-Enriched Permanent Housing Residential Activities at Section 17.10.114 Service Enriched Permanent Housing. Service-Enriched Permanent Housing Residential Activities requires a Major Conditional Use Permit pursuant to Section 17.24.060(A) and 17.134.020 of the Oakland Municipal Code. In the event that the property owner sought and obtained a conditional use permit to legally maintain the current activity, the City would be able to impose conditions on the operation of the activity which would have as a goal a significant reduction in the nuisance generating aspects of the use.

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines list projects that are categorically exempt from environmental review. Section 15321 exempts enforcement actions of regulatory agencies.

### **KEY ISSUES AND IMPACTS**

Section 17.132.020 of the Planning Code requires that any appeal of a zoning determination “state specifically wherein it is claimed there was an error or abuse of discretion by the Director or wherein his or her decision is not supported by the evidence in the record.” The appeal filed in this matter states, in its entirety, the following: “Determination that services provided by Social Services Agency caseworkers and a psychiatrist place activity within scope of “Services-Enriched Permanent Housing Residential Activity” is in error and not supported by substantial evidence.”

For reasons fully set forth in this staff report, staff requests that the Planning Commission reject the above stated appeal, and uphold the Deputy Director’s determination that the manner in which Grace Joy Lodge is operated constitutes Service Enriched Permanent Housing.

The City’s Planning Code includes and separately regulates a range of living arrangements within the rubric of “residential activity.” Included in this group are “permanent residential”, “residential care”, “service-enriched permanent”, “transitional housing”, “emergency shelter” and “semi-transient.” The continuum resulting from these classifications begins and ends with two classifications (permanent residential; semi-transient) that pertain to purely residential housing where no services are provided and the housing is made available to all persons without regard to specialized need and without the provision of any services or care that responds to such need. The remaining classifications pertain to housing provided to persons who need or who must be provided with varying levels of care, service or supervision as a necessary adjunct to the housing. These housing types are differentiated from each other primarily by the care, service or supervision that is included with the housing.

Pursuant to section 17.10.114 of the OPC, “Service-Enriched Permanent Housing Residential Activities” include 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. These services may be provided on-site and/or off-site. If support services are also offered to on-site and off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities. They also include certain activities accessory to the above, as specified in Section 17.10.040." The definition of "service enriched housing" can be compared with the definition of "residential care" for a better understanding of the nature of the services available to residents which qualifies housing as service enriched. "Residential care" is defined to include "all *residential care* facilities that require a state license or are state licensed for seven or more residents, which provide twenty-four (24) hour primarily non-medical *care* and supervision. Occupancy of living accommodations by six or fewer disabled persons, elderly persons, or persons in need of support services for chemical dependency recovery; or a family foster *care* home; or occupancy of any facilities supervised by or under contract with the State Department of Corrections, are excluded. They also include certain activities accessory to the above, as specified in Section 17.10.040. State licensed residential care facilities for six or fewer residents shall be treated as Permanent Residential. --

The critical difference between "service enriched" and "residential care" activities is the need for a state license for a "residential care" activity and no state-licensing requirement for "service enriched."

The State's Community Care licensing division explains on its website (<http://cclld.ca.gov/>) when a facility will be considered to be operating illegally as an "unlicensed facility." Because an "unlicensed facility" is a facility that is providing services, which require a license from the state, reviewing definition of unlicensed facility aids in informing the reader when a license is required

**"Unlicensed Facility:** A facility shall be deemed to be an unlicensed community care facility, residential care facilities for the elderly, residential care facilities for the chronically ill or child care center or family child care home if it is maintained and operated to provide non-medical care, is not exempt from licensure and any one of the following conditions exists:

- The facility is providing care or supervision, as defined in the California Code of Regulations, Sections 80001 community care facility, 87801 residential care facility for the chronically ill, 87101 residential care facility for the elderly, or Section 102352 family child care home.
- The facility is held out as or represented as providing care and supervision to a client, or clients not otherwise exempt from licensure.
- The facility accepts or retains residents who demonstrate the need for care and supervision whether the facility provides that care or not.
- The facility represents itself as a licensed community care facility, residential care facility for the chronically ill, residential care facility for the elderly, or community care facility."

The City's service enriched housing activity is housing for which the above license is not required by the State, but which is more akin to housing that would require such a license than would ordinary housing where no activities or no services similar to those described are provided. The City's service enriched housing activity type is intended to describe and apply to housing that occupies the niche between state licensed residential activities described above and permanent residence activities, such as a typical house, rooming house or apartment which is made available to prospective residents without regard to and without the provision of any social or health care needs of the prospective resident and which makes no provision or accommodation for the health or social needs of the residents.

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### Zoning Administrator Determination

A Zoning Administrator determination is a finding by the Zoning Administrator that a proposed or existing activity meets or does not meet a certain standard or definition. The Zoning Administrator determined that the activity constitutes a Service-Enriched Permanent Housing Residential Activity. This determination was primarily based on numerous occupants receiving regular visits from social workers, and one Medical doctor and Psychiatrist. Therefore the occupants are receiving services both on and off site and are placed at the facility primarily because they have ready access to services and programs which case workers and others have determined are necessary for the individual. Staff has reviewed additional material upholding the initial determination. The activity is consistent with the definition of a Service-Enriched Permanent Housing Residential Activity.

As defined at Section 17.10.114 of the Oakland Municipal Code:

*Service-Enriched Permanent Housing Residential Activities include 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. These services may be provided on-site and/or off-site. If support services are also offered to on-site and off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities.*

The facility meets the definition in the following ways:

- The clients are permanent residents as defined at Section 17.10.110 paying on a monthly basis.
- The residents have access to various voluntary support services such as mental health which are provided on- site and/ or off-site. Documentation from the State Department of Social Services indicates repeated visits by the same doctors and psychiatrists to clients on site (See Attachment C).
- Residents are referred from Alameda Mental Health, Telecare (a private health care placement agency) and possibly other agencies or doctors. This indicates that the residents comprise a population that needs specific services rather than consisting of ordinary boarders in a boarding facility.

During a hearing on an appeal of the City's determination that the facility was in violation of numerous building code requirements, a representative of Telecare stated that his agency refers many clients to this facility. Telecare's website (<http://www.telecarecorp.com/team/index.html>) notes that "Telecare is a leading provider and manager of mental health services for individuals with serious mental impairments." Further, Telecare provides "services ranging from crisis stabilization to long-term care to supported independent living. We deliver services with measurable outcomes demonstrating our commitment to excellence. Together with our partners, we have a unique capacity to quickly, efficiently and effectively meet the changing need of mental health consumers in complex systems."

As described above many of the residents have been referred to this location by various agencies placing people who need special care and who can not live in residential facilities without care, supervision or access to certain services. At the substandard housing hearing held on March 3, 2003 a representative from Telecare testified that they refer some of their clients to this facility. Telecare specifically works with dual diagnosis individuals who need treatment for mental illness and substance abuse. Therefore, the population at this facility contains a high number of residents who need voluntary support for mental health and substance abuse.

In the past the owner has provided the following services. It is unclear if she is still be providing some of these services:

- Check cashing and handling client finances.
- Distribution of medications.
- Residents use payees. Psychiatrist is a common payee for a number of residents. Property owner receives SSI checks while clients get separate spending money check through mail.

In addition, other characteristics of this facility currently include:

- The same doctors and psychiatrist see many of the clients.
- Residents use payees.
- Psychiatrist is a common payee for a number of residents.
- Clients must buzz the office to be let in "after hours" and do not have their own keys to enter the building.

Although at the current time, it appears that this facility is not required to be licensed by the State as a community care facility, its location along the continuum of residential activities between purely residential and community care is much closer to community care than it is to purely residential. The fact that the State recently determined that the facility was operating without the required license indicates that at the time the citation was issued, the facility was in fact a licensable care facility; that it has come back from that level just enough to not require a state license is further evidence that it is located far enough along the continuum of service or care providing housing to be considered service enriched under the City's Planning Code.

**CONCLUSION:** The activity as expressed in the determination letter is clearly more than what is allowed under Rooming House facility type or permanent housing. The activity rises to the level of a Service-Enriched Permanent Housing Residential Activity because the residents are comprised of a population often referred specifically to this facility that need special services and receives some of these services on site.

The appellant states that the determination made by the Zoning Administrator that services provided by Social Services Agency caseworkers and a psychiatrist place activity within scope of "Service-Enriched Permanent Housing Residential Activity" is in error and not supported by substantial evidence. The appellant does not make the case that the activity is just permanent residential. Staff has presented evidence that the level of care at this facility falls within the continuum that represents "Service-Enriched Permanent Housing Residential Activity". The residents are comprised predominantly of people with special needs that receive regular services on and off site.

**RECOMMENDATIONS:** 1. Uphold the Zoning Administrator decision and deny the appeal.


Prepared by:




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Chris Candell  
Planner II

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. Police summary of reports January 2001 to August 2002.
- B. Summary of code compliance activities, January 16, 2002 to December 31, 2002, and notice of violation dated January 27, 2003.
- C. Notice of violation from the State Department of Social Services December dated December 4, 2001, separate notice of violation dated December 17, 2002, and facility evaluation report dated March 25, 2002.
- D. Determination after appeal hearing issued March 3, 2003.

**APPROVED BY:** City Planning Commission: \_\_\_\_\_(date) \_\_\_\_\_(vote)  
 City Council: \_\_\_\_\_(date) \_\_\_\_\_(vote)

**FINDINGS FOR DENIAL:**

The appeal of the Zoning Administrator's determination as set forth in his letter dated January 27, 2003 to the owner of the facility located at 2375 Fruitvale Avenue is denied. This denial is based in part on the information provided in the attached staff report, on public testimony and for the reasons set forth below. The activity occurring at the property meets the definition of Service-Enriched Permanent Housing set forth in Section 17.10.114 of the Oakland Planning Code. Required findings are shown in bold type; explanations as to why these findings cannot be made are in normal type.

Service-Enriched Permanent Housing Residential Activities include 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. These services **may** be provided on-site and/or off-site. If support services are also offered on-site and off-site residents, the support services component will be classified and regulated as Community Education and/or Health Care Civic Activities.

The residents reside on more than a weekly basis and are thus the residential activity is considered permanent housing. The tenants live independently and in separate rooms and have access to various voluntary support services. Medical doctors and psychiatrists visit and treat many of the tenants on a regular basis in some cases administering medications. In this case services are provided on site although not by the proprietor. Tenants may also receive support services off site. Tenants of this facility choose to live at the facility in **part** because of the ready access they have to a variety of social, medical and psychiatric services, and because of the relationship with such service providers maintained by the proprietor of the facility and facilitated at it. Service providers readily refer clients to live at this facility primarily because of the ease of access to such social, medical and psychiatric services and the benefits that accrue both to the tenants and the service providers by locating the clients in a single facility. The services and care routinely provided at the facility have on at least two occasions been determined by the state of California to qualify the facility as operating as a community care facility without a license. Although the operator has, based on the State's recent determination, reduced the level of care to below that where a state license is required, the access to such care remains a key component of the activities occurring at the facility, thus justifying the determination that the facility is operating as Service Enriched Permanent Housing.

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ORACOUNCIL  
OCT 21 2003

**FINDINGS**

ATTACHMENT A

Police Report # & Officer	Date	Location of Incident	Type of Offense	Residence of Suspect	Damage to Person/Self/Property as a result of Offense?
02-74913 M. Bernudez 8060 P	7 Aug 02	2300 blk Fruitvale Ave.	Assault With Deadly Weapon 245(A)(1)pc	2375 Fruitvale Ave (Victim And Suspect)	Victim received no visible injuries. Susp received injury to left arm from being hit with a metal pipe. Victim is on parole.
02-66194 R. White 8321 P	12 Jul02	2375 Fruitvale Ave.	Terrorist Threats 422pc	Homeless (recently evicted from 2375 Fruitvale Ave.)	Suspect was asked to leave and grabbed victim and threatened to kill victim.
02-35836 J. Hassna 7637 P	15Apr 02	2375 Fruitvale Ave.	Missing Person	2375 Fruitvale Ave.	Reporting party: care provider for Alameda County.
02-40201 M. Bernudez 8060 P	26Apr 02	2375 Fruitvale Ave.	Mental Illness 5150wi	2375 Fruitvale Ave.	Reporting party: caseworker from ACT Team said if suspect does not take medication he becomes violent.
02-70072 R. Johnson 8383 P	23 Jul02	IP0 2375 Fruitvale Ave.	Mental Illness 5150wi	2375 Fruitvale Ave.	Suspect arguing/fighting with others. Suspect not taking medication. Suspect on probation.
02-53660 E. Somarriba 7849 P	5 Jun 02	2375 Fruitvale Ave.	Mental Illness 5150wi	2375 Fruitvale Ave.	Owner Grace Mangrobang said suspect was not taking her medication and was aggressive towards others.
02-003963 R. Vass 8399 P	12 Jan 02	2375 Fruitvale Ave.	Mental Illness 5150wi	2375 Fruitvale Ave.	Suspect not taking medication and began hallucinating.
02-36220 J. Sanchez 8224 P	16Apr 02	2375 Fruitvale Ave.	Mental Illness 5150wi	Homeless (recently evicted from 2375 Fruitvale Ave.)	Suspect returned and threatened to kill reporting party Grace Mangrobang. Suspect was also talking to herself.
02-020521 J. Chun 7062 P	1 Mar 02	2375 Fruitvale Ave.	Mental Illness 5150wi	2375 Fruitvale Ave.	Reporting party: caseworker said suspect is not taking medication and is threatening and psychotic.
02-53109 B. Donelan 8378 P	3 Jun 02	2400 blk Fruitvale Ave.	Mental Illness 5150wi.	2375 Fruitvale Ave	Quick Stop employee called and said suspect was running in and out of store screaming. When suspect was detained she became violent.

<b>Police Report # &amp; Officer</b>	<b>Date</b>	<b>Location of Incident</b>	<b>Type of Offense</b>	<b>Residence of Suspect</b>	<b>Damage to Person /Self/Property as a result of Offense'?</b>
02-23850 B. Donelan 8378 P	11 Mar 02	2375 Fruitvale Ave.	Mental Illness 5150wi	2375 Fruitvale Ave	Reporting party Grace Mangrobang said suspect began throwing chairs at others for no apparent reason.
02-96711 M. Bermudez 8060 P	10 Oct 02	2500 blk Fruitvale Ave.	Mental Illness	2375 Fruitvale Ave#206	Suspect walking down street trying to shock himself. Suspect was sent to John George.
02-08413 E Mausez 5491 P	27 Aug 02	2375 Fruitvale Ave.	Mental Illness	2375 Fruitvale hve.	Suspect was screaming and talking to himself. Suspect sent to John George.
02-87953 M. Morse 7729 P	11 Sep 02	2375 Fruitvale Ave,	Warrant Arrest	2375 Fruitvale Ave	Suspect arrested for outstanding battery warrant.
02-94376 D. Jim 8156 P	2 Oct 02	2375 Fruitvale Ave.	Mental Illness	2375 Fruitvale Ave.	Grace Mangrobang called because the suspect was not on her medication and was yelling.
01-88505 R. Vass 8399 P	2 Oct 01	2375 Fruitvale Ave.	Missing Person	1229 77" Ave.	Suspect assaulted people and acting hostile. Suspect riot taking medication.
01-20921 H. Huynh 4341 P	9 Mar 01	2375 Fruitvale hve. #114A	Missing Person	2375 Fruitvale Ave	Reporting party called from Woodroe Place and said the suspect has catatonic episodes and left with another patient and did not return.
01-080120 A. Souza 8039 P	6 Sep 01	2375 Fruitvale Ave.	Missing Person	2375 Fruitvale Ave.	John George and Highland Hospital called to report the suspect as AWOL.
01-3085Y J. Pinzon 8766 P	29 Mar 01	2375 Fruitvale Ave.	Mental Illness	2375 Fruitvale Ave.	Suspect was walking into traffic trying to get hit by traffic and begging for money.

Police # & Officer	Date	Location of	Type of Offense	Residence of	Damage to Person /Self/Property
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01-76252 R. Vass 8399 P	25Aug 01	IFO 2375 Fruitvale Ave.	Mental Illness	2375 Fruitvale Ave.	Suspect not taking medication and appeared delirious.
31-58075 G. Bellusa 5259 P	30 Jun 01	2375 Fruitvale Ave.	Mental Illness	2375 Fruitvale Ave.	Suspect broke down bedroom door and threatened to hit another resident with a stick. Suspect smelled of marijuana.
01-111289 M. Weisenberg 8511P	13Dec 01	2375 Fruitvale Ave.	Mental Illness	2375 Fruitvale Ave.	Suspect brandished a knife to another resident.
01-111410 J. Perrodin 8285 P		Fruitvale Fruitvale Ave.			Suspect Doctor called and said suspect Failed to take medication and seek medical attention.
01-51506 M. Valladon S172 P	11Jun 01	<del>Fruitvale</del> Fruitvale #2	Use of Deadly Weapon	<del>2375</del> Fruitvale Ave.	Suspect on parole, parole search two police style batons and one folding knife located in suspects room.
01-82213 F. Morrow 7971 P	13Sep 01	2375 Fruitvale Ave.	Under The Influence of Narcotics 11550(a)hs	2375 Fruitvale Ave.	Suspect in possession of crack pipe. Suspect said he smoked crack cocaine.
01-27142 A. McFarlane 8313 P	28Mar 01	2375 Fruitvale Ave.	Unexplained Death	2375 Fruitvale Ave.	Suspect under doctors care found in bed not breathing,

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02-53109 B. Donelan 8378 P	3 Jun 02	2400 blk Fruitvale Ave.	Mental Illness 5150wi.	2375 Fruitvale Ave	Quik Stop employee called and said suspect was running in and out of store screaming. When suspect was detained she became violent.



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Police Report # & Officer	Date	Location of Incident	Type of Offense	Residence of Suspect	Damage to Person /Self/Property as a result of Offense?
02-80367 J. Lee 0539 PR	23 Aug 02	1FO 2259 E 20 <sup>th</sup> St.	Poss. Of Narcotics 11350(a)hs	2375 Fruitvale Ave.	Suspect in possession one rock of suspected rock cocaine and one crack pipe
02-102850 R. Alcantar 3319P	28 Oct 02	3100 E 27 <sup>th</sup> St.	Sales of Narcotics IS352 hs	2375 Fruitvale Ave.	Suspect loitering in the area of Fruitvale @ E 27 <sup>th</sup> . Suspect sold rock cocaine to an undercover officer.
02-98251 S. Millington 3393P	14 Oct 02	2600 E 27 <sup>th</sup> St	Sales of Narcotics 11352 hs	2375 Fruitvale Ave.	Suspect loitering in the area Fruitvale @ E 27 <sup>th</sup> . Suspect sold rock cocaine to an undercover officer.
02-106774 S. Millington 3393P	11 Nov 02	2700 E 27 <sup>th</sup> St.	Sales of Narcotics 11352 hs	2375 Fruitvale Ave.	Suspect loitering in the area Fruitvale @ E 27 <sup>th</sup> . Suspect sold rock cocaine, to an undercover officer.
01-56726 T. Ward 7696 P	26 Jun 01	2521 Coolidge Ave	Burglary 459pc	2375 Fruitvale Ave.	Suspect on probation and parole for <b>burglary</b> . Officers located suspect inside garage of a resident where he does <u>not</u> live.
01-01306 A. Trenev 8168 P	5 Jan 01	Fruitvale Ave @ Logan St.	Poss. Of Narcotics 11350(a)hs	1553 Mitchell St./ 2375 Fruitvale Ave.	Suspect on probation for prostitution. Suspect arrest for poss of one rock of suspected rock cocaine.
01-104204 N. Chan 8316 P	17 Nov 01	# 1 Airport Dr. (Oakland Airport)	Mental Illness 5150wi	2375 Fruitvale Ave/ 981 37 <sup>th</sup> St.	Suspect on probation. Suspect attempted to give Delta Airlines employees a folder with a suspicious drawing. Unknown if there was a toxic material present.
01-17422 C. Baker 8406 P	27 Feb 01	3300 Block Foothill Blvd	Mental Illness	2375 Fruitvale Ave.	Suspect was yelling and screaming while walking on the sidewalk and swung at a bicyclist. Suspect said he has not taken his medication.
01-09732 M. Martinez 8258 P	23 Jan 01	2300 International Blvd.	Mental Illness	2375 Fruitvale Ave.	Suspect was walking with a knife threatening by-standers. When suspect saw OPD lie dropped, the knife.

<b>Police Report # &amp; Officer</b>	<b>Date</b>	<b>Location of Incident</b>	<b>Type of Offense</b>	<b>Residence of Suspect</b>	<b>Damage to Person /Self/Property as a result of Offense?</b>
01-105179 R. Halev 8508 P	24Nov 01	250 block Grand Ave.	Missing Person	2375 Fruitvale Ave	Suspect standing in the rain shivering, and unresponsive.

**Re: 2375 Fruitvale Avenue****Page 1 of 2****PTS #: 0109826****Inspector: Isaac Wilson****Date: 01-08-03****RESUMÉ OF ACTIVITIES**

- 01/16/02: Inspector Stewart met with State, County and Community and Councilman Carlos Delafuentes. Testimony from Owner – Outcome N/A to owner.
- 01/29/02: District Supervisor John Stewart returned from the Grace Joy Lodge – informed Mrs. Grace to wait for LOV to respond.
- 01/29/02: The district supervisor called owner and left message, requesting she call back to discuss her progress correcting LOV (letter mailed).
- 02/23/02: Received call from Joel Alcarmen, assistant to owner. He stated the owner has several contractors and an engineer to look at the stairs. She also obtained the services of attorney, Bill MacCloughlin. It was stated that there are approximately thirty people living in her building.
- 02/25/02: Per the owner's assistant – The Grace Joy Lodge is being run as a board and care facility.
- 02/25/02: The district supervisor mailed the owner a packet of zoning information regarding how to engage in a legal transitional housing facility, the district supervisor spoke to the owner's advisor, Mr. Alcarmen in depth regarding zoning and building codes requirements that pertain to the building.
- 02/26/02: The district supervisor received a call from the owner's attorney, Mr. McCloughlin. Mr. McCloughlin was informed of the problems with facility.
- 03/01/02: The district supervisor called the owner's attorney to inform him that fee-charge inspections will begin April 2002 if there was no compliance to correct the LOV. The owner promised to call the inspector.
- 03/8/02: The owner met with the district supervisor to discuss how to obtain a plumbing permit. She received from the inspector a copy of the LOV. She was informed before she could obtain permit, she would have to participate in the Deemed Approved program. It was agreed that the inspector would visit the property to make a determination, after which, permits may be issued.
- 04/12/02: The district supervisor made progress inspection of the building and noted that there was a tenant living in an unapproved basement unit with no working bathroom in the basement. The owner had repaired the fire sprinkler system and the trailer had been removed from the side yard.
- 04/13/02: The owner's new attorney, Mr. Keith Brooks called the district supervisor to asked why the deemed approved inspection was not made as scheduled. The inspector apologized and assured him that he would make the inspection himself, The inspector informed the new attorney of the history of th

**ATTACHMENT B**

RESUME OF ACTIVITIES

- 06118102: The district supervisor received a call from the owner's attorney and the attorney was told that the 4124102 fee-charge would be reversed but the charge for 5107102 will not be reversed.
- 10109102: The case file was given to Inspector James Watkins. Mr. Watkins was informed to monitor the case, but take no action, the owner was making progress to abate the violations.
- 11104102: The owner's contractor and attorney met the inspector in the office to deliver the "Project Agenda" which stated the completion dates for the bathrooms.
- 11118/02: Inspector James Watkins made arrangement for a Beat Health inspection per supervisor's approval for 11120102.
- 11120102: The scheduled inspection was made, most areas were not accessible. The inspector asked his supervisor to have the inspection re-scheduled.
- 11/21/02: The PSR made and confirmed scheduled inspection of the building for 12/10/02.
- 11/21/02: The inspector prepared a new List of Violation and Notice to Abate Blight based on the 11120102 inspection. Re-inspection scheduled for 12/17/02.
- 11128102: The City Attorney's Office called and confirmed onsite meeting for 12/10/02.
- 12110/02: The scheduled onsite inspection was made and a list of violations was prepared,
- 12111102: Inspector Watkins hand delivered and mailed a copy of the Notice to Abate to the owner, with a re-inspection date for 12/17/02.
- 12113102: Inspector Isaac Wilson made an inspection of the building to confirm the basement's room numbers for the illegal sleeping rooms. These findings were referred to the supervisor and fire inspector.
- 12116102: The case has been reassigned to Inspector Isaac Wilson. Substandard packet prepared, new title and litigation report has been ordered
- 12117102: Scheduled inspection made by inspection staff with manager present.
- 12118/02: H-7 letter and List of Violations were prepared.
- 12131102: Submitted substandard package for processing.

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ORA/COUNCIL  
OCT 21 2003



# CITY OF OAKLAND

COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY - CODE COMPLIANCE DIVISION  
250 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor, Oakland, CA 94612  
Code Compliance: 238-3102 Building Services FAX: 238-2959 TDD: 238-6332

## LIST OF VIOLATIONS

January 27, 2003

Grace V & Francisco C. Mangrobang  
2375 Fruitvale Ave  
Oakland, CA 94601-2538

RE: 2375 Fruitvale Ave (Grace Jov Lodge), APN: 026-0766-001-01, Complaint #0109886

Dear Mrs. Mangrobang,

On December 17, 2002 representatives of the City of Oakland's Building Services Division, Fire Marshall's Office and City Attorney's Office conducted a joint inspection of your property. The inspection was scheduled as a result of an ongoing complaint action against your property. The purpose of the inspection was to identify health and safety violations existing at the premises, and also to determine whether the use of the property was in compliance with the Oakland Zoning Regulations.

Representatives from the California Department of Social Services, Community Care Licensing Division were also in attendance at the time of our inspection to evaluate the occupant's needs, if any, and to determine whether you were providing services that may require a CA State License.

On December 20, 2002, Mrs. Weyuker, Licensing Program Analyst for the State of California, Community Care Licensing Division provided me with a complaint investigation report #1500165 detailing her findings and stating that you are operating your facility without a required State license.

On January 3, 2003 I received second transmittal from Mrs. Weyuker referencing report #1500165 which indicated that the previously cited deficiency was cleared. However, in speaking with her she did inform me that social service case workers and a psychiatrist regularly visit many, if not all of the occupants residing at the premises in order to assist them in their daily lives.

After evaluating the above information, and receiving written input from the Zoning Division, I have concluded that although you are not operating a residential care facility as defined by the State of California, you are conducting a "Service Enriched Permanent Housing Residential Activity" as defined by the Oakland Zoning Code (Section 17.10.114, Oakland Municipal Code).

Your property is located in the R-50 Medium Density Residential Zone and is designated "Mixed Housing Type" by the Oakland General Plan (Chapter 17.01, Oakland Municipal Code). These zones only permit 'Service-Enriched Permanent Housing Residential Activities' to be conducted upon the granting of a Major Conditional Use Permit by the City Planning Commission (Section 17.24.060(A) and Chapter 17.134.020 Oakland Municipal Code).

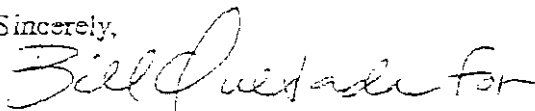
We are hereby directing you to immediately discontinue the 'Service-Enriched Permanent Housing Residential Activity' as described above and return your facility to its permitted use. Any future activities you wish to conduct at this property must comply with the provisions of the Oakland Municipal Code.

Your use of the above property without prior approval of a major conditional use permit constitutes an infraction. The use of your property in this manner also constitutes a separate offense for each and every day this use continues. In addition, the continued use of your property in this manner shall be and is declared to be a public nuisance and may be summarily abated as such by the City. The violations stated herein constitute a non-exclusive list of violations of the Oakland Municipal and Planning Codes, and a non-exclusive list of penalties resulting from those violations. The City may at its discretion charge you with additional violations and seek additional remedies or penalties other than what is stated in this letter.

if you choose to apply for a Major Conditional Use Permit, you must do so within ten days from the date of this letter.

If you have any questions regarding this matter you may contact me at (510)238-6195

Sincerely,



WILLIAM SINGMAN, Specialty/Combination Inspector  
Building Services Division

Cc: Carlos Plazola, City Council  
Antoinette Renwick, Building Services  
Bill Quesada, Building Services  
Gary Patton, Zoning Division  
John Truxaw, City Attorney



## DEPARTMENT OF SOCIAL SERVICES

Community Care Licensing Division  
851 Traeger Avenue, Suite 360  
San Bruno, CA 94066-3037



December 4, 2001

Grace Mangrobang  
Grace Joy Lodge  
7375 Fruitvale Ave  
Oakland, Ca 94601

Dear Ms. Mangrobang:

Subject: NOTICE OF OPERATION IN VIOLATION OF LAW

You are hereby notified that the above referenced facility is operating without a license which is a violation of California Health and Safety Code. Section 1508 prohibits any person, firm, partnership, association, or corporation within the state from operating, establishing, managing, conducting, or maintaining a community care facility in this state without first obtaining and maintaining a valid license.

In accordance with Health and Safety Code Sections 1540, 1540.1, and California Code of Regulations, an unlicensed facility is subject to \$200 per day civil penalty for the continued operation on the 15<sup>th</sup> calendar day after the operator has been issued the Notice of Operation in Violation of the Law and has not submitted a completed application as required or within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first. The \$200 per day penalty shall continue until the operator ceases operation or submits a completed application pursuant to applicable Title 22 regulations. Continued operation without a license may also result in civil and/or criminal action being taken against you.

You may file an application for a license by contacting the licensing agency at (510) 286-4201. However, continued operation pending licensure is a violation of law. Your application should be sent to: 360 22<sup>nd</sup> St, Ste 740, Oakland, CA 94612.

*Ellen Martin*

ELLEN MARTIN  
District Manager  
cc: [redacted]

Date of issuance

ATTACHMENT C

COMPLAINT INVESTIGATION REPORT

COMPLAINT CONTROL NUMBER 144585

This is an official report of an unannounced visit/investigation of a complaint received in our office on 11/12/01 and conducted by Evaluator CYNTHIA WELTZER

FACILITY NAME Grace Joy Lodge	FACILITY NO.	FACILITY TYPE unlicensed	FACILITY REPRESENTATIVE Grace Mangroberg
ADDRESS 2375 Fruitvale Ave Oakland 94601	TELEPHONE	CAPACITY	BEDS 56
<input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> CONFIDENTIAL	MET WITH	TIME IN	COMPLAINT DATE 12/5/01

ALLEGATION(S): Facility is operating without a license.

INVESTIGATION FINDINGS: LPA WELTZER conducted visits on 11/13/01 and 11/30/01, toured facility, interviewed proprietor and several residents.

Facility appears to be operating without a license under Title 22 Division 16 regulations.

Complaint is substantiated

Substantiated  Inconclusive  Unfounded  Needs Further Investigation  
Estimated Days of Completion

USE LIC 809 FOR ALL CITATIONS

EVALUATOR SIGNATURE CYNTHIA WELTZER	TIME OUT	TELEPHONE (510) 280 0427	I acknowledge receipt of this form and understand my appeal rights as explained on the back of this form.
NAME OF SUPERVISOR Shelley Evans	TELEPHONE (510) 280-1432	SIGNATURE [Signature]	

Distribution: Original: Agency Duplicate: Licensee Tripartite: File

No one available to sign

# AGENCY EVALUATION REPORT

REFER TO

See other side for explanation of form.

FACILITY NAME <b>Grace Joy Lodge</b>	DIRECTOR <b>Grace Mangobang</b>	FACILITY NUMBER <b>11111111</b>	FACILITY TYPE <b>WELFARE</b>
ADDRESS <b>2505 Fruitvale Ave Oakland</b>	CITY/STATE/ZIP <b>94601</b>	CAPACITY <b>36</b>	DATE <b>12/5/01</b>
TYPE OF VISIT: <input type="checkbox"/> OFFICE <input type="checkbox"/> EVALUATION <input type="checkbox"/> MANAGEMENT <input type="checkbox"/> MET WITH		<input type="checkbox"/> ANNOUNCED	
<input type="checkbox"/> PRELICENSING <input type="checkbox"/> ANNUAL <input type="checkbox"/> FOLLOW-UP		<input checked="" type="checkbox"/> UNANNOUNCED	
TIME VISIT BEGAN		TIME COMPLETED	

DEFICIENCY INFORMATION FOR THIS PAGE:

Type A  No Deficiency Cited

Type B

CIVIL PENALTY INFORMATION:

Penalty Assessed  Penalty Notice Given

Penalty Cleared  Not Applicable

COMMENTS/DEFICIENCIES	PLAN OF CORRECTIONS (POCs)	POC DUE DATE
LPA supervisor made facility visits on 11/15/01 & 11/30/01. Facility appears to be operating without a license.		
80006 Operating without a license. Facility is operating without a license.	Facility must submit a license application or cease operation by 12/20/01. Civil penalties of \$500 per day will be assessed if facility has not complied with plan of correction by 12/20/01.	

Failure to correct the above cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

EVALUATOR SIGNATURE <i>[Signature]</i>	TELEPHONE <b>510 296 0427</b>	DATE <b>12/5/01</b>	I understand my licensing appeal rights as explained on the back of this form.
SUPERVISOR SIGNATURE <b>Shelley EVANS</b>	TELEPHONE <b>510 296 0437</b>	FACILITY REPRESENTATIVE SIGNATURE <i>[Signature]</i>	

AGENCY COPY *None included* of *10* pages

DEPARTMENT OF SOCIAL SERVICES  
744 P Street  
Sacramento, CA 95814

To: Grace MAngrabang  
Grace Joy Lodge  
2375 Fruitvale Ave.  
Oakland, Ca 94601

**CERTIFIED MAIL-RECEIPT**  
(Certified Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

Sent To: Grace MAngrabang  
 Street, Apt. No.,  
 or PO Box No.: 2375 Fruitvale Ave  
 City, State, ZIP+4: Oakland, CA 94601

1-800-832-7272      2002 0510 0000 2202 5172

SUBJECT: NOTICE OF OPERATION IN VIOLATION OF LAW

You are hereby notified that the above referenced facility is operating without a license which is a violation of California Health and Safety Code Sections 1508, 1569.10, 1596.80 and 1546.805. These sections prohibit any person, firm, partnership, association, or corporation within the state from operating, establishing, managing, conducting, or maintaining a community care facility, residential care facility for the elderly or child care facility in the state without a current valid license. In accordance with Health and Safety Code Section 1540, 1541, 1569.10, 1569.41, 1596.80, and 1596.890 and other applicable laws, your continued operation without a license could result in civil and/or criminal action being taken against you.

You may file an application for license by contacting the licensing agency at **510-238-4201**. However, continued operation pending licensure is a violation of law.

*Ellen Martin*  
DISTRICT OFFICE MANAGER/  
COUNTY LICENSING OFFICE MANAGER

12/17/02  
DATE OF ISSUANCE

14.2  
ORA/COUNCIL  
OCT 21 2003

COMPLAINT INVESTIGATION REPORT

COMPLAINT CONTROL NUMBER 1500165

This is an official report of an unannounced visit/investigation of a complaint received in our office on 12/12/02 and conducted by Evaluator C. Wickert, L. Timphony, G. Espinosa

FACILITY NAME Grace Joy Lodge	FACILITY NO	FACILITY TYPE unlicensed	FACILITY REPRESENTATIVE Grace Manuobang
ADDRESS 2875 Fruitvale, Oakland 94601	TELEPHONE	CAPACITY	CENSUS
<input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> CONFIDENTIAL	MET WITH Grace Manuobang	TIME IN 9:00am	COMPLAINT DATE 12/17/02

ALLEGATION(S): Facility is operating without a license

INVESTIGATION FINDINGS: LPA's C. Wickert, L. Timphony, G. Espinosa conducted 10 day complaint investigation, toured facility, interviewed residents. Residents reported that owner cashed check and gets change back from owner.

Substantiated  
Facility is operating without a license

80006a-d  
Operation without a license.  
Facility is managing/ handling  
about money

Plan of Operation  
Facility must cease operation  
or apply for a license  
within 15 days. If facility  
does not comply, on the  
16th day, civil penalties  
of \$700 per day will  
apply until facility  
complies.

Substantiated  Inconclusive  Unfounded  Needs Further Investigation  
Estimated Days of Completion

USE LIC 809 FOR ALL CITATIONS

LICENSING ANALYST SIGNATURE C. Wickert	TIME OUT 11:30am	TELEPHONE 510 286 0427	I acknowledge receipt of this form and understand my appeal rights as explained on the back of this form.
NAME OF SUPERVISOR Dorinda Teutschel	TELEPHONE 510 286 0429	SIGNATURE G. Espinosa	

Distribution: Original: Agency Duplicate: Licensee Tripartite: File

**DETAIL SUPPORTIVE INFORMATION**

This form is intended to document information that is relevant to the licensing file but generally not public information, such as collateral visits. This would include back-up information on deficiencies such as conditions contributing to the severity of violations, witnesses to the violations, or other observation from field notes. When used to support the Licensing Report (LIC809) the form should be completed, signed and dated shortly after the visit. This assures accuracy and **completeness** of the detail of the public report.

FACILITY NAME:	FACILITY NUMBER:	DATE(S) OF VISIT:	COLLATERAL VISIT?
GRACE JOY LODGE	19200024	12/17/2002	<input type="radio"/> Yes <input checked="" type="radio"/> No

1 LPA C Weyuker, L Timphony, G Espinosa conducted complaint visit, interviewed clients. Visit was made jointly  
2 with Isaac Wilson-Codes and Compliance, Joan Austin-Garrett-Fire Prevention, Arturo Sanchez-City of Oakland  
3 Attorney, Bill Singman-Building Inspector, Toni Renwick-Inspection Services Manager.

4  
5 Grace Mangrobang's Attorney, Keith Brooks was also on the premises.  
6

7 Grace Mangrobang provided LPA with an incomplete roster of clients living at the facility. She receives her  
8 clients from Alameda Mental Health, Telecare. She charges \$550 a month for 2 meals and 2 snacks. She  
9 offers room and board, linen, meals. She does not provide transportation. Clients have bus passes. Most have  
10 case managers.

11  
12 Medications are delivered (bubble packs) by Ted's Pharmacy, Fruitvale Pharmacy, or Elmhurst Pharmacy Dr  
13 Sanders makes visits to the facility, as well as Dr. Massen and Dr. Brooks, the podiatrist.

14  
15 Clients sign a rental agreement.  
16

17 Some clients have a substitute payee. Mrs. Mangrobang receives a check for rent through SSI. Clients receive  
18 their own spending money by check which comes in the mail.

19  
20 She does not monitor intake (food) and output (urine/feces.) One client was urinating in a bucket because she  
21 did not want to walk out to the bathroom at night.

22  
23 Client recently died from a viral infection (██████████) She was diabetic. She had an IHS worker. Further  
24 investigation indicated that she was a RCEB client. LPA spoke with ██████████ who was aware of death. She  
25 will fax over report. This client was supposed to be moved out of the facility last year.

26  
27 LPAs interviewed several resided-Mrs. Mangrobang is cashing check for at least 2 clients. She then reported  
28 that she is cashing checks for 4 clients and is unaware that she cannot perform this service.

29  
30  
31  
32  
33  
34

LICENSING EVALUATOR NAME: Louis Timphony

TELEPHONE: 510-286-4356

LICENSING EVALUATOR SIGNATURE: 

DATE: 12/17/2002

## FACILITY EVALUATION REPORT

FACILITY NAME:	Grace Jay Lodge	FACILITY NUMBER:	Unlicensed
DIRECTOR:		FACILITY TYPE:	ARF
ADDRESS:	2375 Fruitvale Ave	TELEPHONE:	Unknown
CITY:	Oakland	STATE: Ca	ZIP CODE: 95601
CAPACITY:		CENSUS:	DATE: 03/25/2002
TYPE OF VISIT:	Complaint	UNANNOUNCED	TIME BEGAN:
MET WITH:	Grace Mangrobang		TIME COMPLETED:

DEFICIENCY INFORMATION FOR THIS PAGE:

CIVIL PENALTY INFORMATION:

Type A

## COMMENTS/DEFICIENCIES

1 LPA Cynthia Weyuker received adequate documentation today indicating that residents in question at Grace Jay  
2 Lodge are capable of managing own medications and money, and or have assistance through a case  
3 manager/subpayee. Final documentation was dated 2/7/02, therefore, civil penalties of \$200 per days are  
4 assessed and amended for the time period of 1/22/02 to 2/7/02 with a total of \$3400.  
5  
6 Civil penalties are ceased as of 2/7/02 under Title 22 Division 5 regulations.  
7  
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Failure to correct the cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

SUPERVISOR'S NAME: Shelley Evans

TELEPHONE: 510-286-0432

LICENSING EVALUATOR NAME: Cynthia Weyuker

TELEPHONE: 510-286-0427

LICENSING EVALUATOR SIGNATURE: \_\_\_\_\_

DATE: 03/25/2002

I acknowledge receipt of this form and understand my licensing appeal rights as explained and received

FACILITY REPRESENTATIVE SIGNATURE: \_\_\_\_\_

DATE: 03/25/2002

**CONFIDENTIAL NAMES**

California Statutes and Code of Regulations require that the names of clients/residents not be specified on public documents. The following is a list of clients referenced in the licensing report identified below.

Date of Field Visit: 12/17/2002  
 Licensing Report Date (LIC 809): 12/17/2002

Data Licensing Report was issued/given To Licensee (Facility Representative):

Facility Name: GRACE JOY LODGE  
 Facility Number: 1920024

Ref. #	Name of Client	Date of Birth	Address/Location	Comment
1	[REDACTED]	04/19/1959		4 months, \$625, mtds in room, [REDACTED]
2	[REDACTED]			3/27/44
3	[REDACTED]			12/2/49
4	[REDACTED]			
5	[REDACTED]			2/23/75 takes own meds, mtds in roo, Dr. Sanders, has payee.
6	[REDACTED]			1/1/43
7	[REDACTED]			7/18/52
8	[REDACTED]			12/8/61 3 yrs, \$611 month, meds in room

\* REFERENCE NUMBER CORRESPONDS TO NUMBER USED ON THE LICENSING REPORT TO REFER TO CLIENT.

LICENSING EVALUATOR NAME: Louis Timpony  
 LICENSING EVALUATOR SIGNATURE: *Louis Timpony*  
 TELEPHONE: 510-286-4358  
 DATE: 12/17/2002



**CONFIDENTIAL NAMES**

California Statutes and Code of Regulations require that the names of clients/residents not be specified on public documents. The following is a list of clients referenced in the licensing report **identified below**.

Date of Field Visit: 12/17/2002 Licensing Report Date (LIC 809): 12/17/2002

Date Licensing Report Was Issued/Given To Licensee (Facility Representative):

Facility Name: GRACE JOY LODGE Facility Number: 1920024

Ref. #	Name of Client	Date of Birth	Address/Location	Comment
9	[REDACTED]	05/29/1938	1	1 [REDACTED] 1yr \$625
			2	2 month, handles \$\$, meds
			3	3 stored in his room, payee is
			4	4 Dr. Sanders, 2 meals day.
10	[REDACTED]	06/11/1958	1	1 [REDACTED]
			2	2 [REDACTED]
			3	3 [REDACTED]
			4	4 [REDACTED]
11	[REDACTED]	01/07/2046	1	1 [REDACTED]
			2	2 [REDACTED]
			3	3 [REDACTED]
			4	4 [REDACTED]
12	[REDACTED]	02/14/1960	1	1 [REDACTED]
			2	2 [REDACTED]
			3	3 [REDACTED]
			4	4 [REDACTED]
13	[REDACTED]	02/12/1958	1	1 [REDACTED] 10 yrs, \$625
			2	2 month, Grace cashes check.
			3	3 meds in room
			4	4 [REDACTED]
14	[REDACTED]	09/25/2045	1	1 [REDACTED]
			2	2 [REDACTED]
			3	3 [REDACTED]
			4	4 [REDACTED]
15	[REDACTED]	09/23/2038	1	1 [REDACTED]
			2	2 [REDACTED]
			3	3 [REDACTED]
			4	4 [REDACTED]
16	[REDACTED]	10/03/1956	1	1 [REDACTED]
			2	2 [REDACTED]
			3	3 [REDACTED]
			4	4 [REDACTED]

\* REFERENCE NUMBER CORRESPONDS TO NUMBER USED ON THE LICENSING REPORT TO REFER TO CLIENT.

LICENSING EVALUATOR NAME: Louis Timothy

TELEPHONE: 510-288-4356

LICENSING EVALUATOR SIGNATURE: *[Signature]*

DATE: 12/17/2002

**CONFIDENTIAL NAMES**

California Statutes and Code of Regulations require that the names of clients/residents not be specified on public documents. The following is a list of clients referenced in the licensing report identified below.

Date of Field Visit: 12/17/2002  
 Licensing Report Date (LIC 809): 12/17/2002  
 Date Licensing Report Was Issued/Given To Licensee (Facility Representative):  
 Facility Name: GRACE JOY LODGE  
 Facility Number: 19200024

Ref. #	Name of Client	Date of Birth	Address/Location	Comment
17	[REDACTED]	11/30/1957	[REDACTED]	[REDACTED] has payee, 2 meals, \$625 month, meds in room.
18	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19	[REDACTED]	04/13/1958	[REDACTED]	[REDACTED]
20	[REDACTED]	09/25/1965	[REDACTED]	[REDACTED]
21	[REDACTED]	03/12/2048	[REDACTED]	[REDACTED] Grace cashes check for him. \$625 month, Dr. Sanders give meds.
22	[REDACTED]	02/14/1983	[REDACTED]	[REDACTED] \$400 month, 1 month, meds in room.
23	[REDACTED]	06/12/2047	[REDACTED]	[REDACTED]
24	[REDACTED]	01/07/2047	[REDACTED]	[REDACTED]

\* REFERENCE NUMBER CORRESPONDS TO NUMBER USED ON THE LICENSING REPORT TO REFER TO CLIENT.

LICENSING EVALUATOR NAME: Louis Timothy  
 LICENSING EVALUATOR SIGNATURE: *[Signature]*  
 TELEPHONE: 610-286-4356  
 DATE: 12/17/2002

**CONFIDENTIAL NAMES**

California Statutes and Code of Regulations require that the names of clients/residents not be specified on public documents. The following is a list of clients referenced in the licensing report identified below.

Date of Field Visit: 12/17/2002 Licensing Report Date (LIC 809): 12/17/2002

Date Licensing Report Was Issued/Given To Licensee (Facility Representative):

Facility Name: GRACE JOY LODGE Facility Number: 19200024

Ref. #	Name of Client	Date of Birth	Address/Location	Comment
25	[REDACTED]	12/02/1956	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
26	[REDACTED]	03/09/1954	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
27	[REDACTED]	04/10/1958	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
28	[REDACTED]	05/23/1978	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
29	[REDACTED]	09/26/1953	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
30	[REDACTED]	01/22/1962	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
31	[REDACTED]	08/23/1963	[REDACTED]	[REDACTED] \$625 subpayee
	[REDACTED]		[REDACTED]	[REDACTED] meds in room. Dr.
	[REDACTED]		[REDACTED]	[REDACTED] Sanders.
	[REDACTED]		[REDACTED]	[REDACTED]
32	[REDACTED]	04/18/1951	[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]
	[REDACTED]		[REDACTED]	[REDACTED]

\* REFERENCE NUMBER CORRESPONDS TO NUMBER USED ON THE LICENSING REPORT TO REFER TO CLIENT.

LICENSING EVALUATOR NAME: Louis Timphony

TELEPHONE: 510-286-4356

LICENSING EVALUATOR SIGNATURE: [Signature]

DATE: 12/17/2002

**CONFIDENTIAL NAMES**

California Statutes and Code of Regulations require that the names of clients/residents not be specified on public documents. The following is a list of clients referenced in the licensing report identified below.

Data of Field Visit: 12/17/2002 Licensing Report Date (LIC 809): 12/17/2002

Date Licensing Report Was Issued/Given To Licensee (Facility Representative):

Facility Name: GRACE JOY LODGE Facility Number: 19200024

Ref. #	Name of Client	Date of Birth	Address/Location	Comment
33	1 [REDACTED]	02/07/1984	1 [REDACTED]	1 [REDACTED]
	2 [REDACTED]		2 [REDACTED]	2 [REDACTED]
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
34	1 [REDACTED]	01/01/1955	1 [REDACTED]	1 [REDACTED] 2-3 days, free
	2 [REDACTED]		2 [REDACTED]	2 rent, no meds
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
35	1 [REDACTED]		1 [REDACTED]	1 6 months, \$800 month.
	2 [REDACTED]		2 [REDACTED]	2 cousin is
	3 [REDACTED]		3 [REDACTED]	3 conservator, meds in room.
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
36	1 [REDACTED]	01/12/1958	1 [REDACTED]	1 [REDACTED]
	2 [REDACTED]		2 [REDACTED]	2 [REDACTED]
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
37	1 [REDACTED]	09/03/2043	1 [REDACTED]	1 [REDACTED]
	2 [REDACTED]		2 [REDACTED]	2 [REDACTED]
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
38	1 [REDACTED]	07/17/1965	1 [REDACTED]	1 [REDACTED]
	2 [REDACTED]		2 [REDACTED]	2 [REDACTED]
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
38	1 [REDACTED]		1 [REDACTED]	1 1 week, Dr. Sanders, meds
	2 [REDACTED]		2 [REDACTED]	2 in room.
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]
40	1 [REDACTED]		1 [REDACTED]	1 6 months, \$600 month, S/W
	2 [REDACTED]		2 [REDACTED]	2 [REDACTED] La Clinica La Roza.
	3 [REDACTED]		3 [REDACTED]	3 [REDACTED]
	4 [REDACTED]		4 [REDACTED]	4 [REDACTED]

\* REFERENCE NUMBER CORRESPONDS TO NUMBER USED ON THE LICENSING REPORT TO REFER TO CLIENT.

LICENSING EVALUATOR NAME Louis Timothy

TELEPHONE: 510-286-4358

LICENSING EVALUATOR SIGNATURE: L. Weyuk

DATE: 12/17/2002

14.2  
 ORA/COUNCIL  
 OCT 21 2003

**CONFIDENTIAL NAMES**

California Statutes and Code of Regulations require that the names of clients/residents not be specified on public documents. The following is a list of clients referenced in the licensing report identified below.

Date of Field Visit: 12/17/2002 Licensing Report Date (LIC 809): 12/17/2002

Date Licensing Report Was Issued/Given To Licensee (Facility Representative):

Facility Name: GRACE JOY LODGE Facility Number: 19200024

Ref. #	Name of Client	Date of Birth	Address/Location	Comment
41	[REDACTED]		1	1 refused interview
			2	2
			3	3
			4	4
42	[REDACTED]		1	1 takes own meds. cashes awn
			2	2 checks
			3	3
			4	4
43	[REDACTED]		1	1 takes own meds. subpayee
			2	2
			3	3
			4	4
44	[REDACTED]		1	1 8 months, \$650, keeps meds
			2	2 in room,
			3	3
			4	4
45	[REDACTED]		1	1 \$600 month, grace used to
			2	2 keep meds but not any more.
			3	3 Dr. Sanders.
			4	4
46	[REDACTED]		1	1 takes own meds
			2	2
			3	3
			4	4
1			1	1
2			2	2
3			3	3
4			4	4
1			1	1
2			2	2
3			3	3
4			4	4

REFERENCE NUMBER CORRESPONDS TO NUMBER USED ON THE LICENSING REPORT TO REFER TO CLIENT.

LICENSING EVALUATOR NAME: Louis Timphony

TELEPHONE: 510-288-4358

LICENSING EVALUATOR SIGNATURE: *[Signature]*

DATE: 12/17/2002

**DETAIL SUPPORTIVE INFORMATION**

This form is intended to document information that is relevant to the licensing file but generally not public information, such as collateral visits. This would include back-up information on deficiencies such as conditions contributing to the severity of violations, witnesses to the violations, or other observation from field notes. When used to support the Licensing Report (LIC809) the form should be completed, signed and dated shortly after the visit. This assures accuracy and completeness of the detail of the public report.

FACILITY NAME: GRACE JOY LODGE  
 FACILITY NUMBER: 1920024  
 DATE(S) OF VISIT: 12/17/2002  
 COLLABORAL VISIT?  Yes  No

- 1 LPA C Weyker, L Timphony, G Espinosa conducted complaint visit, interviewed clients, visit was made jointly with Isaac Wilson-Codes and Compliance, Joan Austin-Garret-Fire Prevention, Arturo Sanchez-City of Oakland Attorney, Bill Singman-Building Inspector, Toni Renwick-Inspection Services Manager.
- 2 Grace Mangroban's Attorney, Keith Brooks was also on the premises.
- 3 Grace Mangroban provided LPA with an incomplete roster of clients living at the facility. She receives her clients from Alameda Mental Health, Telecare. She charges \$550 + a month for 2 meals and 2 snacks. She offers room and board, linen, meals. She does not provide transportation. Clients have bus passes. Most have case managers.
- 4 Medications are delivered (bubble packs) by Ted's Pharmacy, Fruitvale Pharmacy, or Elmhurst Pharmacy. Dr. Sanders makes visits to the facility, as well as Dr. Massen and Dr. Brooks, the podiatrist.
- 5 Clients sign a rental agreement.
- 6 Some clients have a substitute payee. Mrs. Mangroban receives a check for rent through SSI. Clients receive their own spending money by check which comes in the mail.
- 7 She does not monitor intake (food) and output (urine/feces). One client was urinating in a bucket because she did not want to walk out to the bathroom at night.
- 8 Client recently died from a viral infection (\_\_\_\_\_). She was diabetic. She had an IHS worker. Further investigation indicated that she was a RCEB client. LPA spoke with \_\_\_\_\_ who was aware of death. She will fax over report. This client was supposed to be moved out of the facility last year.
- 9 LPAs interviewed several residents. Mrs. Magroband is cashing checks for at least 2 clients. She then reported that she is cashing checks for 4 clients and is unaware that she cannot perform this service.

LICENSING EVALUATOR NAME: Louis Timothy  
 LICENSING EVALUATOR SIGNATURE: *[Signature]*  
 TELEPHONE: 510-288-4356  
 DATE: 12/17/2002

This is an official report of an unannounced visit/investigation of a complaint received in our office on 12/12/02 and conducted by Evaluator C. Winkler, L. Timphony, G. Espinosa

FACILITY NAME Grace Joy Lodge	FACILITY NO.	FACILITY TYPE unlicensed	FACILITY REPRESENTATIVE Grace Mangroban
ADDRESS 2375 Fruitvale, Oakland 94601	TELEPHONE	CAPACITY	CENSUS
<input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> CONFIDENTIAL	MET WITH Grace Mangroban	TIME IN 9:00am	TOOK DATE 12/17/02

ALLEGATION(S): Facility is operating without a license

INVESTIGATION FINDINGS: LPA's Winkler, L. Timphony, G. Espinosa conducted 10 day complaint investigation, toured facility, interviewed residents. Residents reported that owner cashes check and gets change back from owner.

Substantiated  
Facility is operating without a license

80006a-d  
Operating without a license.  
Facility is managing/handling  
check money

Plan of Operation  
Facility must cease operation  
or apply for a license  
within 15 days. If facility  
does not comply, on the  
16th day, civil penalties  
of \$200 per day will  
apply until facility  
complies.

Substantiated  Inconclusive  Untounded  Needs Further Investigation  
Estimated Days of Completion

USE LIC 809 FOR ALL CITATIONS

LICENSING ANALYST SIGNATURE C. Winkler LPA	TIME OUT 11:30am	TELEPHONE (510) 286 0427	I acknowledge receipt of this form and understand my appeal rights as explained on the back of this form
NAME OF SUPERVISOR Dorinda Teutschel	TELEPHONE (510) 286 0429	SIGNATURE [Signature]	

DETERMINATION AFTER APPEAL HEARING  
CITY OF OAKLAND  
CODE COMPLIANCE, COMMUNITY ECONOMIC AND DEVELOPMENT DEPT

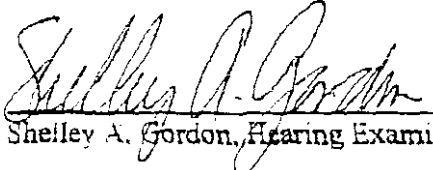
Agenda No.	03-03	Hearing Date:	3-5-03
Property Address:	2375 Fruitvale Ave.	Parcel No.:	026-0766-001-01
Property Owner:	Grace Mangrobang	Inspector:	Isaac Wilson
Complaint No.:	0109886	Hearing Examiner:	Shelley Gordon
Violations:	1.08/12, 15.08.080/110/150/340		

---

The matter came for hearing on March 5, 2003. Property Owner, Mrs. Mangrobang, was present and represented by two counsel, Keith Brooks and Brian Ching. The building department was represented by Deputy City Attorney Austin Cattermole. The parties presented oral testimony, exhibits, and letter briefs were requested by the Hearing Officer and submitted by both parties.

After considering all of the evidence, I find that the actions taken by the City in issuing a Declaration of Public Nuisance was reasonable and that the Code Compliance Department did not err in doing so. While it is noted that Mrs. Mangrobang, in offering the residence to less fortunate individuals, is providing a service and an opportunity that is badly needed, the condition of the property clearly makes it substandard. Evidence was presented that the violations noted above still exist. There is inadequate sanitation, hazardous electrical wiring and equipment, and structural deficiencies in the building. Further, the efforts to rehabilitate it have been insufficient and without following the established permitting and inspection procedures. Therefore, the Appellant's appeal is denied.

March 25, 2003

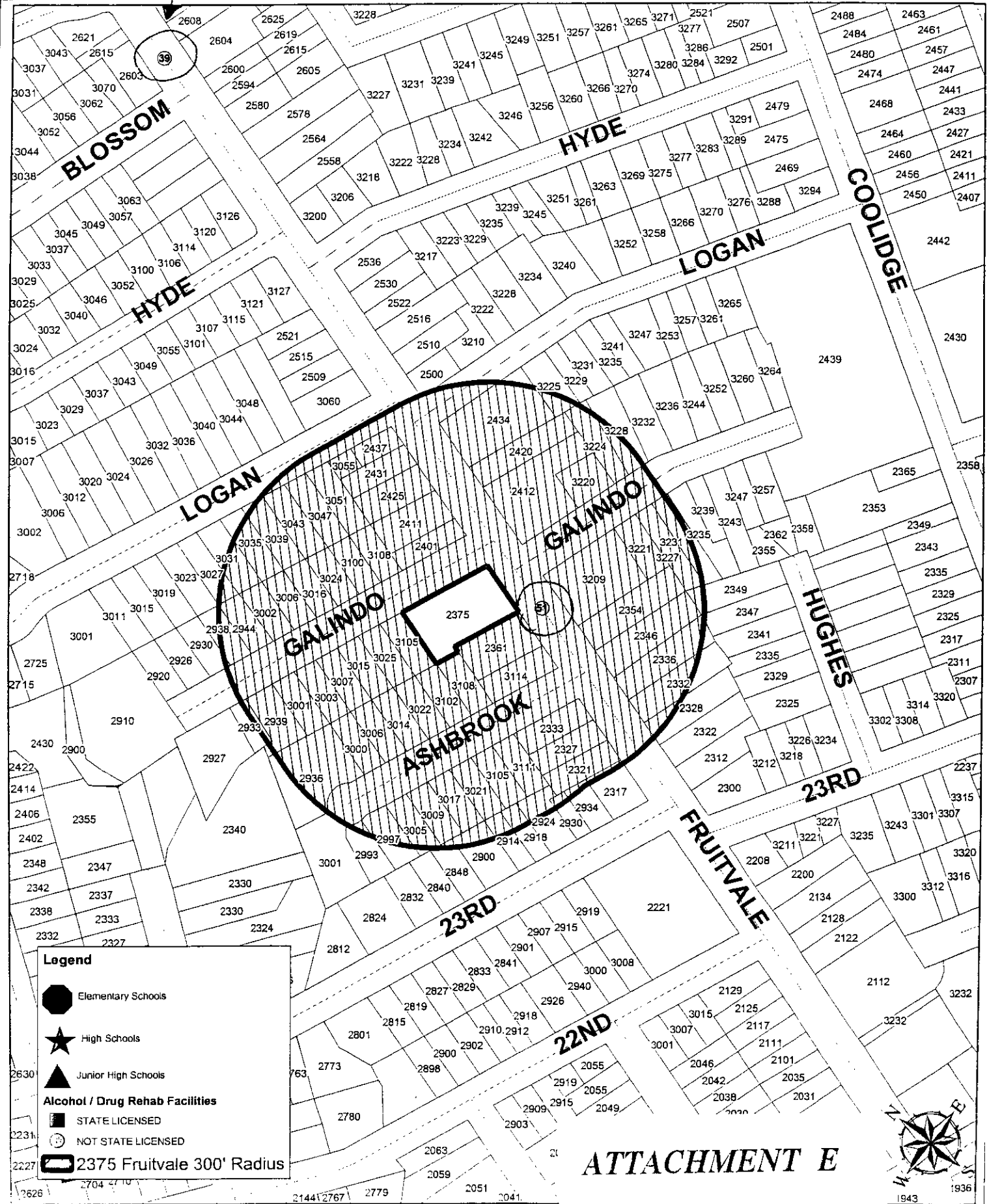
  
Shelley A. Gordon, Hearing Examiner

**ATTACHMENT D**



2616 Fruitvale Ave

# 2375 Fruitvale Ave



### Legend

- Elementary Schools
- High Schools
- Junior High Schools
- Alcohol / Drug Rehab Facilities**
- STATE LICENSED
- NOT STATE LICENSED
- 2375 Fruitvale 300' Radius



## ATTACHMENT E

1943 1936

<b>Location:</b>	<b>2375 Fruitvale Avenue (See map on reverse)</b>
<b>Assessors Parcel Numbers:</b>	0264766-001-01
<b>Proposal:</b>	To establish a Service Enriched Permanent Residential Activity within an existing structure.
<b>Applicant:</b>	Keith Brooks
<b>Owner:</b>	Grace V. & Francisco Mangrobang
<b>Case File Number</b>	CM03-257
<b>General Plan:</b>	Mixed Housing Type
<b>Zoning:</b>	R-50 Medium Density Residential <b>Zone</b>
<b>Environmental Determination:</b>	Exempt 15301 State CEQA Guidelines; Minor Alterations to existing structures
<b>Historic Status:</b>	Potentially Designated Historic Property (PDHP); survey rating: B+3+ Major Importance
<b>Service Delivery District:</b>	IV Fruitvale
<b>City Council District:</b>	5
<b>Finality of Decision:</b>	Appealable to the City Council
<b>Date Filed:</b>	06/09/03
<b>Staff recommendation:</b>	Decision based on staff report
<b>For further information:</b>	Contact case planner <b>Chris Candell, 238-6986</b> or <a href="mailto:ccandell@oaklandnet.com">ccandell@oaklandnet.com</a>

**SUMMARY**

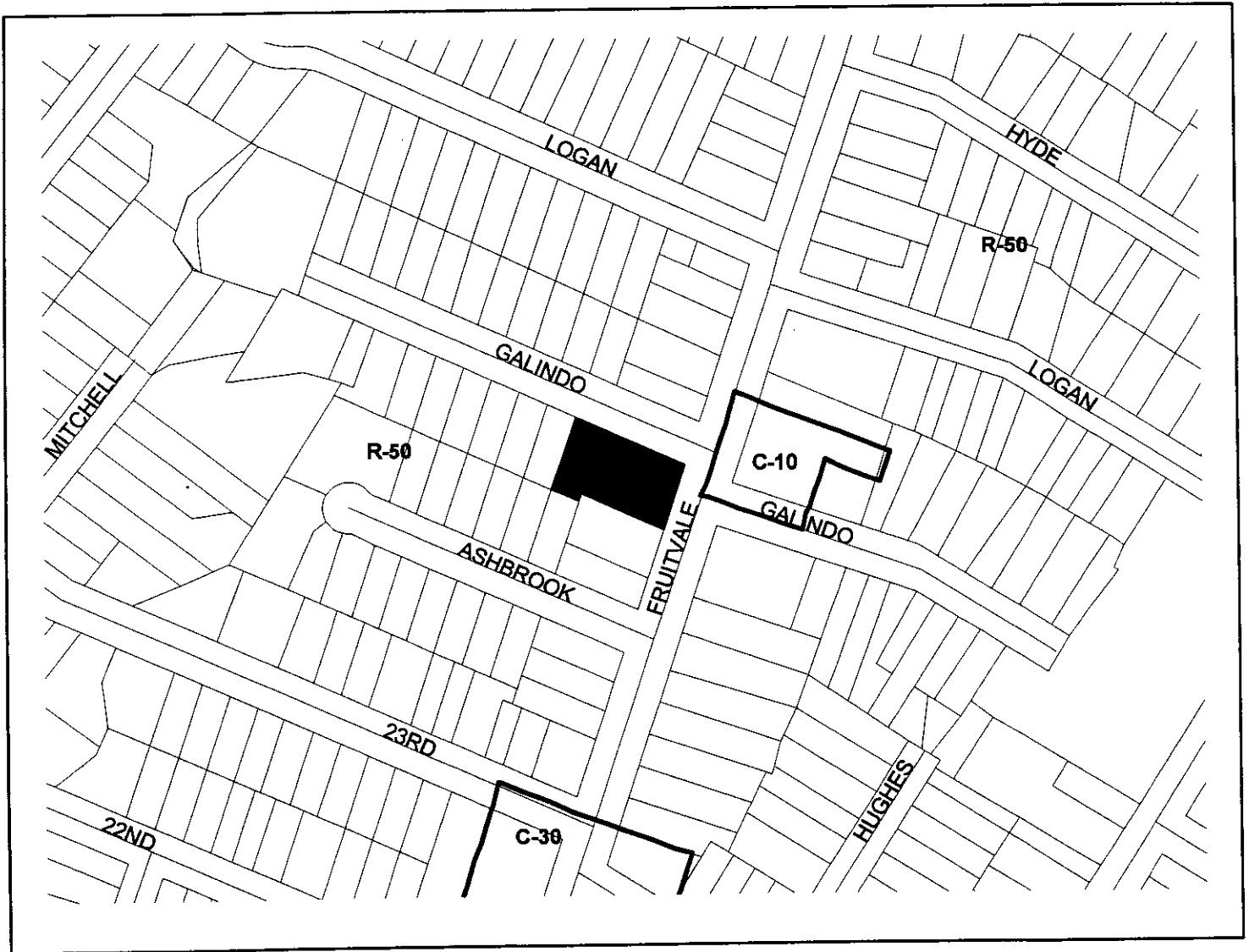
On April 16, 2003, the Oakland Planning Commission upheld the staff Zoning Determination that the activity conducted at 2375 Fruitvale Avenue constitutes a Service Enriched Permanent Residential Activity. Since then, the appellant has applied for a Major Conditional Use Permit to legalize the Service Enriched Permanent Residential Activity. The owner has not proposed any substantial changes in the operations. The owner will continue to accept people loosely referred to her from different social welfare entities and individual doctors. Many of the residents will either receive visits from doctors and health care workers on site or will see them offsite on a regular basis. The operator will provide linen service, two meals a day, and may transport people to appointments. The current house rules contain a curfew and call for expulsion of residents who violate certain conditions such as abuse of drugs or alcohol.

In view of the fact that the operation as proposed will continue to be operated as it has in the past, and that past operation of this facility has created numerous nuisance and law enforcement situations, staff can not make the required findings required to approve this application. Specifically, staff cannot find that the “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”. This determination is based on the past history of nuisance activity, the lack of changes proposed by the applicant and the constraints in the range of conditions of approval that might reduce the type of nuisance activity that have been occurring in and around the facility. Therefore, staff recommends that the Oakland Planning Commission deny the application.

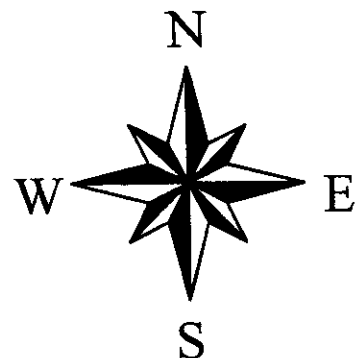
**FILE COPY**

**ATTACHMENT B**

# CITY OF OAKLAND PLANNING COMMISSION



Case File: A03-054  
Applicant: Keith Brooks  
Address: 2375 Fruitvale  
Zone: R-50



## PROJECT DESCRIPTION

The applicant wishes to legalize the Service Enriched Permanent Residential Activity. As proposed, the population would continue to be comprised of people referred from different social welfare entities and doctors. Residents will continue to receive visits from doctors and psychiatrists on a regular basis at the facility. The applicant will shuttle some residents to offsite appointments in a facility van. She will continue to provide linen service (clean towels once per week) and food service twice per day. There are two employees and an onsite security guard. The employees maintain the facility and may or may not live on site.

The applicant has submitted a rental agreement and a set of house rules regarding the conduct of her tenants and that violation will result in expulsion (See Attachment C). These rules include a curfew of 9:00 PM to 6:00 AM, restrictions on "excessive" use of alcohol use of drugs or gambling as reasons for expulsion. The current application indicates that the only services provided on site will be driving clients to appointments for services, and the room and board services. In the past, services provided residents have included:

- Check cashing and handling client finances.
- Distribution of medications.

The owner has also had clients with substitute payees where the owner receives SSI checks while clients get separate spending money check through mail.

In addition, representatives from several local social welfare referral entities (Alameda County Mental Health; Telecare) testified that they have clients in need of some level of continuing care in their clinic or at this facility. Telecare has referred clients to this facility; the other agencies may inform clients about this facility. The facility does not operate merely as a rooming house where residents choose to live at the facility primarily because of what it offers them from a purely residential point of view. Rather it operates as a residential facility offering both residents and social welfare agencies a facility where the health and social needs of the residents can be accommodated. These needs can be accommodated by access to the specialized services in a convenient location. At this facility residents can receive such services frequently and or be supervised by the social welfare entities.

The facility has been declared physically substandard and a repair program is in place to bring the building up to codes and habitability standards.

## PROPERTY DESCRIPTION

The 10,990 square foot lot is located in an area characterized by one and two story single-family residences with small apartments. The existing facility was a legal nonconforming rooming house at some point in the past. However, since there is some evidence that the rooming house activity was abandoned a number of years ago, the legal status of the *facility* is uncertain. Staff has not yet reviewed the legal status of the facility, and that issue is not before the Planning Commission on this appeal.

The site is developed with a 12,990 square foot, three-story concrete structure with block walls and stucco fashioned to look like cut stone. The building was constructed in 1906 as a luxury hotel that, at that time, was located just outside the city limits in the Fruitvale district. The Oakland Cultural Heritage Survey rating for this Potentially Designated Historic Property is B+3+ major importance, landmark quality. Originally known as the Fairlawn Hotel the building integrity is good, the building is in excellent historic condition (although the facility has been recently deemed substandard physically, the deficiencies are internal). Visible alterations include paint, some windows, and a glassed in porch.

**BACKGROUND**

This site has been the focus of neighborhood complaints and police activity since 1995 when the owner purchased the building. There have been many calls for service and the issues at this site have been the focus of a number of community meetings. Many of the calls for service have been for psychiatric emergencies related to residents and assault cases. Other incidents include theft and drug activity or parole violations. Neighbors have been complaining about residents wandering the streets, knocking on doors, bumming cigarettes, stealing things from yards and construction sites, verbal abuse from residents in the front yard, and other nuisance behavior. The calls for service and nuisance activity brought the facility to the attention of code compliance officers who investigated the location throughout 2002 and this year. Further information regarding calls for service and other activity at the site are detailed in the April 16<sup>th</sup> staff report (See attachment D). Information provided to staff by OPD officers indicate that neither the calls for service to this address nor the nuisance activities which it generates have abated during the first half of 2003.

Code Compliance made the initial determination that the activity was more than that of a boarding house and that the activity had risen to that of a Service Enriched Permanent Housing Residential Activity. The applicant appealed this decision, and on April 16, 2003 the Oakland Planning Commission upheld the staff determination that the activity is a Service Enriched Permanent Housing Residential Activity. The current application is for a Major Conditional Use Permit to legalize her Service Enriched Permanent Housing Residential Activity.

**GENERAL PLAN ANALYSIS**

This structure is located in the Mixed Housing Type Residential Land Use Classification. The Mixed Housing Type Residential Land Use Classification is intended to create, maintain, and enhance residential areas characterized by a mix of single family residences, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. The Rooming House facility was a legal nonconforming use in this land use category and is similar in use to the residential uses desired in this Land Use Classification in that the facility can accommodate permanent as opposed to transient housing activities.

The use primarily has characteristics of residential and institutional activities. General Plan policy N11.4 (Alleviating Public Nuisances) states "The City should strive to alleviate public nuisances and unsafe and illegal activities." In this instance the City has been actively monitoring existing nuisance activity stemming from this site and has made investigations related to housing and building codes. The hearing officer has determined that this facility is considered sub-standard housing. This Conditional Use Permit affords the opportunity to impose conditions on the existing use to reduce nuisance activity in and around the property or deny the application based on the inability to make findings that nuisance can be reduced to insignificance. Other General Plan policies that this proposal conflicts with include a number that address the need for institutionally uses to be compatible with surrounding activities, particularly residential development. Also, General Plan policy N3.11 (Enforcing Codes) states "The City should aggressively enforce the requirements of the City's Housing Code and other applicable regulations on housing of all types."

The activity is not classified as a commercial activity but also has properties of a commercial activity in a residential area. Therefore, General Plan policy N1.6 (Reviewing Potential Nuisance Activities) states "The City should closely review any proposed new commercial activities that have the potential to create public nuisance or crime problems, and should monitor those that are existing. These may include isolated commercial or industrial establishments located within residential areas, alcoholic beverage sales activities (excluding restaurants), adult entertainment, or other entertainment activities."

**ZONING ANALYSIS**

The facility is within the R-50, Medium Density Residential Zone. The use meets the definition of Service-Enriched Permanent Housing Residential Activities pursuant to Section 17.10.114 Service Enriched Permanent Housing. Service-Enriched Permanent Housing Residential Activities requires a Major Conditional Use Permit pursuant to Section 17.24.060(A) and 17.134.020 of the Oakland Municipal Code. To approve the proposed activity, the Conditional Use Permit criteria at Section 17.134.050 and the special findings of 17.102.212 Special Regulations Applying to Residential Care, Service Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities must be made.

**ENVIRONMENTAL DETERMINATION**

No Environmental determination is required to deny the project. The application is exempt under Section 15270, Projects That Are Disapproved

**KEY ISSUES AND IMPACTS**

Since the activity has been in operation since 1995 and the proposal is to continue the operation in much the same way. The activity has generated negative impacts for neighbors from the beginning. If the project is approved, the negative impacts such as those described below are likely to continue.

**Limitations on the imposition of conditions**

The definition of Service Enriched housing at (Section 17.10.114) suggests that in most instances the "services" that are provided at the facility differentiates it from "permanent residential". These will be services that are provided to and needed by persons who qualify as disabled under both the ADA as well as the fair housing act. The City's interest in differentiating between service enriched housing and permanent residential is the regulation of the manner in which the services are provided not the fact that the services are required. It is not the City's intent to prohibit the services from being provided to persons who need them, or to discriminate against the occupants because they are in need of the services: both of these would have the impact of discriminating against disabled persons, or failing to reasonably accommodate their disabilities. But because services are provided that would not be provided in typical "permanent residential" it is reasonable for the City to review the manner in which those services are delivered to the facility. The City is also charged with protecting the residential quality of the neighborhood and to insure that the manner in which the services are provided does not result in the creation or maintenance of a nuisance. In view of the extensive track record of this facility and the proposal is that it be operated in the same manner by the same operator, staff has been unable to develop a list of enforceable conditions which if imposed would make it possible to find that the manner in which this facility would be operated in the future would not continue to generate unacceptable levels of nuisance to the neighborhood.

**Neighborhood issues**

Neighbors have testified that notwithstanding the controls voluntarily imposed by the operator of Grace Joy Lodge, residents of the Grace Joy Lodge frequently wander the streets aimlessly, at all hours of the day, knocking on doors, bumming cigarettes, panhandling, stealing from yards and construction sites, verbal abuse from residents in the front yard, and other nuisance behavior. Residents and adjacent businesses point to calls for service, ambulance responses, and nuisance activity to illustrate the disturbances they must deal with.

One adjacent neighbor has reported harassment of her daughter by a resident of the lodge whose window overlooks her house and yard. Businesses in the area have reported thefts of retail goods and have intermittent verbal conflicts with out of control residents resulting in calls for service. Residents who are locked out after the curfew imposed by the operator often seek shelter at neighboring houses usually without permission. Community members must contend with people from the lodge who rummage through garbage for food. There has been more than one occasion where residents have been found wandering in traffic. Noise has been a nuisance. Some of the lodge residents have been known to yell or scream from the premises and or from upstairs windows. Other residents have played live or recorded music at volumes and or times that disturbs neighbors. According to residents, these activities have tended to lower property values.

The ambulance calls have been frequently in response to residents of the lodge being out of control and in need of psychiatric care or evaluation. It appears that some of these incidents are a result of residents' failure to take prescribed medications. In the past there have been approximately 46 people living on site with significant mental or other social problems who have received very little direct supervision or services on site. This appears to lead to many of the problems at this location as the population does not have any supervision insuring that they get the services needed to improve.

**Number of Residents**

The number of residents, the variety of medial, psychiatric and social problems and needs they present, coupled with the general lack of supervision provided by the facility has been an ongoing concern of neighbors and has resulted in the many neighborhood nuisances which it creates. In general, offsite impacts are related proportionally to the level of supervision and the number of residents. It would appear that the general lack of supervision provided by the operator results from her desire to not be subject to state community care licensing laws: if greater supervision is provided, in all likelihood the state would require that she obtain a state community care license, and operate the facility in accordance with the rules and regulation established by the State. In view of the fact that the facility contains 37 habitable rooms (as confirmed by Building Services) it would be difficult to develop an enforceable condition that would restrict occupancy to fewer than 37 occupants: it is clear that 37 unsupervised individuals in this facility result in the creation and maintenance of a nuisance in the neighborhood, and thus staff cannot support this application.

**Security & Loitering**

Neighbors report drug dealing in and around the grounds. Neighbors would like the existing gates fixed and limit access to the Fruitvale Avenue side of the property. Community members have been frustrated by not having proper contact information to reach the owner and management to report problems or discuss issues and would like contact phone numbers for the manager, business, and property owner in a place where they can be read 24 hours a day. In addition, neighbors want security guards posted at this site.

**Lighting**

Lighting of the perimeter of the property is a concern of neighbors because they feel it would reduce loitering and drug dealing activity during the evening hours. The imposition of a condition requiring increased lighting would not substantially reduce the nuisance activities occurring within the facility nor in the neighborhood beyond the area where the lighting is effective.

14.2  
ORA/COUNCIL  
OCT 21 2003

**Curfew**

The applicant currently imposes a curfew on residents. After hours the doors are locked and no one is allowed in or out. This causes problems people who live nearby when residents of the Grace Joy Lodge stay out past curfew as they are not allowed back in and wander the streets sometimes knocking on doors for help or sleeping on private property. It is doubtful that the City can either impose or enforce a workable curfew restriction on the occupants of this facility, and it appears that the current curfew does not reduce the nuisance activities generated by this house, and in fact it appears to increase them.

**House Rules**

The applicant has proposed house rules (See attachment C). Community members have asked for strict regulations to limit the behavior of residents similar to those imposed for Transitional Housing Residential activities. The City Attorneys office has recommended that the Oakland Planning Commission not impose rules that violate the guidelines described above under Limitations on the imposition of conditions. This means most conditions such as, but not limited to, compliance with house rules as a condition of residency that would impose greater restrictions on residents than would be imposed on ordinary residents would not meet the legal standard.

**Parking, Community Meetings, and Overconcentration**

- There are no designated parking stalls at this time. Historically, few residents have kept vehicles on site. However, there is no prohibition on car ownership. Because the facility was constructed before the establishment of parking regulations, no specific number of stalls is required.
- The community and the owner have expressed a desire to improve communication. Community members have suggested that quarterly meetings be set up between the owner and the community. The owner has agreed.
- No Resident Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities may be located within 300 feet of any other such activity or facility. There are no known licensed or unlicensed facilities within that radius (See attachment E).

**CONCLUSION:**

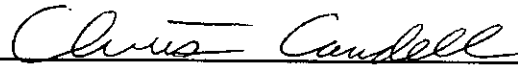
Service Enriched Permanent Housing Residential Activities provide a much-needed service in the community providing a bridge between transitional housing and full independent living. This level of residential activity represents the maximum of independence some people are capable of. Primarily a residential activity, this use does allow or provide for some services. Properly and enforceably conditioned upon on operator with the capability and desire of operating a facility in a non-nuisance generating manner, such an activity should create no more nuisances, loitering, and littering than a similar sized residential apartment. The applicant has not come forward with significant changes in the activity to mitigate the history of problems this use has generated for the surrounding community, and has not shown the capacity to operate the facility in a non-nuisance generating manner. In fact, the contrary is true. With out significant changes to the activity there is every likelihood that the nuisance activities will continue. Therefore, the required findings cannot be made and staff recommends denial of this project.

**RECOMMENDATIONS:**

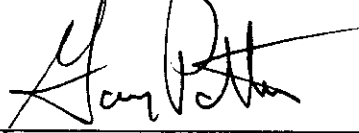
1. Deny the Major Conditional Use Permit based on the inability to make the attached findings.



Prepared by:

  
Chris Candell  
Planner II

Approved by:

  
GARY PATTON  
Deputy Director of Planning and Zoning  
Approved for forwarding to the  
City Planning Commission:

**ATTACHMENTS:**

- A. Plans dated July 1, 2003
- B. Photographs dated received July 1, 2003
- C. Copy of House rules received July 1, 2003
- D. Copy of the April 16, 2003 Planning Commission staff report
- E. 300 foot radius map showing locations of other similar uses

**APPROVED BY:** City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)  
City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

**FINDINGS FOR DENIAL:**

This proposal does not meet all the required findings under Sections 17.134.050; General Use Permit Criteria and 17.102.212; Special Regulations Applying to Residential Care, Service-Enriched Permanent Housing, Transitional Housing, and Emergency Shelter Residential Activities as set forth below. Required findings are shown in **bold type**; explanations as to why these findings cannot 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 existing use has created negative offsite impacts. There has been little direct supervision of the residents and the operator does not wish to make significant changes including lowering the number of residents. Since 1995 neighbors have been impacted by residents of the Grace Joy Lodge wandering the streets, knocking on doors, bumming cigarettes, panhandling, stealing from yards and construction sites, excessive noise from screaming/shouting residents and live and recorded music, verbal abuse and threats from residents in the front yard or windows. The nearby businesses have dealt with theft and verbal abuse and have had Grace Joy Lodge residents rummage through garbage containers. Other nuisance behavior includes drug dealing by or involving residents in front of or just off site and parole violations. The record is made up of verbal testimony from residents and merchants and a written record in the form of police reports or calls for service and other sources from 1995 through the first half of 2003 and written reports by code compliance inspectors. Residents locked out after curfew have called on neighbors for help or sought shelter by sleeping in the yards and porches of neighbors. Often the behavior of residents results in calls for service and ambulance responses creating disruption of residents. These ongoing nuisances lower property values and adversely affect the livability of nearby residents. The facility has been declared physically substandard by the City Hearing Officer. Staff has been unable to develop a list of enforceable conditions which if imposed would reduce the levels of nuisance to an acceptable level.

- 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;**

This condition is not applicable as the structure is existing; nor is it relevant to the denial of this proposal.

- 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 continued operation of the Service Enriched Permanent Housing Residential Activity will continue to create nuisance activity. Such nuisance activity will degrade the successful operation of the surrounding residential area.

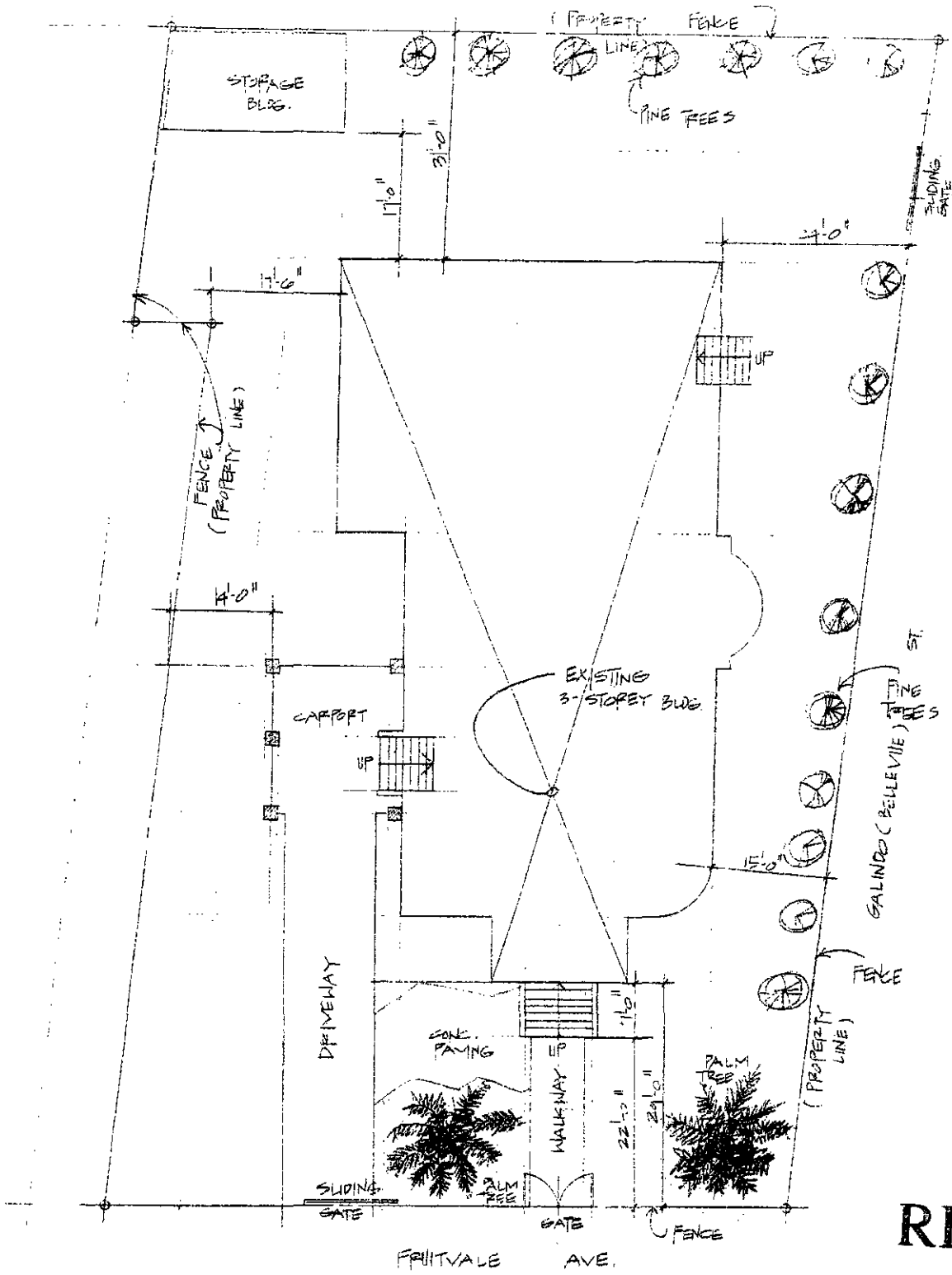
**D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

No exterior alterations are proposed to the facility; nor is this finding relevant to the denial of this proposal.

**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 proposal will continue to generate nuisance activity. General Plan policy N11.4 (Alleviating Public Nuisances) states "The City should strive to alleviate public nuisances and unsafe and illegal activities." Therefore, the legalization of this activity would not conform to the General Plan. General Plan policy N2.1 (Designing and Maintaining Institutions) states that institutional uses should be designed and operated in a manner sensitive to surrounding residential and other uses. The negative offsite impacts generated are not sensitive to the surrounding residential and commercial uses. General Plan policy N2.3 (Supporting Institutional Facilities) indicates that institutional uses should be supported if they are compatible with surrounding activities and the facility site supports the proposed uses. The use is not compatible with surrounding activities because of the nuisance activity generated and the lack of buffering between the facility and other uses. Lastly, N2.5 (Balancing City and Local Benefits of Institutions) states that the City of Oakland should balance the overall benefit of the institution and the effects on the immediate surrounding area. In this case the benefits are outweighed by the nuisance activity generated in and around the facility.

DENIED BY: City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)  
City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)



**SITE PLAN**  
SCALE 3/8" = 1'-0"

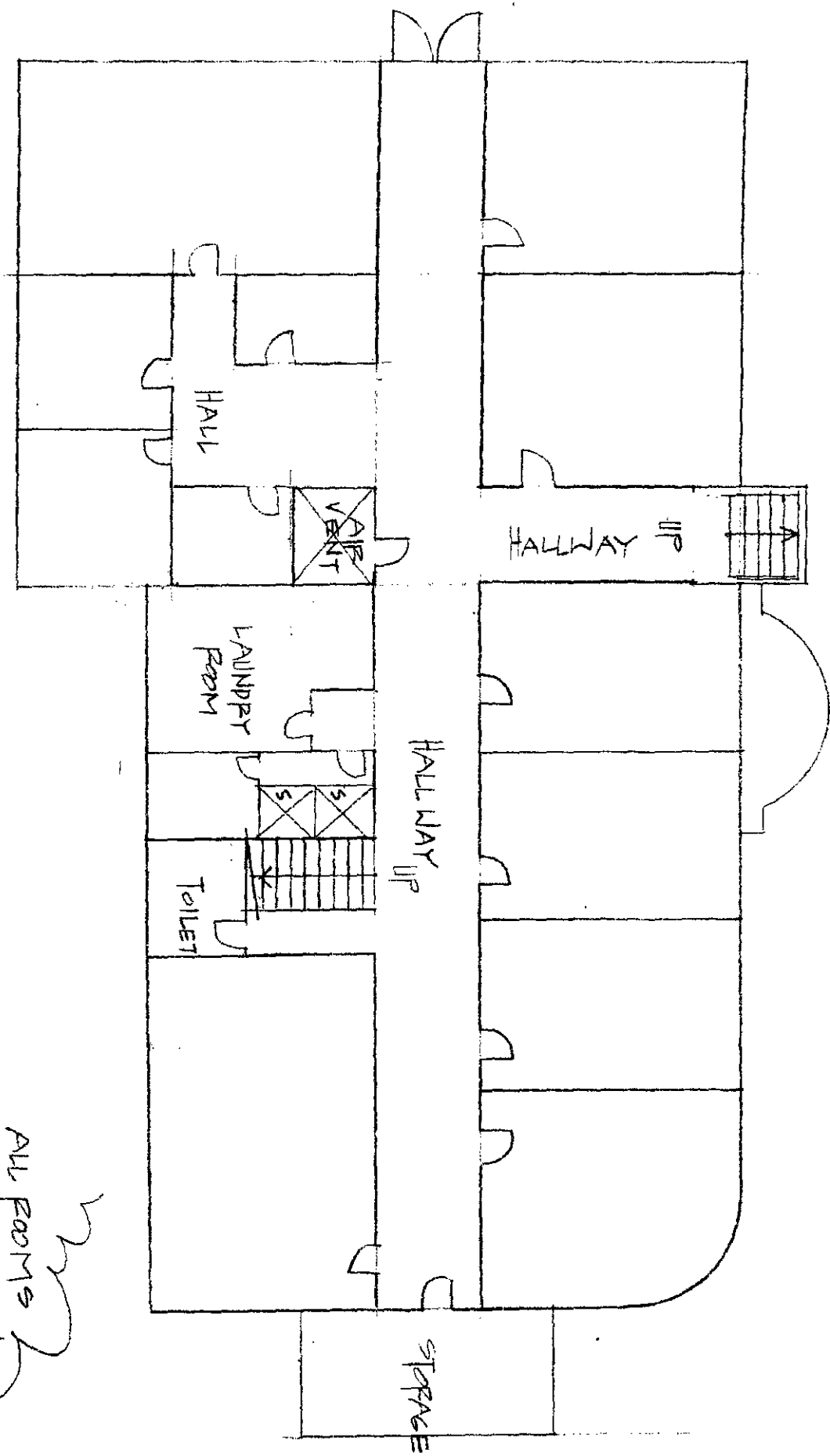
**RECEIVED**

JUL 17 2003

CITY PLANNING COMMISSION  
ZONING DIVISION

**ATTACHMENT A**

OWNER: SEAGE JOY LODGE	APPROVAL: _____	REVISION: _____	DATE: 7-10-03	GENERAL DESC: _____
ADDRESS: FRUITVALE AVE	P/I: _____	NO: _____	MADE BY: _____	_____
CONTRACTOR: OAKLAND CALIF	_____	_____	ESAP	_____
_____	_____	_____	_____	_____

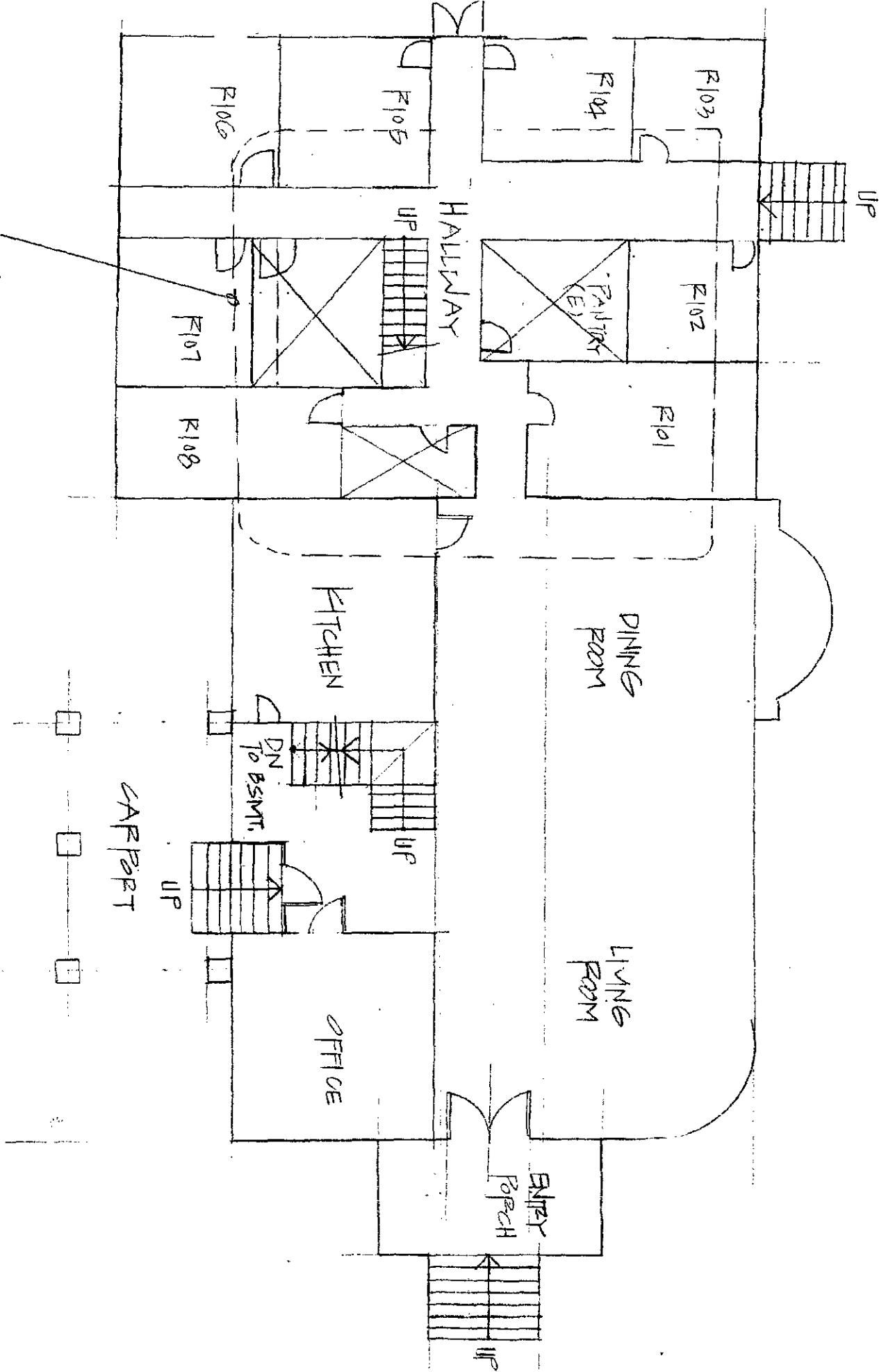


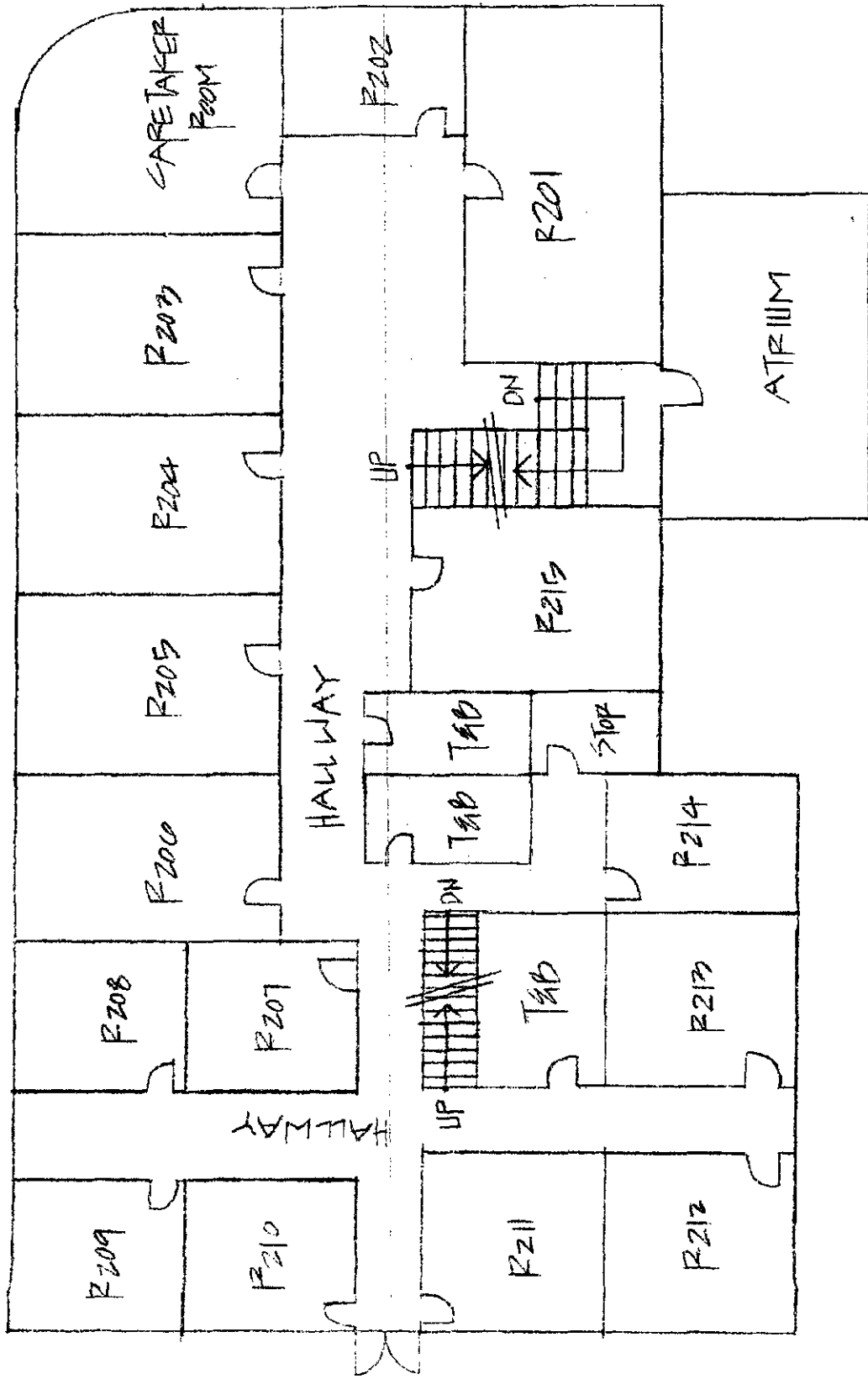
BASEMENT FLOOR PLAN

ALL ROOMS  
ARE VACANT

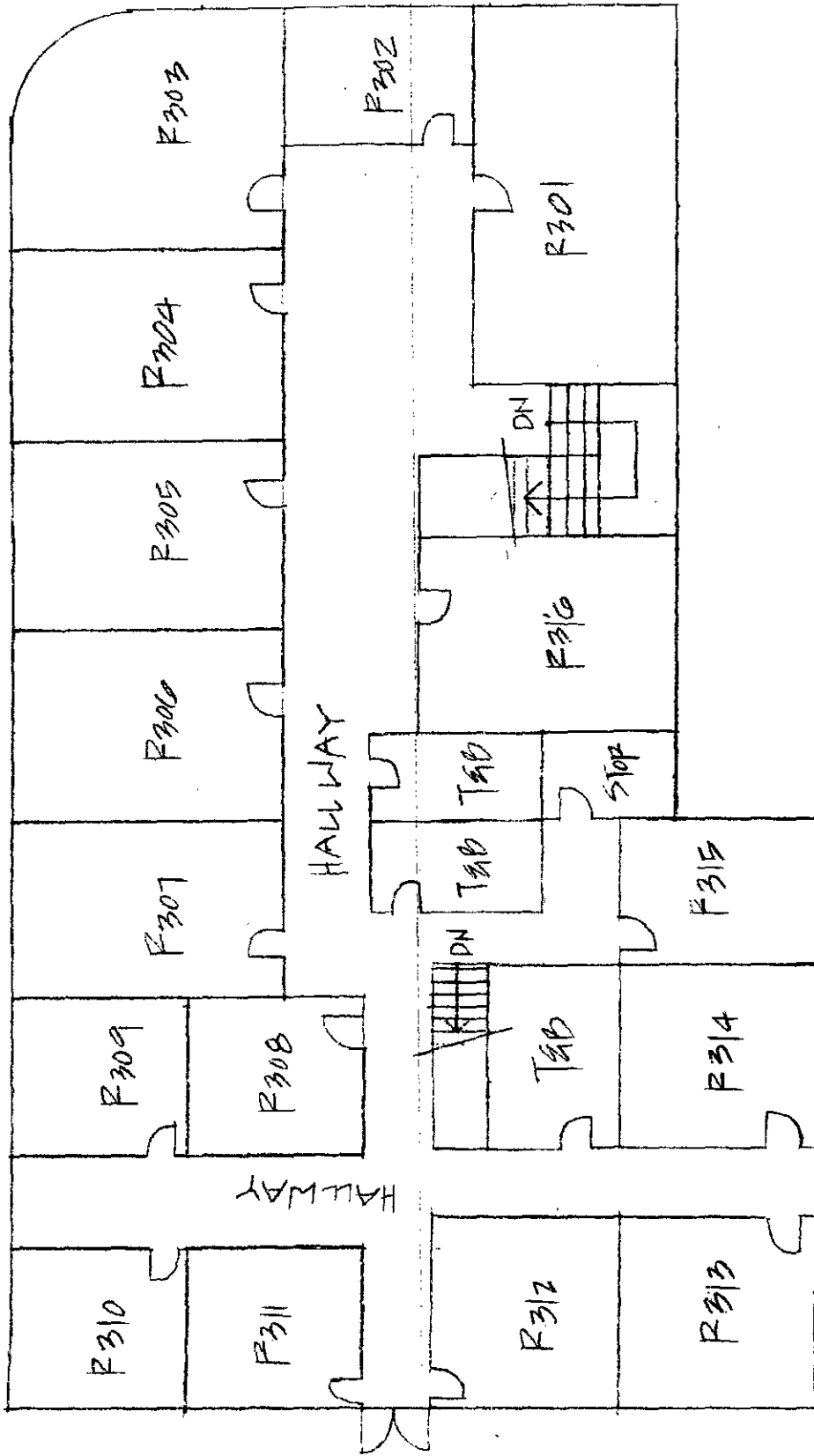
SEE ENLARGED  
DRAWING SH-4

1ST FLOOR PLAN



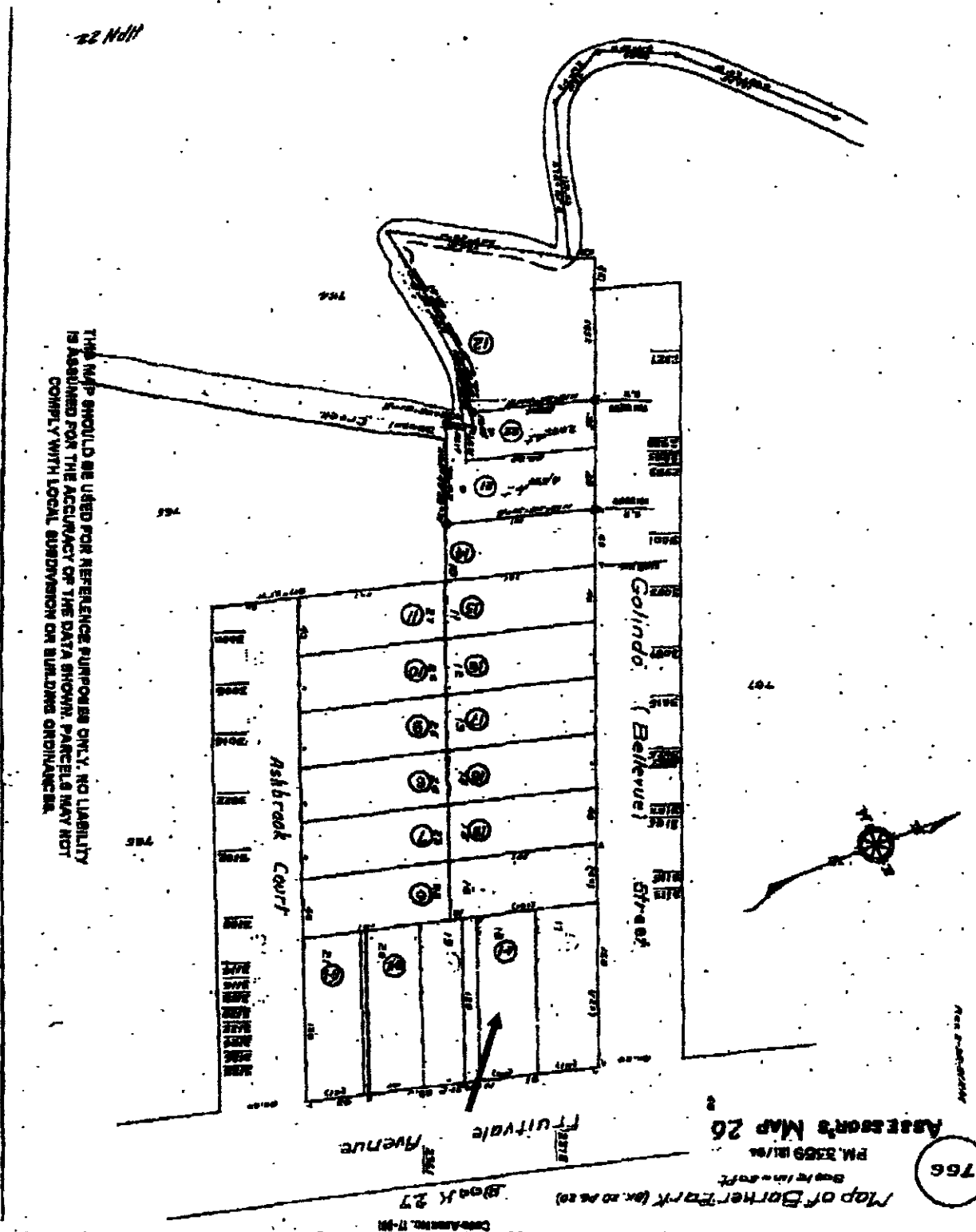


2ND FLOOR SLAB



3RD FLOOR SLAB





THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

1/1/94

766

Assessor's Map 26

P.M. 2559 12/1/94

50 ft in length

Map of Barter Park (as to as to)

COMMISSIONER, T.M.

Brook 27

Fruitvale Avenue

Ashbrook Court

Golindo (Belvue) Street



Right side Galindo



Right side Galindo



14.2  
ORA/COUNCIL  
OCT 21 2003

ATTACHMENT 1



LEFT  
Back

LEFT  
SIDE



LEFT  
FRONT

# Grace Joy Lodge

## House Rules

1. Grace Joy Lodge is privately owned, the Management reserves the right to refuse services to anyone;
2. Management is not responsible for any accident or injury to resident or to loss of money or valuables of any kind unless deposited at the office for safekeeping;
3. Management reserves the right to enter any room at any time for necessary repairs or inspection;
4. All damages to rooms or finishing and replacement of lost keys will be charged to occupants;
5. Rent is paid in advance and NO REFUND of prepaid rent after 5 days from move-in. A \$30.00 will be charged dishonored/returned checks;
6. Use of the room is strictly limited to the person/persons registered at the front desk;
7. Only upon manager's permission can visitors or guests be allowed to enter the lodge;
8. Prohibited drugs, excessive use of prohibited liquors and gambling are not permitted within the premises;
9. Excessive noise by radio, TV, stereo, etc. is prohibited; California State law prohibits smoking in bed;
10. Use of portable heaters and other electrical devices for cooking in the room are NOT allowed;
11. At mealtime, the dining room is for the use ONLY by residents with meal privileges;
12. Residents are responsible for the cleaning of their respective room and bed. A minimal fee will be charged when housekeeping is requested. Each room is provided with clean towels once a week, used towels and linens are to be deposited at the office;
13. Residents are requested to notify the manager or any staff of any faults in plumbing and electrical facilities for repairs;
14. The door and gate on Galindo Street, should not be used for entry or exit by the residents, visitors or guests, except on EMERGENCY cases;
15. Curfew hours is at 9:00 P.M. to 6:00 A.M., subject to adjustments as per DST;
16. Cats, Dogs and other animals are NOT ALLOWED in the premises;
17. As a complement, transportation will be arranged to clients for their medical follow-up or visit to the doctor;
18. House rules must be strictly observed by residents, recalcitrant residents will be requested to vacate their rooms and privileges forfeited;

NOTE: Grace Joy Lodge is not a board and care facility. Residents should NOT expect services that is available in a board and care facility.

Thank you for your cooperation.

The Management

*I agree to abide by these rules and information.*

\_\_\_\_\_, 200  
Resident

**ATTACHMENT C**

**RENTAL AGREEMENT**  
**(28-Day Month-To Month Tenancy)**

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_, by and between:

\_\_\_\_\_, (Lessor) and \_\_\_\_\_ (Lessee).

WITNESSETH, That for and in consideration of the payment of the rents and the performance of the covenants contained on the part of the lessee, said lessor does hereby demise and let unto the lessee, and lessee hires from lessor for use as a residence those premises described as GRACE JOY LODGE located at 2375 Fruitvale Avenue, Oakland, CA 9460 for tenancy from month-to-month commencing on the \_\_\_ day of \_\_\_\_\_, 200\_\_\_, up to the 28<sup>th</sup> day with three (3) day complimentary stay, for \$ \_\_\_\_\_ per month, payable monthly in advance on the 1<sup>st</sup> of each and every month.

It is further mutually agreed between the parties as follows:

1. Said premises shall be occupied by no more than one (1) adults and no children;
2. LESSEE shall not keep or permit to be kept in said premises any dog, cat, birds or other animals;
3. LESSEE shall not violate any city ordinance or state law in or about said premises;
4. That all alterations, additions, or improvements made in and to said premises shall unless otherwise provided by written agreement between the parties hereto, be the property of LESSOR and shall remain upon and be surrendered with the premises;
5. LESSEE shall not sub-let the demised premises, or any part thereof, or assign this agreement without the lessor's written consent;
6. Any failure by LESSEE to pay rent or other charges promptly when due, or to comply with any other terms or conditions hereof, shall at the option of the LESSOR, and after lawful notice given, forthwith terminate this tenancy;
7. LESSEE shall keep and maintain the premises in a clean and sanitary condition at all times, and upon the termination of the tenancy shall surrender the premises to the lessor in as good condition as when received ordinary wear and damage by the elements exempted;
8. Except as to any condition which makes the premises untenable, LESSEE hereby waives all right to make repairs at the expenses of LESSOR as provided in Section 1941, of the Civil Code of the State of California; and all rights provided in Section 1940 of said Civil Code;
9. The LESSOR agrees to keep the common areas of the premises in a clean and sanitary condition and the facilities therein be made available to the LESSEE at all times;
10. The LESSOR shall pay for all water, gas, heat, light & power supplied to the said premises. The LESSEE shall pay for Telephone services and all other services, except as herein provided supplied to said premises;
11. Nothing contained in this agreement shall be construed as waiving any of lessor's rights under the laws of the State of California;
12. LESSOR agrees to furnish to the LESSEE two meals/day (Brunch & Dinner including Coffee breaks);
13. This agreement and the tenancy hereby granted may be terminated at any time by either party hereto by giving to the other party less than twenty-eight (28) days prior written notice;
14. The prevailing party in action brought for the recovery of rent or other moneys due or to become due under this lease or by reason of a breach of any covenant herein contained or for the recovery of the possession of said premises, or to compel the performance of anything agreed to be done herein, or to recover for damages of said property, or to rejoin any act contrary to the provisions hereof, shall be awarded all of the costs in connection therewith, including, but not by way of limitation for reasonable attorney's fees;
15. In the event of a dispute between Lessor & Lessee with the exception to "Eviction/Unlawful Detainer", both parties agree that any such dispute shall be resolved by arbitration pursuant to California Code of Civil Procedure Section 1280, et seq., such Arbitration shall be conducted in the city of Oakland, and shall be binding on the Lessor and Lessee, as well as anyone acting on their behalf. PLEASE BE ADVISED that by your agreement to arbitrate any and all future claims and/or disputes with the exception of "eviction/unlawful detainer", you hereby waive your right to file a lawsuit with any courts including State & Federal.
16. This contract revokes any and all previous contract signed by both Lessor and Lessee.

IN WITNESS WHEREOF the parties hereto have executed this AGREEMENT on the day year signed.

\_\_\_\_\_  
LESSOR

\_\_\_\_\_  
LESSEE

7-1-63

City of Oakland

Zoning + Subdivision Permit application

250 Frank H. Ogawa Plaza

Suite 2114

Oakland, Ca. 94612

att: Chris Caddell.

Sir:

# 46 Tenants

2-3 employees + Owner

2 vans for transport +

+ from appointments.

### Role of Employees

1. Cook, <sup>serve</sup> serve, clean, prepare the food.
2. Clean and maintain cleanliness to common areas.
3. Do minor repairs
4. Keep ground clean - Bring out garbage bin on scheduled days.
5. Answer telephone calls.
6. Reviewed Mail deliveries

Proposal(s): To establish an existing independent living home as a Service Enriched Permanent Residential Activity.

To significantly decrease the number of nuisance and law enforcement activity, within and around the existing independent living home.

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**1. Number of Residents / Staff Supervision**

- (a) The facility will reduce total capacity of tenants served to a maximum of thirty-seven (37) tenants served at any one time. The previous capacity was 50 tenants.
- (b) A minimum of one (3) staff shall be maintained on the site between the hours of 8:00 a.m. to 10:00 p.m.
- (c) A minimum of one (2) night staff shall be maintained on the site between the hours of 10:00 p.m. and 6:00 a.m.
- (d) When the administrator is absent from the facility, there shall be coverage by an on-site designated substitute, who should be responsible, experienced and capable of management of the facility, supervision and security of the residents.

**2. Security & Loitering**

**(a) Security Guards**

- Security guards will be posted at this site 24 hours a day, seven days a week.
- Gates will be modified o increase security.

**(b) Community and Neighbor Complaint Policy and Procedure**

- A Community and Neighbor Complaint Policy and Procedure are established for ensuring the immediate response to complaints and concerns brought to the attention of the facility.
  1. Any concerned person may contact the facility by telephone, in person or in writing regarding any concerns or complaints.
  2. Concerns and complaints will be received by the administrator or designated staff during the facility's normal working hours, 9:00 a.m. to 5:00 p.m., Sunday through Saturday.
  3. The administrator will arrange an appointment to meet with the concerned person(s) to verify information.
  4. The administrator or designated person will conduct an investigation of the complaint and will report the results of the investigation and resolutions when applicable, in person or in writing, to the concerned person(s).

**(c) Posting**

- The administrator will post a 24-hour telephone number and mailing address, on the front of the property, where the public may easily obtain it, to contact with any concerns or comments regarding the facility.

**(d) Distribution**

- The administrator will provide each immediately adjacent property owner, and other interest parties, a 24-hour telephone number and mailing address, to contact with any concerns or comments regarding the facility.

3. Lighting

Lighting of the perimeter of the property along with frequent and ongoing security guard monitoring will substantially reduce the nuisance activities occurring within and around the facility.

4. No Curfew Rule

While there will be no curfew rule, tenants will be asked to respect the peace of others.

5. Service-Enriched Activity Resources

(a) The administrator will be responsible for the coordination of service-enriched activities.

- The administrator will provide residents with a list of supportive resource information that relates to health, education, employment, and training services.
- Resources will be posted on the activity bulletin board, in a resource binder, and on a monthly activity schedule.

6. Hours and Uses.

(a) Front Entrance and Exit Area

- Residents will be restricted from using the front area except for entering and exiting the facility and for emergency access at all times.

(b) Rear and Side Entrance and Exit Areas

- 8:00 a.m. to 10:00 p.m. for sitting, smoking, talking, at normal conversation levels amongst residents and authorized visitors. No tenant use from 10:00 p.m. to 6:00 a.m. except during an emergency.

(c) Front, Side and Rear Entrance and Exit Area's

- Shall be monitored and restricted to prohibit access by unauthorized persons.

7. House Rules

- House Rules and Visiting Policies will not be a condition for residency.
- House rules will be for the purpose providing general guidelines for conduct within and around the property, i.e., not make excessive noise by radio, TV, stereo; not engage in illegal or criminal activities on and around the premises; not pan-handle within and around the facility; maintain respect for the neighbors, etc.

8. Parking, Community Meetings, and Over-concentration

- Although there are no designated parking stall requirements and, no prohibition of car ownership, or parking regulations imposed, the applicant has established parking stalls congruent with current laws.
- The applicant agrees to quarterly meetings with the community.
- There is no over-concentration of such activity within 300 feet.

14.2

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OCT 21 2003



9. Litter

- At least one (1) non-flammable litter receptor and three (3) non-flammable ashtrays shall be located in the outside common areas and accessible to all residents and staff.

10. Neighborhood Issues

- The operator of Grace Joy Lodge will keep a roster of residents that will distinguish the tenants from surrounding neighborhood tenants, in an effort to protect residents against unfair discrimination.
- Grace Joy Lodge staff will also work with enforcement agencies to help identify neighbors that engage in illegal activities that negatively impact the tenants of GJL.
- Community supportive resources will be made available to assist in providing interventions that address behavioral management problems, both on-site and off-site, i.e., psychiatrist and medical physicians, 12-step programs, etc.

GRACE JOY LODGE  
2375 Fruitvale Avenue  
Oakland, CA 94601

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I. RESIDENTS RESPONSIBILITIES & HOUSE RULES

I, \_\_\_\_\_ will:  
Name of Resident or Authorized Representative

- (a) Pay the monthly rate in advance.
- (b) Not sub-let or allow someone else to occupy the room.
- (c) Not be destructive of property belonging to the facility, or other resident's property, or remove any of the furniture or property of the facility, or take property of other residents.
- (d) Provide a 30-day notice of intent to move from the facility unless their physical condition prevents them from doing so.
- (e) Not be physically or verbally violent or annoying toward other residents.
- (f) Not smoke inside the facility. Smoking is only allowed in designated outside areas the facility.
- (g) Not make excessive noise by radio, TV, stereo, etc.
- (h) Not use portable heaters and electrical cooking devices. These devices are not allowed in the rooms.
- (i) Adhere to a DRUG FREE ENVIRONMENT. Avoid use of ALL prohibited drugs, and alcohol on the premises.
- (j) Not gamble on the premises, as it will not be allowed.
- (k) Refrain from engaging in all illegal or criminal activities, at all times, on the premises.
- (l) Not panhandle within and around the facility.
- (m) Maintain respect for the neighbors.
- (n) Not keep cats, dogs, and other animals or pets on the premises.
- (o) Not use the door and gate on Galindo Street, or except in the case of an emergency.
- (p) Attend weekly *resident and facility staff meetings*.
- (q) Refrain from using the *front area* except for entering and exiting the facility and for emergency access at all times.
- (r) Use the *rear and side area's* between the hours of 8:00 a.m. and 10:00 p.m. for sitting, smoking, talking at normal levels, and visiting with authorized visitors, and for emergency access at all times.
- (s) Adhere to the visiting policy.

Resident Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

II. VISITING POLICY

- (a) Grace Joy Lodge reserves the right to refuse visiting privileges of any visitor who has been disruptive, violent, or does not follow the Visiting Policy.
- (b) All visitors must sign in and out.
- (c) Visitors are not allowed in the resident's rooms unless prior permission is obtained.
- (d) Visitors are not allowed to stay overnight.
- (e) Only upon manager's permission can visitors or guest be allowed to enter the facility.

Resident Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

# FRUITVALE FAMILY HOME #1

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## ADMISSION AGREEMENT ADMENDMENT: FACILITY POLICIES FOR A DRUG-FREE ENVIRONMENT

We expect full cooperation for maintaining a drug-free environment. We will be closely monitoring drug use or activity of residents in this facility. If drug use or activity is suspected the following procedures will be implemented.

❖ **Referral to a Drug Treatment Program**

Group or Individual Counseling

Detoxification Program

Dual-Diagnosis Recovery Program

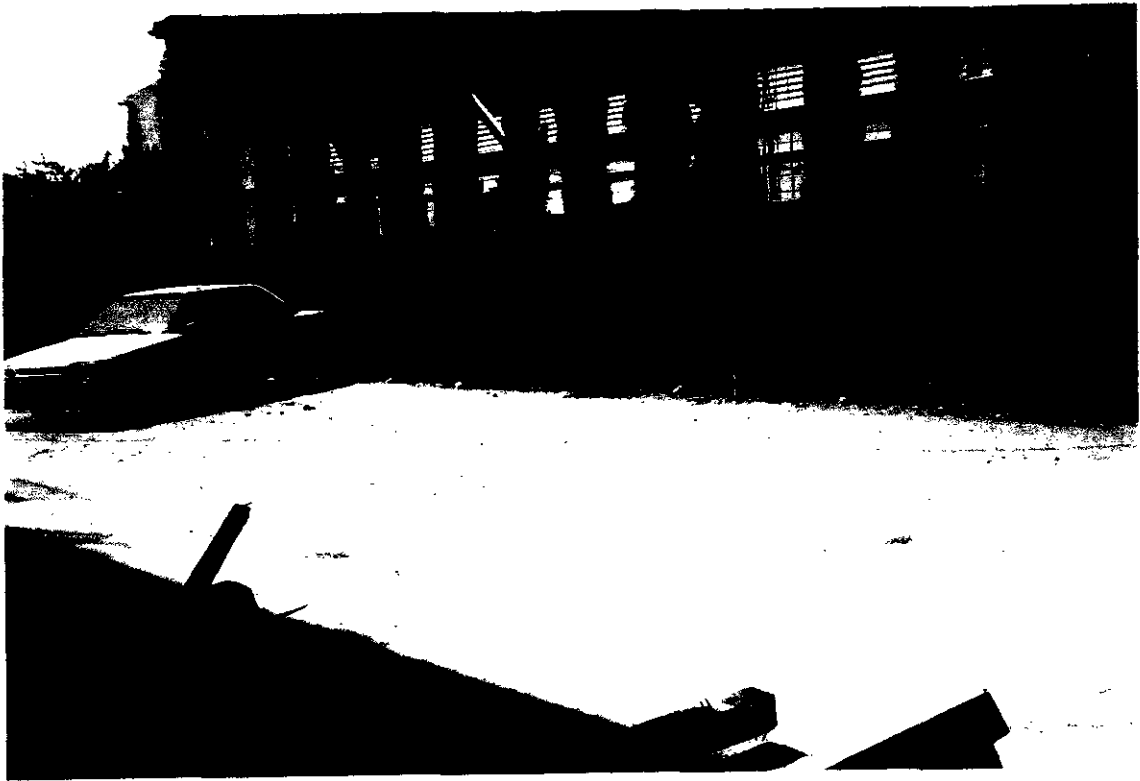
Alcoholic Anonymous (AA), Narcotic Anonymous (NA) meetings

❖ **Eviction from the Board & Care Home**

Acknowledgment. I have read and agree to abide by the facility policies. I understand that non-compliance with the facility policies may be grounds for my dismissal from the facility.

Resident Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_



Shows new parking stalls

14.2  
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OCT 21 2003



# 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: CM03-257  
Project Address of Appealed Project: 2375 FRUITVALE AVE. OAKLAND, CA

### APPELLANT INFORMATION:

Printed Name: BRIAN Y-K. CHING Phone Number: (510) 769-0260  
Mailing Address: 512 WESTLINE DR. # 204 Alternate Contact Number: \_\_\_\_\_  
City/Zip Code ALAMEDA, CA 94501 Representing: GRACE MANGROBANG

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)

### YOU MUST 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) ENVIRONMENTAL DETERMINATION

EXEMPT 15301 STATE CEQA GUIDELINES, MINOR ALTERATIONS TO EXISTING STRUCTURES

### 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 (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Hearing Officer's revocation/impose or amend conditions (OPC Secs. 15.152.150 & 15.156.160)
- Other (please specify) \_\_\_\_\_

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)     Granting an application to:    OR     Denying an application to:

TO ESTABLISH A SERVICE ENRICHED PERMANENT RESIDENTIAL ACTIVITY WITHIN AN EXISTING STRUCTURE

(continued on reverse)

## ATTACHMENT D

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

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) \_\_\_\_\_

An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or a buse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.


You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

The appeal is based on the following: (Attach additional sheets as needed.)

Board should have considered applicant's proposal - decision should have been postponed so that applicant's proposal could be incorporated in the rezoning and other appropriate amendments did not act to justify applicant's proposal - should be allowed to appeal to and not

Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form.)





Signature of Appellant or Representative of Appealing Organization

Date

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

Appl#: A03434 Pmt#: 001 Disp: T:
Address: 2375 FRUITVALE AV Unit:
Descr: Location: 2375 Fruitvale Avenue (APN: 0
Other Related Applic#s: CM03257

Environ Rev Determ: EX Date: 09/11/03 Sect#: 1309
Site Area Sq Ft:
PUD Floor Area Sq Ft:
S-11 Nbr of Dwelling Units:
Des Rev New Constr? (Y/N):
Nbr Subdivision Lots:
Payment Type\* FIL APPL FILING PAYMENT (PLNG PER
Applic 432.00 Exempt 130.00 Appeal
Notific Special Notific
Total 562.00 Effctv 09/11/03 Init P
NSF Refund
Dlnq Notice
Comment:

F1=Hlp F3=Ext F5=Chg F6=Add F7=Fwd F8=Bck F9=De

CITY OF OAKLAND
Community & Economic Development Agency
250 Frank H. Ogawa Pl, Oakland CA, 94612
Phone: (510) 236-3587 FAX: (510) 238-2863

PAYMENT RECEIPT

Application#: A03434 Payment#: 001
APPLICATION FEE - PLANNI \$432.00
ENVIRON REVIEW EXEMPTION \$130.00
Subtotal: \$562.00

Sales Tax: \$.00
\*\*\*\*\* TOTAL PAID: \$562.00

Cash Payment: \$570.00
Change Returned: \$6.00

Payor: GRACE MAUGROBANG
Date: 09/11/03 Time: 16:22:43
By: ANL Register R03 Receipt# 002231
\*\*\*\*\*
ORIGINAL RECEIPT REQUIRED FOR REFUND
\*\*\*\*\*



## Exhibit B

[Copy of the September 3, 2003 Planning Commission minutes]



<b>11.</b>	<b>Location:</b>	<b>2375 Fruitvale Avenue (APN: 026-0766-001-01</b>
	<b>Proposal:</b>	To establish a service Enriched Permanent Residential Activity within an existing structure.
	<b>Applicant:</b>	Keith Brooks
<b>Contact Person/Phone Number:</b>		Keith Brooks - (510) 536-1733
	<b>Owner:</b>	Grace V. & Francisco Mangrobang
	<b>Case File Number:</b>	<b>CM03-257</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit
	<b>General Plan:</b>	Mixed Housing Type
	<b>Zoning:</b>	R-50 Medium Density Residential zone
<b>Environmental Determination:</b>		Exempt 15301 state CEQA guidelines; Minor alterations to existing structures.
	<b>Historic Status:</b>	Potentially Designated historic Property (PDHP); survey rating: B+3+ Major Importance
<b>Service Delivery District:</b>		IV - Fruitvale
<b>City Council District:</b>		5
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision on application based on staff report.
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
<b>For Further Information:</b>		Contact case planner <b>Chris Candell</b> at (510) 238-6986 or by email at <b>ccandell@oaklandnet.com</b> .

Chris Candell, case planner, reviewed the application.

The attorney for the owner spoke for the owner.

Speaking against the application:

- Debra Ramirez
- Maria Verdugo
- Maria Fuentes
- Ken Lupoff
- Pat Ruelas

- Margie J. Willitts
- Joaquin Campos
- Officer K Jackson

Speaking in support of the application:

Ricardo Maia

**Public hearing closed.**

Commissioner McClure moved to deny the application for a Major Conditional Use Permit; seconded by Commissioner Mudge.

**ACTION:** On the motion: 7 ayes (Franklin, Jang, Killian, Lee, Lighty, McClure, Mudge), Application denied.

14.2  
ORA/COUNCIL  
OCT 21 2003