

Case File Number PLN15195-A01

July 19, 2017

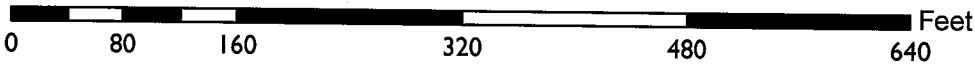
Location:	3732, 3740, and 3746 39 th Ave. (APNs: 030-1925-005-00, 004-00, & 003-03) (See map on reverse)
Proposal:	Appeal of the Zoning Manager's Administrative Denial of a Regular Design Review, Minor Variance, and Minor Conditional Use Permit to allow for Community Assembly Activity Civic to establish a spiritually based community center for ceremony and education which utilizing new structures (Yurts) and other additions and alterations and conversions associated with the activity, and located on three adjacent lots which also include residential activities and facilities
Applicant:	Wilson Riles
Owner:	Riles Ishmael & Philip
Planning Permits Required:	Regular Design Review for the construction of four new detached yurts, sweat lodge and platform for ceremonies; and Minor Variance to allow for the change of a primary use within a structure located within the side yard setback; and a Minor Conditional Use Permit for a Community Assembly Civic Activity.
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3 Mixed Housing Type Residential 3 Zone
Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects that are Disapproved
Historic Status:	F3, D3, and C3
Service Delivery District:	4
City Council District:	4
Status:	Application denied by the Zoning Manager on December 9, 2016 and subsequently Appealed on December 19, 2016
Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager's Denial of the Regular Design Review, Minor Variance, and Minor Conditional Use Permit.
Finality of Decision:	Final (Not administratively Appealable Pursuant to OMC Sec. 17.132.030)
For Further Information:	Contact case planner Moe Hackett at 510-238-3973 or mhackett@oaklandnet.com

SUMMARY

On December 9, 2016 the Zoning Manager issued a denial of an application for Regular Design Review, Variance, and Conditional Use Permits, case file number PLN15195 (see Attachment B), to establish Community Assembly Activities at 3732, 3740, and 3746 39th Avenue. The proposal is to perform religious/spiritual services, in four yurts and outdoors, behind existing homes in a residential neighborhood. The proposal would provide required parking at a surface lot on Macarthur Boulevard that is approximately 1,350 feet away. On December 19, 2016, the applicant, Wilson Riles, filed a timely appeal of the denial, stating that the Zoning Manager abused his discretion and the decision was not supported by evidence in the record (see Attachment C).

The arguments raised by the appellants fail to assert error, abuse of discretion, or lack of substantial evidence, and are summarized below in the *Basis for the Appeal* portion of this report, along with staff's response to each argument. For the reasons stated in this report and attachments, as well as the December

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15195-A01
Applicant: Wilson Riles
Address: 3732, 3740, and 3746 39th Ave
Zone: RM-3

9, 2016 decision letter, staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Manager's denial of the application. Essentially, the proposed project does not conform to the general plan and zoning because (1) of the nuisance-generating activities – noise, smoke, odors – taking place outside or within semi-enclosed, flimsy (yurt) structures in a residential neighborhood; and (2) poor design quality of the semi-enclosed, flimsy (yurt) structures. Moreover, the applicant did not revise the plans per staff's recommendation, and staff had no choice but to deny the application.

Note, that in order to approve the application, and reverse the Zoning Manager's decision, each and every finding must be met for each of the required permits. Conversely, therefore, denial of the application can be based upon the failure to meet even one of the required findings, for only one of the required permits. Here, as demonstrated, the applicant has failed to meet numerous findings for each and every one of the required permits. Each reason for denial constitutes a separate and independent basis to deny the application and when viewed collectively provides an overall basis to deny the application.

BACKGROUND

The subject application was initiated following complaints to the City from neighbors relating to the keeping of farm type animals, smoke, odor, noise, unapproved and unfinished structures, improper plumbing, storage of debris and stacking of wood. Complaints have also been recorded associated with "smoke and sparks" associated with the fire pit/ "sweat" activities. The applicant has requested and maintained that the onsite activities occur only during evenings, on weekends, and during holidays (except for a yearly single day large scale event on /for Kwanzaa). No Nafsi ya Jamii or "sweat" activities occur past 10:00 p.m. Since March 2014, the City has issued Notices of Violation and Inspection and Re-Inspection Notices for Code Compliance to the applicant. These notices stated that the activity required planning and building permits to continue.

In response, Mr. Riles submitted a Conditional Use Permit and Regular Design Review application on June 15, 2015. The application was received in an incomplete state and the project was publicly noticed following a lengthy review process by staff. During the review process the applicant was sent two notices of incomplete applications on August 27, 2015 and December 1, 2015. These two letters outlined the general lack of information pertaining to operational details and the poor quality of the plans. As received, the proposal was not accurate as to the exact boundaries of the project site and lacked sufficient detail to fully evaluate. A subsequent submittal on May 23, 2016, including a letter and modified plans allowed staff to gain enough of a working understanding of the proposal to deem the application complete.

Although the application was deemed complete, it nevertheless raised significant concerns which were communicated to the applicant on various occasions. Specifically, staff has suggested that the uses associated with the yurts and sweat lodge be incorporated in more substantial permanent buildings, and that the lots be merged to allow for better site development associated with the combination of residential and civic activities and facilities throughout the three lots. The applicant did not revise the submitted plans per staff's recommendation, the Zoning Manager ultimately found that the application did not satisfy the requirements for approval.

A relatively large volume of comments was received both in favor and in opposition to the proposal (see Attachment D). On December 9, 2016 the application was denied by the Zoning Manager (see Attachment B). On December 19, 2016, the applicant filed a timely appeal of the denial (see Attachment C). The Community Assembly Activity was suspended as a result of the denial but staff has received communications indicating that some activity has resumed. However, these claims have not been verified by Code Compliance staff at this time.

PROJECT DESCRIPTION

The project consists of a Community Assembly Civic Activity that had been established on three adjacent residential lots on 39th Avenue in the Laurel Residential District. The use involves yurts, a small above ground swimming pool, a fire pit, and a “dug-in” sweat lodge for use during religious/spiritual activities. Farm type animals are also raised on the lot. Bathrooms and garages in the three houses on the lots were used by attendees of the facilities. Residents of these houses, however, were not affiliated with the religious/spiritual activities on the lots. Parking would be provided off-site approximately 1,350 feet walking distance from the site, at 4248 MacArthur Boulevard.

As mentioned, spiritual/religious activities would take place in yurts, which are tent-like structures with a semi-fixed frame and (in this case) a raised wooden platform foundation. The yurts are substantially open or semi-open facilities that do not block most interior noise from escaping. The applicant also proposes for the yurts to be used as temporary habitation and meeting spaces. Activities occur as semi-regularly scheduled events, usually a few times per month with one large scale event per year. A letter received on May 23rd 2016 from the applicants stated that the sweat lodge events would most often take place in the evenings, on weekends, and during holidays. They would most likely take place two or three times a month, and that no Nafsi ya Jamii sweat lodge activity would continue past 10:00 p.m.

PROPERTY DESCRIPTION

The subject site consists of three separate residential lots that are not proposed to be merged as a result of the use. The combined area of the parcels is 26,435 square feet. Each lot contains a single family residential unit and is located mid-block between Masterson and Bayo Streets in the Laurel Residential District in the lower Oakland Hills. The property is surrounded primarily by multi-family residential buildings ranging from one to two stories in height.

GENERAL PLAN ANALYSIS

The subject site is located within the Mixed Housing Type General Plan Land Use classification which is intended *“to create, maintain, and enhance residential areas typically located near major arterials. These areas are typically characterized a mix of single family homes, townhouses, and small multi-family buildings.”* The desired character and uses of this area *“should be primarily residential in character, with live-work types of development, small commercial enterprises, schools, and other small scale, compatible civic uses possible in appropriate locations.”*

For the reasons described in the denial letter (see Attachment B) and in the Basis for Appeal section of this report, the proposed Community Assembly is not a “compatible civic use.” Therefore, the project does not conform to the Land Use and Transportation Element of the General Plan. The project is also inconsistent with the following policies in that plan due to impacts of smoke and noise created by the insufficient ability of the proposed facility to contain them.

POLICY N2.1 DESIGNING AND MAINTAINING INSTITUTIONS

As institutional uses are among the most visible activities in the City and can be sources community pride, high quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

- This proposal does not satisfy General Plan N2.1. As proposed the facilities associated with this activity do not possess the quality of design necessary to allow for an ongoing community assembly use of the nature proposed. Due to the unsubstantial materials and

activities located in open facilities, the proposal would not operate in a manner that is sensitive to the surrounding residential uses.

POLICY N3.2 ENCOURAGING INFILL DEVELOPMENT.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

- This proposal does not satisfy General Plan N3.2. The proposal does not promote the construction of needed housing. The proposal would impede new development by creating an ongoing nuisance activity associated with the creation of smoke, odor and noise due to insufficient containment of noise, odor and smoke .

POLICY N3.8 REQUIRED HIGH-QUALITY DESIGN.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

- This proposal does not satisfy General Plan N3.8. As proposed the facilities associated with this activity are of a lower quality regarding the proposed application of the assemblages of persons and activities on an ongoing basis. The minimum design review criteria could not be met to allow for the approval of what is essentially temporary structures to be used in an ongoing application as habitable facilities.

POLICY N2.3: LOCATING SERVICES ALONG MAJOR STREETS

New large scale community, government, and institutional uses should be located outside of areas that are predominately residential. Preferably, they should be located along major thoroughfares with easy access to freeways and public transportation or in the Downtown.

- This proposal does not satisfy General Plan N2.3. The proposed community assembly activity is located within a residential area, and is substantially removed from the nearest major thoroughfare and easy access to the freeway.

POLICY N9.6 RESPECTING DIVERSITY

The City's diversity in cultures and populations should be respected and built upon.

- This proposal does satisfy General Plan N9.6. The proposal provides an unmistakable benefit, but, unfortunately, is designed in such a way as to employ elements that are incompatible with the above equally important policies and objectives.

ZONING ANALYSIS

The proposed project is located in the RM-3 Mixed Housing Type Residential Zone. The intent of the RM-3 Zone is *"to create, maintain, and enhance residential areas typically located near major arterials. These areas are typically characterized a mix of single family homes, townhouses, and small multi-family buildings."* The establishment of a Community Assembly Activity is conditionally permitted in the RM-3 Zoning designation. The applicant has not demonstrated that the impacts of the proposal, particularly those from smoke, odor, and noise, could be sufficiently reduced to be compatible with surrounding residential activities in a zone that intends to create, preserve, and enhance residential neighborhoods. Therefore, the project is not consistent with the RM-3 Zoning.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15270 of the State CEQA Guidelines exempts "Projects that are disapproved." The proposal to establish a Community assembly activity does not meet the required findings under the Oakland Planning Code (O.M.C. Title 17) and, as such, required denial and does not require additional environmental review.

Therefore, the project is exempt from further Environmental Review.

BASIS FOR THE APPEAL

The appellants, The Wilson Riles (and family), filed a timely appeal (Attachment C) of the Zoning Administrator's denial of an application for a Regular Design Review permit, Minor Conditional Use Permit, and Minor Variance Permit (PLN15195) on December 19, 2016. The appeal is based on the belief that staff review of the project fails to accurately evaluate reports of noise and odor, and a "warped application of equity, social bias, and structural procedural discrimination in its decision making process."

Staff disagrees. Rather, Staff's denial is based on the fact that the proposed project does not conform to the general plan and zoning because (1) of the nuisance-generating activities – noise, smoke, odors – taking place outside or within semi-enclosed, flimsy (yurt) structures in a residential neighborhood; and (2) poor design quality of the semi-enclosed, flimsy (yurt) structures. Staff made recommendations to improve the application which were rejected by the applicant.

The following is a summarized list of the specific issues raised in the appeal along with staff's response to each point. The basis for the appeal is shown in bold text and the staff response follows each point in regular type.

DESIGN REVIEW

- 1. The issue of neighborhood compatibility is incorrect and bogus because 3732 and 3746 39th Avenue already has solar panels on their roofs.**

Staff's Response:

Staff did not base its denial on the existence of roof top solar panels on the existing homes.

Many of the spiritual/religious activities would take place within the four yurts on the lot. The walls of these approximately 525 square-foot structures primarily consist of a fabric similar to that used for tents. Staff believes that the noise generated by the spiritual/religious and activities meetings within the yurts would negatively impact neighbors in the dense urban environment adjacent to the site.

The yurts have been proposed to be available for overnight habitation and as meetings spaces. The building code does not allow the use of non-durable and temporary structures to provide overnight habitation. Furthermore, their design is not visually compatible with the existing structures on the site and in the neighborhood (see Attachment B for the Findings required for Design Review approval).

Past activities on the site indicate that the smoke and odors from the fire pit would also negatively impact the neighborhood (see Attachment D for neighborhood input).

- 2. The neighbors who have the best advantage (visual access) are supportive and in agreement of what we are doing, three of the four (persons) who have moved in/bought condominiums in part because of the activities, complainants have a sometimes racist, culturally biased, religiously intolerant vision of the property and activities without visual access, and the Planning and Zoning department staff has unquestionably accepted this view.**

Staff's Response:

While staff has received and reviewed many complaints and these have informed our decision, staff has denied the application based on the known and anticipated impacts of the activities that are both within non-permanent structures and outdoors in relation to the relatively dense residential environment in which the project site exists. The denial findings are contained in Attachment B.

- 3. Staff incorrectly missed the desirability of open space in dense neighborhood. These properties Slope downward towards the southwest corner. Water pools in this area. The lot is not flat. The location of the solar panels does not block views.**

Staff's Response:

While the word "open space" appears to refer to Finding C (design sensitivity to the topography and landscaping) rather than Finding B (protecting, preserving, and enhancing desirable neighborhood character), the project denial is not based on the amount or use of open space on or the slope of the three parcels or the location of solar panels. Staff's findings for denial are based solely on the incompatible nature of the characteristics of this Community Assembly proposal and the adverse impacts create in a densely populated residential neighborhood.

- 4. Staffs ignorance about native American spiritual practices leads them astray.**

Staff's Response:

Staff's decision to deny the application is based solely on the incompatible nature of the characteristics of this Community Assembly proposal and the adverse impact created in a densely populated residential neighborhood, not on the spiritual or religious beliefs of the participants.

MINOR VARIANCE

- 5. The conversion of the garage to a meeting space greatly preceded the Nafsi Ya Jamii project.**

Staff's Response:

With regard to the garage, staff has reviewed the permit history on the site and has only identified building permits (RB1401786, RB0301727, and RB0103781) to replace (a) fallen garage roof and replace (existing) windows and add new windows. No permits have been issued to allow for the conversion of the existing garage into a community meeting space or any use other than that of a garage. The proposed Variance for the conversion of a garage to Community Assembly Civic Activities would degrade the livability and operational efficiency for the neighborhood by attracting additional traffic, reducing the number of available parking spaces, creating noise impacts, and impacting its residential character. The applicant proposes that the required parking for the Community Assembly activity be located approximately 1,350 feet away from the site; however, the Section 17.116.170 of the Planning Code allows required parking to be no more than 600 feet away from a site.

6. **The building is no longer useable as a garage because the angles to get in, let alone two, cars in the garage are impossible with modern day cars. There is no diminishment of parking on 39th Avenue. Woeful under-estimation of impact on parking alone constitutes error and lacks substantial evidence.**

Staff's Response:

The previously existing usable garage appears to be able to accommodate at least one standard sized automobile in its current configuration. The removal of an existing off-street parking space, conforming or not to the current zoning code, would represent the loss of a parking space to the neighborhood. Further, parking demand will increase due to the Community Assembly Activity conducted within the garage and at the site. The applicant proposes that the required parking for the Community Assembly activity be located approximately 1,350 feet away from the site; however, Section 17.116.170 of the Planning Code allows required parking to be no more than 800 feet away from a site. Therefore, staff believes that the proposed activity will impact on-street parking demand in the neighborhood.

7. **Staff is wrong in that the neighborhood is replete with properties which include habitable properties that are on the property lines. The building is being made unusable due to staff's failure to complete its final inspection.**

Staff's Response:

Other nonconforming structures in the neighborhood are not the subject of this proposal. In general, staff's enforcement of zoning and building nonconformities is complaint driven. These structures are the subject of this report because of complaints regarding the activities on the lot.

Further, the Variance to allow the yurts a side setback closer to a residential lot line in conjunction with the conversion to a civic use is not consistent with the neighborhood pattern. Finally, noise from performing assembly activities and meetings in the yurts near property lines will impact neighbors more than if they satisfied the City's setback requirements.

GENERAL USE PERMIT

8. **The question of noise has been previously addressed (see above). The fire pit has been reviewed by the Oakland Fire Department (Chief Spencer) and other local fire experts. The fire pit is no more hazardous or smoky than a back yard BBQ or residential fire place. There is no proof that the sweat lodge creates any more smoke as at least ten nearby residential fire places create. The fire department does not deal with white smoke from controlled back yard fires. "This is not only a question of equity but also a question of religious freedom. We would like to pray and hold ceremony in our back yard and we have done this no more often than two times a month. This is our constitutional right and Federal Law requires cities to make accommodations for Native American spirituality". The city of Oakland is requiring Native Americans to practice their faith inside "substantial permanent structures". Offsite parking was declined (by the city) even though we have a parking agreement and have shuttled our guest from this lot. "There is no inequitable adverse impact on this neighborhood of us gathering with our friends and guest in groups of no more than ten or twenty to pray".**

Staff's Response:

Staff cannot support the Conditional Use Permit for the Community Assembly Civic activity based on the location, design, and operational characteristics of the proposal. The use of a fire pit/sweat box

creates smoke and odor, as well as noise, within a densely populated residential area and thus adversely impacts the residential neighborhood. Letters from neighbors indicate that the impacts of the fire pit/sweat box go beyond the impacts produced by fireplaces and barbeques normally experienced in residential neighborhoods (see Attachment D). The Fire Department reviewed the fire pit solely for fire safety, not smoke or odor impacts on neighboring properties.

The sound associated with the open facilities and the thin fabric walls of the yurts during meeting and assembly activities is also not an acceptable impact to neighboring properties.

As discussed, the applicant proposes that the required parking for the Community Assembly activity be located approximately 1,350 feet away from the site; however, Section 17.116.170 of the Planning Code allows required parking to be no more than 800 feet away from a site. Therefore, staff believes that demand for on-street parking for the activity will also impact the neighborhood.

Many Conditional Use Permits to establish Community Assembly Civic Activities have been supported by the City in conjunction with substantial permanent structures and in locations where these activities would not result in a lessening of the quality of life and value of property for the surrounding neighborhoods.

9. "This question (Finding B) has been dealt with previously".

Staff's Response:

As proposed, the location, site design, and structural design of the proposal will not be sufficient to prevent the nuisances associated with smoke, odor, and noise that will be experienced across property lines and throughout the surrounding neighborhood. As such, the project, which takes place in what amounts to an open facility, is not conducive to the environment of the surrounding neighborhood, and would result in a reduction of the livability of the neighborhood.

10. "Staff is wrong and disingenuous. We have dealt with previously".

Staff's Response:

See above.

11. "Staff is wrong. We have dealt with previously".

Staff's Response:

The proposal does not meet the Design Review Criteria contained in Section 17.136.040 of the Planning Code (see Attachment B).

12. "This decision is being made in a manner that ignores the cultural diversity of not only the City but also of the Laurel (District) itself. It is a violation of our constitutional right to practice our religion as we see fit. It kowtows to the exaggerations and prejudices of some neighbors. It ignores the testimony of neighbors who see benefit in what we are doing. In addition to the comment that is attached that was not in the record, the calls to Mr. Hackett's office that were invited as a means to comment are not tabulated and part of the record. Whether conscious or not this is an inequitable, based decision."

Staff's Response:

Staff reviewed a relatively large volume of correspondence both in favor of and in opposition to the project. The denial of the project was not based solely on the comments received, although those comments allowed staff to better understand its impacts, both positive and negative. Staff's findings for denial are based solely on the incompatible nature of the characteristics of this Community Assembly proposal and its adverse impacts in a densely populated residential neighborhood.

RECOMMENDATIONS:

1. Uphold staff's CEQA environmental determination
2. Deny the appeal and uphold the Zoning Administrator's denial of the project based on this appeal report

Prepared by:



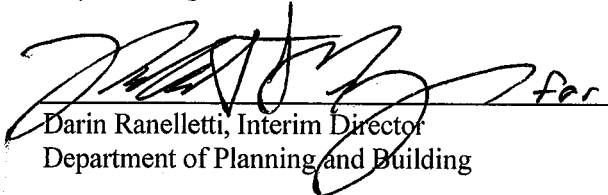
Moe Hackett
Planner II

Reviewed by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti, Interim Director
Department of Planning and Building

LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced, unless an earlier date applies

ATTACHMENTS:

- A. Project Plans
- B. December 9, 2016 PLN15195 Decision Letter
- C. December 19, 2016 Appeal
- D. Neighborhood Comments and Input

**July 19, 2017 Planning Commission
Meeting**

Case File: PLN15195-A01

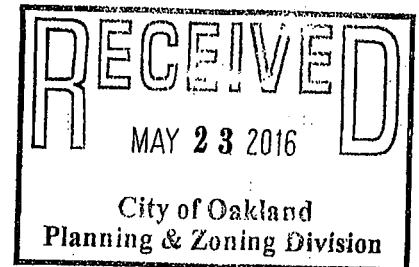
**Attachment A:
Project Plans**



Nafsi ya Jamii
3746 39th Avenue
Oakland, CA 94619-2010
510.530.2448



Moe Hackett, Planner II
Community and Economic Development Agency
Planning & Zoning Services Division
City of Oakland
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250 Frank H. Ogawa Plaza, Suite 2114
Oakland, California 94612-2031



May 23, 2016

Mr. Hackett,

Within a day of its writing, I picked up by hand your letter dated December 1, 2015, in regards to Case Number PLN15195. My apologies for taking six months to get back to you. First, the holidays intervened, next I was hospitalized, next my wife was hospitalized, and I suffered a serious clinical depression. Since your letter mentioned no date for a response, I am assuming that this case is still active. The following is my response to that December 1, 2015, letter.

Your letter was clear (it was underlined) that the Notice of Completeness declared thereby "does not constitute either an approval or a denial of (my) application." The bulk of your letter declares the reasons why your office considers my application (to establish a new Community Assembly Activity within a RM3 Zone) "INCOMPLETE." The letter references Section 65943 of the California Code which requires a determination in writing as to the completeness of an application for a development project.

Let me first say that I will, for the moment, hold in abeyance my objection to your categorization of this project as a development project and, therefore, require the use of this Section of the California Code. I will stipulate that the Nafsi ya Jamii project is unusual and your office has struggled to fit it in to your usual procedures. It was essentially through mutual agreement between Zoning, Planning, the City Council office, the City Administrator's office, the Fire Department, and ourselves that it was agreed to handle this project by virtue of the Design Review Process. However, it is a community assembly focused review and all of the structures under consideration in this project are, arguably, temporary structures in terms of a literal reading of Oakland's codes. Your office has the responsibility to make those interpretative judgements; and we, the applicant, have the opportunity to appeal those Department judgements to the Planning Commission.

Such an appeal is not practicably possible as long as we are stuck in an INCOMPLETE designation! In my opinion the only item that could reasonably be considered incomplete is a minor error on the site map which was submitted to you. With this response I am attaching a corrected site map. All the other items

Attachment A

that you list in your letter as justification for holding us in a designation of "incomplete" are differences in interpretation of the codes and misunderstandings of aspects of this unusual project.

I will deal with these interpretations and misunderstandings now:

- The location of the solar panels and the platform is well placed on the site plan. In addition, the Zoning inspectors and you, yourself, have directly observed the placement a number of times. This placement is ideal for capturing solar energy. What you might have failed to notice was that our ground is two feet lower than the ground on the other side of the boundary line on that side of our property. The consequence of this is that the height of the solar panels is still below the view plane of neighboring housing. This is not evidence of application incompleteness.
- Oakland codes require a minimum 3-foot setback of temporary structures from property lines. Yurts are, almost by definition, temporary structures. Our yurts can be put up and taken down in one day. The Sweat Lodge, where most of the Native American ceremony will take place, is made of bent willows, pounded earth, throw rugs, and a parachute material covering. To require these temporary structures to meet the setback requirements of permanent structures is a disagreement that we would like to take to the Planning Commission. Your interpretation of "temporary" based on the use of the structure is not evident in the code, allows for an unacceptable judgement-call on the part of the Planning Department as to what arbitrary time scale constitutes temporary versus permanent, and would require the reconsideration of all current "temporary" structures in Oakland. This is a disagreement; it is not evidence of application incompleteness.
- Your call for revised plans that "show details for Americans with Disabilities Act (ADA) accessibility to all on site facilities" is questionable on a number of grounds: (1) The ADA standard is whether "removing barriers" is readily achievable and "easily accomplished without much difficulty or expense." In our design we have offered a ground level compost toilet which meets the ADA requirements and meets our program mission of maximum sustainability, integration with all functions on this land, and is in sync with our Native American belief system of ecological harmony with "the circle of life." Requiring our project to include an additional ground level bathroom connected to the City's sanitary sewer system or to build a ADA compliant ramp in up to the commode in one of the residential buildings and within the small spaces available goes beyond the standards of the ADA law and the applicable "balancing test" which takes into account the capabilities or the lack of them of small businesses or agencies. It is time for Oakland to join San Jose and San Francisco by permitting the water saving, ecological benefits of compost toilets¹. (2) Nafsi ya Jamii with its ceremonial sweat lodge is a

¹ We will have six functioning, sewer-connected toilets on the three properties. No human compost or plant compost will be carried across external boundary lines. There will be no appreciable smell. The compost process takes 18 months. We will generate about 173 gallons in that time period and will use it all with about two cubic yards of compost per year of need of fertilizer.

Constitutionally protected religious activity which has specific special exemptions under ADA. (3) Neither the sweat lodge nor any of the other activities that take place here should be considered public in the sense that would call for the application of the ADA code. As we attempted to explain to you in previously submitted design review documents, all of these activities should be considered personal religious practices that are open to members of the community that we invite. We are not open to any and all of the public and do not charge for services. Participants give or not as they feel called. Private clubs and religious organizations are not bound by Title III of the ADA law. This is a disagreement; it is not evidence of incompleteness.

Verifications:

- On most days there will be no person on this site who doesn't live here. There are eleven adults and four children living on these three properties. At most times during working hours, nine of those adults and all of the children will be off site at jobs or school. When there are "events" on the site, they would most often take place in the evenings, on weekends, and during holidays and there would be likely no more than between 5 and 20 people. At this time those "events" are taking place two or three times a month.
- The single day event (Kwanza), that had at times about 75 persons, was a family and friends' activity not associated with Nafsi ya Jamii and has been canceled. It is not expected to take place again.
- No Nafsi ya Jamii or sweat activity at this site will continue past 10:00 p.m.
- We are operating a garden. It is not a community garden. There are no off-site sales. Consumption of produce is on-site or may be traded with other local users.

Requirements based on the plans and information provided on September 29, 2015:

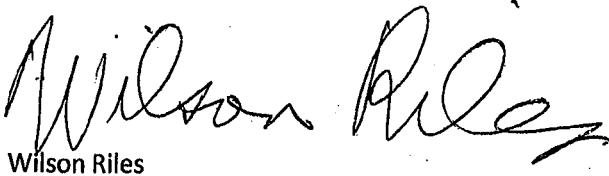
- As previously indicated, it is our intention to combine all three properties. We are moving forward with this process but cannot predict the date likely to accomplish this. Therefore, we welcome staff's determination of a Minor Variance for the meeting-space/library located at the property line between 3740 and 3746 39th Avenue. [You had the wrong property lines in your December 1, 2015, letter.] As was indicated this conversion of the garage into these habitable uses was left incomplete by the hired contractor. The sweat lodge is being shifted west on the property to better meet the contours of the land and spiritual practice considerations. It may remain near the boundary line of the 3732 and 3740 39th Avenue property. Because it is a temporary structure, we believe that it meets code requirements by being no more than three feet from that boundary. It is our intention to place it so. Neither of these considerations are questions of incompleteness of our application.
- Your letter confuses the "accessory" building being used as an office with the converted garage. We have attempted to clarify these matters with the Zoning Inspection office, only to have

inspectors come out, inspect, and never to be heard from again. I believe that the converted garage structure which is on the property line meets fire code. It is our intention to comply with appropriate City codes and Alameda County Health Department requirements based on an accurate assessment of what we are doing here.

"Finally and most importantly. Staff concerns:"

- We have worked with Fire Inspector Spencer to address the smoke question. Under his direction we have designed and are constructing a fire pit that is closed and meets specifications. We have tremendously improved our fire-starter skills so that there will be virtually no evidence of smoke. We are continuing to meet with the neighbor who had the principle objection to smoke from the fire pit. Unfortunately for her, the neighbor who was principally concerned about the noise, no longer lives in the neighborhood. Virtually all of our other neighbors touching these three properties have no complaint about our practices. We are disappointed that there has apparently been no discussion between the Oakland Fire Department and the Oakland Planning Department on this issue when all had agreed to work together by folding this issue into the Design Review process. That Planning Department staff would list these concerns without having talked to the Fire Department is mind boggling. Because we have a Constitutional right to practice our religion and have attempted to work with the City on this in a reasonable way only to confront "deafness," we will be moving forward to exercise our Constitutional rights in harmony with the guidance of the Fire Department.

We continue to seek staff approval of this application. We believe that we have addressed any area of "incompleteness" and have responded to the City code as we understand it. If staff still does not find that they are able to approve this application, we hope that such disapproval could be accomplished in a timely way so that we could move forward to the Planning Commission.

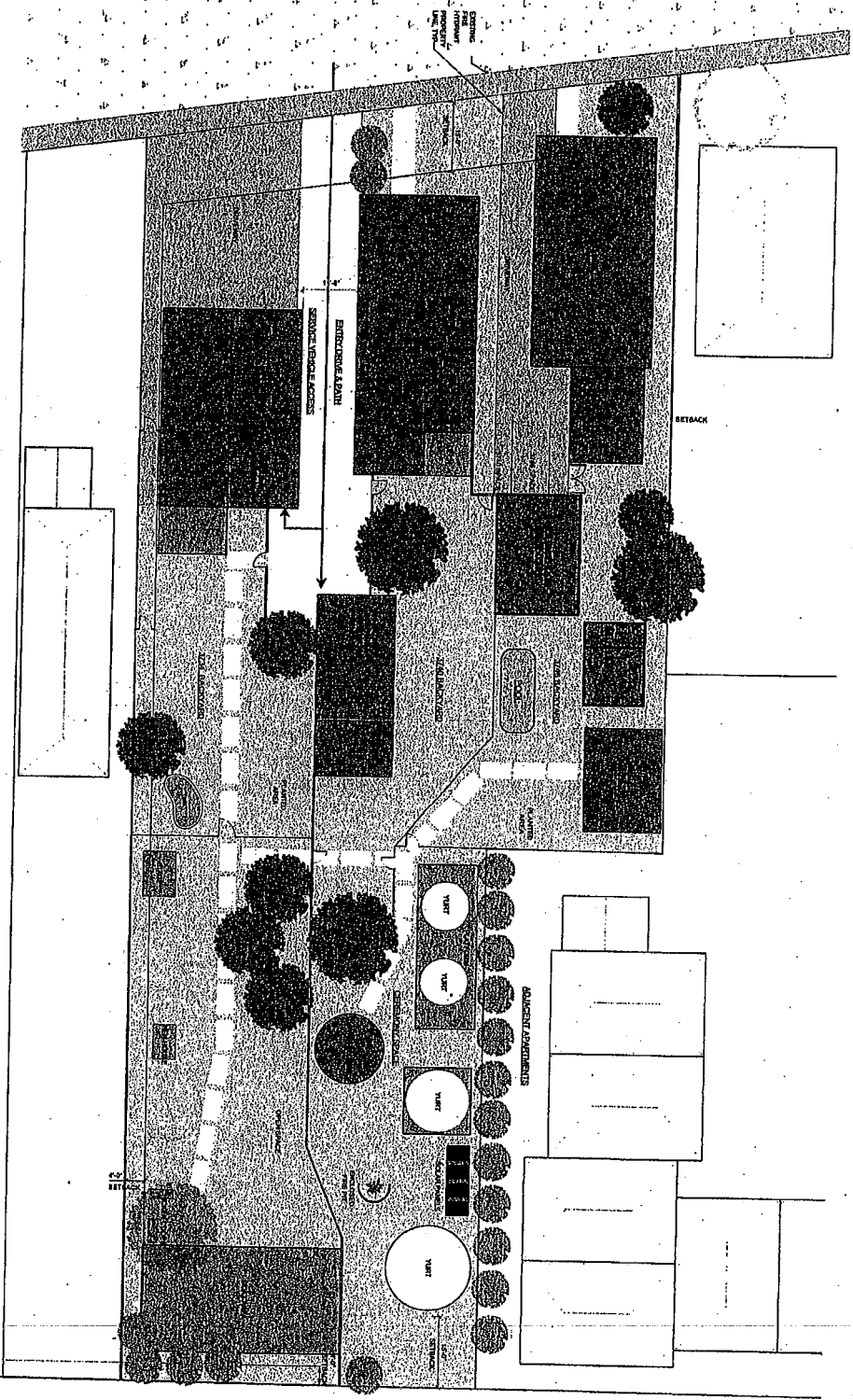
A handwritten signature in black ink that reads "Wilson Riles". The signature is written in a cursive, flowing style.

Wilson Riles

510-761-2212 mobile

cc. Chris Candell, Zoning Inspector

Vedionworks Educational Version



EXISTING SITE PLAN

ARTI GARDEN DESIGN,
ALANA CORPIZ
ARTGARDENDESIGN.NET

NASSI YA JAMILI RETREAT CENTER
AND FULL HARVEST FARMS
3742 - 3746 39TH AVE
OAKLAND, CA 94619
SEPT 26, 2015

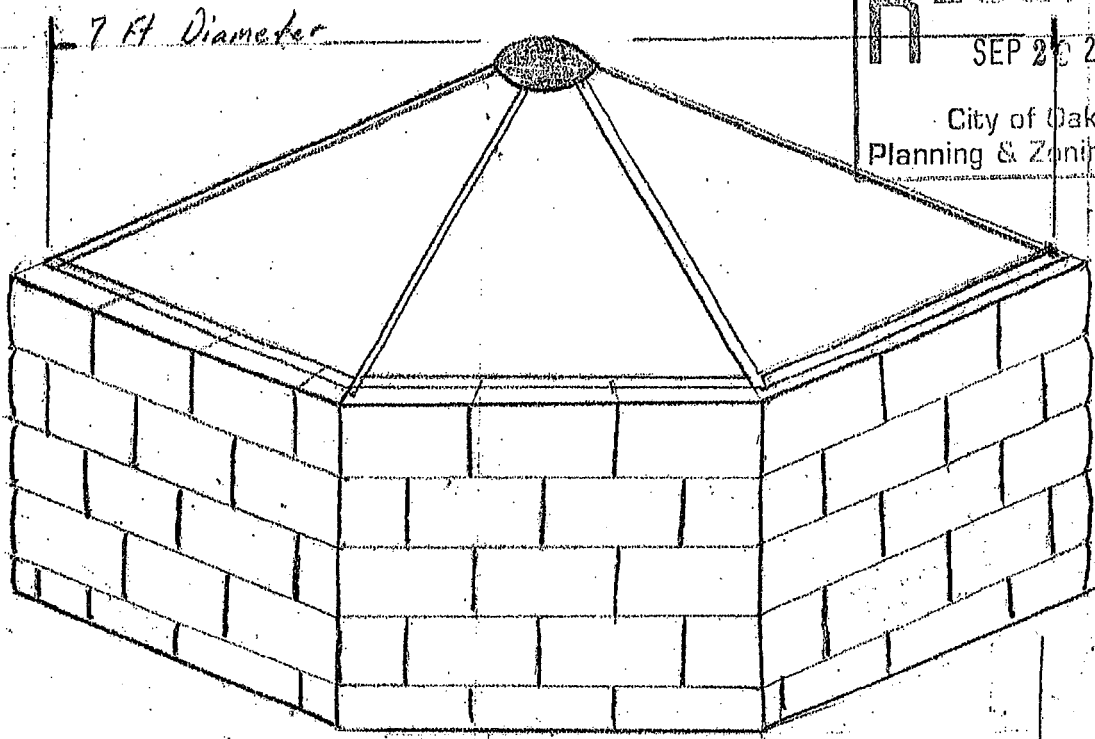


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MAY 23 2016
City of Oakland
Planning & Zoning Division

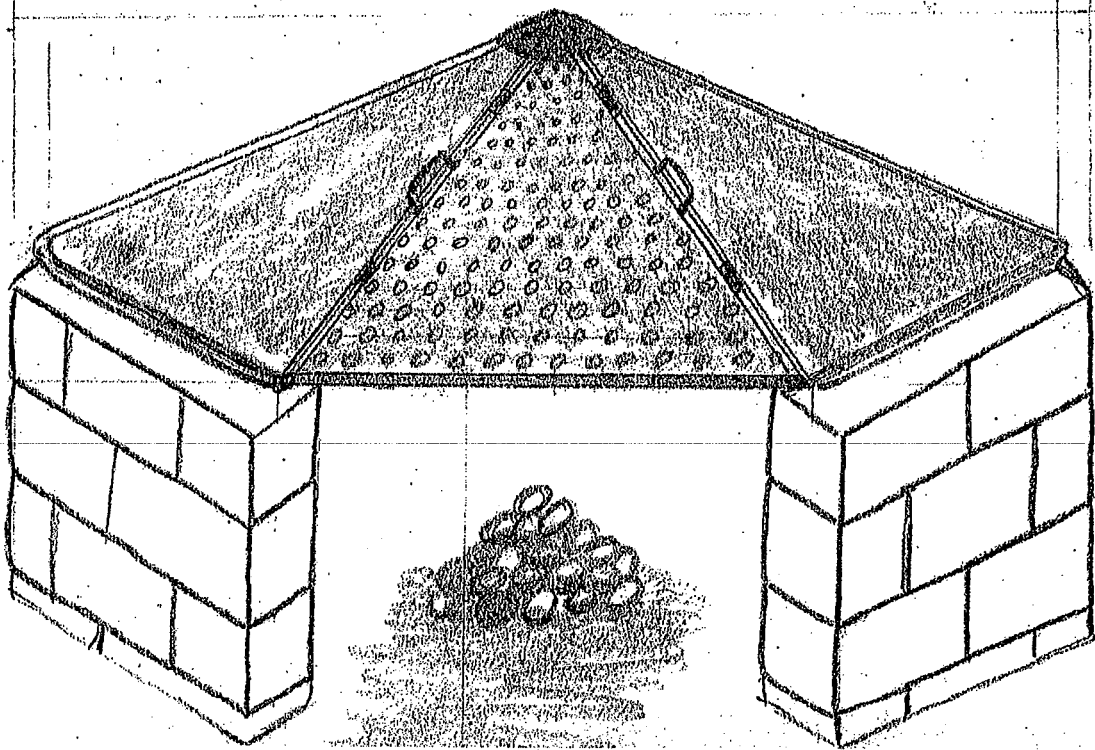
Vedionworks Educational Version

Attachment A

RECEIVED
SEP 26 2015
City of Oakland
Planning & Zoning Division

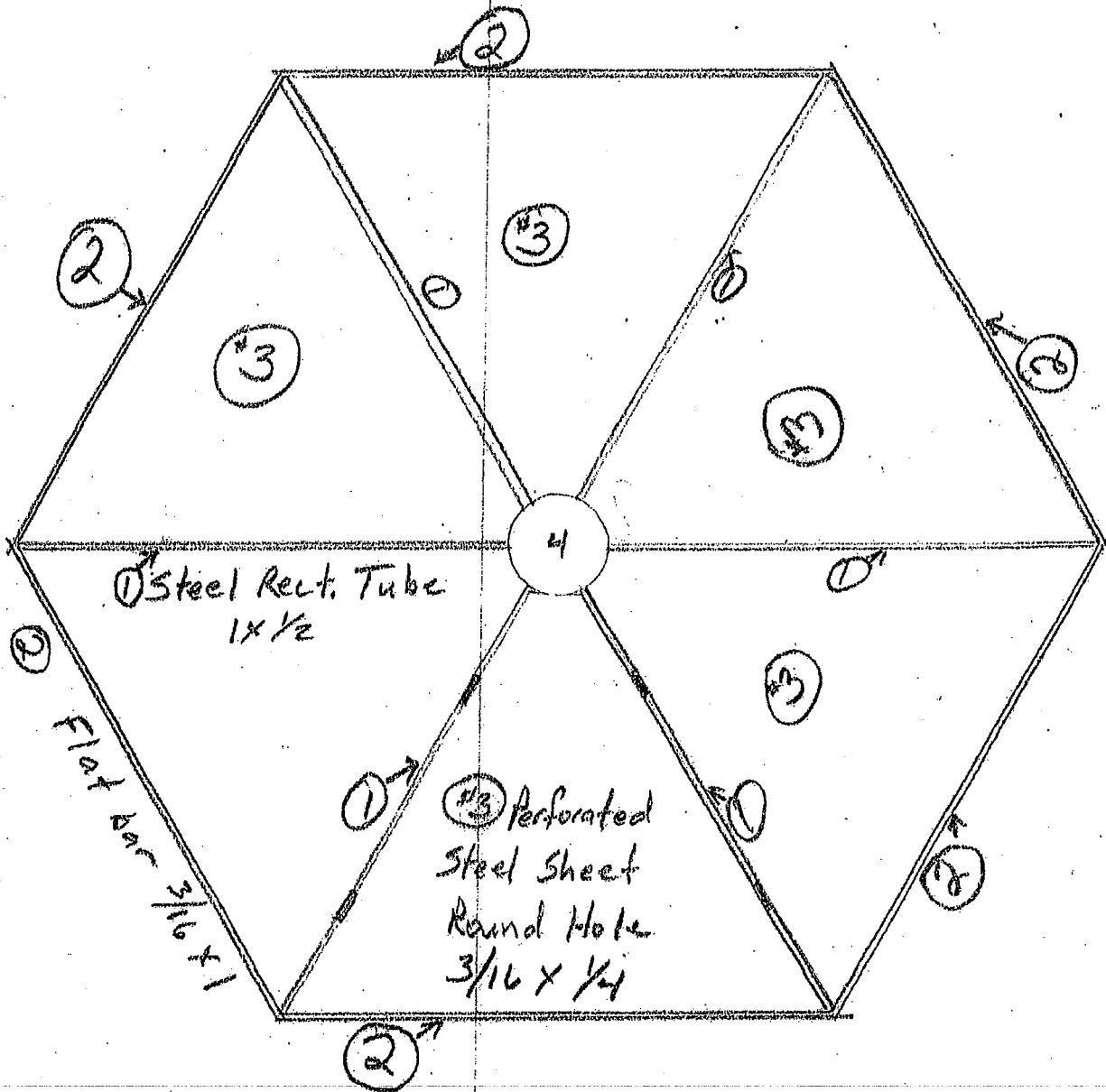


Fire Pit



RECEIVED
 SEP 28 2015
 City of Oakland
 Planning & Zoning Division

Fire Pit



- 1) Steel Rect. Tube - $1 \times \frac{1}{2}$
- 2) Flat bar - $\frac{3}{16} \times 1$
- 3) Plain Steel - Round Hole Perforated Product
- 4) $\frac{1}{8}$ Steel Plate

877.884.4883 *Inspired to Serve* HOME | WEBSITE FEEDBACK | MY ACCOUNT

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McNICHOLS Quality - Round Hole Perforated Product Photos

<< Product Gallery Home 1 2 3 4 5 6 7 8 9 10 >> View Product List >>

			
3/32" Round on 5/32" Staggered Stainless Steel	3/32" Round on 5/32" Staggered Stainless Steel	15/64" Round on 11/32" Staggered Stainless Steel	3/16" Round on 1/4" Staggered Plain Steel
			
3/8" Round on 9/16" Staggered Plain Steel	3/8" Round on 9/16" Staggered Stainless Steel	3/8" Round on 9/16" Staggered Stainless Steel	5/16" Round on 15/32" Staggered Stainless Steel
			
5/32" Round on 3/16" Staggered Aluminum	5/32" Round on 3/16" Staggered Plain Steel	5/32" Round on 3/16" Staggered Plain Steel	5/32" Round on 3/16" Staggered Aluminum

1 2 3 4 5 6 7 8 9 10 >>

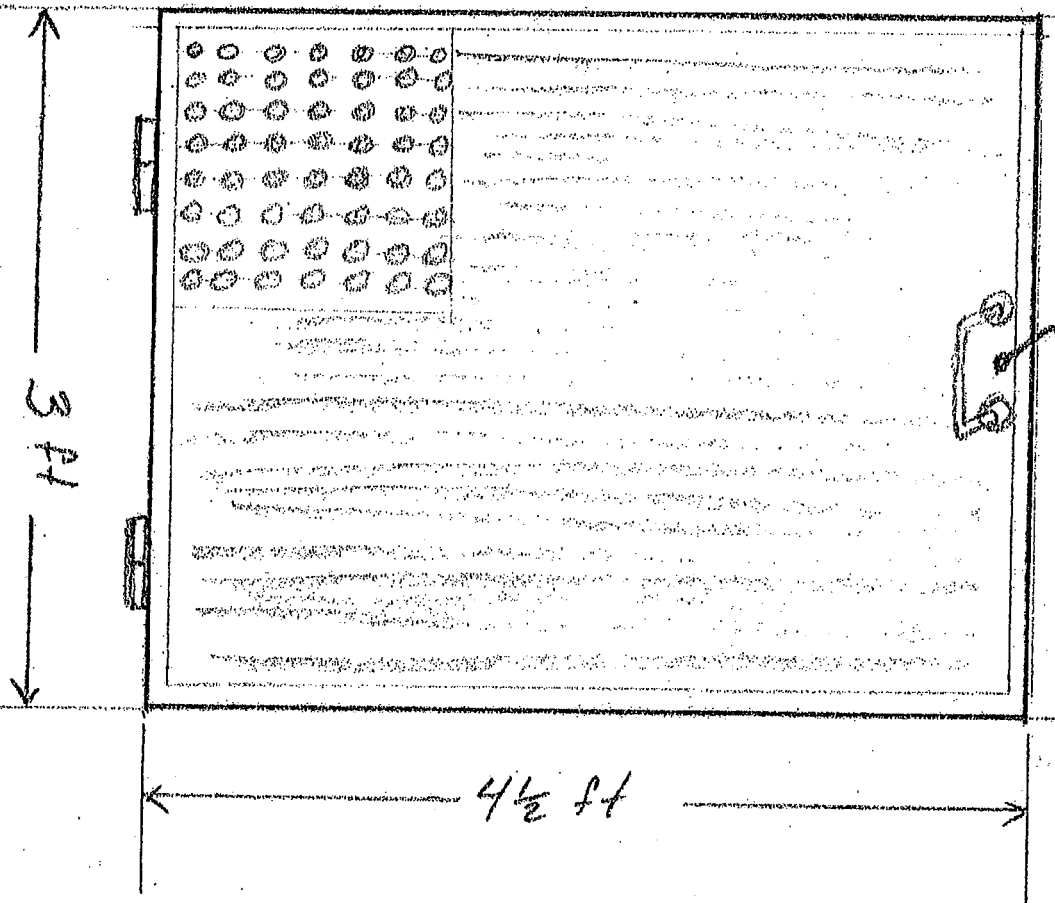
[About Us](#) | [ISO Certification](#) | [Glossary](#) | [McNichols In a Minute](#) | [Site Map](#) | [McNichols](#)

Inspired to Serve Quality Hole Products and Services by McNICHOLS

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Free PIT

Firepit Gate



GATE FRAME - Steel Rect. Tube - 1x 1/2
Plain Steel - Round Hole Perforated Sheet
will go in side the frame!

Hackett, Maurice

To: Wilson Riles
Subject: RE: For meeting at 10:30 a.m. this mornjing

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website:
www.oaklandnet.com/planning

From: Wilson Riles [<mailto:wriles@pacbell.net>]
Sent: Tuesday, December 01, 2015 8:30 AM
To: Hackett, Maurice
Cc: Candell, Chris
Subject: For meeting at 10:30 a.m. this mornjing

Mr. Hackett,

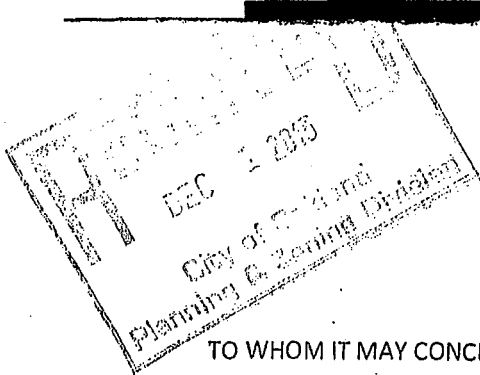
I will be seeing you in your office at 10:30 a.m. this morning, December 1, 2015.

Attached are two (2) documents in regards to Nafsi ya Jamii's nonprofit status and the letter from High Street Pharmacy in regards to the parking agreement. Praxis Project, which does have IRS granted nonprofit status, is acting as the fiscal agent for Nafsi ya Jamii to provide donations to our project such tax exemption. I hope that you are familiar with this type of arrangement.

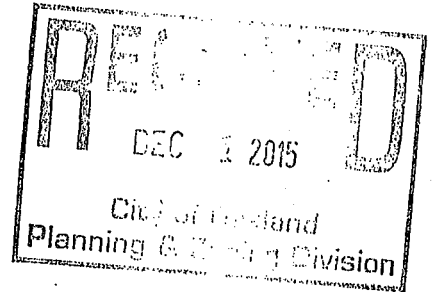
I, also, hope to be able to bring to you the corrected site plan that eliminates any indication of the projects incorporation of any other property other than the three we have been discussing these many months. The individual who is doing that for me seems to be delayed.

Wilson Riles

"Don't ask what the world needs; ask what makes you come alive, and go do that. Because the world needs people who have come alive." *Howard Thurman*



Date October 1, 2015



TO WHOM IT MAY CONCERN:

As the owner of High Street Pharmacy at 4248 MacArthur Boulevard, it is my pleasure to inform you that the Pharmacy has an agreement with Pat St. Onge and Wilson Riles for their use of our parking lot. Next to our building we have a 26 space parking lot and it is less than four blocks away from their property at 3746 39th Avenue.

High Street Pharmacy is closed for business at 6:30 on weekdays. However, even during those business hours more than half the lot is free. On Saturdays we close at 2:00 p.m. and on Sundays we are closed all day.

We appreciate the work that Pat, Wilson, and Nafsi ya Jamii does with and for our community. We are glad to share the use of the parking space vacancies in our lot.

If there are any questions, please feel free to contact me here at the Pharmacy (510-530-1335).

Gareen

HIGH STREET PHARMACY

TELEPHONE: (510) 530-1335 FAX: (510) 531-8902

4248 MACARTHUR BLVD. OAKLAND, CA 94619

SERVING THE BAY AREA SINCE 1946

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 22 2007

THE PRAXIS PROJECT INC
1750 COLUMBIA RD
WASHINGTON, DC 20009

JUN 1 RECD

Employer Identification Number:
30-0044814

DLN:
17053090783087

Contact Person:
JACOB A MCDONALD ID# 31649

Contact Telephone Number:
(877) 829-5500

Public Charity Status:
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated May 2002, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

REC'D JUN 10 2013

Fiscal Agent Agreement

DATE: January 31, 2013

This is to verify the temporary agreement between The Praxis Project and Wilson Riles of the Nafsi Ya Jamii for The Praxis Project to act as a fiscal agent to the Nafsi Ya Jamii.

As a fiscal agent, The Praxis Project will lend its tax exempt status to Nafsi Ya Jamii for the grant funds from all sources to the Nafsi Ya Jamii programs.

The Praxis Project understands that they are the legal applicant for these grant funds and agrees to redistribute funds to Nafsi Ya Jamii. The Praxis Project is responsible for financial reporting requirements of the grants. However, Nafsi Ya Jamii is responsible for contracts, maintaining expenditure records and any narrative reporting as outlined by grant programs. In addition, Nafsi Ya Jamii will inform The Praxis Project of any changes in the proposed projects, and will supply all necessary information for reporting and fiscal records.

Applicant assumes the risk that any funding source may exercise the discretion to not grant or not appropriate funds to the Fiscal Agent for support of the project. Any amount advanced by Fiscal Agent to the applicant, with the expectation that a pending grant request will be approved by a funding source, shall be treated as an obligation to be repaid by Applicant to Fiscal Agent, either from monies deposited in the restricted fund or from other Applicant assets, upon demand by the Fiscal Agent.

In keeping with its fiscal policies and bylaws, The Praxis Project will act to prevent any action that may create liability or risk for the organization. If this fiscal agreement is deemed by the organization to create such risk and/or liability for any reason, the agreement will be terminated without notice and any assets belonging to the aforementioned grant will be returned to its appropriate source.

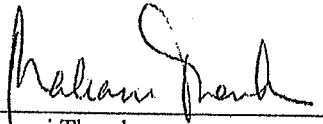
Applicant shall assume full and complete responsibility for all liabilities to third parties incurred in connection with the projects including but not limited to any and all claims whether asserted or unasserted while this Agreement is in effect. With regard to the selection of any subcontractors to carry out the purposes of this grant, the applicant retains full discretion and control over the selection process, acting completely independently of The Praxis Project.

Applicant hereby irrevocably and unconditionally agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless The Praxis Project or, its officers, directors, trustees, employees and agents, from and against any and all claims, liabilities, losses and expenses (including reasonable attorneys' fees) directly, indirectly, wholly or partially arising from or in connection with any act or omission of Applicant, its employees or agents, in applying for or accepting the grants, in expending or applying the funds furnished pursuant to the grants or in carrying out the program or project to be funded or financed by the grants, except to the extent that such claims, liabilities, losses or expenses arise from or in connection with any act or omission of The Praxis Project, its officers, directors, trustees, employees or agents.

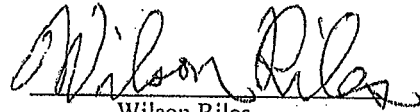
Either Applicant or Fiscal Agent may terminate this Agreement on thirty (30) days' written notice to the other party, so long as another nonprofit corporation which is tax exempt under IRC Section 501(c)(3), and is not classified as private foundation under Section 509(a) ("a Successor"), is willing and able to

sponsor the project. The balance of assets in the restricted fund earmarked for the project shall be transferred to the Successor at the end of the notice period or sooner if all parties so agrees. Applicant shall be eligible to be a Successor itself so long as Grantee has received, no later than the end of the notice period, a determination letter from the Internal Revenue Service indicating that Applicant meets the qualifications for a Successor stated above.

This Agreement shall supersede any prior oral or written understandings or communications between the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended or modified, except in a writing signed by both parties hereto.



Makani Themba
Executive Director



Wilson Riles
Operations Director

The Praxis Project
C/O Salimah Salaam-Muhammad
1750 Columbia Rd NW
Second Floor
Washington, DC 20009

Nafsi Ya Jamii
Wilson Riles
3746 39th Avenue
Oakland, CA 94619

510-530-2448

Phone: 202.234.5921

Fax: 202.234.2689



COMMON COUNSEL FOUNDATION

June 6, 2013

Salimah Salaam
Director of Finance and Personnel
The Praxis Project
1750 Columbia Road NW
Washington, DC 20009

Re: Transfer of Assets and Liabilities for Nafsi Ya Jamii from Common Counsel Foundation to the Praxis Project

Dear Salimah:

The purpose of this letter is to confirm the agreement by and among the Common Counsel Foundation ("CCF") and the Praxis Project to assign and transfer all rights and obligations of CCF on behalf of Nafsi Ya Jamii to the Praxis Project. Both are qualified as exempt from federal tax under Section 501(c)(3) of the Internal Revenue Code.

Effective as of 11:59 p.m. on June 4, 2013 (the Transition Date), CCF shall have no continuing responsibility for Nafsi Ya Jamii. Any and all employees and independent contractors of CCF working in support of Nafsi Ya Jamii shall be terminated by CCF on or before the Transition Date.

As of the Transition Date, CCF hereby grants to the Praxis Project, and the Praxis Project hereby accepts, all right, title, and interest in and to the restricted fund established for Nafsi Ya Jamii on CCF's books of account, consisting of the cash balance in that fund as well as any and all other assets and liabilities related to Nafsi Ya Jamii, tangible or intangible, held by CCF. A list of the cash balance and other such assets is set forth on Exhibit A attached to this letter.

The Praxis Project will also assume full and complete responsibility for all liabilities to third parties incurred by Nafsi Ya Jamii as of the Transition Date.

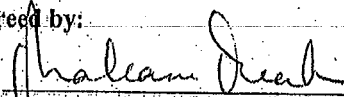
As evidenced by your signature below, you agree to the terms of this letter. Please contact me if you have any questions about this.

Sincerely,



Laura Livotti
CEO

Agreed by:

By: 
Salimah Salaam, The Praxis Project
Makani Thembu

Date: 6/10/13

405 FOURTEENTH STREET, SUITE 809, OAKLAND, CA 94612
(510) 834-2995 FAX (510) 834-2998 info@commoncounsel.org www.commoncounsel.org



EXHIBIT A: ASSETS

Cash balance as of Transition Date of June 4, 2013 (attached detailed Balance sheet and Statement of Revenues and Expenditures).

Contribution history.

General ledger detail

**July 19, 2017 Planning Commission
Meeting**

Case File: PLN15195-A01

**Attachment B:
December 9, 2016, PLN15195
Decision Letter**

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

December 9 2016

Wilson Riles
3746 39th Avenue
Oakland CA, 94619

RE: Case File No. PLN15195; 3732, 3740, and 3746 39th Avenue Oakland CA, 94619

Dear Applicant

Your application, as described below, has been **DENIED** for the reasons stated in Attachment A. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

Proposal:	To allow for a shared use of residential activities and Community Assembly on 3 three plots, with off-site parking .
Planning Permits Required:	Regular Design Review for the establishment of new structures (Yurts) and other additions and alterations, Minor Variance to convert an existing garage into a habitable structure (associated administrative activities) within the side yard setback, and a minor Conditional Use Permit to allow for Community Assembly Activities.
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3
Environmental Determination:	Exempt, Section 15270, Projects that are Disapproved
Historic Status:	OCHS Rating F3, D3, and C3
Service Delivery District:	4
City Council District:	4

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm on December 19, 2016**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Moe Hackett, Planner II**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of \$1622.57 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court

Attachment B

If you have any questions, please contact the case planner, **Moe Hackett, Planner II** at (510) 238-3973 or mhackett@oakland.com, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



SCOTT MILLER
Zoning Manager

Attachments:
Findings (for denial)

cc. Greg Minor, Assistant to the City Administrator
Tim Low, acting City of Oakland Building Official
Jamila English, Sr. Policy Analyst/ Community Liaison for Vice Mayor Annie Campbell Washington
Alexandra Orolgas, Assistant to City Administrator

Lawrence Ellis
3713A Maybelle Avenue
Oakland CA, 94619

Doris Bryant
4006 Bayo street
Oakland CA, 94619

Aimee Reeder
3822 39th Avenue D
Oakland CA, 94619

Giselle Riles
4009 Bayo Street
Oakland CA, 94619

Maya Williams
3715 Maybelle Avenue
Oakland CA, 94619

Ann Marie Davis
(via E-mail)

Linda R. Hooker
3728 39th Avenue
Oakland CA, 94619

James Louie and Selma
(via E-mail)

Nichola Torbett
(via E-mail)

Michael-David Sasson
5314 Genoa Street
Oakland CA, 94608

Michelle Puckett
(via E-mail)

Shring Wong & Alan Wong
(vis E-mail)

Rev. Diane Johnson
(via E-mail)

Louise Dunlap
483 43rd street, Apt 2
Oakland CA, 94609

Jay Ottenstein
3715A Maybelle Avenue
Oakland CA, 94619

Ishmael Riles
(via E-mail)

Giselle (neighbor on bayo Street)
(via E-mail)

Judy Frauman
3719 Maybelle Avenue
Laurel Lane
Oakland CA,

Janet Arnold and Michael Rubin
1519 East 17th Stret
Oakland CA, 94606

Colin Chang
3715A Maybelle Avenue
Oakland CA, 94619

Shem Pearson
(via E-mail)

Hilary Pearson
3719 Unit A
Maybelle Avenue
Oakland CA, 94619

Tamulia Dalke
3711 Maybelle Ave Unit A
Oakland CA, 94619

Jelani Warren
3711 Maybelle Avenue
Unit A
Oakland CA, 94619

Amy Hall
3715a Maybelle Ave
Oakland CA, 94619

Sean and Edgar Doolan
3717 Maybelle Avenue Unit B
Oakland CA, 94619

Aimee Iura
3713 Maybelle Avenue
Unit B
Oakland CA, 94619

Judy Nedoff
3711B maybelle Avenue
Oakland CA, 94619

Kenneth Shaw and Naoko Miyajima
Unit 3719B – Maybelle Avenue
Oakland CA, 94619

Jim Buck and Ricardo Ochoa
3760 39th Avenue
Oakland CA, 94619

Erin Eckahl
3760H 39th Avenue
Oakland CA, 94619

Joseph Merkel
3760H 39th Avenue
Oakland CA, 94619

Jerrold Ferrell
3711A Maybelle Avenue
Oakland CA, 94619

Michael Duhon
3713A Maybelle Avenue
Oakland CA, 94619

Doug Rhodes
3713B Maybelle
Oakland CA, 94619

ATTACHMENT A: FINDINGS

This proposal does **not** meet **all** the required findings under the Oakland Planning Code (OPC Title 17) which are required to approve your application. Specifically, findings cannot be met for Regular Design Review (Section 17.136.050(A), Minor Variance (Section 17.148.050) and Conditional Use (Section 17.148.050), as set forth below. Note, each reason for denial constitutes a separate and independent basis to deny the application and when viewed collectively provides an overall basis to deny the application. Required findings are shown in **bold type**; reasons your proposal does not satisfy them are shown in normal type.

17.136.050(A) - RESIDENTIAL DESIGN REVIEW CRITERIA:

- A. The proposed design will create a building that is well related to the surrounding area in setting, scale, bulk, height, materials and textures.**

This proposal involves the legalization and use of new small structures Yurts and fire pit / sweat lodge facilities, as well as other site modifications to allow for both the continued function of residential facilities (two single family dwellings and a duplex) and a community assembly activity, all utilizing the three existing lots. The proposed 4 yurt structures (with approximately 525 square feet of floor area) are designed and constructed of a light weight and non-substantial material akin to a tent or shed. In this relatively dense, urban environment, staff cannot support the establishment of a temporary facility such as a yurt for a permanent activity that creates noise and odors in the neighborhood. The structures have been defined as being available for overnight habitation, and as meetings spaces. Staff cannot support the design of non-durable and temporary structures to provide for a long term and permanent use due to its inability to meet building code requirements and sound proofing needs within the confines of a relatively dense residential neighborhood. Furthermore, the design is not visually compatible with the existing structures on site and in the neighborhood.

- B. The proposed design will protect, preserve or enhance desirable neighborhood characteristics.**

The yurt design is not sufficient enough to retain interior noise, or prevent sound from being heard across property-lines, or would the structures meet the building code requirements for permanent shelter. As such, the proposal would result in a development that wouldn't meet this findings of the design review criteria, and will blend into the built context of the neighborhood.

- C. The proposed design will be sensitive to the topography and landscape.**

The subject lot is flat

- D. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

As stated above, the subject is flat.

- E. The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.**

While the use of the site for a single family residence and/or Community Assembly Civic Activity meets the intent of the Mixed Housing Type Residential General Plan Land Use, the design of the facilities is not sufficient to allow for the ongoing use of both activities as proposed. The density existing within the built neighborhood requires structures that are more substantial and durable in order to protect the privacy of the surrounding properties.

17.148.050 - (MINOR) VARIANCE CRITERIA:

- A. Strict compliance with the specified regulations would result in practical difficulty or unnecessary hardship inconsistent with the purpose of the Zoning Regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance:**

The proposed Variance for the conversion of a garage to activities associated with the proposed Community Assembly Civic Activity would not improve livability nor operational efficiency for the neighborhood. As stated in the findings for variance and Conditional Use Permit the civic activity at this location would cause noise and odor impacts.

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

As proposed the Variance would allow for the conversion of a residential garage to a Civic activity (meeting room). The proposed design diminishes the off-street parking with a less desirable side yard open parking facility which would lessen the quality of the neighborhood.

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

The Variance to allow a side setback closer to a residential lot line in conjunction with the conversion to a Civic use is not consistent with the neighborhood pattern and would have adverse visual and operational impacts that are contrary to the adopted Findings for a Conditional Use Permit as stated in the following Findings Section.

17.134.050 GENERAL USE PERMIT FINDINGS:

- 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.**

Staff cannot support the Conditional Use Permit for the Community Assembly Civic activity based on the location, design, and operational characteristics as proposed. The use of a fire pit / sweat box which creates smoke within the confines of a densely populated residential area creates substantial impacts for the neighborhood. The sound associated with the open facilities and the thin fabric walls of the Yurt facilities during activities is not an acceptable impact to neighboring properties.

A Minor Conditional Use Permit to establish a Community Assembly Civic Activity has often been supported by the City in conjunction with substantial permanent structures and in locations where these activities would not result in a lessening of the quality of life and value of property for the surrounding neighbors and neighborhoods. As proposed at this location this use is essentially an open facility which requires the ongoing allowance for off

street parking at an off-site location some 400-feet away (4248 MacArthur Boulevard) has adverse impacts on neighboring properties.

The Conditional Use Permit requirement for Community Assembly Civic is intended to ensure that residentially zoned area remains viable and retains the livability of a neighborhood. Staff does not believe that this proposed facility can support this due to harmful effects of sound and smoke, as well as the inability to provide the required parking on site. As presented an essentially open facility use for Community Assembly represents an undesirable addition to a neighborhood context that is densely populated and existing as a built-out residential environment.

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.

As proposed the location, site design, and structural design of the proposal will not be sufficient to prevent the nuisances associated with smoke and noise to be experienced across property lines and throughout the surrounding neighborhood. As such the project, which takes place in what basically amounts to an open facility, is not conducive to the environment of the surrounding neighborhood, and would result in a lessening of the livability of the neighborhood.

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 proposal will result in external noise and other impacts associated with open space activities involving the assemblage of persons for ongoing events of various sizes. The effective definition of open facilities is based on the light construction of the structures proposed for ongoing and permanent use. In addition, the site has in the recent past received nuisance complaints based on noise and smoke. As presented the proposal would make use of a fire pit and /or sweat lodge that would be entitled to utilize an open flame facility (fire pit). Smoke and air quality within the relatively close confinement of the residential zone in which the project is sited is not conducive to existing residential activities or to future development. The project also requires parking to be located several blocks away on MacArthur Boulevard. Staff cannot assure the adherence to the parking and traffic impacts associated with the proposal on an effective ongoing basis. The use of off-street parking at a parking facility far removed from the project site would at best be problematic. The requirement for the parking facility to be maintained as a contractual agreement as opposed to a "by-right" ability (such as ownership of the site) presents the possibility that access to and use of the parking at some future date could be lost to development or other need. Staff cannot support the non-binding agreement of off-site parking as a permanent solution for the parking demand for the activity.

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

The proposal does not meet the design review criteria.

E. For proposals involving a One- or Two-Family Residential Facility: If the Conditional Use Permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

- 1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height,**

2. **At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.**

The subject site and proposal involve ongoing residential facility and activities located on three separate lots. As proposed, staff cannot support the findings due to numerous design and functional elements as stated above.

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

This proposal does not conform to the City of Oakland Comprehensive General Plan in as it would not, as designed and proposed, create, maintain, or enhance a Civic use that is in an appropriate location in proximity to medium density residential development.

The proposal does not satisfy General Plan N2.1 (Designing and Maintaining Institutions), which states that "As institutional uses are among the most visible activities in the city and can be sources of community pride, high-quality design and upkeep / maintenance should be encouraged. The facility should be designed and operated in a manner that is sensitive to surrounding residential and other uses."

The proposal also does not satisfy General Plan Policy N2.7 (Designing Community Facilities) which states that "Site design, architectural and operating practices of community facilities should be compatible with the area's desired character."

As mentioned in earlier Findings, staff believes that the proposed activities are not designed nor operated in a manner that is compatible with, and sensitive to, surrounding residential uses, due to noise and odor impacts.

**July 19, 2017 Planning Commission
Meeting**

Case File: PLN15195-A01

**Attachment C:
December 19, 2016, Appeal**



CITY OF OAKLAND

APPEAL FORM

FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: PL N15195
Project Address of Appealed Project: 3732, 3740, 3746 39th Ave, 94619
Assigned Case Planner/City Staff: Moe Hackett

APPELLANT INFORMATION:

Printed Name: Wilson Riles Phone Number: 510-530-2448
Mailing Address: 3746 39th Ave. Alternate Contact Number: 510-604-9309
City/Zip Code Oakland 94619 Representing: Self and Phillip Riles
Email: w.riles@pacbell.net

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
Denying an application for an Administrative Decision
Administrative Determination or Interpretation by the Zoning Administrator
Other (please specify)

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based 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)
Creek Determination (OMC Sec. 13.16.460)
City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
Other (please specify)

(Continued on reverse)

(Continued)

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

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) _____

FOR ANY APPEAL: 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 abuse 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. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

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

(Attached)

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.*

(Continued on reverse)

(Continued)

Wilson Plaza

Signature of Appellant or Representative of
Appealing Organization

12/19/2016

Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE:

\$ _____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

17.136.050(A) RESIDENTIAL DESIGN REVIEW CRITERIA:

A. Staff fails to accurately evaluate the reports of noise and odors. The issues of equity, cultural bias, and structural procedural discrimination warp staff's decision. Oakland building code does not require the permitting of temporary structures. In the code "temporary" is defined by the nature of material (light weight and non-substantial). In the code there is no temporal definition of temporary; this makes sense since the concept of what is permanent and what is temporary is culturally bound, contextual, and even deeply spiritual in a sense. Considering the proud diversity of beliefs in Oakland even in the Laurel District and the limited resources of the City, it makes no practical sense for the City to define temporary structures temporally. The City has no practical ability to impose a temporal standard on all cultures in Oakland nor to monitor them. The false assumption underlying staff's decision about the lack of noise in "the confines of a relatively dense residential neighborhood" is breath taking and is also an equity question. In this neighborhood we wake up every school day morning with the amplified sound of prayers and announcements blasted in to the rear yard of the Catholic school that backs in to Maybelle Avenue. This is every school day morning. Staff has incorrectly confused the Maybelle Avenue complainants' concerns about the rare times (five times in five years) that work crews in our urban garden have played music loud with the conversational tones and prayers that take place within the sweat lodge and as participants stand outside the sweat lodge. The City and City staff need to be very careful about the equities here because this issue raises the question of black churches singing their praises 'on high' and neighbors' attempts to shut them down. In the sweat lodge there is singing and praying but it is no louder than it would take to carry across a space of about fifteen feet diagonally around a sacred circle. The canvass covering of the sweat lodge is more than adequate here. Staff has abused their discretion in evaluating the complaint and the equities here. The Design Review is very clear about the habitation issue; when we figure out a way to make one of the yurts habitable by justly applied City codes, we will return to the City for a habitability permit. In the meantime, Wilson and Pat, have frequently stayed overnight in the yurts as owners of the property. Any property might put a tent in their back yard and sleep out in it. There are eight bathrooms in our properties, bathtubs, and showers; we are not the unscrupulous slum landlords taking advantage of tenants for which the habitability codes were designed. For us this is a spiritual and a centering experience that is profound. As for the visual compatibility, I would say the following:

- The issue of neighborhood compatibility is incorrect and bogus for a number of reasons. The only obvious non-compatibility is that there are solar panels on the roofs of 3732 and 3746 39th Avenue properties. These are the only properties on 39th Avenue as far as we can tell that have solar panels. This fact is easily seen by walking or driving on our block. In a neighborhood that was intellectually and culturally in favor of fossil fuel consumptions, the way that the Planning Department is applying the regulation about compatibility complaints could force individuals with solar panels to remove them from their roofs. The compatibility issue in the denial of our Design Review/CUP application that is based on the materials out of which the yurts and the sweat lodge are constructed and their shape is even more ridiculous than this solar panel example. Neither the sweat nor very much of the yurts can be seen from walking or driving

down 39th Avenue or any other street. What is seen of this project is two single family homes and a duplex that are basically indistinguishable from any other property. If the weight of the compatibility issue is on what surrounding properties can see, the question slides into very narrow, personal definitions of compatibility that do not in any way reach the collective, "reasonable person standard" upon which the application of City zoning codes legally rest. Here we step into the arena of cultural chauvinism and intolerant supremacy. We do not know what is going on in the back yards of 99% of the properties in this neighborhood so we do not have a collective standard of what compatibility in our backyards would look like. In fact, those neighbors who have the best view of our rear yard (the four condominiums backing on to our property line at 3760 39th Avenue) are largely supportive of what we are doing.

- Those neighbors who have the best advantage in terms of closeness and height of their windows to see most of our rear yards are mostly supportive and in agreement with what we are doing. Three of the four moved into their condominiums not just knowing that we were there but our project was one of the reasons in their decision to buy. We were invited into one of such units where we were able to see our yard from their geophysical perspective and we made changes to what we were ~~doing~~ ^{doing} based on our goals, vision, and cultural positioning. This is very unlike the primary complaints who have a much more difficult geophysical angle with which to view our project and who, in the first meeting we had with them, came to tell us what **their** vision was for **our** property. Zoning and Planning Department staff has unquestioningly accepted the sometimes racist, culturally biased, religiously intolerant complaints of folks who cannot even see our project well. This leads us to conclude that Planning Department staff has allowed their own similar prejudices and insensitivities to cloud their judgement.
- B. Staff incorrectly misses the desirability of open space in a dense neighborhood. Our neighbors can look out on fruit trees, growing vegetables, and round natural structures rather than only seeing square unnatural structures, walls, and concrete. Unbelievably this staff demonstrates no knowledge of the negative psychological impacts of 'ticky-tacky' building assemblies. And sense this is a Community Assembly application, it is amazing that staff does not appreciate or recognize the benefit in the design for community assembly space. I would note the faulty record of responses to the comment period where statements of residents who recognized the benefit of the Design are either absent or ignored. Attachment(1) is a letter from Thomas Wong, former Director of the Laurel Business Improvement District who notes that the BID held retreats at our facility.
- C. Again, staff is incorrect. These properties slope down towards the Southeast corner. Water pools in this area. The lot is not flat. This was explained in our response to staff's designation of incompleteness. That is why the complaint from a neighbor that the solar panels block views is bogus. The land on that rear edge of the property is about five or six inches below the land on the other side of the fence. Placing the solar here is best for orientation to the sun and does not block windows where the first floor windows of the condominiums are four feet above the panels. We are continuously 'listening' to the land in our decisions about planting. We also

moved the sweat lodge (a temporary structure) to a higher point on the property being sensitive to the topography and landscape.

- D. Again, the land is not flat. And we did take into account the slight slope of the land in constructing our berms and other water catchment mechanisms. Since the yurts and the sweat lodge are made of light material. They sit lightly on the land easily accommodating the slope.
- E. Staff's ignorance about Native American spiritual practices leads them astray here. This is exactly how cultural bias works. Staff falsely equates Native American spiritual practices with those of other faiths or the twisted versions that are caricatured in Western media. The sweat lodge ceremony that has been conducted no more often than two times a month is conducted in a fashion that is no threat to the privacy of surrounding properties. Out of ignorance the staff is allowing the exaggerations and the prejudices of some neighbors to cloud their judgement. This is the same way that structural racism works.

17.134.050 (MINOR) VARIANCE CRITERIA:

- A. The conversion of the garage to a meeting space greatly preceded the Nafsi ya Jamii project. A contractor was hired who completed the work after taking out permits. The contractor disappeared before the final inspection. We reactivated the permit and requested the final inspection on his work. A Zoning inspector came out at least twice to look at the conversion but a final report was never issued. As we moved forward on the Nafsi ya Jamii project, this existing conversion was incorporated into our design. Our desire was to resolve this variance issue separately. This was not to happen because the Zoning staff seem to want to add this actual outstanding issue as leverage to frustrate the overall project. Zoning was harassed by a particular racist and religiously bigoted neighbor's complaint into inspecting our properties. In a similar manner to District Attorneys piling up charges in plea bargaining to scare a criminal defendant to agree to a minor offence even when the defendant is not guilty of that offence, Zoning staff walked through our property pointing out every imaginary violation they could think of. Our solar panels were not installed correctly, our Internal bamboo fences were too high, a separate standing structure that existed prior to our purchasing the property and whose noncompliance was not disclosed in the purchase had to go, and the preexisting setback of our structures from the property line was a problem. We took each one of those violations, described our understanding of them and our willingness to contend with the Zoning Department on each of them. At the recommendation of the Zoning staff we agreed to deal with each of them all together in a design review process. All of the other issues magically evaporated. This space is the primary meeting space in our project, staff has more than ample knowledge of the benefits to the community of this space and there is no evidence of noise or odor impacts here. That is patently false. In the meeting where it was agreed that the whole matter would be dealt with in a design review process, we mentioned that the most consistent meetings that we hold in this converted garage is a book group. One of the Zoning Department staff had to admit that we ought not be harassed ^{or} ~~are~~ condemned for hosting a book group on

our property because she held such on her property in Orinda without a permit. We still await final inspection on this conversion.

- B. This building is no longer usable as a garage because the angles to get one, let alone two, cars in this garage are impossible with modern day large cars. Keeping this garage as a garage adds nothing to the issue of parking on 39th Avenue; there is and never was any "diminishment" here. Staff is just wrong.
- C. Again, staff is wrong. The pattern in this neighborhood is replete with properties, including "habitable" properties that are right on the lot line. 3740 is right on the lot line with 3746. And 3746 is right on the lot line with 3750. 3732 is right on the lot line with 3740. All up and down 39th Avenue, most of the properties are so situated on one side or the other. What is the imaginary pattern that staff is talking about? This building will be practically unusable if Zoning staff does not come out and do the final inspection.

17.134.050 GENERAL USE PERMIT FINDINGS:

- A. The question of noise has been addressed previously. Through the two years that we have been ensnared in this Design Review process for a Conditional Use Permit for the Community Assembly Civic activity we have been working closely with the Fire Department. Early on the Fire Chief visited our property and instructed Inspector Spencer to work with us. We have also worked with a neighbor who is a Fireperson from San Francisco. With Inspector Spencer's input and monitoring, we designed and built a fire pit that no longer needs to be permitted according to fire code. That clearly means that it is no more a hazard and no smokier than a backyard BBQ pit or a residential fire place. There are at least ten residential fire places on the block that burn wood. There is no unbiased proof that the sweat lodge pit is putting anything near as much smoke in the atmosphere as are these sources. I have often smelled wood burning in those fire places as I walked down the street. Inspector Spencer told us that the Fire Department does not deal with white smoke from controlled back yard fires. And they ESPECIALLY do not bother with claims of "invisible" smoke. This is not only a question of equity but also a question of religious freedom. We would like to pray and hold ceremony in our back yard and we have done this no more often than two times a month. This is our constitutional right and Federal Law requires cities to make accommodations for Native American spirituality. Now is that time for Oakland. Requiring Native Americans to submit to practicing their faith inside a "substantial permanent structure" is not at all accommodation. We submitted an offsite parking agreement that staff has declined to approve even though we have the ability and have shuttled our guests from this lot. There is no inequitable adverse impact on this neighborhood of us gathering with our friends and guests in groups of no more than ten or twelve to pray.
- B. This has been dealt with previously.
- C. Staff is wrong and disingenuous. We have dealt with this previously.

D. Staff is wrong. We dealt with this previously

E. I. We dealt with this previously.

F. This decision is being made in a manner that ignores the cultural diversity of not only the City but also of the Laurel itself. It is a violation of our constitutional rights to practice our religion as we see fit. It kowtows to the exaggerations and prejudices of some neighbors. It ignores the testimony of neighbors who see benefit in what we are doing. In addition to the comment that is attached that was not in the record, the calls to Mr. Hackett's office that were invited as a means to comment are not tabulated and part of the record. Whether conscious or not this is an inequitable, based decision.

Attachment 1

From: Yonomo Seki <yonomoseki@gmail.com>
To: mhackett@oaklandnet.com; pstonge@pacbell.net; Ada Chan <adachan510@gmail.com>
Sent: Monday, October 3, 2016 4:30 PM
Subject: Letter of Support for Nafsi Ya Jamii

Hello Mr. Hackett,

My name is Thomas Wong, I was formerly the Director of the Laurel Business Improvement District for 6 years, and a current resident in the Dimond/Laurel area. I am writing in support of Nafsi Ya Jamii.

In my 6 years with the Laurel BID, I had numerous very positive interactions with Patricia St. Onge and Wilson Riles, as they planned and worked towards the creation of Nafsi Ya Jamii. I learned quickly that many in our neighborhood look towards Patricia and Wilson as strong and forward thinking individuals who are dedicated to inclusive community building. Many look at Nafsi Ya Jamii as an important part of our future neighborhood, and believe there should be a place like theirs in every neighborhood.

Throughout the years, there have been public incidents and tensions that required neighborhood sharing and discussion. There have been violent situations, racial/socioeconomic conflicts, and community disagreements. In those times and without fail, Patricia and Wilson have stepped in to mediate and give public guidance. Most importantly, they have informally opened their home during these times for community discussion and healing. Our BID board members would host their own retreats at Patricia and Wilson's home, as we saw it as a place that embodies the ideals of community health, healing and struggle.

The formal creation of Nafsi Ya Jamii is the next step in making concrete their important contribution to the neighborhood. My full support and best wishes to Patricia, Wilson and Nafsi Ya Jamii.

Thanks for your time,
Thomas Wong
Fmr. Director, Laurel Business Improvement District

**July 19, 2017 Planning Commission
Meeting**

Case File: PLN15195-A01

**Attachment D1:
Comments Received for
Original Application**

Hackett, Maurice

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 2:46 PM
To: Hackett, Maurice
Cc: Rose, Aubrey
Subject: RE: Quick Question

Thanks Moe!

From: Hackett, Maurice
Sent: Monday, September 26, 2016 2:45 PM
To: Orologas, Alexandra
Cc: Rose, Aubrey
Subject: FW: Quick Question

Sorry.
With attachment attached.

Moe

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website:
www.oaklandnet.com/planning

From: Hackett, Maurice
Sent: Monday, September 26, 2016 2:32 PM
To: Orologas, Alexandra; Rose, Aubrey
Subject: RE: Quick Question

Please find attached, copy of PLN15195, 3740, (3732 & 3746) 39th Avenue basic Application (signed & date)
Received 6/15/15 --noticed publicly noticed 9/23/16

Regards

Moe

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website:
www.oaklandnet.com/planning

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:31 PM
To: Rose, Aubrey
Cc: Hackett, Maurice
Subject: RE: Quick Question

Attachment D

Thank you Aubrey, this is really helpful. Maurice – is there a way that someone could send me a copy of CUP application so I can pass it along to the requestor? Thanks much in advance.

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:26 PM
To: Orologas, Alexandra
Cc: Hackett, Maurice
Subject: RE: Quick Question

Application # PLN15195

Description: Community Assembly Civic for a faith based community center providing ceremony and education to congregation using detached Yerts as ceremonial spaces.

Status: Pending

Case planner: Moe Hackett (copied)

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:24 PM
To: Rose, Aubrey
Subject: RE: Quick Question

The person responded! Here it is:

3742 - 3746 39TH AVE

Let me know what you find. Thanks!

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:18 PM
To: Orologas, Alexandra; Flynn, Rachel
Subject: RE: Quick Question

Sounds good ☺

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:18 PM
To: Rose, Aubrey; Flynn, Rachel
Subject: RE: Quick Question

We don't have the address, but I did contact the individual to relay the information and asked the address. If I hear back, I'll let you know Aubrey. Thanks again!

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:11 PM
To: Orologas, Alexandra; Flynn, Rachel
Subject: RE: Quick Question

No problem – forgot to say: do we know the address? I could take a quick look.

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:10 PM

To: Rose, Aubrey; Flynn, Rachel
Subject: RE: Quick Question

Thanks Aubrey!

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:10 PM
To: Flynn, Rachel; Orologas, Alexandra
Subject: RE: Quick Question

Hi Alexandra,

Community members are welcome to view CUP documents at the zoning counter - or staff can email it to them – they can also view the record entry in the Accela database online; however, the documents aren't attached yet (should be soon ☺)

Thanks,
Aubrey

From: Flynn, Rachel
Sent: Monday, September 26, 2016 12:04 PM
To: Orologas, Alexandra
Cc: Rose, Aubrey
Subject: RE: Quick Question

Aubrey, Can you please respond to Alex Orologas's e-mail? Thanks, Rachel

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 11:42 AM
To: Flynn, Rachel
Subject: Quick Question

Hi Rachel – A community member just asked me how they can view a copy of a CUP application here in Oakland. Is this something that can be looked online at Accela, or would someone need to call or visit our front counter?

Alexandra Orologas
Assistant to the City Administrator
City of Oakland
1 Frank H. Ogawa Plaza, 3rd Floor
Oakland, CA 94612
Telephone: (510) 238-6587
Email: aorologas@oaklandnet.com

Mission Statement:

The City of Oakland is committed to the delivery of effective, courteous, and responsive services. Citizens and employees are treated with fairness, dignity and respect.

Hackett, Maurice

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 2:37 PM
To: Hackett, Maurice; Rose, Aubrey
Subject: RE: Quick Question

Hi Moe – Thanks so much. Can you by chance resend with the attachment? I didn't see the document enclosed.

From: Hackett, Maurice
Sent: Monday, September 26, 2016 2:33 PM
To: Orologas, Alexandra; Rose, Aubrey
Subject: RE: Quick Question

Please find attached, copy of PLN15195, 3740, (3732 & 3746) 39th Avenue basic Application (signed & date)
Received 6/15/15 –noticed publicly noticed 9/23/16

Regards

Moe

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 |
Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website:
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To: Flynn, Rachel
Subject: Quick Question

Hi Rachel – A community member just asked me how they can view a copy of a CUP application here in Oakland. Is this something that can be looked online at Accela, or would someone need to call or visit our front counter?

Alexandra Orologas

Assistant to the City Administrator
City of Oakland
1 Frank H. Ogawa Plaza, 3rd Floor
Oakland, CA 94612
Telephone: (510) 238-6587
Email: aorologas@oaklandnet.com

Mission Statement:

The City of Oakland is committed to the delivery of effective, courteous, and responsive services. Citizens and employees are treated with fairness, dignity and respect.

Hackett, Maurice

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:31 PM
To: Rose, Aubrey
Cc: Hackett, Maurice
Subject: RE: Quick Question

Thank you Aubrey, this is really helpful. Maurice – is there a way that someone could send me a copy of CUP application so I can pass it along to the requestor? Thanks much in advance.

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:26 PM
To: Orologas, Alexandra
Cc: Hackett, Maurice
Subject: RE: Quick Question

Application # PLN15195

Description: Community Assembly Civic for a faith based community center providing ceremony and education to congregation using detached Yerts as ceremonial spaces.

Status: Pending

Case planner: Moe Hackett (copied)

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:24 PM
To: Rose, Aubrey
Subject: RE: Quick Question

The person responded! Here it is:

3742 - 3746 39TH AVE

Let me know what you find. Thanks!

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:18 PM
To: Orologas, Alexandra; Flynn, Rachel
Subject: RE: Quick Question

Sounds good ☺

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:18 PM
To: Rose, Aubrey; Flynn, Rachel
Subject: RE: Quick Question

We don't have the address, but I did contact the individual to relay the information and asked the address. If I hear back, I'll let you know Aubrey. Thanks again!

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:11 PM
To: Orologas, Alexandra; Flynn, Rachel
Subject: RE: Quick Question

No problem – forgot to say: do we know the address? I could take a quick look.

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 12:10 PM
To: Rose, Aubrey; Flynn, Rachel
Subject: RE: Quick Question

Thanks Aubrey!

From: Rose, Aubrey
Sent: Monday, September 26, 2016 12:10 PM
To: Flynn, Rachel; Orologas, Alexandra
Subject: RE: Quick Question

Hi Alexandra,

Community members are welcome to view CUP documents at the zoning counter - or staff can email it to them – they can also view the record entry in the Accela database online; however, the documents aren't attached yet (should be soon ☺)

Thanks,
Aubrey

From: Flynn, Rachel
Sent: Monday, September 26, 2016 12:04 PM
To: Orologas, Alexandra
Cc: Rose, Aubrey
Subject: RE: Quick Question

Aubrey, Can you please respond to Alex Orologas's e-mail? Thanks, Rachel

From: Orologas, Alexandra
Sent: Monday, September 26, 2016 11:42 AM
To: Flynn, Rachel
Subject: Quick Question

Hi Rachel – A community member just asked me how they can view a copy of a CUP application here in Oakland. Is this something that can be looked online at Accela, or would someone need to call or visit our front counter?

Alexandra Orologas
Assistant to the City Administrator
City of Oakland
1 Frank H. Ogawa Plaza, 3rd Floor
Oakland, CA 94612
Telephone: (510) 238-6587
Email: aorologas@oaklandnet.com

Mission Statement:

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Hackett, Maurice

From: Wilson Riles <wriles@pacbell.net>
Sent: Tuesday, October 25, 2016 3:58 PM
To: Hackett, Maurice
Cc: English, Jamila A.; Vollmann, Peterson; Miller, Scott; Phillip Riles; Patricia St. Onge; Candell, Chris; Katz, Alex; Jeremy Goodfeather
Subject: Final Administrative Decision on PLN15195 [3746, 3740, 3732 39th Avenue]

Dear Mr. Hackett,

I believe that you indicated that Mr. Miller or Mr. Vollmann had changed jobs but would still be overseeing our case (PLN15195). Does that mean that a final administrative decision will be delayed? As I remember from our last meeting, a decision would be forth coming 10 days after the close of the comment period. I understood that you extended the comment period by one day due to the intervening holiday. Does that mean that we can expect a decision on October 30th?

Also since the comments are now public information, where can I get a copy or see the comments?

Wilson Riles

"Don't ask what the world needs; ask what makes you come alive, and go do that. Because the world needs people who have come alive." *Howard Thurman*

Hackett, Maurice

From: Kathryn Gilje <kathryngilje@gmail.com>
Sent: Thursday, October 13, 2016 9:02 PM
To: Hackett, Maurice
Subject: Case file: PLN15195

APN# 030 192500400

Case file: PLN15195

Email comments to: Moe Hackett mhackett@oaklandnet.com

Dear Moe Hackett:

I am writing to express my strong support and appreciation for Nafsi Ya Jami and the proposed retreat center and farm plan that they have developed to meet the needs and interests of healing, community, spiritual development, food sovereignty and justice in Oakland and beyond.

I have participated in community events and planning meetings at Nafsi Ya Jami, and have received such a warm welcome. As a former co-teacher at the Street Academy, we held retreats there to plan our classes for the semester. As an Oakland resident, I have been invited to connect with the land and animals there, since my background is connected to agriculture, and I miss that from time to time. I am just thrilled to see the building up of urban agriculture, self-sufficiency and sovereignty created in that community space.

There are far too spaces in Oakland which embrace and welcome such a diverse community into intentional spiritual community, healing, learning and transformation and I fully support the plan put forward by the organization.

With best wishes,

Kathryn Gilje

5117 Lawton Avenue, Oakland

510-459-8794

Hackett, Maurice

From: Lawrence Ellis <lawrenceellis@icloud.com>
Sent: Thursday, October 20, 2016 5:26 PM
To: Hackett, Maurice
Subject: Decision re: Planning Number PLN15195

Re: Planning Number PLN15195

Dear Mr. Hackett,

I write concerning Planning Number PLN15195? (This is an application by Wilson Riles and Patricia St. Onge for a Conditional Use Permit (CUP) and Regular Design Review (DR) for the "Nafsi Ya Jamii Urban Retreat Center" and the "Full Harvest Urban Farm," located on three contiguous properties on 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. (Assessor's Parcel Numbers are: 030-1925-005-00, 030-1925-004-00, and 030-1925-003-03.))

Can you please let me know:

1. When will a decision be made?
2. Is the meeting(s) where the decision will be made open to the public?
3. If yes, how does one secure permission to attend, and when and where will it be held?

I have sent a stamped, self-addressed envelope to the Bureau of Planning/Zoning Division requesting notification of the decision — as instructed in an initial notification mailing from the City. At this stage, I would just like to know the answers to the three questions above.

Thank you.

Regards,
Lawrence Ellis

Hackett, Maurice

From: Wilson Riles <wriles@pacbell.net>
Sent: Tuesday, October 11, 2016 2:44 PM
To: Hackett, Maurice
Cc: English, Jamila A.; Phillip Riles; Patricia St. Onge; Miller, Scott; Vollmann, Peterson
Subject: End of comment period

Mr. Hackett,

Thanks, again, for your attention to our design review case (PLN15195). I attempted to call you this afternoon but your voice message file was too full to leave a message.

The comment period on our application ended yesterday, October 10. I would like to return to your office to return the posted signs and to view the comments that have been submitted. From our last meeting, I understand that this record will be key to your office's assessment of our application and it will be key to our (Nafsi's) assessment as to whether we would want to move to the next phase of a Planning Commission hearing if that should be necessary.

It is clear from the contact that we have had with folks interested in commenting that the nature of what we are doing and the City's zoning regulations are very poorly understood. Comments which indicate such a poor understanding should be weighted less than those from folks with a more fulsome understanding.

I would also like to schedule this last meeting with your office to hear your decision. I hope that it would be at a date and time where a representative of the District 4 City Council office could be present. As you know, they have been helpful to this process for all involved.

Please let me know in a timely fashion when I might make one trip to return the Notice Boards and see the comments. And let me know when the last meeting could be scheduled.

Thank you very much,

Wilson Riles

"Don't ask what the world needs; ask what makes you come alive, and go do that. Because the world needs people who have come alive." *Howard Thurman*

Hackett, Maurice

From: Lawrence Ellis <lawrenceellis@icloud.com>
Sent: Tuesday, October 11, 2016 11:58 PM
To: Hackett, Maurice; nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Public comments on Planning Number PLN15195
Attachments: Email to retreat-farm about dire health consequences.rtf; ATT00001.htm

Public comments on Planning Number PLN1519

Dear Mr. Hackett and City Planning Commissioners,

I write about the application for a Conditional Use Permit (CUP) for three properties on 39th Ave. in Oakland that are adjacent to my home at 3713A Maybelle Avenue in Oakland — and adjacent to my community of townhomes. The Planning Number is PLN15195. I am absolutely opposed to granting this CUP, in the strongest terms possible.

Like all other members of my townhome community, I wholeheartedly support the vision and aspirations of the Nafsi Ya Jamii retreat and of Full Harvest farm, the enterprises behind the application. I do not say this lightly. From our earliest interactions with the retreat/farm to today, we have made this clear — as can be supported in our initial documents and email exchanges with the retreat/farm, in an audio recording of our first meeting with them (the recording was made with the permission of all participants), and throughout our two years of interacting with them.

However, I cannot and do not support the retreat/farm being situated in a residential neighborhood with whose character they are dramatically incompatible. Further, the litany of two years of suffering and disruption to me, my family and my neighbors in our townhome, in a neighboring townhome complex, and throughout the neighborhood is nothing short of deplorable, and exhausting.

Our townhome community is highly interactive and friendly. We have a list-serve; announce when we are traveling and ask neighbors to watch our homes; many of us have keys to neighbors' houses; many of us animal-sit for our neighbors when they are out-of-town; we collect money for gifts for major celebratory events, like the birth of a child; we extend sincere condolences and support when our members experience tragic losses; and some members are friends who socialize together. It is a gem of a community.

I have had the designated role of serving as a communications conduit between the retreat/farm owners and a coalition comprised of individuals in our community, in our neighboring HOA on 39th Ave, and in an adjacent apartment complex. Throughout the last two years of interacting with the retreat/farm owners, we have genuinely sought win-win solutions: to honor the best of their needs & aspirations, while also honoring the needs, aspirations and unwarranted suffering experienced by members of our community. This stance of respect, honoring and seeking a win-win is evident in the supporting documents we have shared with you about our interactions with the retreat/farm.

While the retreat/farm owners and managers have *generally* (not always) been cordial on the surface, the disruptive activities that have characterized their operation from the beginning; their fundamental unwillingness to recognize how we suffer tremendously because of their activities; and their flagrant disregard for City

ordinances that are among the most reasonable and rational (such as taking precautions to prevent dangerous fire conditions that place at risk the lives and property of all in the neighborhood; or avoiding exposing neighbors to toxic and nuisance substances, such as smoke and extremely loud music) — their extensive and documented abuses in these regards make the case for not granting them a CUP an absolute given (and the case was already strong enough with the general issues of their enterprises being incompatible with the character of neighborhood).

I support not granting a CUP for all the reasons stated by my neighbors, and for the reasons listed in our collective email to you. Still, I want to emphasize that two issues stand out most dearly for me:

- The activities of the retreat/farm, especially the wood smoke from the sweat lodges, seriously endanger the health of residents. A twenty month old toddler has been prevented from enjoying his home, and playing in his yard, for many weekends throughout the duration of his young life — because his parents have to lock him indoors or leave the premises to protect his fragile, developing lungs, knowing that young children whose bodies are just developing are especially vulnerable to wood smoke. The same applies to a toddler and a newborn who lived with us for a few years until their move out-of-state a few months ago. The same applies to another young child in our community, and to a teenager who wrote you about how he suffers from asthma, and must remain indoors — instead of practice his devoted sport outdoors — because of woodsmoke. The health concerns extend beyond children and young people. Several of us in our community are asthmatic, and have to avoid the wood smoke to avoid asthma attacks. Additionally, the health threats are deeply personal for me. My partner is HIV+, and has been HIV+ for over 30 years — longer than almost anyone else on the planet. He is in excellent health. Nonetheless, one hour exposure to wood smoke can reduce his (and anyone else's) immune defenses by 25-40%, as is documented in the references we sent you in our collective email. We are asked to be exposed to it for 3-6 hours at a stretch, up to 2-3 weekends per month. Attached is a letter that I sent to the retreat/farm owners prior to a traditional Talking Circle that I and others had convened with them. In no uncertain terms, I let them know that the toxic smoke from their sweat lodges was literally risking killing my partner. One leader in our Native communities who was present in the Talking Circle, and some of my dearest friends, knew how deeply distraught and depressed I had become from the entire situation — that the person whom I love more than anyone else in the world was risking being killed in his own home because of toxic wood smoke from our neighbors. Further, evacuating weekend after weekend did not help. It produced its own high levels of stress for a person who is in exile from his culture for being gay, and for whom a tranquil homeless is a necessity — and high stress can quickly turn into illness for HIV+ people. In the letter and in conversations, I also made it clear that others in the community also had major illnesses. This is a no-brainer. We're a neighborhood of a few hundred people, mirroring the demographics of pre-gentrified Oakland. So among this population, there will be a certain number of people with auto-immune diseases, heart diseases, cancer, stroke, and other life-threatening illnesses that can be seriously aggravated by wood smoke — sometimes to the point of fatality in a short period of time. One would have hoped that the retreat/farm owners and managers would have deeply empathized. The sweat lodge ceremony is for healing — yet how can one stand to bring healing to members of one's own community, while knowingly strongly risking making ill, or in fact making ill, members of another community. It is unconscionable.
- Through our efforts with City officials, we were able to bring the first round of sweat lodges to a halt — until a way could be devised to hold them without having toxic smoke endanger the wellbeing, lives and properties of the surrounding community. I had truly hoped that this second round of sweat lodges would be a win-win: that a way could truly be found to have the sweat lodges without the toxic wood smoke. Unfortunately, such was not the case. Per the documents we have sent you, I attended the first fire-lighting ceremony in good faith. The output of smoke was disastrous. The second sweat lodge was worse. We provided feedback to the retreat/farm owners about the disruption these sweat lodges had caused, with enormous amounts of smoke. We asked them what measures they would take to prevent a recurrence. To our dismay and horror, we were told that there was “virtually zero smoke.” All of the

feedback we had given them about how we had suffered was completely discounted. Further, rather than a response like, "We are so sorry that our new fire-tower has not solved the problem. We hear that the last sweat lodge caused tremendous distress for five families, including some that had to evacuate. That's unacceptable — in general, because yo should be able to enjoy your homes; and especially because of the grave health hazards. Consequently, we will stop holding the sweat lodges until we can figure out a way for sure how to hold them without the toxic wood smoke engulfing your homes, and endangering your health and your lives" — rather than such a response, we instead learned that they simply planned to continue with yet another sweat lodge. Again, for a group that claims to be focused on healing, this is incongruous and unconscionable.

- Also, as is described at length in the collective letter, our homes have become "battlegrounds." It's not just that we have to evacuate, or stay indoors during sweat lodges— which in and of itself is bad enough. It's also that we have had to invest weeks and weeks and weeks of our time as community members to engage with the retreat/farm on issue after issue after issue —as is documented in our collective letter. These are our homes. We have every right to enjoy them without having to organize to protect them and our neighborhood countless days, month after month. Before the retreat/farm, we lived peaceably and tranquilly. It is our right as homeowners to have the atmosphere and character of neighborhood that we invested in when purchasing or renting our homes — which most of us did long before the retreat/farm was ever conceived, and certainly before it became operational.

For these and other reasons, I am in the strongest ways opposed to the granting of a CUP.

Sincerely,
Lawrence Ellis
3713A Maybelle Ave.

Hackett, Maurice

From: Lawrence Ellis <lawrenceellis@icloud.com>
Sent: Friday, October 28, 2016 4:03 PM
To: Candell, Chris; Minor, Gregory; Hackett, Maurice; Spencer, Terrence
Cc: Campbell Washington, Annie; English, Jamila A.; Miller, Scott; Judy Nedoff
Subject: Re: Lawrence Ellis shared "Videos and particulate meter data about urban retreat-farm" with you

Hello Chris, Greg, Mo and Terrence,
Chris, thanks for the call a few minutes ago, explaining the current process and potential next steps.

Greg, Mo and Terrence, early next week, Chris will coordinate with all of you about next steps re: citing the retreat-farm property owners. They are in violation because they had agreed not to host any more ceremonies until the CUP process was completed — and they have held three within the last few weeks. They are also in violation of smoke and nuisance ordinances, given the toxic wood smoke and particulate matter streaming into residents' homes for hours at a time. As I shared with Chris, our communities would like to have them ordered to cease and desist immediately. **In particular, we do not want to endure another sweat lodge fire, forcing us to evacuate our homes.** We are turning to you with the expectation that citations and orders to cease & desist will be forthcoming early next week — so that we do not face another sweatlodge on the weekend of Nov. 5 (or anytime thereafter).

If this action cannot be met, please let us know immediately, so that we can escalate. Thank you.

Regards,
Lawrence

On Oct 24, 2016, at 3:34 PM, Lawrence Ellis <lawrenceellis@icloud.com> wrote:

Annie,
Thank you so much for the rapid response.

Jamila,
Thank you for the follow-up phone call.

Chris and Greg,
In my conversation with Jamila a moment ago, we concluded that I should be in direct contact with you both. What is the best way for us to communicate immediately on these issues?(FYI, I'm at 510-551-5101.)

Regards,
Lawrence

On Oct 24, 2016, at 3:24 PM, Campbell Washington, Annie <ACampbellWashington@oaklandnet.com> wrote:

Hi Lawrence,

By way of this email, I'm re-connecting you to Greg Minor in Nuisance and Chris Candell in Code Compliance. I believe you met them at the beginning of this process.

Annie

Annie Campbell Washington
Vice Mayor & Oakland City Councilmember, District 4

Sent from my iPhone

On Oct 21, 2016, at 6:39 PM, Lawrence Ellis <lawrenceellis@icloud.com> wrote:

Dear Annie,
Thank you for your prompt reply.

Yes, we did submit all of this to Moe Hackett, City Planner receiving comments, and to the City Planning Commissioners, during the comment period. (FYI, the comment period was through Monday, Oct. 10, which was a federal holiday. On Oct. 5 I wrote him asking whether we could have an extension to Oct. 11, given that Oct. 10 was a holiday. By email he agreed to extend to Oct. 11, which gave our entire community time to finalize all details of our reply after the holiday, and submit all by Oct. 11.)

Again, can you point us to the appropriate staff in Nuisance Dept? Also, are there other City departments besides Fire and Nuisance that should be involved? Is there anything else that we should be doing? (Per Inspector Spencer's response below, we will contact Bay Area Air Quality Management District. Also, per my original email, we are exploring other avenues outside of government.)

Thank you,
Lawrence

On Oct 21, 2016, at 5:54 PM, Campbell
Washington, Annie
<ACampbellWashington@oaklandnet.com> wrote:

Dear Lawrence,
Thank you for your email. Did you and your neighbors submit all of this information to the Planning Department during the comment period?

Thank you,
Annie

Annie Campbell Washington
Vice Mayor & Oakland City Councilmember,
District 4

Sent from my iPhone

On Oct 21, 2016, at 5:23 PM, Lawrence Ellis
<lawrenceellis@icloud.com> wrote:

Inspector Spencer,
Thank you for your prompt
response.

We are also awaiting news from the
office of Vice Mayor &
Councilmember Washington about
whom to contact in the Nuisance
Department and other City
departments.

Thank you, also, for your suggestion
about contacting the Bay Area Air
Quality Management District. Is
there someone(s) in that office whom
you would recommend we contact?

As always, we have tremendous
confidence in your exceptional track
record of prompt, thorough, fair, no-
nonsense handling of these matters.

Respectfully,
Lawrence

On Oct 21, 2016, at
5:07 PM, Spencer,
Terrence
<TSpencer@oaklandnet.com> wrote:

Mr. Lawrence Ellis,

Thank you for bringing
your concerns to my
attention. I will consult
with the Fire Marshal as
soon as time permits. In
your message, you
mentioned having air
quality measures that
were beyond
acceptable limits. The
Bay Area Air Quality
Management District

would be compelled to take action if that is indeed the case. They are a state organization whose scope of practice would be to deal with air hazard violations. In the meantime, I will seek all means to provide an appropriate and effective course of action advised by management.

T. Spencer
Oakland Fire Code
Inspector

From: Lawrence Ellis
(via Dropbox)
[mailto:reply@dropbox.com]
Sent: Friday, October
21, 2016 4:04 PM
To: Spencer, Terrence
<TSpencer@oaklandnet.com>
Subject: Lawrence Ellis
shared "Videos and
particulate meter data
about urban retreat-
farm" with you

Hi there,

Lawrence Ellis (lawrenceellis@icloud.com) invited you to edit the folder **"Videos and particulate meter data about urban retreat-farm"** on Dropbox.

Lawrence said:

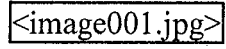
"Councilmember Washington, Inspector Spencer, Ms. English and Ms. Maxson, In an email that I just sent to you, I wrote, "I will send you by DropBox the video of the recent smoke, the data from the particulate matter meter, and sample videos of taking the readings. These files are too large to attach to this email, hence DropBox." Attached please find the files

*mentioned. If you have any questions or comments, please let me know.
Sincerely, Lawrence Ellis"*

[Go to folder](#)

Enjoy!
The Dropbox team

© 2016 Drop

A rectangular box containing the text "<image001.jpg>", which is a placeholder for a missing image.

Hackett, Maurice

From: English, Jamila A.
Sent: Monday, October 24, 2016 11:53 AM
To: Miller, Scott; Hackett, Maurice
Cc: Spencer, Terrence; Campbell Washington, Annie; Candell, Chris
Subject: RE: Public comments on Planning Number PLN15195

Hello Maurice and Scott,

Can you provide an update for the Vice Mayor on PLN15195? If you can also speak to what the community member in the forwarded email refers to as the "fire tower" it would be appreciated.

Sincerely,
Jamila

Jamila A. English
Sr. Policy Analyst/Community Liaison
Vice Mayor Annie Campbell Washington
City of Oakland, District 4
Office: (510) 238-7041

Please be in touch! Sign up for the Vice Mayor's District 4 Newsletter [here](#) or submit an online constituent request to the District 4 office [here](#).

From: Lawrence Ellis [mailto:lawrenceellis@icloud.com]
Sent: Friday, October 21, 2016 2:37 PM
To: Campbell Washington, Annie; Spencer, Terrence
Cc: English, Jamila A.; Maxson, Nayeli; Judy Frauman; Judy Nedoff; Jay Ottenstein
Subject: Fwd: Public comments on Planning Number PLN15195

Dear Councilmember Washington and Inspector Spencer,
I hope that this post finds you both well. We had numerous meetings, conversations and email exchanges over a period of nearly two years about the Nafsi Ya Jamii urban retreat center & Full Harvest urban farm on 39th Ave. in Oakland, owned and managed by the family of Patricia St. Onge and Wilson Riles. (They own three contiguous properties on 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. Assessor's Parcel Numbers are: 030-1925-005-00, 030-1925-004-00, and 030-1925-003-03.)

I write now, on behalf of our larger community, to notify you of renewed smoke and nuisance ordinance violations, and to request that you immediately have them cease and desist having any more fires.

Recent History

As you may remember, you and other City officials were successful in halting the operations of the retreat — including the fires — until the owners came into compliance. As we (the members of the home owners associations (HOAs) and apartments immediately adjacent to the property) have stated on several occasions in the past, we are immensely grateful for all that you did for the health, safety and wellbeing of our community.

Several of us reached out to the Riles-St. Onge family in a spirit of reconciliation. We arranged for a Native American Talking Circle, with participation from several Native leaders and community members respected by both the Riles-St. Onge family and by me (representing the neighborhood community). We had a second Talking Circle, and I genuinely believed that we had made significant progress towards healthy neighborly relating.

The Riles-St. Onge did construct a new fire pit/tower. You, Inspector Spencer, approved the construction— noting that the operation remained an unknown (i.e., it remained to be seen whether it would operate effectively). The family held a ceremonial lighting-of-the-fire ceremony, and in a gesture of neighborliness, I attended along with another member of our community. At that event the fire tower was not complete. It lacked a fire starter on top, and a mesh grid on the side. Nonetheless, the family decided to proceed. There was a lot of smoke that negatively impacted our community. Nonetheless, we were patient with them, knowing that they were hoping to move to a relatively smoke-free system, and that their fire tower was not, at that point, complete.

They held a second fire, and it had strong negative impacts on five households in one HOA. For several hours on a hot weekend afternoon, families had to keep their windows and doors closed, could not use their yards at all or our collective HOA courtyard, and in some cases had to evacuate their homes. We passed feedback from all five households to the Riles-St. Onge family, and we asked for information about concrete steps they would take to improve the fire tower, since it was clearly not working. (See “feedback after second fire”, attached.) We received an immediate, brief, formal email expressing regret about the smoke, and promising to keep us informed. For nearly two weeks we heard nothing from them, and then received an announcement that they would light another fire in a few days. We were shocked. We immediately wrote them again asking what they would do to prevent a repeat of the smoke from the prior fire, with all the negative impacts from the smoke on five households. To our dismay and horror, we were told that there was “virtually zero smoke.” All of the feedback we had given them about how we had suffered was completely discounted! Further, rather than a response like, “We are so sorry that our new fire-tower has not solved the problem. We hear that the last sweat lodge caused tremendous distress for five families, including some that had to evacuate. That’s unacceptable — in general, because you should be able to enjoy your homes; and especially because of the grave health hazards. Consequently, we will stop holding the sweat lodges until we can figure out a way for sure how to hold them without the toxic wood smoke engulfing your homes, and endangering your health and your lives” — rather than such a response, we instead learned that they simply planned to continue with yet another sweat lodge. (See “last email to retreat-farm”, attached.)

Last Straw

That response, and the subsequent fire, were the last straw for our community. Under the supervision of one of our community members, an environmental scientist who works for Environmental Resource Management (ERM at www.erm.com), the largest sustainability consulting firm in the world, we rented a DustTrak2 Desktop Monitor 8530 to quantify the wood smoke particulate matter readings during their third sweat lodge, on October 9, 2016. We also took a video of the smoke from one resident’s home. The California acceptable threshold for particulates is 0.012 mg/mq and below. We had readings as high as 0.118 mg/mq – nearly ten times the State limit! We would also point out that the wind was extremely mild that day. Normally the wind is much stronger, making the downwind smoke more intense — as it was during their previous fire. (I will send you by DropBox the video of the recent smoke, the data from the particulate matter meter, and sample videos of taking the readings. These files are too large to attach to this email, hence DropBox)

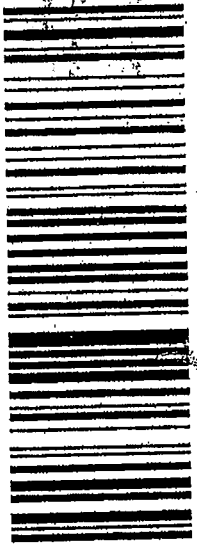
Additionally, all of this occurred at a time when they had applied for a Conditional Use Permit (CUP) for their retreat center and farm. It was in the middle of the public comments period. Twenty-three (23) people from two HOAs agreed to and placed their names on a letter to City Planning Commissioners and other officials. (See below and attached.) Further, almost all of these people sent individuals letters to City officials. The smoke

LT Ellis
3713A Maybelle Ave
Oakland, CA 94619

LAWRENCE ELLIS
3713A MAYBELLE AVE
OAKLAND CA 94619



CERTIFIED MAIL™



1000 7100 0000 0100 0000



94703
CT 21 16
AMOUNT
\$6.47
R2305K133100-25

Re: Planning Number PLN15195

3713A Maybelle Avenue
Oakland, CA 94619
October 20, 2016

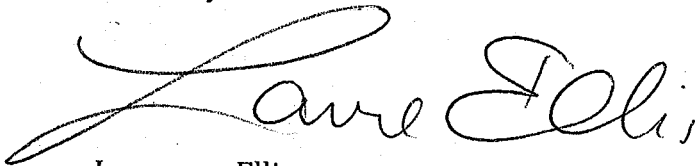
Dear Sir or Madam,
Attached please find a stamped, self-addressed envelope.

Please notify me of the decision on the following case:

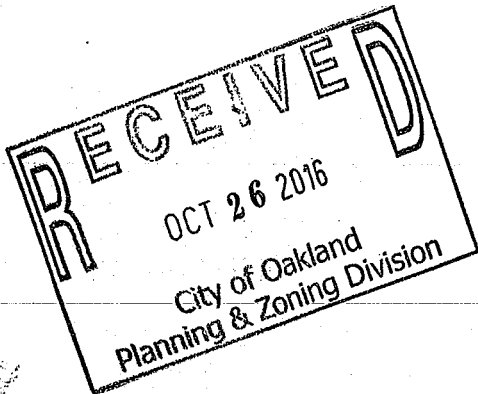
- Planning Number PLN15195
- This is an application by Wilson Riles and Patricia St. Onge for a Conditional Use Permit (CUP) and Regular Design Review (DR) for the "Nafsi Ya Jamii Urban Retreat Center" and the "Full Harvest Urban Farm," located on three contiguous properties on 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. (Assessor's Parcel Numbers are: 030-1925-005-00, 030-1925-004-00, and 030-1925-003-03.)

If there are any questions or comments, please call 510-551-5101. Thank you.

Sincerely,



Lawrence Ellis



October 8, 2016

CASE NO. PLN15195

City of Oakland,

Bureau of Planning and Zoning

250 Frnk H. Ogawa Plaza, 2nd Floor

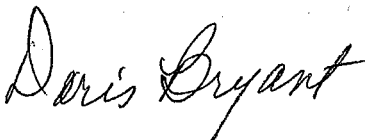
Oakland, CA 94612-2031

This is to notify you of my **OBJECTION** to the "minor conditional use permit for a Community Assembly Civic Activity application for establishments at 3732, 3740, and 3746 39th neighborhood. Notice is due by October 10, 2016.

My objection is that this type of establishment is not designed for a residential neighborhood. There most likely will be an increased noise level that comes with the type of activity designed for this property which is **in this** residential neighborhood. There will also be an increase in automobile traffic on a narrow residential street, and requirements for parking on streets that are already overcrowded. The activities in this block of 39th Ave spill over the Bayo Street by nature of its immediate proximity and the fact that it is the next cross street.

There is already a noticeable increase by residents on Bayo of vehicles parking on Bayo that are associated with residence on 39th Ave because of overcrowding and the dense housing on 39th Ave. We have also experienced an increase in traffic on Bayo from both Maybelle and 39th Ave. for possibly for the same reasons.

The properties in this zoning request should remain as residential.

Doris Bryant 

4006 Bayo Street

Oakland, CA 94619

Hackett, Maurice

From: English, Jamila A.
Sent: Monday, October 24, 2016 11:53 AM
To: Miller, Scott; Hackett, Maurice
Cc: Spencer, Terrence; Campbell Washington, Annie; Candell, Chris
Subject: RE: Public comments on Planning Number PLN15195

Hello Maurice and Scott,

Can you provide an update for the Vice Mayor on PLN15195? If you can also speak to what the community member in the forwarded email refers to as the "fire tower" it would be appreciated.

Sincerely,
Jamila

Jamila A. English
Sr. Policy Analyst/Community Liaison
Vice Mayor Annie Campbell Washington
City of Oakland, District 4
Office: (510) 238-7041

Please be in touch! Sign up for the Vice Mayor's District 4 Newsletter [here](#) or submit an online constituent request to the District 4 office [here](#).

From: Lawrence Ellis [mailto:lawrenceellis@icloud.com]
Sent: Friday, October 21, 2016 2:37 PM
To: Campbell Washington, Annie; Spencer, Terrence
Cc: English, Jamila A.; Maxson, Nayeli; Judy Frauman; Judy Nedoff; Jay Ottenstein
Subject: Fwd: Public comments on Planning Number PLN15195

Dear Councilmember Washington and Inspector Spencer,
I hope that this post finds you both well. We had numerous meetings, conversations and email exchanges over a period of nearly two years about the Nafsi Ya Jamii urban retreat center & Full Harvest urban farm on 39th Ave. in Oakland, owned and managed by the family of Patricia St. Onge and Wilson Riles. (They own three contiguous properties on 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. Assessor's Parcel Numbers are: 030-1925-005-00, 030-1925-004-00, and 030-1925-003-03.)

I write now, on behalf of our larger community, to notify you of renewed smoke and nuisance ordinance violations, and to request that you immediately have them cease and desist having any more fires.

Recent History

As you may remember, you and other City officials were successful in halting the operations of the retreat — including the fires — until the owners came into compliance. As we (the members of the home owners associations (HOAs) and apartments immediately adjacent to the property) have stated on several occasions in the past, we are immensely grateful for all that you did for the health, safety and wellbeing of our community.

Several of us reached out to the Riles-St. Onge family in a spirit of reconciliation. We arranged for a Native American Talking Circle, with participation from several Native leaders and community members respected by both the Riles-St. Onge family and by me (representing the neighborhood community). We had a second Talking Circle, and I genuinely believed that we had made significant progress towards healthy neighborly relating.

The Riles-St. Onge did construct a new fire pit/tower. You, Inspector Spencer, approved the construction— noting that the operation remained an unknown (i.e., it remained to be seen whether it would operate effectively). The family held a ceremonial lighting-of-the-fire ceremony, and in a gesture of neighborliness, I attended along with another member of our community. At that event the fire tower was not complete. It lacked a fire starter on top, and a mesh grid on the side. Nonetheless, the family decided to proceed. There was a lot of smoke that negatively impacted our community. Nonetheless, we were patient with them, knowing that they were hoping to move to a relatively smoke-free system, and that their fire tower was not, at that point, complete.

They held a second fire, and it had strong negative impacts on five households in one HOA. For several hours on a hot weekend afternoon, families had to keep their windows and doors closed, could not use their yards at all or our collective HOA courtyard, and in some cases had to evacuate their homes. We passed feedback from all five households to the Riles-St. Onge family, and we asked for information about concrete steps they would take to improve the fire tower, since it was clearly not working. (See “feedback after second fire”, attached.) We received an immediate, brief, formal email expressing regret about the smoke, and promising to keep us informed. For nearly two weeks we heard nothing from them, and then received an announcement that they would light another fire in a few days. We were shocked. We immediately wrote them again asking what they would do to prevent a repeat of the smoke from the prior fire, with all the negative impacts from the smoke on five households. To our dismay and horror, we were told that there was “virtually zero smoke.” All of the feedback we had given them about how we had suffered was completely discounted! Further, rather than a response like, “We are so sorry that our new fire-tower has not solved the problem. We hear that the last sweat lodge caused tremendous distress for five families, including some that had to evacuate. That’s unacceptable — in general, because you should be able to enjoy your homes; and especially because of the grave health hazards. Consequently, we will stop holding the sweat lodges until we can figure out a way for sure how to hold them without the toxic wood smoke engulfing your homes, and endangering your health and your lives” — rather than such a response, we instead learned that they simply planned to continue with yet another sweat lodge. (See “last email to retreat-farm”, attached.)

Last Straw

That response, and the subsequent fire, were the last straw for our community. Under the supervision of one of our community members, an environmental scientist who works for Environmental Resource Management (ERM at www.erm.com), the largest sustainability consulting firm in the world, we rented a DustTrak2 Desktop Monitor 8530 to quantify the wood smoke particulate matter readings during their third sweat lodge, on October 9, 2016. We also took a video of the smoke from one resident’s home. The California acceptable threshold for particulates is 0.012 mg/mq and below. We had readings as high as 0.118 mg/mq – nearly ten times the State limit! We would also point out that the wind was extremely mild that day. Normally the wind is much stronger, making the downwind smoke more intense — as it was during their previous fire. (I will send you by DropBox the video of the recent smoke, the data from the particulate matter meter, and sample videos of taking the readings. These files are too large to attach to this email, hence DropBox)

Additionally, all of this occurred at a time when they had applied for a Conditional Use Permit (CUP) for their retreat center and farm. It was in the middle of the public comments period. Twenty-three (23) people from two HOAs agreed to and placed their names on a letter to City Planning Commissioners and other officials. (See below and attached.) Further, almost all of these people sent individuals letters to City officials. The smoke

issues are prominent in the collective letter, and in almost all of the individual letters. A sampling of individual letters includes:

- New mother, Hilary Pearson, wrote: "My biggest concern is the fires associated with their sweat lodges. On days when the sweat lodge is in operation, the fires create a very strong smelling visible smoke. Further, the smoke persists for hours, ... This has caused us to keep our 20 month old son indoors with our windows closed, which has caused hardship on our family, especially on hot days. This creates a public health fear. Our neighbors and I have been educated on the extreme health hazards of wood smoke. I should not be forced to have to leave my home and yard for hours on a weekend; keep our child indoors; or to have to breathe wood smoke for hours, a substance that is seventeen times more toxic than secondhand smoke, and that has been directly linked with cancer, strokes, heart attacks, asthma, and more."
- Her husband, Shem Pearson, wrote: "The smoke from the Full Harvest has forced us keep our 20 month old son inside to shield him from the smoke on multiple occasions. Even on the walk to our car the smell of the smoke has been overwhelming. This has also meant that he cannot play in our front yard on his swing set during days when the smoke is being produced by the retreat."
- New homeowners Edgar and Sean Doolan wrote, "In the past two months alone, we have had to abandon our home for entire days to avoid breathing in the toxic fumes

and particulate matter given off from wood burning. The scent is so strong that if we leave even a small window open, the entire house fills with the stench of smoke. When we purchased our new home—our first ever—no one ever told us that we had traded our pollution-filled lives in New York for a permanent chance at cancer by having our house filled with smoke."

- Fifteen year old resident, Jelani Warren, wrote: " I have asthma and i'm very sensitive to smells. On several occasions when the fire pit was being used on that property, I had to remain indoors because of the fumes. As a teenager and a high school athlete, it is important for me to practice my skills out on my basketball hoop in the parking lot. Please do not grant a CUP to the property nearby. "

As a community, we have educated ourselves on the dangers of woodsmoke. As you are, no doubt, well aware, it is extremely dangerous to infants and other young children, elders, asthmatics, people with HIV-, people with heart disease, people with cancer, and others. For example, one hour's exposure to woodsmoke has been repeatedly documented to cause heart attacks in people with heart illness. If we stay in our homes, we are exposed for 3-6 hours! The demographics of the approximately sixty people in the buildings immediately adjacent to the retreat-farm represent those of pre-gentrified Oakland. Therefore many, many people are seriously at risk of significant harm.

Our requests

- We request that you immediately inform the Riles-St. Onge family that their new fire tower is, again, in violation of City ordinances — and order them to cease and desist
- We would like both Fire and Nuisance Departments to be involved
- We would like to know what other departments should be involved, if any

Please be clear that this is the absolute last straw for our community. We have spent countless person-hours of our time in meetings with the retreat-farm, taking time off from our jobs to meet with you and other City officials, coming together as a community to align on our collective responses and next steps — all the while suffering from the smoke and other impacts of the farm-retreat. We have had it! We refuse to suffer any more,

and we will not have our time spent in unending attempts to get the retreat-farm owners and managers to behave in accordance with City ordinances and in neighborly, respectful ways that honor our lives, health, property and well-being.

We are also in the process of pursuing options outside of formal City channels.

If you have any questions or comments, please let me know. I will also follow up with a call to each of you.

Regards,
Lawrence Ellis

Begin forwarded message:

From: Lawrence Ellis <lawrenceellis@icloud.com>

Subject: Public comments on Planning Number PLN15195

Date: October 11, 2016 at 4:52:12 PM PDT

Cc: Jim Buck <jimbucknsf@yahoo.com>, Joey Merkel <joseph.merkel11@gmail.com>, "Tamulia Y. Dalke" <tamuliad@hotmail.com>, jelanitw2001@gmail.com, Judy Nedoff <jancocoa@yahoo.com>, Mike Duhon <mduhon@icloud.com>, Aimee Iura <aimeeiura@mac.com>, Doug Rhoads <peorth42@gmail.com>, Colin Chang <ctc2323@gmail.com>, amyjan2@gmail.com, Jay Ottenstein <jayottenstein@gmail.com>, Maya Williams <mayawill@att.net>, Edgar.doolan@macmillan.com, spdoolan@gmail.com, Hilary Pearson - Sungevity <hpearson@sungevity.com>, Shem Pearson <shemcp77@gmail.com>, kshawmail@gmail.com, Judy Frauman <judydpdx@comcast.net>

To: mhackett@oaklandnet.com, nagrajplanning@gmail.com, EW.Oakland@gmail.com, tlimon.opc@gmail.com, cmanusopc@gmail.com, amandamonchamp@gmail.com, jmyres.oakplanningcommission@gmail.com, pattillo@pgadesign.com

Dear Mr. Hackett and City Planning Commissioners,

Attached please find a document representing a unanimous opinion from twenty-three (23) residents of properties immediately adjacent to a set of three properties applying for a Conditional Use Permit (Planning Number PLN15195). Representatives of our households are cc'd on this email.

You will also have received individual emails from the vast majority of us strongly opposing the granting of the CUP.

We are adamantly and unequivocally against the granting of a CUP for reasons which we state in the attached document. We will also send by electronic-transfer from WeTransfer.com or DropBox.com assorted files, photographs and videos substantiating many of our claims, which are the core reasons why we dramatically oppose granting a CUP.

If you have any questions or comments, please let us know.

Sincerely,

Jim Buck 3760G 39th Ave, Oakland, CA 94619

Ricardo Ochoa 3760G 39th Ave

Erin Eckvahl	3760H 39th Ave
Joseph Merkel	3760H 39th Ave
Jerrold Ferrell	3711A Maybelle Ave, Oakland, CA 94619
Tamulia Dalke	3711A Maybelle Ave
Jelani Warren	3711A Maybelle Ave
Judy Nedoff	3711B Maybelle Ave
Lawrence Ellis	3713A Maybelle Ave
Michael Duhon	3713A Maybelle Ave
Aimee Iura	3713B Maybelle Ave
Doug Rhoades	3713B Maybelle Ave
Colin Chang	3715A Maybelle Ave
Amy Hall	3715A Maybelle Ave
Jay Ottenstein	3715A Maybelle Ave
Maya Williams	3715B Maybelle Ave
Edgar Doolan	3717B Maybelle Ave
Sean Doolan	3717B Maybelle Ave
Hilary Pearson	3719A Maybelle Ave
Shem Pearson	3719A Maybelle Ave
Kenneth Shaw	3719B Maybelle Ave
Naoko Miyajima	3719B Maybelle Ave
Judy Frauman	3719B Maybelle Ave

Hackett, Maurice

From: Maya Williams <mayawill@att.net>
Sent: Tuesday, September 27, 2016 11:58 AM
To: Hackett, Maurice
Subject: Re: regarding PLN15195, CUP on 39th Ave.

Thanks Moe!

Their application was deemed incomplete, yet there is a public process that ends on 10/10. Is their application now on the Planning Commission agenda for review? approval?

We and several neighbors adjacent to the property are very concerned about the smoke produced by the sweat lodge ceremony. It causes many of us to have to leave home and/or shut our homes up for at least 24 hours, due to the severe smoking issues that happens when the rocks, used to heat the sweat lodge, are heated with wood. Their tradition prohibits the use of cleaner fossil fuels.

Although we've been in conversation with them for over a year, the sweats continue. I have personally met with Patricia Onge, one of the owners, and fully support the work they are doing, if not for the extreme smoke issues.

Please advise.

Thanks

Maya
3715 Maybelle Ave.
Oakland, CA 94619
510-708-7907

"See, I am doing a new thing! Now it springs up; do you not perceive it? I am making a way in the wilderness and streams in the wasteland." Isaiah 43:19

From: "Hackett, Maurice" <MHackett@oaklandnet.com>
To: "mayawill@att.net" <mayawill@att.net>
Sent: Tuesday, September 27, 2016 10:39 AM
Subject: regarding PLN15195, CUP on 39th Ave.

Good Morning Ms. Williams.

My name is Moe Hackett and I am the case planner for PLN15195 at 3732, 3740, and 3746 39th Avenue.

I received a request for information dated 9/26/16.

Attached is the basic application and associated information for this Conditional Use Permit (CUP) for Group Assembly.

I am available to answer question.

Best regards

Moe

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website: www.oaklandnet.com/planning

Hackett, Maurice

From: Maya Williams <mayawill@att.net>
Sent: Tuesday, September 27, 2016 12:03 PM
To: Hackett, Maurice
Subject: Re: regarding PLN15195, CUP on 39th Ave.

BTW, your mailbox is full, so I could not leave a vm.

M :)

"See, I am doing a new thing! Now it springs up; do you not perceive it? I am making a way in the wilderness and streams in the wasteland." Isaiah 43:19

From: "Hackett, Maurice" <MHackett@oaklandnet.com>
To: "mayawill@att.net" <mayawill@att.net>
Sent: Tuesday, September 27, 2016 10:39 AM
Subject: regarding PLN15195, CUP on 39th Ave.

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Best regards

Moe

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website: www.oaklandnet.com/planning

Hackett, Maurice

From: jcl75206@yahoo.com
Sent: Thursday, September 29, 2016 1:20 PM
To: Hackett, Maurice
Subject: Re; plans for case #PLN15195

Mr. Hackett,

Please send me the owner proposal for the apartment at 3732, 3740 and 3736 39th Avenue. I would like more information regarding this property.

Thank You,

James Louie

Hackett, Maurice

From: Aimee FD Reeder <ad276@yahoo.com>
Sent: Monday, October 03, 2016 2:02 PM
To: Hackett, Maurice
Subject: Fw: Case file: PLN15195

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Monday, October 3, 2016, 1:59 PM, Aimee FD Reeder <ad276@yahoo.com> wrote:

Dear Mr. Hackett,

My husband I own a condo in the same city block as the property that is applying for a community assembly conditional use permit.

We are very much in support of this project led by Patricia St. Onge and we think the groups that will meet there will strengthen and enrich community in our beloved Oakland.

Many thanks,
Aimee Reeder
3822 39th Ave D
Oakland Ca 94619

Sent from Yahoo Mail for iPhone

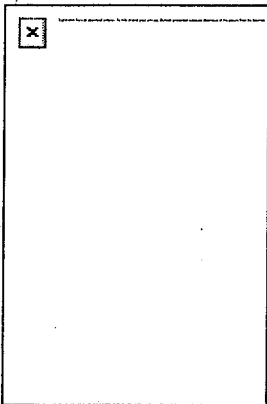
Hackett, Maurice

From: Ann Marie Davis <hazeloutlaw@gmail.com>
Sent: Monday, October 03, 2016 3:06 PM
To: Hackett, Maurice
Subject: APN# 030 192500400

My name is Ann Marie Davis, I live in Oakland, and I would like to comment on the case file PLN15195 for a community assembly. I would love to see this go through. I was born and raised in Oakland, and I know that Patricia and Wilson plan to discuss gentrification, eldering, and other topics that this community needs to stay healthy. Please approve this community assemble. Thanks.

--

Annmariedavis.com



Available at Createspace/ Amazon.com

.....

Hackett, Maurice

From: Nichola Torbett <ntorbett@gmail.com>
Sent: Tuesday, October 04, 2016 4:31 PM
To: Hackett, Maurice
Subject: please approve the community assembly conditional use permit for Nafsi Ya Jamii

Dear planning commissioners:

I am writing to ask you to give public comment on the requested community assembly conditional use permit for Nafsi Ya Jamii:

APN# 030 192500400

Case file: PLN15195

Please approve this permit.

I am a neighbor to the site, and I consider this urban retreat center to be a community treasure. It is aesthetically beautiful, wisely designed, welcoming, restorative, deeply respectful of people, animals and plants...It is an asset to this neighborhood and to the city. I am excited about upcoming book groups and retreat opportunities, and I truly believe in the mission of the center to bring about rapid evolution of our culture into one that is cooperative, sustainable, and just.

I look forward to your affirmative decision.

Best,

Nichola Torbett
Seminary of the Street

Hackett, Maurice

From: Michael-David Sasson <simcha3@msn.com>
Sent: Tuesday, October 04, 2016 7:34 PM
To: Hackett, Maurice
Subject: Public Comments: Case file: PLN15195

APN# 030 192500400

Case file: PLN15195

Dear Moe Hackett and the Oakland Planning Commission:

I am writing to support the existence of community space in Oakland and the approval of the 'community assembly' conditional use permit application referenced above. My family and I have been to Nafsi ya Jamii on numerous occasions for conversation, shared meals, and programs. My younger daughter (12) in particular has been excited to see and learn from the urban agricultural efforts at the center.

We would very much appreciate you approving the permit as soon as possible so that Wilson and Patricia can continue to build stronger community and neighborhoods in a way that will benefit all of Oakland.

Sincerely,

Michael-David Sasson
5314 Genoa St
Oakland, CA 94608

Hackett, Maurice

From: Diane Johnson <mmaperu3434@gmail.com>
Sent: Tuesday, October 04, 2016 11:17 PM
To: Hackett, Maurice
Cc: pstonge@pacbell.net
Subject: RE: Comments on APN# 030 192500400, Case file: PLN15195 - Nafsi ya Jamii Retreat Center

Moe,

As an ordained minister within the UCC, a member of First Congregational Church of Oakland, a resident of Oakland for over ten years (I recently moved to El Cerrito), a community member and a national consultant focused on community development, cultural inclusion and diversity, and social entrepreneurship I have extensive expertise in impactful, healthy and positive contributions to urban communities. I have been fortunate enough to have worked with such groups as Habitat for Humanity International (and their local Bay area affiliates), The Kresge Foundation, NeighborWorks America, various municipalities, colleges and universities, and public/private ventures focused on effective community development, neighborhood revitalization, community leadership development and coalition building.

I am sharing my thoughts on the application that Nafsi ya Jamii Center has submitted to the City of Oakland. I have been colleagues, friends and community members with Wilson Riles and Patricia St. Onge for nearly a decade. They are stalwart social justice activists who have consistently contributed to Oakland, California and around the country on issues of cultural inclusion, peace, community building and healing. I cannot stress how important and critical it is for Oakland to have the resources that Nafsi ya Jamii could provide for the community members of Oakland. Their plans are comprehensive, dynamic and thoughtfully designed to fulfill an array of critical community needs for both individuals and organizations (not just in Oakland but regionally and nationally). These suggested plans will allow them to fulfill their mission while also being cognizant and considerate of the neighborhood's needs.

As a community resident of the Laurel District for almost ten years, the existence of Nafsi ya Jamii (The Soul Community) is (and will continue to be) a vital resource for healing, community development, cultural affirmation and community learning. Please communicate how absolutely essential it is for this community to continue its growth and development -- thereby needing the construction and expanded facilities included in its plans. Feel free to contact me if you need additional thoughts or comments from me.

Rev. Dr. Diane J. Johnson, Ph.D.

President & Founder - Mmaperu Management Consulting

415.377.3706

Hackett, Maurice

From: Ishmael Riles <ishmael@riles.com>
Sent: Wednesday, October 05, 2016 12:22 PM
To: Hackett, Maurice
Subject: Nafsi ya Jamii

Dear Moe,

I just wanted to throw in a word of support for the conditional use permit at 3732-3746 39th Ave.

APN# 030 192500400
Case file: PLN15195

Thanks,
Ishmael

Hackett, Maurice

From: James <jcl75206@yahoo.com>
Sent: Thursday, October 06, 2016 12:15 PM
To: Hackett, Maurice
Subject: Case file no. PLN15195 re: 3732 3740 and 3746 39th Ave.

Sent from my iPad

Begin forwarded message:

From: Selma Louie <slouie1310@yahoo.com>
Date: October 6, 2016 at 12:08:33 PM PDT
To: james louie <jcl75206@yahoo.com>
Subject: Fwd: Case file no. PLN15195 re: 3732 3740 and 3746 39th Ave.

Sent from Selma Iphone

Begin forwarded message:

From: Selma Louie <slouie1310@yahoo.com>
Date: October 5, 2016 at 2:20:12 PM PDT
To: mhackett@oakland.net.com
Subject: Case file no. PLN15195 re: 3732 3740 and 3746 39th Ave.
Reply-To: Selma Louie <slouie1310@yahoo.com>

Mr. Hackett,

This is a letter in regards to the application on file for the 39th Ave. Project. My husband and I are the owner of 3735 39th ave. We are opposed to this project, due to the fact that the city already know that this is a highly densely populated area. My tenant are always complaining about this street having way too many houses and apartments behind it, and makes it impossible for them to find parking spaces. (Especially on days of street cleaning) If this is a regular apartment for people to live in, then we have no say. But, to use it for a community assembly and what's written on the proposal we feel this street is not the street a community assemble should be on. This street cannot handle the traffic, people and cars that will be in this densely populated area. Please reconsider this before a decision is made.

Thank you,

James and Selma Louie

--
Sent from myMail for Android

Hackett, Maurice

From: rubinarnol@aol.com
Sent: Wednesday, October 05, 2016 5:05 PM
To: Hackett, Maurice
Subject: Re: APN# 030 192500400, case file PLN15195

To Moe Hackett, and To Whom It May Concern:

We are writing in support of the conditional use permit application submitted by Nafsi ya Jamii, for the Nafsi ya Jamii Retreat Center. We have lived in Oakland since 1980 and have known Wilson Riles and Patricia St. Onge for many years. We have attended discussion groups they have organized and Kwanzaa ceremonies they have organized, especially in the past 15 years. We have also been involved in projects to benefit the community with them. We have seen them give their time and support to individuals such as African-Americans with prison records, a "white" couple who adopted two African-American children, and candidates for Oakland office, to name just a few of their activities. Wilson and Patricia are people whose values and activities on behalf of other people and the community are based on peacemaking, racial justice, economic justice, environmental justice, and education justice. We have the highest regard for them. We have been on their property many times and have seen the structures and activities which are there. We support their project and we consider it to be appropriate for this residential area.

Sincerely yours,
Janet Arnold and Michael Rubin
1519 East 17th St.
Oakland CA 94606

Hackett, Maurice

From: Maya Williams <mayawill@att.net>
Sent: Thursday, October 06, 2016 10:25 AM
To: Hackett, Maurice
Subject: Re: regarding PLN15195, CUP on 39th Ave.

Moe,

Good morning. Please add this as an attachment to our reservations about PLN15195.

<https://youtu.be/beD5TCyGRTg>

Thanks

Maya Williams
3715 Maybelle Ave.
Oakland, CA 94169

"See, I am doing a new thing! Now it springs up; do you not perceive it? I am making a way in the wilderness and streams in the wasteland." Isaiah 43:19

From: "Hackett, Maurice" <MHackett@oaklandnet.com>
To: "mayawill@att.net" <mayawill@att.net>
Sent: Tuesday, September 27, 2016 10:39 AM
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I received a request for information dated 9/26/16.

Attached is the basic application and associated information for this Conditional Use Permit (CUP) for Group Assembly.

I am available to answer question.

Best regards

Moe

Moe Hackett, Planner II | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-3973 | Fax: (510) 238-4730 | Email: mhackett@oaklandnet.com | Website: www.oaklandnet.com/planning

Hackett, Maurice

From: Michelle Puckett <ftheporkchop@gmail.com>
Sent: Thursday, October 06, 2016 5:02 PM
To: Hackett, Maurice
Cc: Pat St. Onge; Wilson Riles; Vanessa
Subject: In support of Nafsi ya Jamii

APN# 030 192500400
Case file: PLN15195

Dear Moe Hackett,

I am writing you today as a member of the Nafsi ya Jamii community. I want to urge you to make sure that Nafsi ya Jamii be allowed to continue serving as a hub for spiritual, political, and community growth in Oakland. The work they do represents the absolute best of what Oakland has to offer and their work should be encouraged to flourish. I have been transformed from the time I have spent at the center participating in everything from social justice writing workshops, to helping build yurts while sharing food and stories with indigenous elders and children, to visiting the ducks while on lunch break from daylong community organizing meetings. To say that Nafsi ya Jamii is an important part of the community is a gross understatement. Nafsi is helping shape some of the East Bay's most powerful visionaries who work tirelessly to create alternatives to gentrification, extractive economic structures, and the ever present threat of alienation from our history, our ancestor's wishes for us, and the life-saving promise of connection with one another. Nafsi ya Jamii is a force for good and liberation in Oakland. Do everything you can to smooth it's path to continuing that sacred work.

Sincerely,
Michelle Puckett
510-830-8278

Hackett, Maurice

From: Louise Dunlap <changewrite@earthlink.net>
Sent: Thursday, October 06, 2016 8:53 PM
To: Hackett, Maurice
Subject: APN# 030 192500400 Case file: PLN15195

To: City of Oakland, Bureau of City Planning - Zoning
From: Louise Dunlap, 483 43rd St, Apt 2, Oakland 94609

Re: Conditional Use Permit Application for Nafsi Ya Jamii

I was born in Oakland, and when I returned to live here in 2010 after many years away, I was very happy to learn of the Nafsi Ya Jamii project. With its family, land, environmental, culture, and community-based roots—Nafsi provides a space that helps Oakland move in an important direction. I'm currently living in the Temescal, where there's lots of energetic development, but where it's easy to lose touch with the land and the cultures of community people who lived here a couple of decades ago. As the city grows, we need to be sure there are places dedicated to deep culture—the historical roots of the place. Nafsi Ya Jamii provides not just a space but programming to foster community dialogue and growth and it does so with reference to some of the oldest cultures on our continent—these are real roots.

I have attended many gatherings at Nafsi now—from community work days to cultural discussions to actual ceremonies. I have found a welcoming and congenial community gathered for these events and hope to support and attend many more. As I look around the struggling nation we live in (not to mention our city), I hope we can find ways to replicate or recreate Nafsi Ya Jamii in many other places. Somehow Seven Generations Consulting has found a way to make our historical roots relevant to modern people and dilemmas. We need the guidance and grounding of this community and I am proud that it has taken root in Oakland and that I can be a part of it.

Sincerely,

Louise Dunlap

Hackett, Maurice

From: giselle57@aol.com
Sent: Sunday, October 09, 2016 8:34 PM
To: Hackett, Maurice
Subject: Case File # PLN15195

Dear Mr. Hackett:

My neighbor shared with me the mixed housing type residential plans pending on 39th Avenue in Oakland, California to operate a based community center and four detached yurts, sweat lodge and a platform for ceremonies.

The residents on Bayo Street have noticed parents, school administrators and teachers from Oakland Garden School located at 4012 Maybelle Street in Oakland monopolizing neighbors' parking spaces on Bayo Street and the surrounding streets. The plans to build a community center for ceremony & education will only add to the existing parking problems in the neighborhood. The residents are irritated with congestion from cars generated from Oakland Garden School and now the neighborhood has to welcome four detached yurts, a sweat lodge and a platform for ceremonies, this can & will only increase the shortage of parking issues. Currently the cars are filling both sides of the neighborhoods' streets; several blocks are completely parked up during the day and sometimes during the evening hours. In addition to no available parking spaces for the residents to park in front of their own homes, some of our driveways are blocked strangers are parking on the curbs. Vacant parking spaces on Bayo Street are in short supply due to Oakland Garden School. Oakland Garden School's parents, school administrators and teachers are taking over the neighborhood parking spaces leaving residents to park blocks away from their homes. Don't make the neighbors on Bayo Street compete with the parents, school administrators and teachers at Oakland Garden School and the new residence of the four detached yurts for parking spaces in front of our homes. Residents on Bayo Street circle the block cruising for parking and we are sick and tired of not being able to park in front of our homes.

Giselle
Neighbor on Bayo Street

Hackett, Maurice

From: Colin Chang <ctc2323@gmail.com>
Sent: Monday, October 10, 2016 8:42 AM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Comments regarding Planning Number PLN15195

Mr. Hackett,

These are my comments regarding Planning Number PLN15195. Thank you for giving community members the opportunity to comment on the plan to grant a Conditional Use Permit to the properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave.

I unequivocally believe that this permit should NOT be granted.

While the residents of these properties may have good intentions, they have repeatedly shown a lack of respect for the surrounding community and inability to competently manage their undertakings.

The residents have made a Facebook page for their group, Nafsi Ya Jamii at <https://www.facebook.com/Nafsiyajamii/about/>

They speak of creating a sustainable community but have shown no intention of fostering the sustainable community we all live in by repeatedly and knowingly engaging in illegal activities and raising illegal structures which endanger their neighbors. When approached in good faith by their neighbors to find a solution that works for all parties, they have shown an inability to compromise and intention to continue to have a negative impact on the community when change does not suit them.

For these reason I cannot support the plan to allow this venture to continue to operate in our community.

Thank you,
Colin Chang
3715A Maybelle Ave

Hackett, Maurice

From: Alan Wong <alantwong@yahoo.com>
Sent: Monday, October 10, 2016 12:07 PM
To: Hackett, Maurice
Subject: Case #PLN15195

Hi Mr. Hackett,

My name is Alan Wong and my father Shing Wong lives at 3719 39th Ave. He recently found out about the conditional use permit application at 3732 39th Ave, 3740 39th Ave, and 3746 39th Ave to establish a community assembly by Wilson Riles. He wanted me to email you about his disagreement and concern to voice his dissent against the proposal.

The location, size and design is not compatible with the surrounding neighborhood. The size is definitely not compatible since it will need three lots instead of one to accomplish the requisite proposal. Changing the property lines would definitely change the intent and purpose of this residential neighborhood. The scale of using three properties as well as the type of structures would not harmonize with existing housing. The surrounding area is made up of homes and apartments. If a new home or apartment is built, parking would be necessary on the proposed site. However, this proposal has no parking on site and 39th Ave already has few street parking available and the new assembly would make the parking problem even worse. The impact of the proposal would be negative in terms of congestion and traffic.

In light of the issues of size, types of structures, congestion, traffic, and the disruption of the residential makeup of this area, I urge that the permit be declined.

Regards,
Shing Wong
Alan Wong

Hackett, Maurice

From: Linda Hooker <lindapearchhooker@gmail.com>
Sent: Monday, October 10, 2016 3:28 PM
To: Hackett, Maurice
Subject: Fwd: Case File Number PLN15195/Riles Ishmael Phillip

----- Forwarded message -----

From: Linda Hooker <lindapearchhooker@gmail.com>
Date: Mon, Oct 10, 2016 at 3:13 PM
Subject: Case File Number PLN15195/Riles Ishmael Phillip
To: dorishooker@aol.com

hello my name is Linda Hooker at 3728 39th Avenue Oakland CA. I am neighbor of 3732, 3740 and 3746 39th Avenue Oakland CA. I am not in agreement to case Number PLN15195. as a neighbor located next door at 3728 39th Ave Oak CA I am already suffering from the noise animals and coming of abundance of people close to my property. i have lived here for over 20 years and since the Riles purchased this property it has been a nightmare for me. I never agreed to this life style of theirs and i should not be forced to live by their lifestyle. Their chickens sleep and defecate in my tree. I have found half eaten chickens in my yard. My sanity and privacy has been violated for years. More recently their dogs have gotten into my back yard and cause me stress and pain (my running and falling). I have talked with Ms.Pat Riles on numerous occasions about these issues and get no response from her. One one occasion i spoke with Ms. Pat Riles about them digging a smoke pit near my windows, was it coincidentally that 30 min later i experienced an home invasion while in my home not saying they did it but read into it yourself. This new application on file for this new project that they are planning will be another living DISASTER for me I am suffering enough as their next door neighbor. It appear to me that some how Mr. Riles has a connection with the city of Oakland . As of now the city of Oakland has allowed Mr. Riles to continue to manipulate this issue and community with his lifestyle. Please help me with this issue it is very stressful, disturbing and i feel very unsafe in my own home and back yard. I would greatly appreciate you take care of this issue ASAP.

Thanking you in advance.

Respectfully Yours

Linda Hooker
(510 530-4803)

Hackett, Maurice

From: Jay Ottenstein <jayottenstein@gmail.com>
Sent: Monday, October 10, 2016 7:08 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Resident comment re: Case File Number PLN15195

Planning Number PLN15195

Dear Mr. Moe Hackett,

I am writing to express my concern regarding case file number PLN15195, the request for a conditional use permit for the purpose of constructing yurts, a sweat lodge, a ceremonial platform, etc. on residential property.

I live at 3715 Maybelle Ave, unit A, which is on the backside of the applicant's property, two units east. The construction of yurts is a major concern. Visitors to the property currently stay overnight in the yurts – which is illegal. They are not permitted for such with appropriate clearance, electrical, plumbing and other building codes. Also, the owners have constructed a makeshift latrine for the largest yurt: a five gallon bucket. The odor of urine sometimes wafts onto neighboring properties.

My biggest concern is the fires associated with their sweat lodges. On days when the sweat lodge is in operation, the fires create a very strong smelling visible smoke. Further, the smoke persists for hours, despite the applicants assuring us that the smoke will last only a short time. The odor is strong to the point that the clothes I am wearing at the time, while inside my home, smell like smoke, as if I were sitting in front of a camp fire. Spending time in my backyard or the shared space in the front of my home is not an option on days when the applicants are burning wood for the sweat lodge. The smell is just too overwhelming and unpleasant.

Also, I fear for the health of my girlfriend and me– and that of my neighbors. We have been educated on the extreme health hazards of wood smoke. I should not be forced to have to leave my home and yard for hours on a weekend; or to have to breath wood smoke for hours, a substance that is seventeen times more toxic than secondhand smoke, and that has been directly linked with cancer, strokes, heart attacks, asthma, and more.

A dense residential neighborhood such as this one is simply not an appropriate place for this type of ongoing activity, and I urge the City of Oakland to recognize this.

Sincerely,

Jay Ottenstein, tenant

3715A Maybelle Ave

Oakland, CA 94619

Jay Ottenstein

240-425-7803

jayottenstein@gmail.com

Hackett, Maurice

From: Judy Frauman <judypdx@comcast.net>
Sent: Monday, October 10, 2016 8:19 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; "pattillo@pgadesign.com."@mx0a-0008e201.pphosted.com; Lawrence Ellis
Subject: Planning Number PLN15195, Conditional Use Permit

Dear Mr. Hackett and Oakland Planning Commissioners,

I would like to add my comments regarding Planning Number PLN15195, the Conditional Use Permit to the properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave.

Up front, I would like to state that while I find the mission of "Nafsi ya Jamii Urban Retreat Center" honorable and valuable, the execution of their business has been less than admirable. Over the past two or so years, there has been noise, such as construction and amplified music, that was a regular occurrence at one point in time.

More critical has been their desire to burn wood for their sweat lodge, what they have said is an important part of their tradition. Unfortunately, this has imparted smoke and/or particulate exhaust that has at times required shutting windows in the middle of summer. Initially, the owners of this business had been unwilling to cooperate with their neighboring community, and disregarded our concerns. Now, while they seem to be more aware, the smoke is still an issue, even with their attempt to modify the fire pit in order to minimize smoke. Short of a tall smoke stack, which would blemish the neighborhood and possibly create an earthquake hazard should it fall, I don't see how they can pursue a wood fire without leading to health hazards of those of us living nearby.

This CUP does not elaborate in enough detail regarding the full extent of potential issues to the surrounding neighborhood: There is noise from drumming, and there has been noise from amplified music. It is certainly understandable when a neighbor, during the course of the year, will have an occasional party and have some noise, and it's understood that infrequent noise from ones neighbors is expected. This is an utterly different proposition, one that is likely to lead to regularly held events that generate noise, smoke, and include numerous people that are not part of the neighborhood coming in close proximity to secured and safe environs.

I understand the desire of the owners at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. to pursue their dreams of a business that serves as an urban retreat. Unfortunately, I don't believe they thought through the implications of how this would impact the larger community of their neighbors. This is a residential neighborhood and that needs to be respected. In short, I do not approve of the Conditional Use Permit.

Thanks so much for your time and consideration,

Judy Frauman

3719 Maybelle Ave

Laurel Lane

Oakland, CA

Hackett, Maurice

From: Shem Pearson <shemcp77@gmail.com>
Sent: Monday, October 10, 2016 8:25 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Public Comments for Planning Number PLN15195

Thank you for the opportunity to offer public comments on the application by Wilson Riles and Patricia St. Onge for a Conditional Use Permit (CUP) and Regular Design Review (DR) for the "Nafsi ya Jamii Urban Retreat Center", and the "Full Harvest Urban Farm" ("retreat/farm") located on three contiguous properties on 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. (Assessor's Parcel Numbers are: 030-1925-005-00, 030-1925-004-00, and 030-1925-003-03.) Planning Number: PLN15195.

The smoke from the Full Harvest has forced us keep our 20 month old son inside to shield him from the smoke on multiple occasions. Even on the walk to our car the smell of the smoke has been overwhelming. This has also meant that he cannot play in our front yard on his swing set during days when the smoke is being produced by the retreat.

I request that you deny the CUP to the retreat/farm in question.

Thank you,

Shem Pearson

Hackett, Maurice

From: Hilary Pearson <hbishop24@hotmail.com>
Sent: Monday, October 10, 2016 8:30 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Resident comment re: Case File Number PLN15195

Mr. Hackett,

These are my comments regarding Planning Number PLN15195. Thank you for giving community members the opportunity to comment on the plan to grant a Conditional Use Permit to the properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave.

I unequivocally believe that this permit should NOT be granted.

While the residents of these properties may have good intentions, they have repeatedly shown a lack of respect for the surrounding community and inability to competently manage their undertakings.

My biggest concern is the fires associated with their sweat lodges. On days when the sweat lodge is in operation, the fires create a very strong smelling visible smoke. Further, the smoke persists for hours, despite the applicants assuring us that the smoke will last only a short time. This has caused us to keep our 20 month old son indoors with our windows closed, which has caused hardship on our family, especially on hot days.

This creates a public health fear. Our neighbors and I have been educated on the extreme health hazards of wood smoke. I should not be forced to have to leave my home and yard for hours on a weekend; keep our child indoors; or to have to breathe wood smoke for hours, a substance that is seventeen times more toxic than secondhand smoke, and that has been directly linked with cancer, strokes, heart attacks, asthma, and more.

A dense residential neighborhood such as this one is simply not an appropriate place for this type of ongoing activity, and I urge the City of Oakland to recognize this.

Thank you,
Hilary Pearson
3719 Unit A Maybelle Ave

Hackett, Maurice

From: Tamulia Dalke <tamuliad@hotmail.com>
Sent: Monday, October 10, 2016 8:37 PM
To: Hackett, Maurice
Cc: EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; nagrajplanning@gmail.com
Subject: CUP - Planning Number PLN15195

Mr. Hackett,

For reasons stated in the collective letter from residents in our community (Laurel Lane on Maybelle Avenue in Oakland), which I endorse, I strongly oppose granting a CUP to the property described (**Planning Number PLN15195**).

In addition, please know that on days when the fire pit is in use, the smell of smoke keeps me, my fiance and my 15 year old son indoors. I purchased a townhome in the Laurel Lane community in part because of the beautiful shared grounds. My son frequently enjoys playing basketball & throwing a football with friends outside within the safety of our common area. The toxic fumes blowing from the described property make this impossible for him.

Please do not grant a CUP to the nearby property.

Thank you,

*Tamulia Y. Dalke
3711 Maybelle Ave. Unit A
Oakland*

Hackett, Maurice

From: jelani warren <jelanitw2001@gmail.com>
Sent: Monday, October 10, 2016 9:20 PM
To: Hackett, Maurice
Cc: EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; nagrajplanning@gmail.com
Subject: CUP- Planning Number PLN15195

Mr. Hackett,

I am a member of the Laurel Lane community and I strongly oppose granting a CUP to the property described (Planning Number PLN15195). I have asthma and i'm very sensitive to smells. On several occasions when the fire pit was being used on that property, I had to remain indoors because of the fumes. As a teenager and a high school athlete, it is important for me to practice my skills out on my basketball hoop in the parking lot. Please do not grant a CUP to the property nearby.

Thank you,

Jelani Warren
3711 Maybelle Ave Unit A

Hackett, Maurice

From: Amy Hall <amyjan2@gmail.com>
Sent: Monday, October 10, 2016 9:27 PM
To: Hackett, Maurice
Cc: ew.oakland@gmail.com; tlimon.opc@gmail.com; cmanus.opc@gmail.com;
amandamonchamp@gmail.com; jmyres.oaklandplanningcommission@gmail.com;
jmyres.opc@gmail.com
Subject: Oakland CUP PLN 15195

Mr Hackett,

For the reasons stated in the collective letter from the residents in our community (Laurel Lane on Maybelle Ave. in the Laurel District of Oakland) that I am in complete agreement with, I strongly oppose granting a CUP to the property described in PLN15195.

This neighborhood is a quiet, yet diverse residential haven and densely populated community. I am open to others' interest in creating unique, alternative spaces but, not at the cost of the greater community's safety, enjoyment and well-being. The noise can be frustrating past the point of annoyance. The wood smoke that emanates from the property is almost suffocating at times, very strong and toxic. These activities and more are unsafe and degrade the community that we all live in together.

Please do not grant a CUP to that property.

Thank you,
Amy Hall
3715a Maybelle Ave.
Oakland

Hackett, Maurice

From: Edgar Doolan <edgar.doolan@macmillan.com>
Sent: Monday, October 10, 2016 9:53 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com;
cmanusopc@gmail.com; amandamonchamp@gmail.com;
jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Planning Number PLN15195

Number PLN15195

Mr. Hackett,

We are writing to you—as both new homeowners and residents of Oakland—on behalf of our household/family at 3717 Maybelle Avenue, Unit B, regarding the CUP for the Nafsi ya Jamii Retreat Center and Full Harvest Urban Farm located directly adjacent to our development

While we support and respect the mission of Nafsi ya Jamii, some of their practices have alarmed us related to wood burning and potential non-permitted use of property as extensive agricultural land.

In the past two months alone, we have had to abandon our home for entire days to avoid breathing in the toxic fumes and particulate matter given off from wood burning

. The scent is so strong that if we leave even a small window open, the entire house fills with the stench of smoke. When we purchased our new home—our first ever—no one ever told us that we had traded our pollution-filled lives in New York for a permanent chance at cancer by having our house filled with smoke.

Part of our move to Oakland, and California in general, was to move into a new phase of our lives as a newly married couple looking to

settle into a more relaxed setting after spending 4 years in New York City. Initially we lived in Berkeley for two years. Our rental property then was a small cottage in a backyard. While it was a great segue for us as New Yorkers, we quickly found that we could not stay there. Our landlords owned chickens and let them roam freely, which invited pests like insects and rats. (We frequently had to fight off bug infestations!) Part of Full Harvest Urban Farm's policy is that they allow their animals to roam freely. While we respect this idea, we also know that in practice there are consequences to having animals that roam freely and defecate freely.

Although we do not know if the Full Harvest Urban Farm, which operates at the same location as Nafsi ya Jamii, has been approved for a CUP for extensive agriculture, our neighbors in our development who live directly adjacent to the farm have shared their stories with us of on-going amplified noise and noise from roosters, odor from storing human excrement being exhausted towards our development, increased traffic due to events held at the farm/retreat, and previous criminal activity from theft of marijuana plants grown by residents at the farm property.

One of the best things about our new home on Maybelle Avenue is that we have a yard to use! But it's use has become limited because of the amount of smoke being blown in our direction

As new owners to the area, we spent a lot of time looking at other homes near our current one before settling here

. As it happens, there was one condo being sold directly behind ours on 39th Avenue

, but our real estate agent quickly crossed it off our list of potential homes because it smelled of smoke so terribly. (In the four months we spent house hunting, it was the only time he ever vetoed a location without ever letting us see it.) This smoke was attributed to the previous owner at first, but now that we have lived here for two months, we are realizing that the smoke smell actually stemmed from the Nafsi ya Jamii Retreats usage of burning wood.

At a time when the EPA at the national level and the Bay Area Air Quality Management District (BAAQMD) are working to reduce wood smoke pollution through banning wood-burning devices in new construction and encouraging cleaner burning alternatives, it is alarming and disappointing that a group such as Nafsi ya Jamii, with core values that include health and wellness, would engage in toxic and harmful practices that put the health of an entire community at risk. Particulate matter is a serious health risk, especially for those most vulnerable like children and the elderly, many of which are in the homes directly adjacent to Nafsi ya Jamii and in our own development in Laurel Lane.

We implore that the city recognize the adverse effects that Nafsi ya Jamii and the Full Harvest Urban Farm are inflicting on the surrounding community, and to reject the application for conditional use per application PLN15195 by enforcing existing zoning regulations and bring these properties within conformance to that of what is expected for RM-3 dense mixed housing.

Thank you for your time,

Sean and Edgar Doolan
3717 Maybelle Avenue
Unit B

Hackett, Maurice

From: Aimee Iura <aimeeiura@mac.com>
Sent: Monday, October 10, 2016 10:20 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com;
cmanusopc@gmail.com; amandamonchamp@gmail.com;
jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Case File Number PLN15195

Dear Moe Hackett,

I am writing to voice my opposition to CUP application PLN15195 (3732, 3740 and 3746 39th Avenue, Oakland, CA 94619). A corner of my backyard borders the property listed in the application. So, we get smoked out whenever there are fires associated with sweat lodge ceremonies. Just this last Sunday, October 9th, I was working in my garden. There was a fire in the afternoon for a sweat lodge ceremony. I don't have a chronic breathing condition yet, but the strong smoke forced me to retreat inside. My boyfriend who has asthma issues had to shut all the windows in the house to keep the smoke out. I encourage you to NOT approve the application for the sake of the health of the neighborhood.

Sincerely,

Aimee Iura
3713 Maybelle Avenue, Unit B
Oakland, CA 94619

Hackett, Maurice

From: Judy Nedoff <jancocoa@yahoo.com>
Sent: Tuesday, October 11, 2016 12:18 AM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Conditional Use Permit application for properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave Planning Number PLN15195

Dear Moe Hackett,

I request that the application for a Conditional Use Permit to the properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave be denied. **Planning Number PLN15195**

I live in the second closest property downwind of the properties in question, at 3711B Maybelle Avenue, across from 3713A and B, the closest units to the properties making the application. While I agree with the mission and vision of "Nafsi ya Jamii Urban Retreat Center" and believe it should be allowed and encouraged to manifest in the community, the chosen location is incompatible with the surrounding properties and neighborhood area for the following reasons:

1. The area is dense residential near a commercial area along MacArthur Boulevard. The activities conducted by the retreat center have been disruptive in many ways to their immediate neighbors, including:
 - Loud music
 - Overnight accommodations in yurts constructed near property lines
 - Nuisance smoke
 - Disregard of safety, including fire hazards
1. The operators of the business operated it for some time without proper permits and business license, and scoffed at the idea of obtaining them, to the extent that I was surprised they actually applied for a CUP.
2. The operators have shown a willingness to skirt regulations and hide features from inspectors, or wait until after an inspection to install things that are not allowed, such as a human waste receptacle. They also knowingly (I believe) misled an inspector by telling him the wrong parcel number so that fees related to violations could not be collected.
3. They have no aesthetic or neighborly sense in their construction. They have installed solar panels in a location that blocks views when they didn't need to, and the yurts and other structures are flimsy and unsightly.
4. We have tried to establish an open and supportive dialog, but they have not changed any of the behaviors that impact their neighbors so significantly. I have had to leave my home to avoid the smoke, or stay inside on a summer afternoon when I wanted to enjoy my garden, due to the smoke from their fire for the sweats. The smoke lasts for several hours, and I generally leave my home to avoid it.

5. I do not feel the application is complete or clear about their actual activities or planned activities. They claim no one will stay overnight in the yurts, but people already do.

In summary, they have shown themselves to be untrustworthy and unneighborly, claiming they have a right to do their activities and it's too bad if neighbors are negatively impacted. I invested in my home because I like the area and the residential nature of our block and nearby blocks, with services and businesses available nearby, but not right over the fence. I specifically was looking for a property where I would have a private area outdoors for my enjoyment. I am concerned about the reduction in my quality of life at home as a result of their activities and that it will be more pronounced if they are granted the CUP.

Thank you for your attention.

Judith Nedoff

3711B Maybelle Avenue, Oakland 94619

Hackett, Maurice

From: mayawill@att.net
Sent: Tuesday, October 11, 2016 7:19 AM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; ew.oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; Campbell Washington, Annie
Subject: Letter of non supporty for Conditional Use Permit application for properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave Planning Number PLN15195

Mr. Hackett,

Please accept this letter as a request to deny the application for a Conditional Use Permit to the properties at 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. Planning Number PLN15195.

We live in the small towmhome complex immediately adjacent to the properties in question, at 3715B Maybelle Avenue.

Although we agree with the basic premise of "Nafsi ya Jamii Urban Retreat Center", it should not be allowed in an area whose use is incompatible with a working farm, marijuana grow, and retreat center for the public.

The CUP application represents a lovely utopia for Oaklanders, but the reality of living next to the retreat center has been quite disruptive for us, including:

- Loud music, often with decibels well beyond the 45 to 60 allowed by the City's Residential Zone Noise Level Standards (OMC 17.120.050).
- Overnight accommodations in yurts constructed near property lines

OMC states that: "Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136..."

The Applicants admitted not intending to obtain any permits or approval before their yurts and toilet facilities were constructed.

- Extreme smoke fumes that disallow open windows. We are often gone for the day to avoid dealing with the smoke nuisance.

The OMC 8.24.020 names smoke as one of the definitions of a "blighted property". I suspect other criteria in that definition apply to this property.

✓ "Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which is permitted to be transported by wind or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations..."

I met with one of the Applicants personally to try and understand why they would continue to allow hazardous smoke to waft into our homes, especially after we've told them how hard it is for us. We had a cordial conversation and she promised that they were looking for some solutions, but that the sweats wold NOT stop. They seem to consider it a "Western" way to do business. The Applicant was a former Council person and should know better.

The Planning Department has already deemed the application incomplete. They claim no one will stay overnight in the yurts, but people already do.

I strongly oppose the approval of this application.

Thank you for your serious consideration of "the health, safety, and general welfare of the citizens" of Oakland.

Maya Williams
Maybelle Ave.
Oakland 94619

Hackett, Maurice

From: kshaw <kshawmail@gmail.com>
Sent: Tuesday, October 11, 2016 7:55 AM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com
Subject: Case File Number PLN15195

Planning Number PLN15195

Mr. Moe Hackett,
City of Oakland
Bureau of Planning/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, CA 94612

Dear Mr. Hackett,

Re: Case File Number PLN 15195

As owners of neighboring property, we strongly oppose the application for conditional use permit for case file number PLN15195 for the following reasons:

1. Excessive smoke – The applicant is regularly in violation of the City's Code of Ordinances 8.18.040 by creating and allowing excessive smoke to fall upon adjacent property. This creates a serious health and environmental hazard in the neighborhood.
2. Excessive noise - Neighbors should not have to endure the excessive noise the applicant's activities regularly produce. They frequently play loud music and their guest activities create excessive noise. The applicant is repeatedly in violation of the Excessive and Annoying Noise section of the City's Code of Ordinance Chapter 8.18.
3. Increased tension and undue stress – In part due to the above-named issues as well as the uncooperative nature of the applicants, creates undue stress and tension for the neighbors. People work hard to save and purchase a home and it is disappointing when one property owner disregards their neighbors by creating this disruptive environment.

As property owners and taxpayers in our community, we are all equally entitled to quiet, peace, rest, enjoyment, comfort and convenience of our homes and premises. This includes fresh and clean air in addition to quiet surroundings. One property owner must not be able to diminish these rights and we feel it is the City's responsibility to protect our community from this noise and air pollution.

We therefore request that you deny their application for a conditional use permit.

Yours sincerely,

Kenneth Shaw and Naoko Miyajima
Unit 3719B – Maybelle Avenue
Oakland

Hackett, Maurice

From: Jim Buck <jimbucknsf@yahoo.com>
Sent: Tuesday, October 11, 2016 9:34 AM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com
Subject: Planning Number PLN15195

Dear Mr. Hackett,
PLN15195

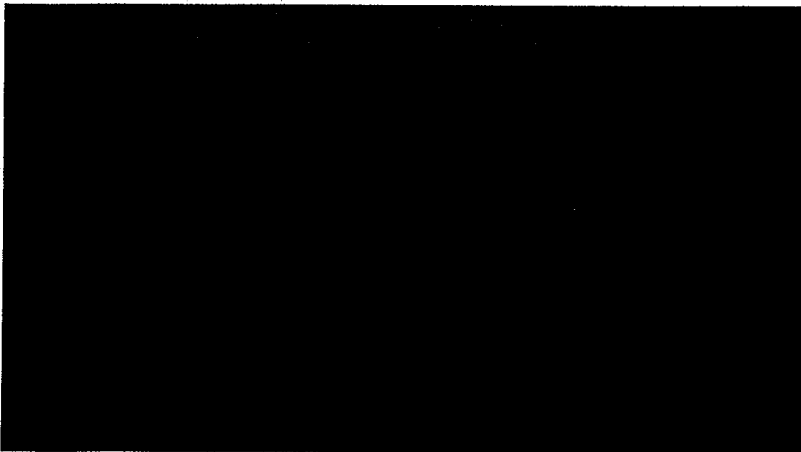
RE: Planning Number

We our writing to you to express our deep concern and strong opposition to the propose CUP for the above referenced Planning Number at 3740 39th Avenue, Oakland, CA 94619. Ricardo Ochoa and I are property owners at 3760 39th Avenue since August 2013. Within a few months of the purchase of our home which borders with the property owned by the Riles/St.Onge family we have had deep concerns for our safety and the safety of our community. They habitually set large fires which burned for many hours, near highly flammable brush, fabric, wood and straw during this period of drought and high fire warnings here in California and during Spare the Air Days. Many neighbors have also expressed deep concern about the dangers of the wood smoke that floods their homes during these fires. During this period we have repeatedly contacted Oakland City officials and the Spare the Air Agency. I have kept a thorough history of our correspondence and interactions with the neighbors and these agencies.

We also are concerned that the owners/residents of the property have operated the Retreat and Farm and constructed buildings that do not comply with Oakland City codes and have refused to come into compliance despite longstanding and well documented complaints from their neighbors. Again, I have retained emails from City officials stating that the owners informed them that they had no intention of complying with the City codes.

We are also concerned with the video in the attached link that document the intention of the residents to operate a marijuana farm on their property.

[Marijuana: The Gateway Plant to Urban Farming](#)





Marijuana: The Gateway Plant to Urban Farming

How do you build a radical black farm in the middle of East
Oakland? With a bold vision, an activist family, and...

We are also concerned because we do not feel the owners will properly monitor the actions of their clients. During this past summer, a neighbor in our HOA was violently assaulted and threatened by two teenagers who were on the roof of a building on the Riles/St. Onge property that directly borders our HOA common area. The police were called out in response to this incident.

We did not purchase our home in a mixed residential-business zone and are concerned how this CUP will affect our safety and the value of the property we have purchased.

Jim Buck and Ricardo Ochoa
3760 39th Avenue, G
Oakland, CA 94619

October 11, 2016

Hackett, Maurice

From: Ricardo Ochoa <ricardoochoansf@yahoo.com>
Sent: Tuesday, October 11, 2016 10:07 AM
To: Jim Buck
Cc: Hackett, Maurice; nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com
Subject: Re: Planning Number PLN15195

Sent from my iPhone

On Oct 11, 2016, at 9:33 AM, Jim Buck <jimbucknsf@yahoo.com> wrote:

Dear Mr.
Hackett,
Number PLN15195

RE: Planning

We our writing to you to express our deep concern and strong opposition to the propose CUP for the above referenced Planning Number at 3740 39th Avenue, Oakland, CA 94619. Ricardo Ochoa and I are property owners at 3760 39th Avenue since August 2013. Within a few months of the purchase of our home which borders with the property owned by the Riles/St.Onge family we have had deep concerns for our safety and the safety of our community. They habitually set large fires which burned for many hours, near highly flammable brush, fabric, wood and straw during this period of drought and high fire warnings here in California and during Spare the Air Days. Many neighbors have also expressed deep concern about the dangers of the wood smoke that floods their homes during these fires. During this period we have repeatedly contacted Oakland City officials and the Spare the Air Agency. I have kept a thorough history of our correspondence and interactions with the neighbors and these agencies.

We also are concerned that the owners/residents of the property have operated the Retreat and Farm and constructed buildings that do not comply with Oakland City codes and have refused to come into compliance despite longstanding and well documented complaints from their neighbors. Again, I have retained emails from City officials stating that the owners informed them that they had no intention of complying with the City codes.

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Oakland? With a bold vision, an activist family, and...

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We did not purchase our home in a mixed residential-business zone and are concerned how this CUP will affect our safety and the value of the property we have purchased.

Jim Buck and Ricardo Ochoa
3760 39th Avenue, G
Oakland, CA 94619

October 11, 2016

Hackett, Maurice

From: Lawrence Ellis <lawrenceellis@icloud.com>
Sent: Tuesday, October 11, 2016 4:52 PM
To: Hackett, Maurice; nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Cc: Jim Buck; Joey Merkel; Tamulia Y. Dalke; jelanitw2001@gmail.com; Judy Nedoff; Mike Duhon; Aimee Iura; Doug Rhoads; Colin Chang; amyjan2@gmail.com; Jay Ottenstein; Maya Williams; Edgar.doolan@macmillan.com; spdoolan@gmail.com; Hilary Pearson - Sungevity; Shem Pearson; kshawmail@gmail.com; Judy Frauman
Subject: Public comments on Planning Number PLN15195
Attachments: Public comments to City on Planning Number PLN15195.pdf; ATT00001.htm

Dear Mr. Hackett and City Planning Commissioners,
Attached please find a document representing a unanimous opinion from twenty-three (23) residents of properties immediately adjacent to a set of three properties applying for a Conditional Use Permit (Planning Number PLN15195). Representatives of our households are cc'd on this email.

You will also have received individual emails from the vast majority of us strongly opposing the granting of the CUP.

We are adamantly and unequivocally against the granting of a CUP for reasons which we state in the attached document. We will also send by electronic-transfer from WeTransfer.com or DropBox.com assorted files, photographs and videos substantiating many of our claims, which are the core reasons why we dramatically oppose granting a CUP.

If you have any questions or comments, please let us know.

Sincerely,

Jim Buck	3760G 39th Ave, Oakland, CA 94619
Ricardo Ochoa	3760G 39th Ave
Erin Eckvahl	3760H 39th Ave
Joseph Merkel	3760H 39th Ave
Jerrold Ferrell	3711A Maybelle Ave, Oakland, CA 94619
Tamulia Dalke	3711A Maybelle Ave
Jelani Warren	3711A Maybelle Ave
Judy Nedoff	3711B Maybelle Ave
Lawrence Ellis	3713A Maybelle Ave

Michael Duhon 3713A Maybelle Ave
Aimee Iura 3713B Maybelle Ave
Doug Rhoades 3713B Maybelle Ave
Colin Chang 3715A Maybelle Ave
Amy Hall 3715A Maybelle Ave
Jay Ottenstein 3715A Maybelle Ave
Maya Williams 3715B Maybelle Ave
Edgar Doolan 3717B Maybelle Ave
Sean Doolan 3717B Maybelle Ave
Hilary Pearson 3719A Maybelle Ave
Shem Pearson 3719A Maybelle Ave
Kenneth Shaw 3719B Maybelle Ave
Naoko Miyajima 3719B Maybelle Ave
Judy Frauman 3719B Maybelle Ave

Hackett, Maurice

From: Lawrence Ellis (via Dropbox) <no-reply@dropbox.com>
Sent: Tuesday, October 11, 2016 5:41 PM
To: Hackett, Maurice
Subject: Lawrence Ellis shared "Supporting files listed in Appendix" with you



Hi there,

Lawrence Ellis (lawrenceellis@icloud.com) invited you to view the folder
"Supporting files listed in Appendix" on Dropbox.

Lawrence said:

"Dear Mr. Hackett and Oakland City Planning Commissioners, This is a folder with files referred to in an email sent today, 10/11/16, at 4:42 PM, entitled "Re: Public comments on Planning Number PLN15195." In the email residents in our community wrote: "We will also send by electronic-transfer from WeTransfer.com or DropBox.com assorted files, photographs and videos substantiating many of our claims, which are the core reasons why we dramatically oppose granting a CUP." The files in this DropBox are the ones so referenced. If you have any questions or comments, please contact us at 510-269-7327 or by email at PublicComment39thAve@icloud.com. Thank you, Residents of properties on Maybelle Avenue and 39th Ave."

[Go to folder](#)

Enjoy!

The Dropbox team

© 2016 Dropbox

Hackett, Maurice

From: Lawrence Ellis <lawrenceellis@icloud.com>
Sent: Tuesday, October 11, 2016 5:45 PM
To: Hackett, Maurice; nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Cc: Jim Buck; Joey Merkel; Tamulia Y. Dalke; jelanitw2001@gmail.com; Judy Nedoff; Mike Duhon; Aimee Iura; Doug Rhoads; Colin Chang; amyjan2@gmail.com; Jay Ottenstein; Maya Williams; Edgar.doolan@macmillan.com; spdoolan@gmail.com; Hilary Pearson - Sungevity; Shem Pearson; kshawmail@gmail.com; Judy Frauman; publiccomment39thave@icloud.com
Subject: Re: Public comments on Planning Number PLN15195

Dear Mr. Hackett and City Planning Commissioners,

Below we wrote, "We will also send by electronic-transfer from WeTransfer.com or DropBox.com assorted files, photographs and videos substantiating many of our claims, which are the core reasons why we dramatically oppose granting a CUP."

We just sent to you by Dropbox.com a folder entitled, "Supporting Files Listed in Appendix." It contains all of the files, photographs and videos that we reference. If you did not receive a notice about the folder having been shared with you by Dropbox, if you cannot access the files, or if you have any questions or comments, please let us know. We can best be reached at 510-269-7327, or at <PublicComment39thAve@icloud.com>.

Thank you,
The residents listed in the original email below

On Oct 11, 2016, at 4:52 PM, Lawrence Ellis <lawrenceellis@icloud.com> wrote:

Dear Mr. Hackett and City Planning Commissioners,
Attached please find a document representing a unanimous opinion from twenty-three (23) residents of properties immediately adjacent to a set of three properties applying for a Conditional Use Permit (Planning Number PLN15195). Representatives of our households are cc'd on this email.

You will also have received individual emails from the vast majority of us strongly opposing the granting of the CUP.

We are adamantly and unequivocally against the granting of a CUP for reasons which we state in the attached document. We will also send by electronic-transfer from WeTransfer.com or DropBox.com assorted files, photographs and videos substantiating many of our claims, which are the core reasons why we dramatically oppose granting a CUP.

If you have any questions or comments, please let us know.

Sincerely,

Jim Buck 3760G 39th Ave, Oakland, CA 94619

Ricardo Ochoa 3760G 39th Ave
Erin Eckvahl 3760H 39th Ave
Joseph Merkel 3760H 39th Ave
Jerrold Ferrell 3711A Maybelle Ave, Oakland, CA 94619
Tamulia Dalke 3711A Maybelle Ave
Jelani Warren 3711A Maybelle Ave
Judy Nedoff 3711B Maybelle Ave
Lawrence Ellis 3713A Maybelle Ave
Michael Duhon 3713A Maybelle Ave
Aimee Iura 3713B Maybelle Ave
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Amy Hall 3715A Maybelle Ave
Jay Ottenstein 3715A Maybelle Ave
Maya Williams 3715B Maybelle Ave
Edgar Doolan 3717B Maybelle Ave
Sean Doolan 3717B Maybelle Ave
Hilary Pearson 3719A Maybelle Ave
Shem Pearson 3719A Maybelle Ave
Kenneth Shaw 3719B Maybelle Ave
Naoko Miyajima 3719B Maybelle Ave
Judy Frauman 3719B Maybelle Ave

<Public comments to City on Planning Number PLN15195.pdf>

Hackett, Maurice

From: Jerrold Ferrell <jerroldferrell@gmail.com>
Sent: Tuesday, October 11, 2016 8:05 PM
To: Hackett, Maurice
Cc: jmyres.oakplanning@gmail.com; nagrajplanning@gmail.com
Subject: PLN15195

Mr. Hackett,

Thank you for requesting input from the neighbors. I unequivocally believe that the permit should not be granted. Although the property owners may have good intentions, there are plenty of issues that come from that property. One of the most disturbing issues is the use of the smokehouse, the smoke is thick and smelly, and hazardous. I have to close my windows, The noise that comes from their property is also an issue, the property owners also would like to have livestock, where there is livestock there are rodents, and of course that is a health hazard.

Thank you
Jerrold A. Ferrell
3711 Maybelle Ave, Laurel Lane
Oakland CA

Sent from my iPhone

Hackett, Maurice

From: Doug Rhoads <peorth42@gmail.com>
Sent: Tuesday, October 11, 2016 8:26 PM
To: Hackett, Maurice
Cc: nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Public comment on Planning Number PLN15195
Attachments: Public comments to City on Planning Number PLN15195.pdf

Mr. Hackett and City Planning Commissioners,

For reasons stated in the collective letter from residents in our community here at Laurel Lane, I strongly oppose granting a CUP to the property described in PLN15195.

A copy of the collective letter recently sent to you is attached.

Regards,
Doug Rhoads

Hackett, Maurice

From: Lawrence Ellis <lawrenceellis@icloud.com>
Sent: Tuesday, October 11, 2016 11:58 PM
To: Hackett, Maurice; nagrajplanning@gmail.com; EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris
Subject: Public comments on Planning Number PLN15195
Attachments: Email to retreat-farm about dire health consequences.rtf; ATT00001.htm

Public comments on Planning Number PLN1519

Dear Mr. Hackett and City Planning Commissioners,

I write about the application for a Conditional Use Permit (CUP) for three properties on 39th Ave. in Oakland that are adjacent to my home at 3713A Maybelle Avenue in Oakland — and adjacent to my community of townhomes. The Planning Number is PLN15195. I am absolutely opposed to granting this CUP, in the strongest terms possible.

Like all other members of my townhome community, I wholeheartedly support the vision and aspirations of the Nafsi Ya Jamii retreat and of Full Harvest farm, the enterprises behind the application. I do not say this lightly. From our earliest interactions with the retreat/farm to today, we have made this clear — as can be supported in our initial documents and email exchanges with the retreat/farm, in an audio recording of our first meeting with them (the recording was made with the permission of all participants), and throughout our two years of interacting with them.

However, I cannot and do not support the retreat/farm being situated in a residential neighborhood with whose character they are dramatically incompatible. Further, the litany of two years of suffering and disruption to me, my family and my neighbors in our townhome, in a neighboring townhome complex, and throughout the neighborhood is nothing short of deplorable, and exhausting.

Our townhome community is highly interactive and friendly. We have a list-serve; announce when we are traveling and ask neighbors to watch our homes; many of us have keys to neighbors' houses; many of us animal-sit for our neighbors when they are out-of-town; we collect money for gifts for major celebratory events, like the birth of a child; we extend sincere condolences and support when our members experience tragic losses; and some members are friends who socialize together. It is a gem of a community.

I have had the designated role of serving as a communications conduit between the retreat/farm owners and a coalition comprised of individuals in our community, in our neighboring HOA on 39th Ave, and in an adjacent apartment complex. Throughout the last two years of interacting with the retreat/farm owners, we have genuinely sought win-win solutions: to honor the best of their needs & aspirations, while also honoring the needs, aspirations and unwarranted suffering experienced by members of our community. This stance of respect, honoring and seeking a win-win is evident in the supporting documents we have shared with you about our interactions with the retreat/farm.

While the retreat/farm owners and managers have *generally* (not always) been cordial on the surface, the disruptive activities that have characterized their operation from the beginning; their fundamental unwillingness to recognize how we suffer tremendously because of their activities; and their flagrant disregard for City

ordinances that are among the most reasonable and rational (such as taking precautions to prevent dangerous fire conditions that place at risk the lives and property of all in the neighborhood; or avoiding exposing neighbors to toxic and nuisance substances, such as smoke and extremely loud music) — their extensive and documented abuses in these regards make the case for not granting them a CUP an absolute given (and the case was already strong enough with the general issues of their enterprises being incompatible with the character of neighborhood).

I support not granting a CUP for all the reasons stated by my neighbors, and for the reasons listed in our collective email to you. Still, I want to emphasize that two issues stand out most dearly for me:

- The activities of the retreat/farm, especially the wood smoke from the sweat lodges, seriously endanger the health of residents. A twenty month old toddler has been prevented from enjoying his home, and playing in his yard, for many weekends throughout the duration of his young life — because his parents have to lock him indoors or leave the premises to protect his fragile, developing lungs, knowing that young children whose bodies are just developing are especially vulnerable to wood smoke. The same applies to a toddler and a newborn who lived with us for a few years until their move out-of-state a few months ago. The same applies to another young child in our community, and to a teenager who wrote you about how he suffers from asthma, and must remain indoors — instead of practice his devoted sport outdoors — because of woodsmoke. The health concerns extend beyond children and young people. Several of us in our community are asthmatic, and have to avoid the wood smoke to avoid asthma attacks. Additionally, the health threats are deeply personal for me. My partner is HIV+, and has been HIV+ for over 30 years — longer than almost anyone else on the planet. He is in excellent health. Nonetheless, one hour exposure to wood smoke can reduce his (and anyone else's) immune defenses by 25-40%, as is documented in the references we sent you in our collective email. We are asked to be exposed to it for 3-6 hours at a stretch, up to 2-3 weekends per month. Attached is a letter that I sent to the retreat/farm owners prior to a traditional Talking Circle that I and others had convened with them. In no uncertain terms, I let them know that the toxic smoke from their sweat lodges was literally risking killing my partner. One leader in our Native communities who was present in the Talking Circle, and some of my dearest friends, knew how deeply distraught and depressed I had become from the entire situation — that the person whom I love more than anyone else in the world was risking being killed in his own home because of toxic wood smoke from our neighbors. Further, evacuating weekend after weekend did not help. It produced its own high levels of stress for a person who is in exile from his culture for being gay, and for whom a tranquil homeless is a necessity — and high stress can quickly turn into illness for HIV+ people. In the letter and in conversations, I also made it clear that others in the community also had major illnesses. This is a no-brainer. We're a neighborhood of a few hundred people, mirroring the demographics of pre-gentrified Oakland. So among this population, there will be a certain number of people with auto-immune diseases, heart diseases, cancer, stroke, and other life-threatening illnesses that can be seriously aggravated by wood smoke — sometimes to the point of fatality in a short period of time. One would have hoped that the retreat/farm owners and managers would have deeply empathized. The sweat lodge ceremony is for healing — yet how can one stand to bring healing to members of one's own community, while knowingly strongly risking making ill, or in fact making ill, members of another community. It is unconscionable.
- Through our efforts with City officials, we were able to bring the first round of sweat lodges to a halt — until a way could be devised to hold them without having toxic smoke endanger the wellbeing, lives and properties of the surrounding community. I had truly hoped that this second round of sweat lodges would be a win-win: that a way could truly be found to have the sweat lodges without the toxic wood smoke. Unfortunately, such was not the case. Per the documents we have sent you, I attended the first fire-lighting ceremony in good faith. The output of smoke was disastrous. The second sweat lodge was worse. We provided feedback to the retreat/farm owners about the disruption these sweat lodges had caused, with enormous amounts of smoke. We asked them what measures they would take to prevent a recurrence. To our dismay and horror, we were told that there was “virtually zero smoke.” All of the

Hackett, Maurice

From: Mike Duhon <mduhon@icloud.com>
Sent: Monday, October 10, 2016 2:30 PM
To: Hackett, Maurice
Cc: EW.Oakland@gmail.com; tlimon.opc@gmail.com; cmanusopc@gmail.com; amandamonchamp@gmail.com; jmyres.oakplanningcommission@gmail.com; Pattillo, Chris; nagrajplanning@gmail.com
Subject: Planning Number PLN15195

Planning Number PLN15195

Mr. Hackett,

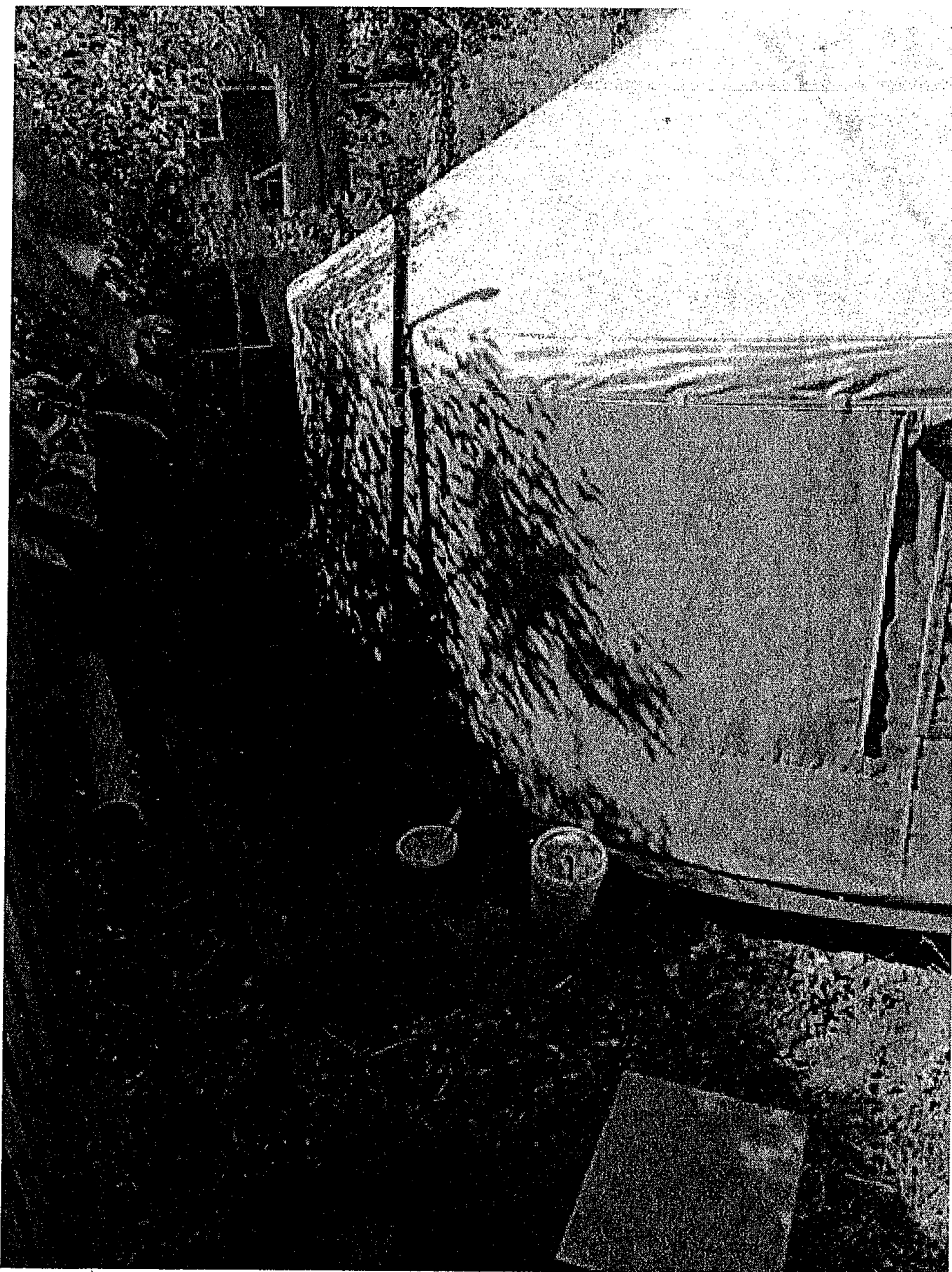
I am responding to the above referenced CUP application.

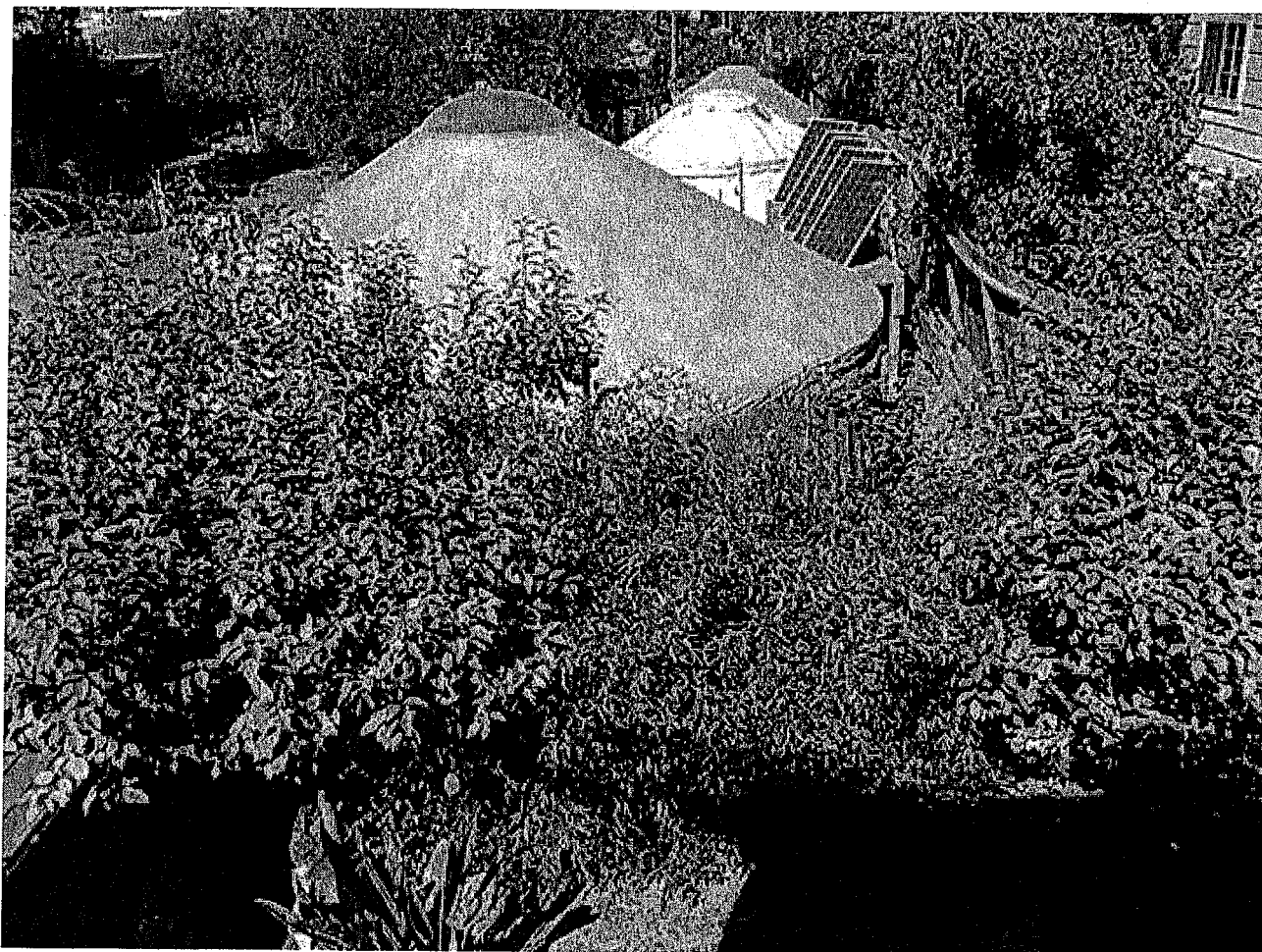
Since 2009, I am the property owner and resident at the townhouse directly behind the parcel whose address is 3740 39th St. I had considered myself incredibly lucky to have found a quiet, friendly corner of Oakland to live in. That substantially changed when the previous owners leased their back yard area to the applicants in 2014. In that year, the applicants frequently held "work parties" in which they engaged volunteers to develop their retreat and farm, frequently with amplified music from an outdoor stage. Within the year the property was sold to a family member of the applicants' and erection of numerous structures began along property lines without regard to set back dimensions, (whether required by building code, or out of courteous regard for adjacent dense, townhouse open space.

The construction included a fire pit for sweat activities. The townhouse development, of which I am a member, is downwind of the properties. Because of the wind, fires - which are typically lit on Sundays - send soot, smoke and fumes to envelope our homes. As of this writing, those fires have continued (with the most recent one having been this past Sunday Oct 9, 2016).

From 2009-2014 I managed to create an oasis of quiet and calm in my small garden for rest and re-charge. However, over the past 2 years, since the construction of the retreat and farm, I have had to use my outdoor space less frequently as a result of noise, fires, group conversations, power tools, etc.

While the rendering attached to the CUP application is quite lovely, the reality is as pictured.





Below are my comments reflecting my thoughts opposing granting the CUP.

- I invested in a residential neighborhood. I did not buy into living next to a business — and I do not want to live next to a business. If the applicants want to create a business, they need to find an appropriate location for it — not look to change zoning for a residential neighborhood.
- The CUP application comes 2 years after initial operation. I am not imagining how home life might change, living directly adjacent to the "proposed" business. I have direct experience.
- Also note that our zoning is beyond "multi family residential." It "dense multi family residential" — which means that a lot of people already live really close to each other. For the Bay Area this is an area that we might otherwise call the zones of affordable housing, in very short supply. I live in an environment where adjacent owners want to create a business to host 20 30, 40 or more people coming and going — people who are not invested in this as home, who are not invested as neighbors. It's just traffic. People don't behave as though they lived next door to their neighbors. It's not a fault. It's just the envelope of a business environment; you don't behave as though you're at home.
- This is home — this is not work. I often don't feel like coming home after a stressful day any more because I don't know if it will be tranquil or not tranquil.
- The applicants have not posted any particular hours of operation, though accelerated activity occurs on the weekends.
- In the 2 years since the property take over, This group has consistently demonstrated that it will not observe CUP guidelines.
- I also feel that our neighbors will always go beyond the terms of a CUP — as they always have, and even now still do (e.g., there's a 24' diameter 14' tall yurt a few feet off of my fence with a 5-gallon bucket for a toilet, with a vent pipe facing my back garden— which at times smells like urine. They put

in the bucket and vent pipe after a property inspection. So they have an inspection, and then additional items after inspectors have gone. They've also had people sleeping in the yurts, plus electric heating and extension cords from solar panels to yurts pinned to the fence or on the ground.) The yurt photo included in the CUP application depicts the smallest of the 4 installed at 3740 39th Ave.

- There's nothing in the CUP binding them to pull building permits for anything they do. I've seen nothing in their planning that addresses legal permitted sanitation for groups.

With my deepest sincerity, I request that the CUP be denied.

Michael Duhon
3713 Maybelle Ave unit A
Oakland

October 11, 2016

Public Comments on Planning
Number PLN15195

Dear Mr. Hackett and Oakland Planning Commissioners,

Thank you for the opportunity to offer public comments on the application by Wilson Riles and Patricia St. Onge for a Conditional Use Permit (CUP) and Regular Design Review (DR) for the "Nafsi ya Jamii Urban Retreat Center", and the "Full Harvest Urban Farm" ("retreat/farm") located on three contiguous properties on 3732 39th Ave., 3740 39th Ave., and 3746 39th Ave. (Assessor's Parcel Numbers are: 030-1925-005-00, 030-1925-004-00, and 030-1925-003-03.) Planning Number: PLN15195.

Also, Mr. Hackett, we greatly appreciate your having given us permission by email several days ago to submit our public comments by today, Oct. 11 – since Oct. 10 was a federal holiday.

Overview

We are a group of twenty-three (23) residents in two townhomes immediately adjacent to the properties on which the retreat/farm is housed. Almost all of us own our homes, and there are a few renters in our group. We have very strong comments about the CUP request for Community Assembly, based on the historical and current impact of the retreat/farm on the character of the neighborhood; on the retreat/farm owners' ongoing patterns of disregard for their impacts on their neighbors; and on deep concerns about the retreat/farm owners continued practices of overstepping legal boundaries. Our perspectives on this matter are so pronounced that we have taken several days, as a group, to generate and align on a collective response that we feel adequately expresses our collective voice – while also highlighting individual comments from our members.

We think it's of the utmost importance to state our intentions and stance upfront:

- We all support the vision and aspirations of the retreat/farm, as outlined in their CUP and DR application, and in their online mission statements (at <http://nafsiyajamii.weebly.com/about-us.html>). We have repeatedly stated such publicly and in writing since our earliest interactions with the retreat/farm owners. In fact, many of us are members of or regularly interact with the communities that the retreat/farm seeks to serve. We are an extremely diverse mix of African American, Arab American, Asian American, European American, Latino, Native American and other, middle class and working class residents who live, work and otherwise engage in and with communities of justice, spirituality, sustainability, and more.

- We are also mostly homeowners, and some renters, who invested – sometimes with our life savings – in a relatively harmonious neighborhood explicitly zoned for residential. Most of us *deliberately chose* not to live in neighborhoods with mixed residential/commercial use (whether for-profit or non-profit institutions). We valued – and continue to value – the relatively more quiet, calm, tranquil nature of a strictly residential neighborhood. While we fully support the mission/vision of the retreat/farm in the abstract, we do not support its being situated in a residential neighborhood with which it is markedly incompatible.
- Since 2014, the retreat/farm has existed and operated illegally (i.e., without permits, and in open resistance to coming into compliance after being issued numerous citations). During its existence, it has been significantly incompatible with the surrounding neighborhood in numerous ways, and has had an extremely disruptive and damaging effect on neighbors – including significant violations of City fire codes, endangering lives and properties; violations of smoke and nuisance ordinances, which have caused neighbors to evacuate their homes for three to six hours per incident, with numerous incidents impacting many neighbors over a period of more than one year; significant violations of noise ordinances, subjecting the entire neighborhood to loud, amplified music for hours; and more. Far from spaces of sanctuary and peace, our homes have become battlegrounds as we have repeatedly had to engage with the retreat/farm owners, and ultimately escalate to City officials, to stop the tremendous suffering that the retreat/farm has caused us over nearly two years. We are exhausted with the pronounced history of disruption caused by the retreat/farm, and do not wish to be subject to more.
- For more than one year, the retreat/farm owners operated their enterprise in wanton and willful disregard of numerous City ordinances, and neighbors' appeals against the disruption and suffering they caused. City officials finally compelled them to cease operations until they came into compliance, despite their repeated resistance over the course of many months, as documented by City officials. The retreat/farm owners have made outstanding progress in many areas of compliance. Nonetheless, to this day, they continue to violate key ordinances, some in ways that are clearly behind inspectors' backs; and they continue to disregard the distresses of their neighbors.
- The solution to the current situation is not to grant the retreat/farm a CUP to operate in a residential area with which it is egregiously incompatible. Instead, the solution is for the retreat/farm owners to find another location well suited to the scale and type of facilities & operations they envision.
- We are unequivocally against granting a CUP to the retreat/farm.

Pronounced Incompatibility with the Neighborhood

The CUP & DR application states: "The location, site, 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 retreat/farm is significantly incompatible with the surrounding neighborhood in numerous respects:

- **Traffic & Parking Congestion:** The retreat/farm owners acknowledge in their application that for many years they have hosted an annual event in their home that attracts approximately 60 people. Parking in the immediate neighborhood is generally dense; it is difficult to locate open spots. Consequently, they have reached an agreement with High Street Pharmacy on MacArthur Blvd. to allow spillover parking in their lot, for this event. In the months that it operated illegally, the retreat/farm hosted numerous events, with guests ranging from 15-40 people, perhaps more. Their projected activities would entail *several dozen* events each year, attracting similar numbers of people, and perhaps more. We have no indication that the High Street Pharmacy would accept spillover parking for all of these events that would occur during regular business hours throughout the year. Consequently, the traffic and parking congestion in the neighborhood would increase dramatically.
- **Harmful effect upon desirable neighborhood character:** The retreat/farm properties abut three buildings (two townhomes and one apartment complex) that have been intentionally designed to foster low volume, quiet, harmonious interactions between neighbors. There are modest gardens, narrow pathways, small courtyards – and notably no clubhouses or other facilities for large public assembly. Further, the townhome complexes are significantly recessed from the main streets, providing a buffer that helps to foster an atmosphere of peace and calm. As homeowners, and renters, we selected our homes, in large part, very specifically because of the peace, quiet and sanctuary that our developments afford, in the midst of a bustling city. The retreat/farm has repeatedly disturbed the character of tranquility that permeates our developments and much of the neighborhood: large civic assemblies with dozens of people outdoors engaged in loud activities for hours; high-volume amplified music that can be heard loudly several blocks away, and that lasts for hours; highly toxic smoke from sweat lodges held a few times each month, which infiltrates our homes, forcing us to close our windows and remain indoors, and often to have to evacuate – for several hours in a given day; animals escaping repeatedly and destroying neighborhood gardens, with no response – over the course of a few weeks – from the retreat/farm owners to our pleas to address the situation; and more.

Further, as indicated in a video interview with retreat/farm resident managers, Karissa and Region Lewis (daughter and son-in-law of owners Wilson Riles and Pat St. Onge), the retreat/farm has an intention to grow marijuana. (Here is the link to the video:

<https://www.youtube.com/watch?v=beD5TCyGRTg&feature=youtu.be>). The Riles-St. Onge family previously had a marijuana farm on their property, which caused great distress to neighbors – especially since, during nights, thieves would access the property to steal the marijuana plants. This created a criminal element in the neighborhood that caused residents to be deeply concerned for our safety and security.

- Agricultural ordinances. The CUP application makes no mention of whether their intended extensive agricultural use will be in compliance with agricultural ordinances. This is currently a significant unknown factor.
- Adversely affecting surrounding neighborhood: The retreat/farm operations have caused dramatic suffering to many members of our communities for more than two years. Below we list a history of adverse effects, and provide more detail and documentation in the Appendix.

History of Adverse Effects from Retreat/Farm

Below are "headline" statements of diverse adverse effects. More detailed narratives, and supporting documentation, are in the Appendix.

- The retreat/farm owners deliberately bypassed seeking City permits or neighborhood input on their enterprise – a project that has dramatically changed the character of the neighborhood. Retreat/farm owner Wilson Riles was a 13-year member of the Oakland City Council from 1979-1992, and hence was very familiar with City protocols for seeking permits, engaging neighbors in a period of public comments, etc.
- City Inspector Anders, who cited them for building violations, noted that on one of his initial visits, the retreat/farm owners told him that they had no intention of complying with City ordinances.
- The sweat lodge ceremonies originally held on the property were in violation of numerous City fire codes, as noted in a report by the City fire inspector. The 7' x 7' fire pit was within a few feet of fabric yurts, kindling wood, hay, and other highly flammable materials – in an area with wooden fences and dense bushes. Even after the retreat/farm owners had been cited with fire code violations, *we believe* they initially resisted complying with City codes and ordinances – continuing to put the entire neighborhood at risk of potential loss of life and property. (This last point would need to be corroborated with the Fire inspector.) (See Appendix section B.)

- The sweat lodges originally held on the property created enormous amounts of wood smoke that infiltrated the homes and apartments of neighbors, causing evacuations over periods of 3-6 hours. This occurred regularly for approximately one year, with sweat lodges occurring sometimes every other weekend. Wood smoke is extremely hazardous: it is seventeen times more carcinogenic than secondhand smoke, is deleterious to the development of young children and to elders, can cause heart attacks with one hour's exposure, can reduce the body's immune response 25-40% with one hour's exposure, and more. We have infants and other young children, elders, asthmatics, and people with HIV- and other potentially life-threatening illnesses in our community. We presented this well-documented data to the retreat/farm owners, and implored them to cease the sweat lodges until they could find a way not to have smoke flood our homes, endanger our health, and cause us to evacuate. Instead of an empathetic and compassionate response, the retreat/farm owners castigated us, and announced that they would in fact increase the frequency of their sweat lodges. (See Appendix section C.)
- It is with great distress and concern that we note that this pattern of the retreat/farm owners disregarding our suffering from toxic smoke has commenced anew in the last few weeks. The City Fire Department prohibited their sweat lodges until their operations came into compliance. They improved their operations, and received provisional City approval – pending the performance of their improved fire tower. We worked with the retreat/farm owners in good faith: supported their efforts, communicated with them regularly and respectfully, attended the lighting of their first fire in a show of support, and gave them feedback that their attempts to contain the smoke with their new fire tower had failed. Despite the feedback, they have lit two more fires for a total of three since they recently began anew, have not been transparent with us about any attempts to improve the fire tower, and are planning to proceed with more fires – all this despite knowing that the recent fires continue to endanger our health and cause evacuations & more, all for three to six hours on weekends. During an Oct. 9 sweat lodge, we rented a certified particulate matter meter, and tested our homes and yards over the course of a few hours. The California acceptable threshold is 0.012 mg/mq and below. We had readings as high as 0.118 mg/mq – nearly ten times the State limit. (See Appendix section D.)
- A few months ago, a resident in one of the townhomes was heading home. Two to three male teenagers on the retreat/farm property accosted her. They threw at her pieces of fruit from a tree on the property. They threatened to harm her physically, and to damage her car. She reached out to an adult male on the property (who was not the owner) for help, and he did nothing. Disturbed and afraid, she called the police. They arrived, investigated, and filed a report. Those

on the retreat/farm denied her accounts of the story. It appears that she did not seek to press charges.

- The retreat/farm owners regularly hosted “work parties” in which they invited dozens of members of their communities to assist with activities. They often played loudly amplified music during such gatherings. On many occasions the music was so loud that it could easily be heard at high volume several full city blocks away.
- On at least a few occasions, a few families returned from vacations or weekend get-aways, hoping to settle into the quiet of their own homes for the evening. The amplified music coming from the retreat/farm was so loud that these families had to close all windows and doors, and play their own music in their homes at very high volume to try to drown out the overbearing amplified music from the retreat/farm. Despite their best efforts, the retreat/farm music could still be heard.
- Periodically, one or two members of the retreat/farm or their guests work on the property, and play amplified music loud enough for many in the surrounding buildings to hear it. This can persist for hours – and would be easily remedied by the use of earbuds/headsets.
- While the visual aesthetic of the retreat/farm on-the-ground is very appealing, many aspects were an eyesore from the above-ground perspective, from our windows and porches. Palettes of wood and debris were strewn behind the yurts about in a disheveled way (not visible to visitors to the retreat/farm, but a constant eyesore to us neighbors). Further, an elevated metal structure was extremely dilapidated – and was ultimately cited by City inspectors as needing to be removed. (See Appendix section F.)
- The retreat/farm constructed solar panels directly outside the porch/deck of one neighbor, ruining what had been a beautiful view. Clearly there were many other options on the large swath of property for placing the solar panels, where they could have avoided ruining someone’s view. (See Appendix section G.)
- The retreat/farm owners had a chicken that escaped repeatedly, and in mere hours would damage or destroy neighbors’ gardens. Over a period of weeks, we repeatedly called the retreat/farm owners and asked them to take responsibility for the chicken. They never responded. Ultimately, a group of neighbors had to catch it and transport it to an out-of-town farm. (See Appendix section H.)
- The farm occasionally had roosters that crowed at 4 a.m. in the morning for several days in a row. We understand that the rooster’s had initially been mistaken for hens. What was problematic was that they kept the roosters for several days. The cumulative days of sleep deprivation were very hard on

working families, school children, elders and others. Frequently the situation was only remedied when neighbors called the Animal Control Department, which confiscated the roosters, since they are illegal in Oakland.

- All of the above issues posed potentially significant threats to property values in our neighborhood.

Finally, reflective of their character, the retreat/farm owners have never issued a formal apology to the neighbors for all the disruption, damage and distress they have caused, as detailed above.

Continued Operating Behind Inspectors' Backs, and Ignoring Distresses of Neighbors

Some aspects of the buildings have not yet been brought into compliance with City ordinances. For example, a few of the yurts are not the sufficient distance from neighboring fences.

Most distressing, however, is that there are aspects of the operation of the retreat/farm that are occurring clandestinely – behind inspectors' backs. The application states that they hope one day to use the yurts for sleeping quarters. In fact, they have done this nearly since the beginning of their operation – without any appropriate electrical, plumbing, sanitation or other aspects inspected for purposes of lodging. Without electricity and heating being up to code, there are, again, very real risks of fire with makeshift electricity and heating appliances – especially given that the yurts are made of fabric, and are surrounded by wood, hay, dense bushes and the like. Additionally, there is a makeshift toilet (a 5-gallon plastic bucket) used for human excrement. The vent pipe points towards two homes, where residents can occasionally smell urine. (See in files sent by large-file transfer the jpg file “114-makeshift toilet-sanitation.jpg”, which clearly depicts a sanitation tube going from the yurt into a plastic bucket, and also depicts the vent pipe.)

All of this is in blatant violation of City ordinances. The retreat/farm owners have a history of willfully and wantonly disregarded City ordinances and neighbors' distresses for well over a year – and are continuing with similar patterns. These behaviors, alone, should be grounds for not granting a CUP.

Our Homes are Battlegrounds

Mr. Hackett and Commissioners, as a community, our engagement with the retreat/farm owners has been exceptionally respectful, as documented in our correspondences in the Appendix. Over nearly two years, so many members of our communities have had to invest days and weeks of our time organizing among ourselves, meeting with the retreat/farm owners and City officials, writing letters, ... – all while bearing the brunt of

sleep deprivation, destroyed gardens, loud music, serious threats to our health, repeated evacuations from our homes, deep concerns about very real fire hazards, concerns about lowered property values, compromises to our well-being and happiness, and more. Our homes and our community should be places of sanctuary. Instead, they became battlegrounds as we fought for our health, well-being and rights; and as we fought to keep the character of the neighborhood what it was designed for, and what it had been for decades before the construction of the retreat/farm – a small, relatively peaceful, residential neighborhood.

All of this struggle and strife arose because one family chose to implement its vision, in blatant and willful violation of numerous City ordinances, without reaching out to involve the neighborhood in a systematic way (such as through this official Public Comments process) – and without regard for the visions, rights and suffering of its neighbors. In the current situation, these patterns are clearly continuing: with the illegal use of yurts for overnight guests; with makeshift toilets that are far from permitted; with aspirations to reinstate a marijuana farm, whose previous installment brought criminal elements into the neighborhood; and with deeply disturbing patterns of once again disregarding serious disruption to the lives of neighbors caused by recent sweat lodges. We are adamant that under no condition do we want a continuation or recurrence of these distressing and damaging dynamics.

We acknowledge that there may be some residents who support a CUP for the retreat/farm. We would also note that there has been turnover of a few units in one townhome over the last few months, during a period when the retreat/farm was not operating, as it was taking steps to come into compliance; and that we, the undersigned, represent most of the residents who have directly experienced the damaging impacts of the retreat/farm over the last two years. Also, we acknowledge that many individuals who live throughout the Bay Area, and perhaps some outside of the Bay Area, who have participated in activities and programs sponsored by the retreat/farm, may be in full support of a CUP. However, they do not live immediately adjacent to the retreat/farm, and have not had to bear the suffering that we have had to bear.

Mr. Hackett and Commissioners, we are exhausted with struggling to return our homes and neighborhood to the harmonious, tranquil atmosphere that characterized them before the retreat/farm. We are exhausted with having to contain and manage the damage and disruption that the retreat/farm owners have caused, and continue to cause. We do not want a continued struggle. We deliberately bought, and in some cases rented, homes in an amazing residential neighborhood. Most of us *deliberately chose* not to live in neighborhoods with mixed residential/commercial use (whether for-profit or non-profit institutions). We want the neighborhood that we knew, loved and invested in – in many cases with our life savings. While we fully support the mission/vision of the retreat/farm in the abstract, we do not support its being situated in a residential neighborhood with which it is markedly incompatible – and against whose

residents it has a long and pronounced history of causing significant disruption and suffering.

Again, the solution to the current situation is not to grant the retreat/farm a CUP to operate in a residential area with which it is outright incompatible. Instead, the solution is for the retreat/farm owners to find another location well suited to the scale and type of facilities & operations they envision.

We are unequivocally against granting a CUP to the retreat/farm.

If you have any questions or comments about this issue, you can contact us at 1510-269-7327, or by email at PublicComment39thAve@icloud.com.

Sincerely,

Jim Buck	3760G 39th Ave, Oakland, CA 94619
Ricardo Ochoa	3760G 39th Ave
Erin Eckvahl	3760H 39th Ave
Joseph Merkel	3760H 39th Ave
Jerrold Ferrell	3711A Maybelle Ave, Oakland, CA 94619
Tamulia Dalke	3711A Maybelle Ave
Jelani Warren	3711A Maybelle Ave
Judy Nedoff	3711B Maybelle Ave
Lawrence Ellis	3713A Maybelle Ave
Michael Duhon	3713A Maybelle Ave
Aimee Iura	3713B Maybelle Ave
Doug Rhoades	3713B Maybelle Ave
Colin Chang	3715A Maybelle Ave
Amy Hall	3715A Maybelle Ave
Jay Ottenstein	3715A Maybelle Ave
Maya Williams	3715B Maybelle Ave
Edgar Doolan	3717B Maybelle Ave
Sean Doolan	3717B Maybelle Ave
Hilary Pearson	3719A Maybelle Ave
Shem Pearson	3719A Maybelle Ave
Kenneth Shaw	3719B Maybelle Ave
Naoko Miyajima	3719B Maybelle Ave
Judy Frauman	3719B Maybelle Ave

Appendix

History of Adverse Effects from Retreat/Farm – with Detailed Narrative and Supporting Documents

(Note that supporting documents are often videos, photographs, electronic documents and the like that may be too big to include with this file. In such cases, we will send those files by WeTransfer.com or DropBox.com, and reference the file names below.)

Section A

- The retreat/farm owners deliberately bypassed seeking City permits or neighborhood input on their enterprise – a project that has dramatically changed the character of the neighborhood. Retreat/farm owner Wilson Riles was a 13-year member of the Oakland City Council, and hence was very familiar with City protocols for seeking permits, engaging neighbors in a period of public comments, etc.
- City Inspector Anders, who cited them for building violations, noted that on one of his initial visits, the retreat/farm owners told him that they had no intention of complying with City ordinances.

Section B

- The sweat lodge ceremonies originally held on the property were conducted in ways that presented notable fire hazards. The 7' x 7' fire pit was within a few feet of fabric yurts, kindling wood, hay, and other highly flammable materials. Their properties are separated from ours by dense bushes and wooden fences – all of which could have facilitated a rapid spread of fire had any of the flammable materials ignited. They were in violation of numerous City fire codes, as noted in a report by the City fire inspector. Even after the retreat/farm owners had been cited with fire code violations, *we believe* they initially resisted complying with City codes and ordinances – continuing to put the entire neighborhood at risk of potential loss of life and property. (This last point would need to be corroborated with the Fire inspector.)
 - See video file, “100-Video of fire and smoke,022215.3gp”. This shows the original fire pit and dense, billowing smoke – all situated within feet of fabric yurts, wood, hay and more flammable materials. All of this, in turn, is only a few feet from surrounding homes.
 - See jpg files “101-Pic of flammables near firepit,011115.jpg” and “102-Pic of flammables near firepit,020415.jpg” – photos of the fabric yurts, wood, hay and other flammables near the original fire pit area.

Section C

- The sweat lodge ceremonies originally held on the property created enormous amounts of wood smoke that infiltrated the homes and apartments of neighbors,

causing evacuations over periods of 3-6 hours. This occurred regularly for approximately one year, with sweat lodges occurring sometimes every other weekend. Wood smoke is extremely hazardous: it is seventeen times more carcinogenic than secondhand smoke; it embeds in and scars lung tissue; one hour's exposure can cause heart attacks in those suffering from heart disease, which includes members of our neighborhood; one hour's exposure can reduce the body's immune response 25-40%, presenting grave threats to those with autoimmune diseases, which includes members of our neighborhood; and more. We presented this well-documented data to the retreat/farm owners after their initial sweat lodges, and implored them to cease the sweat lodges until they could find a way not to have smoke flood our homes, endanger our health, and cause us to evacuate. Instead of an empathetic and compassionate response, the retreat/farm owners castigated us, and announced that they would in fact increase the frequency of their sweat lodges.

- Wood smoke is an extremely toxic substance. Data on the health hazards can be found in numerous, highly credible medical and environmental sources on the internet. Here are a few samples:
 - http://www.ehhi.org/woodsmoke/health_effects.shtml
 - https://www.youtube.com/watch?v=Vx0od3m9V_k
 - http://www.sparetheair.org/~media/STA/Files/1/Particulate%20Matter/Wood%20Smoke/WSTA%20brochure%202012_lowres.ashx?la=en
 - <http://burningissues.org/fact-sheet.htm>
 - http://www.burningissues.org/car-www/medical_effects/childrens-disease/developed-world-ws-child.html
 - <http://www.environmentalhealthnews.org/ehs/news/2012/not-so-improved-cookstoves>
 - <http://burningissues.org/car-www/science/outdoor-firepit-page.html>
 - http://www.epa.gov/burnwise/pdfs/woodsmoke_health_effects_jan07.pdf
- See RTF file "103-letter to retreat-farm owners and their response (Feb 2015)" for our community's email reaching out to the retreat/farm owners in Feb. 2015 with information about the harmful impacts of wood smoke, and the impact of their sweat lodges on us – and their response.

Section D

- It is with great distress and concern that we note that this pattern of the retreat/farm owners disregarding our suffering from toxic smoke has commenced anew in the last few weeks. The City Fire Department prohibited their sweat lodges until their operations came into compliance. They improved their operations, and received provisional City approval – pending the performance of their improved fire tower. We worked with the retreat/farm owners in good faith: supported their efforts, communicated with them regularly and respectfully, attended the lighting of their first fire in a show of support, and gave them feedback that their attempts to contain the smoke with their new fire tower had failed. Despite the feedback, they have lit two more fires for a total of three since they recently began anew, have not been transparent with us about any attempts to improve the fire tower, and are planning to proceed with more fires – all this despite knowing that the recent fires continue to endanger our health and cause evacuations & more, all for three to six hours on weekends. During an Oct. 9 sweat lodge, we rented a certified particulate matter meter, and tested our homes and yards over the course of a few hours. The California acceptable threshold is 0.012 mg/mq and below. We had readings as high as 0.118 mg/mq – nearly ten times the State limit.
 - After the Fire Department required that retreat/farm shut down their sweat lodges because they were out of compliance, members of our community continued to reach out to the retreat/farm owners in good faith to try to mend fractured relationships. One pronounced example of this was the convening of a traditional Talking Circle. See RTF file “104-Request for a Talking Circle,052915” for the initial email from our community that kicked off those Talking Circles.
 - As they initiated a new round of fires this fall, with an improved fire tower, our community members were supportive – with two attended their first fire-lighting. See RTF file “105-Acknowledgments after First Fire in Fall 2016”.
 - Many neighbors were hopeful that their new fire tower would contain the toxic smoke. However, it did not. We gave them respectful feedback immediately. See RTF file “105-Acknowledgments after First Fire in Fall 2016”.
 - Their second fire was worse than the first, strongly negatively impacting five households. Again, we respectfully provided feedback. See RTF file, “106-feedback on the second sweat lodge in fall 2016”.
 - Along with the feedback on the second sweat lodge, we made a request that they let us know what steps they were taking to contain the toxic smoke that continued to cause us great suffering. (See RTF file, “106-feedback on the second sweat lodge in fall 2016,” listed above.) They did not reply. We were surprised to learn that they scheduled yet a third sweat lodge without having informed us of any steps to eliminate the toxic smoke. We reached out to them requesting transparency on what steps

they had taken since the prior sweat lodge, since we did not want again to have neighbors forced to remain indoors, avoid their yards and courtyards, or evacuate their homes. Their reply was inadequate – and they told us that their methods produced, “virtually zero smoke.” This was a horrendous affront: a complete discounting and denial of the harsh impacts that their methods had produced in the previous two rounds of sweats, which we had shared with them. See RTF file, “107-Exchange about stopping toxic smoke”.

- Under the supervision of an environmental scientist who works for Environmental Resource Management (ERM at www.erm.com), the largest sustainability consulting firm in the world, we rented a DustTrak2 Desktop Monitor 8530 to quantify the wood smoke particulate matter readings during their third sweat lodge, on October 9, 2016. The California acceptable threshold for particulates is 0.012 mg/mq and below. We had readings as high as 0.118 mg/mq – nearly ten times the State limit. We would also point out that the wind was extremely mild that day. Normally the wind is much stronger, making the downwind smoke more intense.
 - See files “2016-10-08_LaurelLane_SmokeParticulatePlot.pdf”, “2016-10-09_3715Mayelle_SmokeParticulate.pdf”, “2016-10-09_3715Mayelle_SmokeParticulate.tkp”, “2016-10-09_3715Mayelle_SmokeParticulate.txt”, “2016-10-09_LaurelLane_SmokeParticulatePlot.pdf”.
 - Also see video file “108-video of smoke from sweat from 3715 Maybelle Ave,101016,0335pm.mov” for a video of the smoke from one of our properties.

Section E

- A few months ago, a resident in one of the townhomes was heading home. Two to three male teenagers on the retreat/farm property accosted her. They threw at her pieces of fruit from a tree on the property. They threatened to harm her physically, and to damage her car. She reached out to an adult male on the property (who was not the owner) for help, and he did nothing. Disturbed and afraid, she called the police. They arrived, investigated, and filed a report. Those on the retreat/farm denied her accounts of the story. It appears that she did not seek to press charges.
- The retreat/farm owners regularly hosted “work parties” in which they invited dozens of members of their communities to assist with activities. They often played loudly amplified music during such gatherings. On many occasions the music was so loud that it could easily be heard at high volume several full city blocks away.
- On at least a few occasions, a few families returned from vacations or weekend get-aways, hoping to settle into the quiet of their own homes for the evening. The

amplified music coming from the retreat/farm was so loud that these families had to close all windows and doors, and play their own music in their homes at very high volume to try to drown out the overbearing amplified music from the retreat/farm. Despite their best efforts, the retreat/farm music could still be heard.

- Periodically, one or two members of the retreat/farm or their guests work on the property, and play amplified music loud enough for many in the surrounding buildings to hear it. This can persist for hours – and would be easily remedied by the use of earbuds/headsets.

Section F

- While the visual aesthetic of the retreat/farm on-the-ground is very appealing, many aspects were an eyesore from the above-ground perspective, from our windows and porches. Palettes of wood and debris were strewn behind the yurts about in a disheveled way (not visible to visitors to the retreat/farm, but a constant eyesore to us neighbors). Further, an elevated metal structure was extremely dilapidated – and was ultimately cited by City inspectors as needing to be removed.
 - See jog files with prefixes 109, 110, 111, 112 – all marked “pics of property” for pictures of the retreat/farm property taken during various dates in 2014 and 2015.

Section G

- The retreat/farm constructed solar panels directly outside the porch/deck of one neighbor, ruining what had been a beautiful view. Clearly there were many other options on the large swath of property for placing the solar panels, where they could have avoided ruining someone's view.
 - See previously referenced video file “100-Video of fire and smoke,022215.3gp” for a vista of solar panels from the deck of a resident.

Section H

- The retreat/farm owners had a chicken that escaped repeatedly, and in mere hours would damage or destroy neighbors' gardens. Over a period of weeks, we repeatedly called the retreat/farm owners and asked them to take responsibility for the chicken. They never responded. Ultimately, a group of neighbors had to catch it and transport it to an out-of-town farm.
 - See RTF file, “113-Escaped chicken”.

Section I

- The farm occasionally had roosters that crowed at 4 a.m. in the morning for several days in a row. We understand that the rooster's had initially been mistaken for hens. What was problematic was that they kept the roosters for several days. The cumulative days of sleep deprivation were very hard on

working families, school children, elders and others. Frequently the situation was only remedied when neighbors called the Animal Control Department, which confiscated the roosters, since they are illegal in Oakland.

feedback we had given them about how we had suffered was completely discounted. Further, rather than a response like, "We are so sorry that our new fire-tower has not solved the problem. We hear that the last sweat lodge caused tremendous distress for five families, including some that had to evacuate. That's unacceptable — in general, because yo should be able to enjoy your homes; and especially because of the grave health hazards. Consequently, we will stop holding the sweat lodges until we can figure out a way for sure how to hold them without the toxic wood smoke engulfing your homes, and endangering your health and your lives" — rather than such a response, we instead learned that they simply planned to continue with yet another sweat lodge. Again, for a group that claims to be focused on healing, this is incongruous and unconscionable.

- Also, as is described at length in the collective letter, our homes have become "battlegrounds." It's not just that we have to evacuate, or stay indoors during sweat lodges— which in and of itself is bad enough. It's also that we have had to invest weeks and weeks and weeks of our time as community members to engage with the retreat/farm on issue after issue after issue —as is documented in our collective letter. These are our homes. We have every right to enjoy them without having to organize to protect them and our neighborhood countless days, month after month. Before the retreat/farm, we lived peaceably and tranquilly. It is our right as homeowners to have the atmosphere and character of neighborhood that we invested in when purchasing or renting our homes — which most of us did long before the retreat/farm was ever conceived, and certainly before it became operational.

For these and other reasons, I am in the strongest ways opposed to the granting of a CUP.

Sincerely,
Lawrence Ellis
3713A Maybelle Ave.

Attachment 1

From: Yonomo Seki <yonomoseki@gmail.com>
To: mhackett@oaklandnet.com; pstonge@pacbell.net; Ada Chan <adachan510@gmail.com>
Sent: Monday, October 3, 2016 4:30 PM
Subject: Letter of Support for Nafsi Ya Jamii

Hello Mr. Hackett,

My name is Thomas Wong, I was formerly the Director of the Laurel Business Improvement District for 6 years, and a current resident in the Dimond/Laurel area. I am writing in support of Nafsi Ya Jamii,

In my 6 years with the Laurel BID, I had numerous very positive interactions with Patricia St. Onge and Wilson Riles, as they planned and worked towards the creation of Nafsi Ya Jamii. I learned quickly that many in our neighborhood look towards Patricia and Wilson as strong and forward thinking individuals who are dedicated to inclusive community building. Many look at Nafsi Ya Jamii as an important part of our future neighborhood, and believe there should be a place like theirs in every neighborhood.

Throughout the years, there have been public incidents and tensions that required neighborhood sharing and discussion. There have been violent situations, racial/socioeconomic conflicts, and community disagreements. In those times and without fail, Patricia and Wilson have stepped in to mediate and give public guidance. Most importantly, they have informally opened their home during these times for community discussion and healing. Our BID board members would host their own retreats at Patricia and Wilson's home, as we saw it as a place that embodies the ideals of community health, healing and struggle.

The formal creation of Nafsi Ya Jamii is the next step in making concrete their important contribution to the neighborhood. My full support and best wishes to Patricia, Wilson and Nafsi Ya Jamii.

Thanks for your time,
Thomas Wong
Fmr. Director, Laurel Business Improvement District

**July 19, 2017 Planning Commission
Meeting**

Case File: PLN15195-A01

**Attachment D2:
Comments Received for Appeal**

July 12, 2017

Re: PLN15195-A0; 3732, 3740 & 3746 39th Ave., Oakland, CA 94619; Support Staff Denial; Deny the Appeal

Dear Chair Nagraj and Oakland Planning Commissioners:

As the contiguous, and unfortunately downwind, neighbors of this application to legalize past unpermitted use, we urge you to support the original Staff report and deny the appeal. Our opposition is not to the concept of sweat lodges. All people have a right to religious rituals and practices – unless, as practiced, the activity creates an impermissible danger or nuisance to the surrounding neighborhood. In this case before you, because of many facets of **the entire retreat center**, including proposed size, significant noise levels, effect of toxic smoke, and fire hazards, it is incompatible with the surrounding neighborhood.

Our personal experience over the past three years with Appellants'¹ retreat center, and accessory uses, mandates a conclusion that this proposal will not only be incompatible to the neighborhood, but also an unmitigable fire, safety, health and nuisance danger to the community.

Our personal experiences, and documentation by City Staff, provide incontrovertible evidence that this application to legalize the existing uses and structures will result in future substantiated safety, fire, health and nuisance violations that endanger the retreat owners, us, and the entire neighborhood – similar to those that have occurred for the past three years. These violations will continue to create unacceptable impacts to our safety and health, and to the enjoyment of our homes and properties, as we explain below.

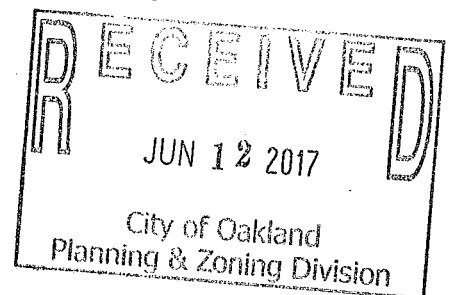
This is not conjecture. We have witnessed Applicants illegally expand and intensify their operations in the following respects:

- Unpermitted construction within property line setbacks
- Serious life-safety/fire dangers in violation of building codes and safety standards
- Noxious fumes and smoke emitted to our properties
- Uninspected and unapproved toilets in unpermitted structures
- Noise from numerous sources
- Parking congestion

Here, as in the Ghost Ship fire, makeshift electrical wiring (servicing residential yurts) and proliferation of flammable debris create a real and present danger of life-ending fire to Applicants and to us. For example:

- 1) Do-it yourself, uninspected, unpermitted electrical supply to fabric yurts
- 2) The fire pits (the original fire pit and the current fire pit, the one for which Applicants are seeking approval):
 - a) Generate plume and sparks going many feet into the air
 - b) Are structurally deficient for containing smoke and fumes from spreading
 - c) Constantly generate tall plumes of sparks

¹ For purposes of this letter, "Appellant" and "Applicant" shall be interchangeable.



- d) Risk rapid spread of fire should sparks land on the surrounding, highly flammable materials
- 3) Highly flammable materials (brush/trees, wood pallets, yurts and sweat lodge made of fabric and wood, debris, eucalyptus tree) in surrounding environment
- 4) Wood fences and dense, dry vegetation on property lines next to yurts and other fire hazards
- 5) **Unacceptable Health hazards from fire pits and wood stoves:**
The quantity of wood smoke emanating from their fire pit and wood stove creates direct and indirect exposures to toxic chemicals and small particles that are inhaled deep into the lungs. According to the Wood Burning Handbook (Cal/EPA Air Resources Board Enforcement Division, 2005 – online [here](#)), the smoke does not have to be visible to be hazardous to human health: “Remember – If you can smell smoke, you are breathing smoke!”

- We are immediately downwind from the retreat center. Smoke hazards are significant both in our yards and in our homes (because wood smoke enters through supply air for water-heater combustion, and through bathroom and kitchen exhaust vent ducting. Also, wood smoke particles are so small that they enter through shut windows and doors of even modern, energy-efficient homes)

Uncontained human waste and unpermitted toilets create additional health hazards. Sanitation Issues due to uncontained human waste from uninspected and unapproved toilets (City notice of violation, 3/26/15) have resulted in human excrement odors traveling to neighboring properties.

Based on Applicants past unabated violations, it is reasonable to expect that Applicants will not comply with CUP Conditions.

Violations have continued, notwithstanding City Nuisance Abatement letters. Applicants have consistently shown disregard for the law and City of Oakland Codes, have withheld information, and have misrepresented impacts on neighbors, as illustrated by:

- Establishing this retreat without proper permits and licenses
- Failure to advise City that guests, as well as owners, sleep in the yurts
- Continuous pattern of empty promises (e.g., 2015 email to City stating yurts would be removed from setbacks; this was never done)

Noise levels: 1) violate the Community Noise Ordinance; 2) emanate from impermissible sources; 3) are beyond inconsiderate, or all three.

Numerous noise nuisance incidents have also occurred, including amplified music at work parties, retreat owners regularly playing amplified music without using earphones while working, snare drum rehearsal on an open-air stage.

There is more than ample evidence to support the City’s findings for denial.

The factual underpinnings of the City’s denial seven months ago, continue unabated. These include but are not limited to:

- 1) Non-durable and temporary structures cannot provide for long-term and permanent use because they cannot meet building code requirements.
- 2) Yurt materials are not sufficient to retain interior noise.

- 3) Conversion of a garage to a meeting space reduces off-street parking; the side yard open parking facility lessens the quality of the neighborhood. An off-site parking option on Macarthur Blvd. is not a reliable long-term parking solution. There is generally minimal street parking available on 39th, as supported by our parking study.
- 4) The proposed open facility use for Community Assembly represents an undesirable addition to this densely populated neighborhood and existing built-out residential environment.
- 5) Staff notes “the design is not visually compatible with the existing structures on site and in the neighborhood.”

Further, even if Applicant were to comply with some of the City’s policies and ordinances that they could amend, there would still be overwhelming grounds for denial because the core activities requested by this application are incompatible to this zone, the Zoning Ordinances, City and State health and safety regulations: the wood smoke from the fire tower will always create illegal and unacceptable health hazards; and the yurts are structurally inadequate to contain noise²

CONCLUSION

We believe that our and Staff’s evidence support a decision of DENIAL to this appeal. The continuous, unmitigable impacts to our lives are significant. Many of us invested our life savings and much of our current income to buy into a relatively tranquil and cohesive residential community. The severe disruptions to and diminishments of our quality of life from the Applicant’s activities, even though we made many efforts to meet with them and seek win-win solutions, have led to our opposition to the CUP.

We ask you to DENY this appeal and all requested discretionary permits.
We thank you in advance for your time and courtesy.

Very Truly Yours,

Members of Steering Committee of group of neighbors near Applicant’s retreat center:

Aimee	Edgar	Jerrold	Judy
Iura	Doolan	Farrell	Nedoff
Lawrence	Sean	Tamulia	
Ellis	Doolan	Dalke	

– and supporters (names of supporters to be submitted under separate cover)

² A compilation of correspondence with and actions by City officials has been submitted to Planner Moe Hackett. This correspondence will be included in a submittal to the Commissioners prior to or at the hearing on July 19, 2017. Further, exhibits substantiating claims throughout this document will be submitted under separate cover.

Re: PLN15195-A01; 3732, 3740 & 3746 39th Ave., Oakland, CA 94619

To:

Oakland City Planning Commissioners
250 Frank H. Ogawa Plaza Ste. 3315
Oakland, CA 94612

From:

Dr. Zoë Chafe, MPH, Ph.D. Cornell University (zoe.chafe@cornell.edu)
Prof. Kirk R. Smith, MPH, Ph.D. UC Berkeley (krksmith@berkeley.edu)

Date: July 13, 2017

Subject: Woodsmoke in the Laurel District of Oakland

Per a request from residents living near the Nafsi Ya Jamii urban retreat center in the Laurel District of Oakland, we reviewed videos and photographs that the neighbors provided of an outdoor fire structure at the urban retreat center.¹ The videos and photographs show a fire and plume of smoke that appear to be substantially larger than that expected from a typical residential fireplace.

Based on the size of the fire structure and the fire visible within it, in the videos and photographs reviewed, we can assume that the fire lit within the structure is several times the size of the fire one would expect to find within a fireplace in the Bay Area.

The expected emissions from burning wood in a typical residential fireplace in conditions similar to those found in the San Francisco Bay Area range from 15.1-27.3 grams of PM2.5 per hour.² Neighbors living near the retreat center report observing that the fires at the urban retreat center burn for a minimum of four hours per event.

Based on the size of the fire structure and fire observed in the videos provided, it seems plausible to assume that the fires built at the retreat center may use wood at a rate 3-5 times that which would ordinarily be used in a fireplace. This indicates that the emissions from the fires at the retreat center could be expected to produce approximately 0.2-0.5 kg of PM2.5 per burn event.

¹ We reviewed a video entitled "Smoke-1.MOV," which is approx. 20 min, 18 sec; a video entitled, "Smoke-2.MOV," which is approx. 51 min 54 sec; a video entitled "sparks in afternoon-1.MOV," which is approx. 6 min 34 sec; photographs of a cinder block fire structure; and assorted photographs from the Nafsi Ya Jamii urban retreat center, including Google Earth images of the property.

² Gullett, B. et al. (2003) PCDD/F, PCB, HxCBz, PAH, and PM Emission Factors for Fireplace and Woodstove Combustion in the San Francisco Bay Region. *Environ. Sci. Technol.*, 37 (9), 1758-1765. Note that emissions were measured for total PM, but that >99.5% of the PM was found to be in the PM2.5 range; that is, having an aerodynamic diameter of <2.5 um.

The estimated PM2.5 (the most relevant pollutant in woodsmoke for comparing health risks) to be released during a single 4-hour fire event at the center is equivalent to 50-100 heavy duty diesel vehicles idling on the site for the duration of the event.³ Except in unusual workplace settings, i.e. the army during a military campaign, this would be considered an unacceptable exposure requiring immediate remediation, particularly in a neighborhood with vulnerable groups such as babies, pregnant women, the elderly, asthmatics, and those who are immune-compromised, such as cancer patients.

We also note that the usual approach for a temescal, or sweat lodge, is to heat rocks externally and bring them indoors to make heat and steam.⁴ The rocks can be heated more efficiently and perhaps with even less cost (depending on the source of the wood currently used), by natural gas, propane, or electricity, the use of which would not result in high rates of PM2.5 emissions in the immediate neighborhood and thus seem more appropriate for use in a densely populated urban area. Wood fuel also produces emissions that contribute to climate change, such as black carbon, when burned in conditions such as those indicated here. Electricity can be derived from renewable sources in California.

If you have any questions or comments, please contact us at the email addresses below.

Sincerely,

Kirk R. Smith (krksmith@berkeley.edu)

Zoë Chafe (zoe.chafe@cornell.edu)

UC Berkeley Prof. Kirk R. Smith, PhD, MPH addresses environmental and health issues in developing countries, particularly those related to health-damaging and climate-changing air pollution from household energy use. Dr. Zoë Chafe, PhD, MPH, MS, is a postdoctoral researcher at Cornell University, where she focuses on the ambient air pollution, health, and climate effects of household energy use. Please see biographical information at <http://sph.berkeley.edu/kirk-smith> and <https://erg.berkeley.edu/people/zoe-chafe>.

No remuneration, monetary or otherwise, was offered or tendered for this review of information provided by residents of the Laurel District in Oakland. We provided this service to the community as an extension of our academic roles.

³ See emission factors (1.1 g/hr PM2.5 per vehicle) in National Service Center for Environmental Publications (NSCEP) (2008) Idling Vehicle Emissions for Passenger Cars, Light-Duty Trucks, and Heavy-Duty Trucks Emission Facts.

⁴ Our group has considerable experience with temescals (or chujs as known locally) in highland Guatemala.