

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD  
FULL BOARD SPECIAL MEETING  
October 27, 2022  
5:00 P.M.  
Meeting Will Be Conducted Via Zoom**

**AGENDA**

**PUBLIC PARTICIPATION**

The public may observe and/or participate in this meeting in many ways.

**OBSERVE:**

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10

- To observe the meeting by video conference, please click on the link below:  
When: Oct 27, 2022 5:00 PM Pacific Time (US and Canada)

Topic: HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD FULL BOARD MEETING- October 27, 2022

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84978510365>

Or One tap mobile :

US: +16699009128,,84978510365# or +16694449171,,84978510365#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 669 444 9171 or +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

Webinar ID: 849 7851 0365

International numbers available: <https://us02web.zoom.us/j/84978510365>

**COMMENT:**

There are two ways to submit public comments.

- To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to “Raise Your Hand” are available [here](#).

- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute yourself by pressing “\*6”.

If you have any questions, please email [hearingsunit@oaklandca.gov](mailto:hearingsunit@oaklandca.gov).

## HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD SPECIAL MEETING

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
  - a. Comments on all agenda items will be taken at this time. Comments for items not on the agenda will be taken during open forum.
4. CONSENT ITEMS
  - a. Renewal: Adoption of AB 361 Resolution (pp. 4-6)
  - b. Approval of Board Minutes, 9/22/2022 (pp. 7-9)
5. APPEALS\*
  - a. L22-0028, Richerson v. Tenants (pp. 10-51)
  - b. T22-0089, Terry v. Momentus II, LLC (pp. 52-87)
6. SCHEDULING AND REPORTS
7. INFORMATION AND ANNOUNCEMENTS
8. OPEN FORUM
9. ADJOURNMENT

*Note: Appeal parties do not need to comment on their case during public comment or open forum.*

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*\*Staff appeal summaries will be available on the Rent Adjustment Program's website and the City Clerk's office at least 48 hours prior to the meeting pursuant to O.M.C. 2.20.070.B and 2.20.090*

As a reminder, alternates in attendance (other than those replacing an absent board member) will not be able to take any action, such as with regard to the consent calendar.

### **Accessibility:**

Contact us to request disability-related accommodations, American Sign Language (ASL), Spanish, Cantonese, Mandarin, or another language interpreter at least five (5) business days before the event. Rent Adjustment Program (RAP) staff can be contacted via email at [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) or via phone at (510) 238-3721. California relay service at 711 can also be used for disability-related accommodations.

Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en Español, Cantonés, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) o llame al (510) 238-3721 o 711 por lo menos cinco días hábiles antes de la reunión.

需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) 或致電 (510) 238-3721 或711 California relay service.

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# OAKLAND HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD (HRRRB)

RESOLUTION NO. \_\_\_\_\_

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**ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD (HRRRB) AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

**WHEREAS**, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

**WHEREAS**, City Council Resolution No. 88075 remains in full force and effect to date; and

**WHEREAS**, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

**WHEREAS**, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

**WHEREAS**, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19 symptoms stay home. *See* <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

**WHEREAS**, persons without symptoms may be able to spread the COVID-19 virus. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

**WHEREAS**, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

**WHEREAS**, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

**WHEREAS**, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

**WHEREAS**, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

**WHEREAS**, on October 14 and December 9, 2021; January 27, February 10, March 10, April 14, May 12, June 9, July 28, and September 8, 2022, the Housing, Residential Rent and Relocation Board (HRRRB) adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

**RESOLVED:** that the Housing, Residential Rent and Relocation Board (HRRRB) finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

**FURTHER RESOLVED:** that, based on these determinations and consistent with federal, state and local health guidance, the Housing, Residential Rent and Relocation Board (HRRRB) renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

**FURTHER RESOLVED:** that the Housing, Residential Rent and Relocation Board (HRRRB) firmly believes that the community's health and safety and the community's right to

participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

**FURTHER RESOLVED:** that the Housing, Residential Rent and Relocation Board (HRRRB) will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Housing, Residential Rent and Relocation Board (HRRRB) finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

APPROVED BY THE FOLLOWING VOTE

AYES:

NOES:

ABSENT:

ABSTENTION:

\_\_\_\_\_

Date:

ATTEST \_\_\_\_\_  
BRIANA LAWRENCE-MCGOWAN  
Rent Adjustment Program, Housing &  
Community Development Department

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD  
 FULL BOARD SPECIAL MEETING  
 September 22, 2022  
 5:00 P.M.  
 VIA ZOOM CONFERENCE  
 OAKLAND, CA**

**MINUTES**

**1. CALL TO ORDER**

The Board meeting was administered via Zoom by H. Grewal, Housing and Community Development Department. He explained the procedure for conducting the meeting. The HRRRB meeting was called to order by Chair Ingram at 5:05 p.m.

Chair Ingram informed everyone that the case set for the Appeal Hearing is cancelled and will not be heard this evening.

**2. ROLL CALL**

<b>MEMBER</b>	<b>STATUS</b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
R. NICKENS, JR.	Tenant	X		
Vacant	Tenant			
J. DEBOER	Tenant Alt.	X		
M. REAGAN	Tenant Alt.			X
D. INGRAM	Undesignated	X		
C. OSHINUGA	Undesignated	X		
E. TORRES	Undesignated		X	
Vacant	Undesignated Alt.			
Vacant	Undesignated Alt.			
T. WILLIAMS	Landlord	X		
N. HUDSON	Landlord	X		
Vacant	Landlord Alt.			
K. SIMS	Landlord Alt.			X

**Staff Present**

Oliver Luby  
 Harman Grewal  
 Linda Moroz  
 Victor Ramirez  
 Mike Munson

Deputy City Attorney  
 Business Analyst III (HCD)  
 Acting Senior Hearing Officer (RAP)  
 Assistant Program Manager (RAP)  
 KTOP

### 3. PUBLIC COMMENT

- a. James Vann spoke in favor of the proposed regulation in Item 8.
- b. Emily Wheeler, Oakland Tenants' Union, requested the Board to approve the proposed regulation in Item 8.

### 4. CONSENT ITEMS

- a. Approval of Board Minutes, 9/8/2022:

The Board voted as follows:

**Aye:** D. Ingram, C. Oshinuga, N. Hudson, R. Nickens, Jr., J. deBoer  
**Nay:** T. Williams  
**Abstain:** None

The minutes were approved.

### 5. APPEALS\*

- a. T18-0311, Cervantes v. Fong

This case was cancelled per recommendation of the City Attorney and was not heard by the Board.

### 6. SCHEDULING AND REPORTS

- a. Doodle Poll for Board Member's Availability October-December 2022:  
Chair Ingram instructed the Board members to complete the Doodle Poll and waited for each member to confirm that they completed it.

### 7. INFORMATION AND ANNOUNCEMENTS

- a. Chair Ingram announced that Board Member P. Viramontes resigned from the Board. He thanked him for his services and wished him the best of luck.
- b. Chair Ingram announced that the Board is working to fill in the vacancies for the alternate members.

### 8. RESOLUTION RECOMMENDING AMENDMENT OF TENANT AND OWNER FILING REQUIREMENTS (TWO ALTERNATIVE RESOLUTIONS)

- a. Victor Ramirez presented a staff information report with recommendation to adopt the proposed regulation relating to filing requirements.



After Board discussion, and questions to V. Ramirez, J. DeBoer moved to approve the recommendation to proposed resolution regarding the filing requirement that the tenants do not have to be current in rent in order to file petitions. This was the first original version of the resolution. C. Oshinuga seconded the motion.

The Board voted as follows:

**Aye:** C. Oshinuga, N. Hudson, R. Nickens, Jr., J. deBoer  
**Nay:** D. Ingram, T. Williams  
**Abstain:** None

The motion was approved.

## 9. OPEN FORUM

- a. Emily Wheeler thanked the Board for approving the proposed regulation.
- b. James Vann thanked the Board for approving the recommendation for the proposed resolution and provided a brief history of the Rent Board from 1983 – 2002, regarding the payments by each party to have a hearing.

## 10. ADJOURNMENT

- a. The meeting was adjourned at 6:31 p.m.

## CHRONOLOGICAL CASE REPORT

Case No.: L22-0028

Case Name: Richerson v. Tenants

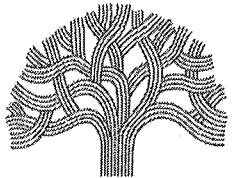
Property Address: 3320 & 3322 Magnolia Street, Oakland, CA 94608

Parties: Robert Richerson (Owner)  
Dee & Erik Olson (Tenants)  
Keegan Richerson (Tenant)

### OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Property Owner Petition filed	May 5, 2022
Hearing Date	August 2, 2022
Hearing Decision mailed	August 9, 2022
Property Owner Appeal filed	August 22, 2022

L22-0028 MF/AS



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

**RECEIVED**

MAY 05 2022

OAKLAND RENT  
ADJUSTMENT PROGRAM

**PROPERTY OWNER PETITION  
FOR CERTIFICATE OF EXEMPTION**

8/2

**Please fill out this form as completely as you can.** This form is for property owners to petition the Rent Adjustment Program ("RAP") for a Certificate of Exemption confirming permanent exempt status of their rental unit(s) from the jurisdiction of the Oakland Rent Adjustment Ordinance. Only dwelling units that are permanently exempt can be granted a Certificate of Exemption. A Certificate of Exemption is a final determination of exemption absent fraud or mistake. See Oakland Municipal Code ("O.M.C.") Section 8.22.030 for more information on exemptions. NOTE: A RAP hearing is required to grant a Certificate of Exemption, even if uncontested or irrefutable. Failure to provide required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING.** To make an appointment email [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov).

Rental Unit Information	
<u>3320</u> Street Number	<u>Magnolia St</u> Street Name
<u>N/A</u> Unit Number	Oakland, CA <u>94608</u> Zip Code
Is there more than one street address on the parcel? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, list all addresses: <u>3322 Magnolia</u>
<u>3320 Magnolia was a commercial non-conforming church lot was changed to 2-residential</u>	Number of units on property: <u>2, before conversion</u> Date acquired property: <u>2010</u>
Case number(s) of any relevant prior Rent Adjustment case(s): _____	
Property Owner Information	
<u>Robert</u> First Name	<u>Richardson</u> Last Name
Company/LLC/LP (if applicable): <u>3320 Magnolia, LLC</u>	
Mailing address: <u>1730 Blake St, Berkeley, CA 94703</u>	
Primary Telephone: <u>510-915-2288</u>	Other Telephone: _____ Email: <u>builditbob@gmail.com</u>
Property Owner Representative (Check one):	
<input checked="" type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-attorney	
First Name _____	Last Name _____ Firm/Organization (if any) _____
Mailing Address: _____	
Phone Number: _____	Email: _____

## GENERAL FILING REQUIREMENTS

To file a petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Owner petitions that are submitted without proof of compliance with the below requirements will be considered incomplete.

Requirement	Documentation
<input checked="" type="checkbox"/> Current Oakland business license	Attach proof of payment of your most recent Oakland business license.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	Attach proof of payment of the current year's RAP Fee for the subject property.
<input checked="" type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants	<p>Attach a signed and dated copy of the <u>first</u> RAP Notice provided to the tenant(s) subject to this petition or check the appropriate box below*.</p> <p><input type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): _____.</p> <p><input type="checkbox"/> I have never provided a RAP Notice.</p> <p><input type="checkbox"/> I do not know if a RAP Notice was ever provided.</p> <p><i>*If Petition applies to multiple tenants, please provide this information on a separate sheet.</i></p>

## GROUNDS FOR EXEMPTION

Select the basis for your claim of exemption from the list below. See column on the right for filing requirements and documentation to be submitted together with petition. Petitions that lack adequate supporting documentation may be dismissed without a hearing. To read Oakland's laws and regulations on exemptions, see Section 8.22.030 of the Rent Adjustment Ordinance and the corresponding Regulations, available here: [www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance](http://www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance).


GROUNDS	DESCRIPTION	REQUIREMENTS
<input checked="" type="checkbox"/> <b>New Construction</b>	The unit was newly constructed and a certificate of occupancy was issued for the unit on or after January 1, 1983. Only applies to units that were entirely newly constructed or created from a space that was formerly entirely non-residential.	<input checked="" type="checkbox"/> <b>Attach</b> copy of certificate of occupancy and any other supporting documentation.



### OWNER VERIFICATION

(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this Property Owner Petition is true and that all of the documents attached to the Petition are true copies of the originals.

  
Property Owner 1 Signature

4-30-2022  
Date

\_\_\_\_\_  
Property Owner 2 Signature

\_\_\_\_\_  
Date

### DOCUMENTATION IN EXCESS OF 25 PAGES

- The documentation submitted in support of the Property Owner Petition exceeds 25 pages, and the owner is opting, as allowed by O.M.C. § 8.22.090 (B)(1)(f), to not serve the attachments on the affected tenant(s) unless requested. The owner understands and agrees that tenant(s) may request paper copies of all documents in the Tenant Response, and the owner must provide tenant(s) with the attachments within 10 days of any such request. The documents will also be available for review at the Rent Adjustment Program.

### VACANT UNIT(S) AT PROPERTY

Check the box below if there are currently any vacant units at the property for which a certificate of exemption is sought. Although you are not required to serve a copy of your Petition on vacant units, if a vacant unit becomes occupied prior to the final resolution of the Petition, the new tenant(s) must be served with a copy of the Petition and given an opportunity to respond. You are also required to notify RAP immediately after the new tenant(s) move in.

- I/We certify that, as of the date of filing this Petition, the unit(s) at the property listed below are vacant. I/We understand that if said unit(s) becomes occupied prior to the final resolution of this Petition, I/we must notify RAP immediately and serve the new tenant(s) with a copy of the Petition, the enclosed "NOTICE TO TENANTS OF PROPERTY OWNER PETITION," and any other documents that I/we have filed.

The vacant units are: N/A

### CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If you agree to electronic service, the RAP may send certain documents only electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter from the RAP electronically at the email address(es) provided in this response.

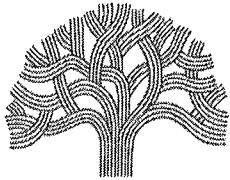
### INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing session. You can request an interpreter by completing this section.

- I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)  
 Cantonese (廣東話)  
 Mandarin (普通话)  
 Other: \_\_\_\_\_

**-END OF PETITION-**



CITY OF OAKLAND

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RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS\*) ON THE AFFECTED TENANT(S) PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO TENANTS OF OWNER PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.**

*\*Exception for attachments exceeding 25 pages. See "Important Information Regarding Filing Your Petition."*

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Note: Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed copy of this PROOF OF SERVICE form with RAP together with your Petition. Your Petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 05/02/2022 served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION** plus 13 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO TENANTS OF PROPERTY OWNER PETITION, or PROOF OF SERVICE)
- NOTICE TO TENANTS OF PROPERTY OWNER PETITION**
- Other: \_\_\_\_\_

by the following means (check one):

- United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

**PERSON(S) SERVED:**

Name	<u>Dec &amp; Erik Olson</u>
Address	<u>3320 Magnolia St.</u>
City, State, Zip	<u>Oakland, CA 94608</u>

///

Name	Keegan Richardson
Address	3322 Magnolia St.
City, State, Zip	Oakland, CA 94608

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

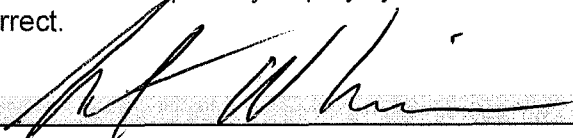
Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

NOTE: If you need more space to list tenants you may attach additional copies of this page.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
 PRINTED NAME

\_\_\_\_\_  
 SIGNATURE

05-02-2022  
 DATE SIGNED





**CITY OF OAKLAND**

**250 FRANK H. OGAWA PLAZA · 2ND FLOOR · OAKLAND, CA 94612**

Planning and Building Department  
www.oaklandca.gov

PH: 510-238-3891  
FAX: 510-238-2263  
TDD: 510-238-3254

**CERTIFICATE OF OCCUPANCY**

Finalled on 7/26/2019

Permit Number: RB1603686  
Job Site Address: 3320 MAGNOLIA ST, Oakland, CA 94608  
Parcel Number: 005 047303600  
Project Description: Convert 1905 S.F existing church to SFD with 2 bedrooms and 2 bathrooms. Per  
PLN15238, PM10726.

Related Permits: RE1800724, RM1800514, RP1800524

Owner Name and Address: RICHERSON ROBERT & DEBRA TRS & RICHERSON KRISTIN  
1700 DWIGHT WAY, BERKELEY, CA 94703

Building Use: Single Family Dwelling

Type of Construction 1: VB - Combustible Construction; No Fire Rating

Type of Construction 2: \_\_\_\_\_

Occupancy 1: R-3 Residential 1 And 2 Units

Occupancy 2: \_\_\_\_\_

Number of Stories: 1 Number of Dwelling Units: 1

Fire Sprinklers Provided: Yes: X No:      Reason for Fire Sprinklers: Building Code Requirement  
(Chapter 9)

Total Number of Parking Spaces 2 Design Occupant Load: 200  
CBC Edition: 2013 Ordinance: 13252

Building code Variances: N/A Zone: RM-2

**SEE ATTACHED FLOOR PLAN**

BUILDING OFFICIAL: Deborah Sandercock

*THIS BUILDING HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REFERENCED CODES AND ORDINANCES FOR THE OCCUPANCIES AND THE USES DESCRIBED ABOVE, AND OCCUPANCY OF THE PREMISES ONLY FOR SAID PURPOSES IS HEREBY AUTHORIZED.*

*THIS CERTIFICATE SHALL NOT BE CONSTRUED AS AUTHORITY TO VIOLATE, CANCEL, ALTER, OR SET ASIDE ANY OF THE PROVISIONS OR REQUIREMENTS OF ANY LAWS OR CITY OF OAKLAND ORDINANCES NOR SHALL SUCH ISSUANCE THEREAFTER PREVENT REQUIRING CORRECTIONS OF ERRORS OR OF VIOLATIONS OF SAID REGULATIONS, THIS CERTIFICATE IS NOT A LICENSE.*

*A re-issued certificate of occupancy is not a new certificate of occupancy for the purposes of exemption from any state or local law that provides protections to residential tenants such as rent control or eviction control*

By: [Signature] Date Issued: 4/1/2022  
INSPECTION SERVICES MANAGER

Copies:  Owner  Assessor  Microfilm  \*Business License



**CITY OF OAKLAND**

250 FRANK H. OGAWA PLAZA · 2ND FLOOR · OAKLAND, CA 94612

Planning and Building Department

www.oaklandca.gov

PH: 510-238-3891

FAX: 510-238-2263

TDD: 510-238-3254

**CERTIFICATE OF OCCUPANCY**

Finalled on 8/24/2018

Permit Number: RB1603688

Job Site Address: 3322 MAGNOLIA ST, Oakland, CA 94608

Parcel Number: 005 047303600

Project Description: Add 682 S.F to existing 984 S.F rear garage to convert to SFD with 2 bedrooms & 2.5 bathroom. PLN15238. To be addressed 3322 Magnolia St. Share plan w/ RB1603686.

Related Permits: RE1702958, RM1701594, RP1702302

Owner Name and Address: RICHERSON ROBERT & DEBRA TRS & RICHERSON KRISTIN  
1700 DWIGHT WAY, BERKELEY, CA 94703

Building Use: Single Family Dwelling

Type of Construction 1: VB - Combustible Construction; No Fire Rating

Type of Construction 2: \_\_\_\_\_

Occupancy 1: R-3 Residential 1 And 2 Units

Occupancy 2: \_\_\_\_\_

Number of Stories: 1.5 Number of Dwelling Units: 1

Fire Sprinklers Provided: Yes: X No: \_\_\_\_\_ Reason for Fire Sprinklers: Building Code Requirement (Chapter 9)

Total Number of Parking Spaces 1 Design Occupant Load: 200

CBC Edition: 2013 Ordinance: 13252

Building code Variances: N/A Zone: RM-2

**SEE ATTACHED FLOOR PLAN**

BUILDING OFFICIAL: Deborah Sandercock

*THIS BUILDING HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REFERENCED CODES AND ORDINANCES FOR THE OCCUPANCIES AND THE USES DESCRIBED ABOVE, AND OCCUPANCY OF THE PREMISES ONLY FOR SAID PURPOSES IS HEREBY AUTHORIZED.*

*THIS CERTIFICATE SHALL NOT BE CONSTRUED AS AUTHORITY TO VIOLATE, CANCEL, ALTER, OR SET ASIDE ANY OF THE PROVISIONS OR REQUIREMENTS OF ANY LAWS OR CITY OF OAKLAND ORDINANCES NOR SHALL SUCH ISSUANCE THEREAFTER PREVENT REQUIRING CORRECTIONS OF ERRORS OR OF VIOLATIONS OF SAID REGULATIONS, THIS CERTIFICATE IS NOT A LICENSE.*

*A re-issued certificate of occupancy is not a new certificate of occupancy for the purposes of exemption from any state or local law that provides protections to residential tenants such as rent control or eviction control*

By: [Signature] Date Issued: 4/1/2022  
INSPECTION SERVICES MANAGER

Copies:  Owner  Assessor  Microfilm  \*Business License

**CITY OF OAKLAND  
BUSINESS TAX CERTIFICATE**

**ACCOUNT  
NUMBER**  
00214895

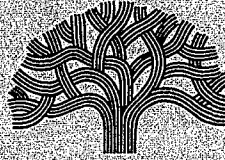
The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental agency. The Business Tax Certificate expires on December 31st of each year. Per Section 5.04.190(A), of the O.M.C. you are allowed a renewal grace period until March 1st the following year.

**DBA** RICHERRSON ROBERT W

**BUSINESS LOCATION** 3320 MAGNOLIA ST  
OAKLAND, CA 94608-4126

**BUSINESS TYPE** M Rental - Residential Property

**EXPIRATION DATE**  
12/31/2022



Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications>



RICHERRSON ROBERT W  
1730 BLAKE ST  
BERKELEY, CA 94703-1902

A BUSINESS TAX CERTIFICATE IS REQUIRED FOR EACH BUSINESS LOCATION AND IS NOT VALID FOR ANY OTHER ADDRESS.

ALL OAKLAND BUSINESSES MUST OBTAIN A VALID ZONING CLEARANCE TO OPERATE YOUR BUSINESS LEGALLY. RENTAL OF REAL PROPERTY IS EXCLUDED FROM ZONING.

PUBLIC INFORMATION ABOVE THIS LINE TO BE CONSPICUOUSLY POSTED



CITY OF OAKLAND.

2022 BUSINESS TAX DECLARATION (RENTAL GREEN)

RENEW AND PAY ONLINE AT [HTTPS://LTSA.OAKLANDNET.COM](https://ltsa.oaklandnet.com)

DELINQUENT IF PAID OR POSTMARKED AFTER March 1, 2022

SECTION I - BUSINESS INFORMATION

1. Account #: 00214895  
 2. Mailing Address:  
 RICHESON ROBERT W  
 1730 BLAKE ST  
 BERKELEY, CA 94703-1902

3. Business Name: RICHESON ROBERT W  
 4. Business Location: 3320 MAGNOLIA ST  
 OAKLAND, CA 94608-4126  
 5. Industry Code: M  
 6. Total Number of Units per Alameda County Records: 2

SECTION II - CLOSE ACCOUNT

THE RESIDENTIAL RENTAL PROPERTY IN OAKLAND WAS SOLD OR DISCONTINUED ON:

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Rental properties that have sold or discontinued after January 1, 2022 are required to pay the business tax in full by completing Section III, IV, V & VI. Otherwise, sign and date Section VII.

SECTION III - CALCULATE 2022 TAXES DUE

PLEASE INCLUDE DOLLARS AND CENTS (e.g. \$1,000.00)

7. 2022 TAX BASE (2021 gross receipts)	7. \$	<u>91,000 -</u>
8. 2022 TAX DUE (rate type M \$13.95 per \$1,000) (multiply Line 7 by 0.01395 or enter \$13.95, whichever is greater)	8. \$	<u>1,269.45</u>
9. PENALTY DUE (if paying after March 1, 2022, see box at right)	9. \$	<u>          </u>
10. INTEREST DUE (if paying after March 1, 2022, see box at right)	10. \$	<u>          </u>
11. PRIOR AMOUNT DUE	11. \$	<u>0.00</u>
12. RECORDATION AND TECHNOLOGY FEE	12. \$	<u>3.00</u>
13. STATE DISABILITY ACCESS AND EDUCATION FUND	13. \$	<u>4.00</u>
14. BUSINESS TAX DUE (add Lines 8 - 13)	14. \$	<u>1,276.45</u>

<b>If paying after March 1, 2022</b>
<b>PENALTY DUE (for tax)</b> 3/2/2022 - 5/1/2022 add 10% 5/2/2022 - until paid add 25%
<b>INTEREST DUE (for tax + penalty)</b> 3/2/2022 - until paid add 1% per calendar month

3320 MAGNOLIA LLC 4265  
 1730 BLAKE ST  
 BERKELEY, CA 94702  
 City of Oakland - Business Tax \$1,708.45  
 Order of One thousand seven hundred eight and 45/100 Dollars

**Mechanics Bank**  
 www.mechanicsbank.com  
 0214895

4265  
 3320 MAGNOLIA LLC  
 SECURITY FEATURES checked industry standards and include:  
 - Microprint (MPF) lines printed on front and back  
 - The words "SECURITY DOCUMENT" across the face  
 - Funds State Deposit 1. Reversible on front and back  
 - Do not cash if:  
 - Any of the features listed above are missing or appear altered  
 - Fugitive ink on back feels slick or has disappeared  
 - Broken stubs or colored marks appear on both front and back

MECHANICS BANK OF CALIFORNIA  
 CHECK BOX FOR HOURLY REMOTE DEPOSIT  
 NUMBER OF PHYSICAL DEPOSIT ENTRIES: 00

\*\*\* CONTINUED ON NEXT PAGE \*\*\*

000020

**RENT ADJUSTMENT PROGRAM (RAP) SECTION**

**Section IV - OWNER EXEMPTIONS CLAIMED FOR 2022**

Claim all that apply (see next page for explanation):

- A. Owner Occupied Unit A. \_\_\_\_\_
- B. Off the Rental Housing Market (attach explanation) B. \_\_\_\_\_
- C. Motel, Hotel or Rooming House C. \_\_\_\_\_
- D. Hospital, Convent or Monastery D. \_\_\_\_\_
- E. Newly Constructed E. 91,000 - 1

15. TOTAL NUMBER OF EXEMPT UNITS CLAIMED (add Lines A-E): 15. 2

**Section V - NET CHARGEABLE UNITS FOR 2022**

- 16. NET CHARGEABLE UNITS: 16. 8  
(subtract Line 15 from pre-printed on Line 6)
- 17. FEE DUE 17. \$ \_\_\_\_\_  
(multiply Line 16 by \$101.00)
- 18. PENALTY DUE 18. \$ \_\_\_\_\_  
(if paying after March 1, 2022 see box to the right)
- 19. INTEREST DUE 19. \$ \_\_\_\_\_  
(if paying after March 1, 2022 see box to the right)
- 20. PRIOR AMOUNT DUE 20. \$ 432.20
- 21. RAP FEE DUE (add Lines 17 - 20) 21. \$ 432.20

**If paying after March 1, 2022**

---

**PENALTY DUE (on fee):**

3/2/2022 - 4/1/2022 add 10%

4/2/2022 - 5/1/2022 add 25%

5/2/2022 - until paid add 50%

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**INTEREST DUE (on tax + penalty):**

3/2/2022 - until paid add 1% per calendar month

**SECTION VI - TOTAL AMOUNT DUE BUSINESS TAX & RAP FEE**

22. TOTAL AMOUNT DUE 22. \$ 1708.65  
(add Lines 14 & 21)

**Payment Options**


**ONLINE:** [HTTPS://LTES.OAKLANDNET.COM](https://ltes.oaklandnet.com) Pay by VISA, MasterCard, Discover or eCheck  
Enter account number: 00214855 and PIN: 1258844

**BY MAIL:** CITY OF OAKLAND, PO BOX 45199, SAN FRANCISCO, CA 94145-5199  
Send one check per account made payable to "City of Oakland - Business Tax"  
\*DO NOT SEND CASH\*


**WALK IN:**  OFFICE CLOSED DUE TO COVID-19

**SECTION VII - SIGNATURE**

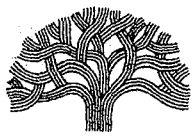
I declare under penalty of perjury that to my knowledge all information contained in this statement is true and correct.

Print Name	Signature	Date	Phone Number
KRISTIN RICHMOND			

CITY OF OAKLAND, 250 FRANK H. OGAWA PLAZA, SUITE 1320, OAKLAND, CA 94612

 510-238-3704

TAXID 5-  
2.22.21  
MAG # 1219



**CITY OF OAKLAND**  
**2021 BUSINESS TAX DECLARATION (RENTAL GREEN)**  
 RENEW AND PAY ONLINE AT [HTTPS://LTSS.OAKLANDNET.COM](https://ltss.oaklandnet.com)  
 DELINQUENT IF PAID OR POSTMARKED AFTER **March 1, 2021**

**SECTION I - BUSINESS INFORMATION**

1. Account #: 00214895  
 2. Mailing Address:  
 RICHEYSON ROBERT W  
 1730 BLAKE ST  
 BERKELEY, CA 94703-1902  
 3. Business Name: RICHEYSON ROBERT W  
 4. Business Location: 3320 MAGNOLIA ST  
 OAKLAND, CA 94608-4126  
 5. Industry Code: M  
 6. Total Number of Units per Alameda County Records: 2

**SECTION II - CLOSE ACCOUNT**

THE RESIDENTIAL RENTAL PROPERTY IN OAKLAND WAS SOLD OR DISCONTINUED ON:  
 Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

Rental properties that have sold or discontinued after January 1, 2021 are required to pay the business tax in full by completing Section III, IV, V & VI Otherwise, sign and date Section VII.

**SECTION III - CALCULATE 2021 TAXES DUE**

PLEASE INCLUDE DOLLARS AND CENTS (e.g. \$1,000.00)

7. **2021 TAX BASE** 7. \$ 112,638  
 (2020 gross receipts)  
 8. **2021 TAX DUE** (rate type M \$13.95 per \$1,000) 8. \$ 1571.30  
 (multiply Line 7 by 0.01395 or enter \$13.95, whichever is greater)  
 9. **PENALTY DUE** (if paying after March 1, 2021, see box at right) 9. \$ \_\_\_\_\_  
 10. **INTEREST DUE** (if paying after March 1, 2021, see box at right) 10. \$ \_\_\_\_\_  
 11. **PRIOR AMOUNT DUE** 11. \$ 0.00  
 12. **RECORDATION AND TECHNOLOGY FEE** 12. \$ 3.00  
 13. **STATE DISABILITY ACCESS AND EDUCATION FUND** 13. \$ 4.00  
 14. **BUSINESS TAX DUE** (add Lines 8 - 13) 14. \$ 1583.30

<p><b>If paying after March 1, 2021</b></p> <p><b>PENALTY DUE (on tax)</b></p> <p>3/2/2021 - 5/1/2021 add 10%</p> <p>5/2/2021 - until paid add 25%</p>
<p><b>INTEREST DUE (on tax + penalty)</b></p> <p>3/2/2021 - until paid add 1% per calendar month</p>

**NEW FOR YEAR 2021**

Business Tax and Rent Adjustment Program accounts have been consolidated into one account, designated by the original Business Tax Account Number.

\*\*\* CONTINUED ON NEXT PAGE \*\*\*

# RENT ADJUSTMENT PROGRAM (RAP) SECTION

## Section IV - OWNER EXEMPTIONS CLAIMED FOR 2021

Claim all that apply (see next page for explanation):

- |  |            |       |
|--|------------|-------|
| A. Owner Occupied Unit   | A.         | _____ |
| B. Off the Rental Housing Market (attach explanation)            | B.         | _____ |
| C. Motel, Hotel or Rooming House                                 | C.         | _____ |
| D. Hospital, Convent or Monastery                                | D.         | _____ |
| E. Newly Constructed   | E.         | _____ |
| <b>15. TOTAL NUMBER OF EXEMPT UNITS CLAIMED (add Lines A-E):</b> | <b>15.</b> | _____ |

## Section V - NET CHARGEABLE UNITS FOR 2021

- |   |        |        |
|---|--------|--------|
| 16. <b>NET CHARGEABLE UNITS:</b><br>(subtract Line 15 from pre-printed on Line 6) | 16.    | 0      |
| 17. <b>FEE DUE</b><br>(multiply Line 16 by \$101.00)                              | 17. \$ | 0      |
| 18. <b>PENALTY DUE</b><br>(if paying after March 1, 2021 see box to the right)    | 18. \$ | 0      |
| 19. <b>INTEREST DUE</b><br>(if paying after March 1, 2021 see box to the right)   | 19. \$ | 0      |
| 20. <b>PRIOR AMOUNT DUE</b>   | 20. \$ | 589.29 |
| 21. <b>RAP FEE DUE</b> (add Lines 17 - 20)  | 21. \$ | _____  |

**If paying after March 1, 2021**

**PENALTY DUE (on fee):**  
 3/2/2021 - 4/1/2021 add 10%  
 4/2/2021 - 5/1/2021 add 25%  
 5/2/2021 - until paid add 50%

**INTEREST DUE (on tax + penalty):**  
 3/2/2021 - until paid add 1% per  
 calendar month

## SECTION VI - TOTAL AMOUNT DUE BUSINESS TAX & RAP FEE

- |  |        |       |
|--|--------|-------|
| 22. <b>TOTAL AMOUNT DUE</b><br>(add Lines 14 & 21) | 22. \$ | _____ |
|--|--------|-------|

### Payment Options

**ONLINE:** [HTTPS://LTSS.OAKLANDNET.COM](https://ltss.oaklandnet.com) Pay by VISA, MasterCard, Discover or eCheck  
 Enter account number: **00214895** and PIN: **1101458**

**BY MAIL:** CITY OF OAKLAND, PO BOX 45199, SAN FRANCISCO, CA 94145-5199  
 Send one check per account made payable to "City of Oakland - Business Tax"  
**\*DO NOT SEND CASH\***

**WALK IN:** **OFFICE CLOSED DUE TO COVID-19**

## SECTION VII- SIGNATURE

I declare under penalty of perjury that to my knowledge all information contained in this statement is true and correct

Print Name	Signature	Date	Phone Number

CITY OF OAKLAND, 250 FRANK H. OGAWA PLAZA, SUITE 1320, OAKLAND, CA 94612 ☎ 510-238-3704

---

**Property Owner Certificate of Exemption 3320 & 3322 Magnolia**

1 message

---

**Robert Richerson** <builditbob8@gmail.com>  
To: hearingsunit@oaklandca.gov

Tue, May 3, 2022 at 12:52 PM

Hello,

Attached is my PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION for the New Duplex property at 3320 & 3322 Magnolia St., Oakland 94608. The property address is 3320 Magnolia including one of the units.

This was a legal non-conforming commercial property being used as a church. Owner applied to convert the property use from commercial to two separate residential units.

3322 Magnolia St. was approved to turn an existing garage into a SFD 2-bed residential unit. Permit #RB1603688. Certificate of Occupancy issued 8/24/2018.

3320 Magnolia St was approved to convert a commercial church into a SFD 2-bedroom residential unit. Building Permit #RB1603686. Certificate of Occupancy 7/26/2019.

Both of these units were created new after January 1, 1983 and comply with Oakland MC, Chapter 8,22, Article 1, Section 8.22.030 and Costs-Hawkins Rental Housing Act (CCC, Section 1954.52) and are not covered units for purposes of the Rent Ordinance. These units are exempt from RAP. Any fees paid to RAP need to be refunded.

A hard copy will follow in the mail.

Robert Richerson, Manager  
3320 Magnolia, LLC  
1730 Blake St.  
Berkeley, CA 94703  
510-915-2288

**RECEIVED**

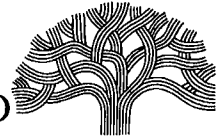
MAY 05 2022

OAKLAND RENT  
ADJUSTMENT PROGRAM

---

 **Magnolia Rent.pdf**  
3572K





DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA 94612-2034

Housing and Community Development Department  
Rent Adjustment Program

TEL (510) 238-3721  
FAX (510) 238-6181  
CA Relay Service 711

## **HEARING DECISION**

**CASE NUMBER:** L22-0028 Richardson v. Tenants

**PROPERTY ADDRESS:** 3320 and 3322 Magnolia Street, Oakland, California

**DATE OF HEARING:** August 2, 2022

**DATE OF DECISION:** August 4, 2022

**APPEARANCES:** Robert Richerson, Owner<sup>1</sup>  
No Appearance by Tenants

## **SUMMARY OF DECISION**

The owner's petition is granted. The two units located at 3320 and 3322 Magnolia Street are exempt from the Rent Adjustment Ordinance as new construction. The two units located at 3320 and 3322 Magnolia Street are not exempt from the Just Cause for Eviction Ordinance as new construction. The units are subject to the Rent Adjustment Program Service fee.

## **CONTENTIONS OF PARTIES**

On May 5, 2022, the owner filed a Petition for Certificate of Exemption which alleges that the two units located at 3320 and 3322 Magnolia Street are exempt from the Rent Adjustment Program (RAP) as new construction.

The petition named Dee Olson and Erik Olsen, the tenants in 3320 Magnolia Street, and Keegan Richerson, the tenant in 3322 Magnolia Street. The owner submitted a Proof of Service showing, and testified that, all tenants were served with the Petition and all owner-submitted documents.

---

<sup>1</sup> Although the owner's name is actually Robert Richerson, the case was opened under the name Richardson v. Tenants and the Rent Adjustment Program policy is not to change the case name after a case is opened.

All tenants were served with the Hearing Notice and the Zoom Invitation but did not submit a response or appear at the hearing.

## ISSUES

1. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Rent Adjustment Ordinance as new construction?
2. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Just Cause for Eviction Ordinance as new construction?
3. Are the two units located at 3320 and 3322 Magnolia Street exempt from paying the Rent Program Service fee?

## EVIDENCE

Unit History: The owner testified that he acquired 3320 Magnolia Street, a former church, in 2010. When the owner purchased the property, there was a garage behind the main structure that was not being used for residential use, but rather for storage. The only street number assigned to the property at the time the owner acquired it was 3320. When the owner applied to convert the garage to residential use, the city assigned street number 3322 to the former garage.

The owner submitted a Certificate of Occupancy, issued on July 26, 2019, that states that 3320 Magnolia Street was a church converted to a single-family dwelling.<sup>2</sup> The owner testified that there was no residential use of 3320 Magnolia Street prior to the issuance of the Certificate of Occupancy.

The owner submitted a Certificate of Occupancy, issued on August 24, 2018, that states that 3322 Magnolia Street was a garage converted to a single-family dwelling.<sup>3</sup> The owner testified that there was no residential use of 3322 Magnolia Street prior to the issuance of the Certificate of Occupancy.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

### **1. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Rent Adjustment Ordinance as new construction?**

The Oakland Rent Adjustment Ordinance states that dwelling units are not “covered units” under the Ordinance if such units “were newly constructed and received a certificate of occupancy on or after January 1, 1983.”<sup>4</sup> The dwelling units must be

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<sup>2</sup> Owner Exhibit 1, p. 1

<sup>3</sup> Owner Exhibit 1, p. 2

<sup>4</sup> O.M.C. § 8.22.030(A)(5)

entirely newly constructed or created from space that was formerly entirely non-residential.<sup>5</sup>

Both units have a Certificate of Occupancy issued after January 1, 1983. The owner submitted Certificates of Occupancy for 3320 Magnolia Street and 3322 Magnolia Street that were issued on July 26, 2019, and August 24, 2018, respectively. The owner testified that the units were a former church and a garage, and that both units were formerly entirely non-residential. Therefore, the owner has met the burden of proof to establish that these units are exempt as new construction under the Rent Adjustment Ordinance.

**2. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Just Cause for Eviction Ordinance as new construction?**

The Just Cause for Eviction Ordinance applies to all residential rental units with limited exemptions. The new construction exemption applies to units with certificates of occupancy issued on or after December 31, 1995.<sup>6</sup> The new construction exemption for the Just Cause for Eviction Ordinance does not apply to units that were not newly constructed from the ground up or to units that were created as a result of rehabilitation, improvement or conversion of commercial space.<sup>7</sup>

The Certificates of Occupancy for these units were issued on July 26, 2019, and August 24, 2018, both of which are after December 31, 1995. However, 3320 and 3322 Magnolia Street were created as a result of rehabilitation, improvement, and conversion of commercial space and were not newly constructed from the ground up. Therefore, these units are not exempt from the Just Cause for Eviction Ordinance as new construction.

**3. Are the two units located at 3320 and 3322 Magnolia Street exempt from paying the Rent Program Service fee?**

Oakland Municipal Code § 8.22.500 provides that the rent program service fee is to be “charged...against any residential rental units that are either covered units or are covered by the Just Cause for Eviction Ordinance.” Although these units are exempt from the Rent Adjustment Ordinance as new construction, they are not exempt from the Just Cause for Eviction Ordinance as new construction. Therefore, the owner is not exempt from paying the Rent Program Service fee.

**ORDER**

1. The owner’s petition is granted. The two units located at 3320 and 3322 Magnolia Street are exempt from the Rent Adjustment Ordinance as new construction. The units are not exempt from the Just Cause for Eviction Ordinance and remain subject to the Rent Program Service fee.

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<sup>5</sup> O.M.C. § 8.22.030(A)(5)

<sup>6</sup> O.M.C. § 8.22.350(I)

<sup>7</sup> O.M.C. § 8.22.350(I)(1)

2. A Certificate of Exemption will be issued upon this Decision becoming final after the appeal period has expired.

**Right to Appeal:** This decision is the final decision of the Rent Adjustment Program Staff. Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: August 4, 2022

  
\_\_\_\_\_  
Marguerita Fa-Kaji  
Hearing Officer  
Rent Adjustment Program

**PROOF OF SERVICE**  
**Case Number L22-0028**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

**Today, I served the attached document listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:**

**Document Included**  
Hearing Decision

**Owner**  
Robert Richerson, 3320 Magnolia, LLC  
1730 Blake Street  
Berkeley, CA 94703

**Tenants**  
Dee & Erik Olson  
3320 Magnolia Street  
Oakland, CA 94608

Keegan Richerson  
3322 Magnolia Street  
Oakland, CA 94608

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **August 09, 2022** in Oakland, CA.



---

Ava Silveira  
Oakland Rent Adjustment Program



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## APPEAL

Appellant's Name <b>Robert Richardson</b>		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) <b>3320 &amp; 3322 Magnolia St, Oakland CA.</b>			
Appellant's Mailing Address (For receipt of notices) <b>1730 Blake St. Berkeley, CA 94703</b>		Case Number <b>L22-0028</b>	Date of Decision appealed <b>August 4, 2022</b>
Name of Representative (if any)		Representative's Mailing Address (For notices)	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
  - a)  The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, Regulation or prior Board decision(s) and describe how the description is inconsistent.)*
  - b)  The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
  - c)  The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
  - d)  The decision violates federal, state, or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
  - e)  The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

- f)  I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g)  The decision denies the Owner a fair return on the Owner's investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h)  Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Supporting documents (in addition to this form) must not exceed 25 pages, and must be received by the Rent Adjustment Program, along with a proof of service on the opposing party, within 15 days of the filing of this document. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(4). Please number attached pages consecutively. Number of pages attached: 20.

• You must serve a copy of your appeal on the opposing parties, or your appeal may be dismissed. • I declare under penalty of perjury under the laws of the State of California that on 8-22-2022, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

<b>Name</b>	Ora & Erik Olson
<b>Address</b>	3320 Magnolia St.
<b>City, State Zip</b>	Oakland, CA 94608
<b>Name</b>	Keegan Richardson
<b>Address</b>	3320 Magnolia St.
<b>City, State Zip</b>	Oakland, CA 94608

	<u>8-22-2022</u>
---	------------------

SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE

DATE

August 22, 2022

**CITY OF OAKLAND**

**Rent Adjustment program**

250 Frank H. Ogawa Plaza, Suite 5313, Oakland, CA 94612-2034

RE: Hearing Decision L22-0028 Richardson V. Tenants

To Whom It Concerns,

I accept the ruling that the Units at 3320 & 3322 Magnolia are exempt from Rent Control.

I am Appealing the Hearing Officers Decision in Case # L22-0028 for 3320 and 3322 Magnolia St. finding they are not exempt for paying the RPS fee. Stated on 8/4/2022 and posted 8/9/22.

Attached is my PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION for the New Duplex property at 3320 & 3322 Magnolia St., Oakland 94608

My Appeal was heard on August 2, 2022. The only subject in the hearing was whether or not the conversions were subject to Rent Control. In the Exemption Information Sheet dated April 2022, there is no mention of the Oakland Just Cause Eviction Ordinance needing to be addressed. At no time did the hearing officer inform me or ask me questions if my construction met the standard to be exempt from the Just Cause Eviction Program and the fee payment. I was not made aware of this exemption to Oakland's Rent Program either before, during, or after my hearing on August 2, 2022.

The Hearing Officer made decisions and assumptions on the level of construction without questions or evidence to support or deny her erroneous findings. The conversion was a true commercial conversion as state by her, but it does not reflect the exceptions and preservation of a Historical building and the demolition and extensive construction rose to the level of more than 50% demolition to exterior walls. Her determination of the accessory building being a conditioned commercial building is just wrong. How can an officer make a determination of fact when no information was asked about or submitted regarding the approved zoning standard or the construction standard used? Both conversions meet the standard of ground up



construction. I suggest a closer look at Section 17.136.075 and Section 17.136.040 of the Zoning Code.

3320 Magnolia was a historic building needing extensive seismic support with ground up construction in the interior to preserve the exterior and replace the exterior structure with an interior structure supporting the preserved historical Brick exterior. It would have been easier to demolish brick walls but the historical standard did not allow it. 3320 Magnolia St was approved to convert a commercial Historic Oakland Fire House in use as a church. The Oakland Historical Structure had requirements to preserve exterior brick walls. More than 50% of the exterior needed to be removed, but demolition of most exterior walls was restricted. 25% of rear walls were demolished and interior was completely demolished except of 75% of the exterior walls. New interior walls were built from ground up to support the historical exterior walls. Section 17.136.075 of the zoning code gives much leeway to historical buildings and waives standards in the building and zoning codes as in this Building permit which considers this conversion Building permit ground up construction of a Historical Building. Building Permit #RB1603686. Certificate of Occupancy 7/26/2019.

3322 magnolia was not commercial or residential, but a non-conditioned accessory structure. Zoning approved the existing footprint plus addition to be built as new ground up construction. It does not meet the standard of a commercial conversion. During construction 100% of the exterior walls demolished and rebuilt to the present-day Building Code. Permit #RB1603688. Certificate of Occupancy issued 8/24/2018. More than 50% of all exterior walls were removed and new ground up residential construction created a new residential unit as outlined in Section 17.136.040.



8/22/22

Robert Richerson  
Owner  
3320 & 3322 Magnolia St.  
Oakland, Ca



# RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

rent adjustment program date stamp.

## PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION

Please fill out this form as completely as you can. This form is for property owners to petition the Rent Adjustment Program ("RAP") for a Certificate of Exemption confirming permanent exempt status of their rental unit(s) from the jurisdiction of the Oakland Rent Adjustment Ordinance. Only dwelling units that are permanently exempt can be granted a Certificate of Exemption. A Certificate of Exemption is a final determination of exemption absent fraud or mistake. See Oakland Municipal Code ("O.M.C.") Section 8.22.030 for more information on exemptions. NOTE: A RAP hearing is required to grant a Certificate of Exemption, even if uncontested or irrefutable. Failure to provide required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING.** To make an appointment email [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov).

Rental Unit Information			
3320 Street Number	Magnolia St Street Name	N/A Unit Number	Oakland, CA 94608 Zip Code
Is there more than one street address on the parcel?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, list all addresses: 3322 Magnolia
I am appealing the 8-4-22' decision, within arguments Attached		Number of units on property: 1, before conversion	Date acquired property: 2010
Case number(s) of any relevant prior Rent Adjustment case(s): L22-0028			
Property Owner Information			
Robert First Name		Richardson Last Name	
Company/LLC/PLP (if applicable): 3320 Magnolia, LLC			
Mailing address: 1730 Blake St, Berkeley, CA 94703			
Primary Telephone: 510-915-2288		Other Telephone:	Email: builditbob@gmail.com
Property Owner Representative (Check one): <input checked="" type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input type="checkbox"/> Non-attorney			
First Name	Last Name	Firm/Organization (if any)	
Mailing Address:			
Phone Number:		Email:	

## GENERAL FILING REQUIREMENTS

To file a petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Owner petitions that are submitted without proof of compliance with the below requirements will be considered incomplete.

Requirement	Documentation
<input checked="" type="checkbox"/> Current Oakland business license	Attach proof of payment of your most recent Oakland business license.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	Attach proof of payment of the current year's RAP Fee for the subject property.
<input checked="" type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants	<p>Attach a signed and dated copy of the <u>first</u> RAP Notice provided to the tenant(s) subject to this petition or check the appropriate box below.</p> <p><input type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): _____</p> <p><input checked="" type="checkbox"/> I have never provided a RAP Notice.</p> <p><input type="checkbox"/> I do not know if a RAP Notice was ever provided.</p> <p><small>*If Petition applies to multiple tenants, please provide this information on a separate sheet.</small></p>

## GROUNDS FOR EXEMPTION

Select the basis for your claim of exemption from the list below. See column on the right for filing requirements and documentation to be submitted together with petition. Petitions that lack adequate supporting documentation may be dismissed without a hearing. To read Oakland's laws and regulations on exemptions, see Section 8.22.030 of the Rent Adjustment Ordinance and the corresponding Regulations, available here: [www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance](http://www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance).

GROUNDS	DESCRIPTION	REQUIREMENTS
<input checked="" type="checkbox"/> <b>New Construction</b>	The unit was newly constructed and a certificate of occupancy was issued for the unit on or after January 1, 1983. Only applies to units that were entirely newly constructed or created from a space that was formerly entirely non-residential.	<input checked="" type="checkbox"/> <b>Attach</b> copy of certificate of occupancy and any other supporting documentation.



**OWNER VERIFICATION**

*(Required)*

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this Property Owner Petition is true and that all of the documents attached to the Petition are true copies of the originals.

Property Owner 1 Signature

08-22-2022  
Date

Property Owner 2 Signature

Date

**DOCUMENTATION IN EXCESS OF 25 PAGES**

- The documentation submitted in support of the Property Owner Petition exceeds 25 pages, and the owner is opting, as allowed by O.M.C. § 8.22.090 (B)(1)(f), to not serve the attachments on the affected tenant(s) unless requested. The owner understands and agrees that tenant(s) may request paper copies of all documents in the Tenant Response, and the owner must provide tenant(s) with the attachments within 10 days of any such request. The documents will also be available for review at the Rent Adjustment Program.

**VACANT UNIT(S) AT PROPERTY**

Check the box below if there are currently any vacant units at the property for which a certificate of exemption is sought. Although you are not required to serve a copy of your Petition on vacant units, if a vacant unit becomes occupied prior to the final resolution of the Petition, the new tenant(s) must be served with a copy of the Petition and given an opportunity to respond. You are also required to notify RAP immediately after the new tenant(s) move in.

- I/We certify that, as of the date of filing this Petition, the unit(s) at the property listed below are vacant. I/We understand that if said unit(s) becomes occupied prior to the final resolution of this Petition, I/we must notify RAP immediately and serve the new tenant(s) with a copy of the Petition, the enclosed "NOTICE TO TENANTS OF PROPERTY OWNER PETITION," and any other documents that I/we have filed.

The vacant units are: N/A

**CONSENT TO ELECTRONIC SERVICE**

*(Highly Recommended)*

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If you agree to electronic service, the RAP may send certain documents only electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter from the RAP electronically at the email address(es) provided in this response.

**INTERPRETATION SERVICES**

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing session. You can request an interpreter by completing this section.

- I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)
- Cantonese (廣東話)
- Mandarin (普通话)
- Other: \_\_\_\_\_

**-END OF PETITION-**



CITY OF OAKLAND

### CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS\*) ON THE AFFECTED TENANT(S) PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO TENANTS OF OWNER PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.**

*\*Exception for attachments exceeding 25 pages. See "Important Information Regarding Filing Your Petition."*

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Note: Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed copy of this PROOF OF SERVICE form with RAP together with your Petition. Your Petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 08/22/2022 served a copy of (check all that apply):

- PROPERTY OWNER PETITION FOR CERTIFICATE OF EXEMPTION plus 20 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO TENANTS OF PROPERTY OWNER PETITION, or PROOF OF SERVICE)
- NOTICE TO TENANTS OF PROPERTY OWNER PETITION
- Other: \_\_\_\_\_

by the following means (check one):

- United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

#### PERSON(S) SERVED:

Name	<u>Dec &amp; Erik Olson</u>
Address	<u>3320 Magnolia St.</u>
City, State, Zip	<u>Oakland, CA 94608</u>

///

Name	Kregan Richardson
Address	3322 Magnolia St.
City, State, Zip	Oakland, CA 94608

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

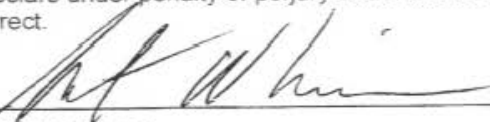
Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

NOTE: If you need more space to list tenants you may attach additional copies of this page.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



PRINTED NAME

SIGNATURE

08-22-2022  
DATE SIGNED



Department of Planning  
and Building

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# ZONING CODE BULLETIN

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**DATE EFFECTIVE:** June 18, 2019

**ZONING TOPICS:** How much of a building can be removed and still be considered “existing”?

**PERTINENT CODE SECTIONS:** Section 17.102.190, 17.102.195, 17.73.040(C)(1)(b), and 17.136.040

## Background

This code bulletin describes when a building is no longer considered “existing” under the Planning Code after parts of it are removed. A definition of an existing building is required to determine whether a development is considered new construction or the modification of an existing building. This is an important distinction for the legal creation of joint living and work quarters and Category One Secondary Units, and to determine the type of design review process required for a project. This code bulletin does not apply to the replacement of parts of nonconforming facilities that have been involuntarily damaged or destroyed; it only applies to voluntary demolition. Involuntary damage or destruction includes damage or destruction caused by a natural disaster such as an earthquake or other causes such as a fire, dry rot, or termite damage that renders a structure (or part of a structure) unsafe to preserve. Section 17.114 contains the regulations regarding nonconforming facilities that have been damaged or destroyed.

Sections 17.102.195 and 17.73.040(C)(1)(b) of the Planning Code state that Residentially Oriented Joint Living and Working Quarters in the Central Business District and Work/Live units in the CIX, IG, and IO zones must involve the conversion of an existing building originally designed for commercial or industrial activities. Therefore, these units cannot be created within a building that is demolished to an extent that it no longer exists. It is important to define what “no longer exists” means because open space, parking, and loading requirements do not apply to the conversion of existing buildings to Residentially Oriented Joint Living and Working Quarters or Work/Live units.

According to Section 17.103.080(B), Category One Secondary Units are those that are located within an existing single family home or a detached accessory structure that was legally in existence prior to January 1, 2017. Therefore, like joint living and work quarters, Category One Secondary Units cannot be created within a building that is demolished to an extent that it no longer exists. This is an important distinction because Category One Secondary Units have relaxed parking, size, and setback requirements compared to Category Two Secondary Units.

Section 17.136.040 of the Planning Code states that a Regular Design Review Process is required for the construction of a new principal building in each commercial and residential zone. When parts of a building are removed, staff is frequently required to determine if it is no longer considered “existing” to determine whether the Regular Design Review process is required.

Effective June 18, 2019

000040



Determination

It is determined that for the purposes under the Planning Code a building is no longer existing if a majority (more than 50 percent) of the square footage of the surface area of the perimeter walls are removed. Interior walls, roofs, and foundations are not counted in this calculation. The lifting of a building to create a new first story is not considered a demolition if 50 percent or more of the surface area of the perimeter walls of the lifted building is preserved. The relocation of a building on the same site is not considered a demolition if the lifted building is not demolished as defined in this bulletin. The removal of wall surface area for the moving or expansion of a window shall be evaluated on a case by case basis. The evaluation of whether window relocation or expansion constitutes a demolition shall be based on whether the alteration is an effective design solution that improves the appearance, livability, and operational efficiency of the building.

Section 17.136.075 of the Planning Code contains findings required to be met prior to the demolition of certain historically rated structures. A project involving one of these historic structures may be subject to these demolition findings regardless of whether a structure meets the definition of "existing" according to this bulletin. Instead, a recommendation on the determination shall be made by the Landmarks Preservation Advisory Board (LPAB) to the approving body on a case by case basis on whether the proposal results in a demolition and is, therefore, subject to the Demolition Findings. The LPAB recommendation shall take into account the effect of the proposal on the features of the building that make up its historic significance or character defining features and whether remaining building components would continue to convey the historic significance or character in the overall context of the development proposal.

**REVIEWED AND APPROVED BY:**



Robert Merkamp  
ZONING MANAGER



CITY OF OAKLAND

**CITY OF OAKLAND**

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Ste. 5313 Oakland, CA 94612-0243

(510) 238-3721

CA Relay Service 711

[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

**SINGLE-FAMILY-HOME EXEMPTION CERTIFICATES**

Information Sheet

April 2022

The Rent Adjustment Program (RAP) issues Certificates of Exemption for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance. RAP will **NOT** issue Certificates of Exemption for single-family homes any longer. However, in most cases, single-family homes (including houses and condominiums) will still be exempt from the Rent Adjustment Ordinance.

Under Oakland's Municipal Code, Chapter 8.22, Article I (*Rent Adjustment Ordinance*) Section 8.22.030, dwelling units exempt pursuant to the Costa-Hawkins Rental Housing Act (*California Civil Code, Section 1954.52*) are not covered units for purposes of the Rent Ordinance.

Although Costa-Hawkins does not expressly refer to single-family homes, it states that "an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which the following is true...It is alienable separate from the title to any other dwelling unit..." (Emphasis added.) Thus, depending on the circumstances, a single-family home may or may not fall under this Costa-Hawkins exemption. For instance, if the property owner has, in fact, converted the single-family home into a multi-unit residential property by separately renting rooms (*Owens v. City of Oakland Housing, Residential Rent & Relocation Board, 49 Cal.App.5th 739 (2020)*), has converted the garage into a dwelling unit, or has built an ADU on the property, the single-family home loses its Costa-Hawkins exemption because it is no longer alienable separately from the title to any other dwelling unit.

Also, under O.M.C. Section 8.22.030(B)(1)(a), the Rent Stabilization Program may issue Certificates of Exemption. Certificates of Exemption are defined as a "determination by the Rent Adjustment Program that a dwelling unit or units qualify for an exemption and, therefore, are not covered units." However, a Certificate of Exemption may be granted only for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance as new construction, substantial rehabilitation, or by state law (Costa Hawkins).

Since single-family homes are subject to circumstantial changes that may alter their exempt status, the Rent Adjustment Program will no longer issue Certificates of Exemption for these buildings.

An owner of a property that qualifies under a single-family home or a condominium Costa-Hawkins exemption may still file a response to a tenant petition and receive a decision concluding that an exemption applies. However, a certificate of exemption will no longer be issued under those circumstances.

**CITY OF OAKLAND  
BUSINESS TAX CERTIFICATE**

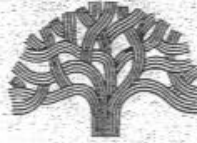
**ACCOUNT  
NUMBER**  
00214895

The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental agency. The Business Tax Certificate expires on December 31st of each year. Per Section 5.04.190(A), of the O.M.C. you are allowed a renewal grace period until March 1st the following year.

**DBA** RICHEYSON ROBERT W

**EXPIRATION DATE**  
12/31/2022

**BUSINESS LOCATION** 3320 MAGNOLIA ST  
OAKLAND, CA 94608-4126



Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.oak.ca.gov/publications>

**BUSINESS TYPE** M Rental - Residential Property



RICHEYSON ROBERT W  
1730 BLAKE ST  
BERKELEY, CA 94703-1902

A BUSINESS TAX CERTIFICATE IS REQUIRED FOR EACH BUSINESS LOCATION AND IS NOT VALID FOR ANY OTHER ADDRESS.

ALL OAKLAND BUSINESSES MUST OBTAIN A VALID ZONING CLEARANCE TO OPERATE YOUR BUSINESS LEGALLY. RENTAL OF REAL PROPERTY IS EXCLUDED FROM ZONING.

PUBLIC INFORMATION ABOVE THIS LINE TO BE CONSPICUOUSLY POSTED



CITY OF OAKLAND  
2022 BUSINESS TAX DECLARATION (RENTAL GREEN)

RENEW AND PAY ONLINE AT [HTTPS://TAXES.OAKLANDNET.COM](https://taxes.oaklandnet.com)  
DELINQUENT IF PAID OR POSTMARKED AFTER **March 1, 2022**

**SECTION I - BUSINESS INFORMATION**

1. Account #: 00214895  
2. Mailing Address: RICHERRSON ROBERT W  
1730 BLAKE ST  
BERKELEY, CA 94703-1902  
3. Business Name: RICHERRSON ROBERT W.  
4. Business Location: 3320 MAGNOLIA ST  
OAKLAND, CA 94608-4126  
5. Industry Code: M  
6. Total Number of Units per Alameda County Records: 2

**SECTION II - CLOSE ACCOUNT**

THE RESIDENTIAL RENTAL PROPERTY IN OAKLAND WAS SOLD OR DISCONTINUED ON  
Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Resca: properties that have sold or discontinued after January 1, 2022 are required to pay the business tax in full by completing Section III, IV & V. Otherwise, sign and date Section VII.

**SECTION III - CALCULATE 2022 TAXES DUE**

PLEASE INCLUDE DOLLARS AND CENTS (e.g. \$1,000.00)

7. 2022 TAX BASE (2021 gross receipts) 7.5 91,000 -  
8. 2022 TAX DUE (rate type M 513.95 per \$1,000) 8.5 1,269.45  
(multiply line 7 by 0.01395 or enter 513.95, whichever is greater)  
9. PENALTY DUE (if paying after March 1, 2022, see box at right) 9.5 \_\_\_\_\_  
10. INTEREST DUE (if paying after March 1, 2022, see box at right) 10.5 \_\_\_\_\_  
11. PRIOR AMOUNT DUE 11.5 2.00  
12. RECORDATION AND TECHNOLOGY FEE 12.5 3.00  
13. STATE DISABILITY ACCESS AND EDUCATION FUND 13.5 1.00  
14. BUSINESS TAX DUE (add lines 8 - 13) 14.5 1,276.45

<b>If paying after March 1, 2022</b>	
PROPERTY TAX	127.12%
SALES TAX	4.71%
CITY TAX	1.00%
STATE TAX	1.00%
<b>INTEREST DUE (on tax - penalty)</b>	
PROPERTY TAX	1.00%
SALES TAX	1.00%
CITY TAX	1.00%
STATE TAX	1.00%

3320 MAGNOLIA LLC  
1730 BLAKE ST  
BERKELEY, CA 94702

City of Oakland - Business Tax - \$1,1708.55  
Due Payment - Bank Payment - 05/100

Mechanics Bank  
0214895  
1265 3505064865

1265 3505064865  
3320 MAGNOLIA LLC

Warranty Features exceed industry standards and include:  
• Fraud Alerts - instantly received and check number by text, email, and app  
• 24/7 Support - Mobile Support direct mobile website alert and form completion via mobile device  
• The Security Deposit - purchase is held designed to protect your investment  
• Multiple ID's - can be used on both real and cash  
• The user "SEARCH, SIGNATURE" supports the  
• Photo Safe Deposit - your money is held and safe

Do not cash it  
• All of the business listed above are offered in support of your  
• Payment for cash is not given unless otherwise specified  
• Buyer status is entered upon receipt on both real and cash

QUESTIONS TO SORT OF BANK BRANCH  
CALL OR VISIT OUR WEBSITE  
800-688-0828

CHECK BOX FOR NOTIFICATION SERVICES  
I have read and understand the terms and conditions of the agreement and I agree to the terms and conditions of the agreement.

\*\*\* CONTINUED ON NEXT PAGE \*\*\*



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA · 2ND FLOOR · OAKLAND, CA 94612

Planning and Building Department  
www.oaklandca.gov

PH: 510-238-3891  
FAX: 510-238-2263  
TDD: 510-238-3254

CERTIFICATE OF OCCUPANCY

Finalled on 8/24/2018

Permit Number: RB1603688

Job Site Address: 3322 MAGNOLIA ST, Oakland, CA 94608

Parcel Number: 005 047303600

Project Description: Add 682 S.F to existing 984 S.F rear garage to convert to SFD with 2 bedrooms & 2.5 bathroom. PLN15238. To be addressed 3322 Magnolia St. Share plan w/ RB1603686.

Related Permits: RE1702958, RM1701594, RP1702302

Owner Name and Address: RICHERSON ROBERT & DEBRA TRS & RICHERSON KRISTIN  
1700 DWIGHT WAY, BERKELEY, CA 94703

Building Use: Single Family Dwelling

Type of Construction 1: VB - Combustible Construction; No Fire Rating

Type of Construction 2: \_\_\_\_\_

Occupancy 1: R-3 Residential 1 And 2 Units

Occupancy 2: \_\_\_\_\_

Number of Stories: 1.5 Number of Dwelling Units: 1

Fire Sprinklers Provided: Yes:  No:  Reason for Fire Sprinklers: Building Code Requirement (Chapter 9)

Total Number of Parking Spaces 1 Design Occupant Load: 200  
CBC Edition: 2013 Ordinance: 13252

Building code Variances: N/A Zone: RM-2

SEE ATTACHED FLOOR PLAN

BUILDING OFFICIAL: Deborah Sandercock  
THIS BUILDING HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REFERENCED CODES AND ORDINANCES FOR THE OCCUPANCIES AND THE USES DESCRIBED ABOVE, AND OCCUPANCY OF THE PREMISES ONLY FOR SAID PURPOSES IS HEREBY AUTHORIZED.

THIS CERTIFICATE SHALL NOT BE CONSTRUED AS AUTHORITY TO VIOLATE, CANCEL, ALTER, OR SET ASIDE ANY OF THE PROVISIONS OR REQUIREMENTS OF ANY LAWS OR CITY OF OAKLAND ORDINANCES NOR SHALL SUCH ISSUANCE THEREAFTER PREVENT REQUIRING CORRECTIONS OF ERRORS OR OF VIOLATIONS OF SAID REGULATIONS, THIS CERTIFICATE IS NOT A LICENSE.

A re-issued certificate of occupancy is not a new certificate of occupancy for the purposes of exemption from any state or local law that provides protections to residential tenants such as rent control or eviction control

By: [Signature] Date Issued: 4/1/2022  
INSPECTION SERVICES MANAGER

Copies:  Owner  Assessor  Microfilm  \*Business License



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA · 2ND FLOOR · OAKLAND, CA 94612

Planning and Building Department  
www.oaklandca.gov

PH: 510-238-3891  
FAX: 510-238-2263  
TDD: 510-238-3254

CERTIFICATE OF OCCUPANCY

Finalled on 7/26/2019

Permit Number: RB1603686

Job Site Address: 3320 MAGNOLIA ST, Oakland, CA 94608

Parcel Number: 005 047303600

Project Description: Convert 1905 S.F existing church to SFD with 2 bedrooms and 2 bathrooms. Per  
PLN15238, PM10726.

Related Permits: RE1800724, RM1800514, RP1800524

Owner Name and Address: RICHERSON ROBERT & DEBRA TRS & RICHERSON KRISTIN  
1700 DWIGHT WAY, BERKELEY, CA 94703

Building Use: Single Family Dwelling

Type of Construction 1: VB - Combustible Construction; No Fire Rating

Type of Construction 2: \_\_\_\_\_

Occupancy 1: R-3 Residential 1 And 2 Units

Occupancy 2: \_\_\_\_\_

Number of Stories: 1 Number of Dwelling Units: 1

Fire Sprinklers Provided: Yes:  No:  Reason for Fire Sprinklers: Building Code Requirement  
(Chapter 9)

Total Number of Parking Spaces: 2 Design Occupant Load: 200

CBC Edition: 2013 Ordinance: 13252

Building code Variances: N/A Zone: RM-2

SEE ATTACHED FLOOR PLAN

BUILDING OFFICIAL: Deborah Sandercock

THIS BUILDING HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REFERENCED CODES AND ORDINANCES FOR THE OCCUPANCIES AND THE USES DESCRIBED ABOVE, AND OCCUPANCY OF THE PREMISES ONLY FOR SAID PURPOSES IS HEREBY AUTHORIZED.

THIS CERTIFICATE SHALL NOT BE CONSTRUED AS AUTHORITY TO VIOLATE, CANCEL, ALTER, OR SET ASIDE ANY OF THE PROVISIONS OR REQUIREMENTS OF ANY LAWS OR CITY OF OAKLAND ORDINANCES NOR SHALL SUCH ISSUANCE THEREAFTER PREVENT REQUIRING CORRECTIONS OF ERRORS OR OF VIOLATIONS OF SAID REGULATIONS. THIS CERTIFICATE IS NOT A LICENSE.

A re-issued certificate of occupancy is not a new certificate of occupancy for the purposes of exemption from any state or local law that provides protections to residential tenants such as rent control or eviction control

By: [Signature] Date Issued: 4/1/2022  
INSPECTION SERVICES MANAGER

Copies:  Owner  Assessor  Microfilm  \*Business License



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA 94612-2034

Housing and Community Development Department  
Rent Adjustment Program

TEL (510) 238-3721  
FAX (510) 238-6181  
CA Relay Service 711

## **HEARING DECISION**

**CASE NUMBER:** L22-0028 Richardson v. Tenants

**PROPERTY ADDRESS:** 3320 and 3322 Magnolia Street, Oakland,  
California

**DATE OF HEARING:** August 2, 2022

**DATE OF DECISION:** August 4, 2022

**APPEARANCES:** Robert Richerson, Owner<sup>1</sup>  
No Appearance by Tenants

## **SUMMARY OF DECISION**

The owner's petition is granted. The two units located at 3320 and 3322 Magnolia Street are exempt from the Rent Adjustment Ordinance as new construction. The two units located at 3320 and 3322 Magnolia Street are not exempt from the Just Cause for Eviction Ordinance as new construction. The units are subject to the Rent Adjustment Program Service fee.

## **CONTENTIONS OF PARTIES**

On May 5, 2022, the owner filed a Petition for Certificate of Exemption which alleges that the two units located at 3320 and 3322 Magnolia Street are exempt from the Rent Adjustment Program (RAP) as new construction.

The petition named Dee Olson and Erik Olsen, the tenants in 3320 Magnolia Street, and Keegan Richerson, the tenant in 3322 Magnolia Street. The owner submitted a Proof of Service showing, and testified that, all tenants were served with the Petition and all owner-submitted documents.

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<sup>1</sup> Although the owner's name is actually Robert Richerson, the case was opened under the name Richardson v. Tenants and the Rent Adjustment Program policy is not to change the case name after a case is opened.

All tenants were served with the Hearing Notice and the Zoom Invitation but did not submit a response or appear at the hearing.

### **ISSUES**

1. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Rent Adjustment Ordinance as new construction?
2. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Just Cause for Eviction Ordinance as new construction?
3. Are the two units located at 3320 and 3322 Magnolia Street exempt from paying the Rent Program Service fee?

### **EVIDENCE**

**Unit History:** The owner testified that he acquired 3320 Magnolia Street, a former church, in 2010. When the owner purchased the property, there was a garage behind the main structure that was not being used for residential use, but rather for storage. The only street number assigned to the property at the time the owner acquired it was 3320. When the owner applied to convert the garage to residential use, the city assigned street number 3322 to the former garage.

The owner submitted a Certificate of Occupancy, issued on July 26, 2019, that states that 3320 Magnolia Street was a church converted to a single-family dwelling.<sup>2</sup> The owner testified that there was no residential use of 3320 Magnolia Street prior to the issuance of the Certificate of Occupancy.

The owner submitted a Certificate of Occupancy, issued on August 24, 2018, that states that 3322 Magnolia Street was a garage converted to a single-family dwelling.<sup>3</sup> The owner testified that there was no residential use of 3322 Magnolia Street prior to the issuance of the Certificate of Occupancy.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 1. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Rent Adjustment Ordinance as new construction?**

The Oakland Rent Adjustment Ordinance states that dwelling units are not “covered units” under the Ordinance if such units “were newly constructed and received a certificate of occupancy on or after January 1, 1983.”<sup>4</sup> The dwelling units must be

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<sup>2</sup> Owner Exhibit 1, p. 1

<sup>3</sup> Owner Exhibit 1, p. 2

<sup>4</sup> O.M.C. § 8.22.030(A)(5)



entirely newly constructed or created from space that was formerly entirely non-residential.<sup>5</sup>

Both units have a Certificate of Occupancy issued after January 1, 1983. The owner submitted Certificates of Occupancy for 3320 Magnolia Street and 3322 Magnolia Street that were issued on July 26, 2019, and August 24, 2018, respectively. The owner testified that the units were a former church and a garage, and that both units were formerly entirely non-residential. Therefore, the owner has met the burden of proof to establish that these units are exempt as new construction under the Rent Adjustment Ordinance.

**2. Are the two units located at 3320 and 3322 Magnolia Street exempt from the Just Cause for Eviction Ordinance as new construction?**

The Just Cause for Eviction Ordinance applies to all residential rental units with limited exemptions. The new construction exemption applies to units with certificates of occupancy issued on or after December 31, 1995.<sup>6</sup> The new construction exemption for the Just Cause for Eviction Ordinance does not apply to units that were not newly constructed from the ground up or to units that were created as a result of rehabilitation, improvement or conversion of commercial space.<sup>7</sup>

The Certificates of Occupancy for these units were issued on July 26, 2019, and August 24, 2018, both of which are after December 31, 1995. However, 3320 and 3322 Magnolia Street were created as a result of rehabilitation, improvement, and conversion of commercial space and were not newly constructed from the ground up. Therefore, these units are not exempt from the Just Cause for Eviction Ordinance as new construction.

**3. Are the two units located at 3320 and 3322 Magnolia Street exempt from paying the Rent Program Service fee?**

Oakland Municipal Code § 8.22.500 provides that the rent program service fee is to be “charged...against any residential rental units that are either covered units or are covered by the Just Cause for Eviction Ordinance.” Although these units are exempt from the Rent Adjustment Ordinance as new construction, they are not exempt from the Just Cause for Eviction Ordinance as new construction. Therefore, the owner is not exempt from paying the Rent Program Service fee.

**ORDER**

1. The owner’s petition is granted. The two units located at 3320 and 3322 Magnolia Street are exempt from the Rent Adjustment Ordinance as new construction. The units are not exempt from the Just Cause for Eviction Ordinance and remain subject to the Rent Program Service fee.

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<sup>5</sup> O.M.C. § 8.22.030(A)(5)

<sup>6</sup> O.M.C. § 8.22.350(I)

<sup>7</sup> O.M.C. § 8.22.350(I)(1)

2. A Certificate of Exemption will be issued upon this Decision becoming final after the appeal period has expired.

**Right to Appeal:** This decision is the final decision of the Rent Adjustment Program Staff. Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: August 4, 2022

  
\_\_\_\_\_  
Marguerita Fa-Kaji  
Hearing Officer  
Rent Adjustment Program

**PROOF OF SERVICE**  
**Case Number L22-0028**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

Today, I served the attached document listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:

**Document Included**  
Hearing Decision

**Owner**  
Robert Richerson, 3320 Magnolia, LLC  
1730 Blake Street  
Berkeley, CA 94703

**Tenants**  
Dee & Erik Olson  
3320 Magnolia Street  
Oakland, CA 94608

Keegan Richerson  
3322 Magnolia Street  
Oakland, CA 94608

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **August 09, 2022** in Oakland, CA.



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Ava Silveira  
Oakland Rent Adjustment Program

## CHRONOLOGICAL CASE REPORT

Case No.: T22-0089

Case Name: Terry v. Momentus II, LLC

Property Address: 9031 Hillside Street, Apt 2, Oakland, CA 94603

Parties: Chela Terry (Tenant)  
Guru Prabhu- Momentus II, LLC (Owner)

### TENANT APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Petition filed	May 10, 2022
Notice of Incomplete Petition mailed	July 14, 2022
Property Owner Response filed	August 16, 2022
Order of Dismissal mailed	August 19, 2022
Tenant Appeal filed	September 8, 2022



T22-0089  
R/BL

City of Oakland Rent Adjustment Program  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**TENANT PETITION**

**RECEIVED**

MAY 10 2022

RENT ADJUSTMENT PROGRAM  
OAKLAND

**Property Address:** 9031 HILLSIDE ST  
**Case:** Petition: 15093  
**Date Filed:** 05-11-2022

Party	Name	Address	Mailing Address	
Owner	Guru Prabhu Momentus II, LLC	1027 Galley Ln Foster City, CA 94404	1027 Galley Ln Foster City, 94404	(415) 889-8332 guruprabhu@hotmail.com
Manager	Guru Prabhu Momentus II, LLC	1027 Galley Ln Foster City, CA 94404	1027 Galley Ln Foster City, 94404	(415) 889-8332 guruprabhu@hotmail.com
Tenant	Chela Terry	9031 Hillside St Oakland Apt 2 Oakland, CA 94603		(510) 978-1238 chelasellshomes@gmail.com

**Number of units on the property** 6

**Type of unit you rent** Apartment, Room or Live-work

**Are you current on your rent?** Yes

**If you are not current on your rent, please explain. (If you are legally withholding rent state what, if any, habitability violations exist in your unit.)**



City of Oakland Rent Adjustment Program  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**TENANT PETITION**

**Grounds for Petition**

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**For all of the grounds for a petition see OMC 8.22.070 and OMC 8.22.090. I (We) contest one or more rent increases on one or more of the following grounds:**

The property owner is providing me with fewer housing services than I previously received and/or I am being charged for services originally paid for by the owner. (Check this box for petitions based on bad conditions/failure to repair.)

I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake.



**TENANT PETITION**

**Rental History**

<b>Date you moved into the Unit</b>	5/2/2018
<b>Initial Rent</b>	\$ 1,200.00 /month
<b>Current Rent</b>	\$ 1,350.00 /month
<b>Is your rent subsidized or controlled by any government agency, including HUD (Section 8)?</b>	No
<b>When, if ever, did the property owner first provide you the City form, NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM ('RAP Notice')?</b>	I was never provided with the RAP Notice.

**List the case numbers of any relevant prior Rent Adjustment case(s):**  
T21-0164

**List all rent increases that you want to challenge.**

*\* You have 90 days from the date of notice of increase or from the first date you received written notice of the existence of the Rent Adjustment program (whichever is later) to contest a rent increase. (O.M.C. 8.22.090 A 2) If you did not receive a RAP Notice with the rent increase you are contesting but have received it in the past, you have 120 days to file a petition. (O.M.C. 8.22.090 A 3)*

**List case number(s) of all Petition(s) you have ever filed for this rental unit and all other relevant Petitions:**  
T21-0164



**City of Oakland Rent Adjustment Program**  
**250 Frank H. Ogawa Plaza, Suite 5313**  
**Oakland, CA 94612**  
**(510) 238-3721**

**TENANT PETITION**

**Description of Decreased or Inadequate Housing Services**

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Decreased or inadequate housing services are considered an increase in rent. If you claim an unlawful rent increase for problems in your unit, or because the owner has taken away a housing service, you must complete this section.

**Loss of Service**

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**TENANT PETITION**

**Date Loss Began** 03-02-2021

**Date Owner Was Notified of Loss** 05-11-2022

**Estimated Loss**

**Reduced Service Description**

everywhere from the bathrooms ceramic that was in the the bathtub all the dust flew all over the apartment during the pandemic and then it took him days to do that and then when he came in with the spray the spray made the whole house smell I had to get a hotel room and my mother was laying in here sick after that she couldn't breathe and the work was done incorrectly because he came in with a spray can to remodel her bathtub and I am going to take pictures of everything in this apartment so you can see how rundown and the services have gone down. Greg also was very mean to our family and every time I asked to be added to the lease Greg would ignore laugh and even one time he called me a bitch.

I can say that guru did come in and remodel the bathroom when we asked him to, he came in and fix the heater, when I complained about certain areas in the house that look like had a peephole they did come in and patch it up. After he came and patched it up these tenants upstairs made more holes inside of their unit in the floor so the city inspector needs to go into their apartment and do an actual inspection.

The inspection that Guru did was biased and one-sided. He can come in here and say that he went in and did his inspection. But with his track record of not even being able to keep up his own property we cannot rely on his statements we can only rely on the facts and the fact of the matter is is that no one has gone up into this apartment number five to do an actual city inspection from the city of Oakland so no one can say that there is peepholes or altered areas without a permit or anything illegal going on.

I do want to be compensated for what facts that we know. We have the police report of the strangling of my sister, we have reports and videos of illegal floor drilling. We also have evidence of discrimination and decreased housing services.

We have videos of the stomping and drilling on several different occasions. We have videos of Shaneisha Walker abusing her children without considering her neighbors by bringing her children to a real

hair salon. We have video of her father in his Robe last year and this year at the ice cream truck and outside in his robe during the illegal drilling/ sawing. I can't use the common areas without being stalked and followed. I cannot use the bathroom without being followed or stalked. My kids and mother cannot either.



**TENANT PETITION**

**Mediation**

Mediation is an optional process offered by the Rent Adjustment Program to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. The purpose of mediation is to find a mutual agreement that satisfies both parties. A trained third party will discuss the issues with both sides, look at relative strengths and weaknesses of each position, and consider both parties' needs in the situation. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing process. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision.

Mediation will only be scheduled if both parties agree to mediate. Sign below if you want to request mediation for your case.

**I/We agree to have my/our case mediated by a Rent Adjustment Program staff mediator.** No

**Consent to Electronic Service**

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If all parties agree to electronic service, the RAP will only send documents electronically and not by first class mail.

**I/We consent to receiving notices and documents in this matter electronically at the email address(es) provided in this petition.** No

**Interpretation Services**

If English is not your primary language, you have the right to an interpreter in your primary language at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

**I request an interpreter fluent in the following language at my Rent Adjustment proceeding:** No



City of Oakland Rent Adjustment Program  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**TENANT PETITION**

***I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this petition is true and that all the documents attached to the petition are true copies of the originals.***

***Chela Terry***

**5/11/2022**

**Signature**

**Date**

# Rent Adjustment Program



Griffin, Debora... ▾

DATE

- 
- Housing and Community Development
- Case Management
- Print/Oracle BI
- Reports
- Resources
- Public Dashboard
- Back Office

his robe during the illegal drilling/ sawing. I can't use the common areas without being stalked and followed. I cannot use the bathroom without being followed or stalked. My kids and mother cannot either.

1 record

## Proof of Service

Any Additional documents uploaded with the Petition?

Served Date

Served Medium

Additional served documents

Date Proof of Service Submitted Online 05-11-2022

NAME	ADDRESS	CITY	STATE	ZIP
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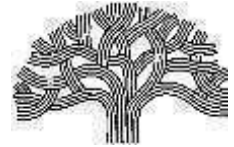
Add Record

See below for new section on decreased services



**For more information regarding the Rent Adjustment Program, Please contact: City of Oakland, Rent Adjustment Program, Dalziel Building 250 Frank H. Ogawa Plaza Suite - 5313 Tel: (510) 238-3721**

000060



Housing and Community Development Department  
Rent Adjustment Program

TEL. (510) 238-3721  
FAX (510) 238-6181  
CA Relay Service 711

**NOTICE OF INCOMPLETE TENANT PETITION**

**CASE NAME:** Terry v. Momentus II, LLC

**CASE NUMBER:** T22-0089

**PROPERTY ADDRESS:** 9031 Hillside St Oakland, Apt 2, Oakland, CA 94603

The Rent Adjustment Program (hereinafter “RAP”) received a *Tenant Petition* from you on May 11, 2022.

In order to be complete and considered filed, a petition by a tenant must include:

- a. A statement that the tenant is current on his/her rent or lawfully withholding rent;
- b. A substantially completed petition on the form prescribed by the Rent Adjustment Program, signed under oath; and
- c. If your claim involves a claim of decreased housing services, a statement of the services that have been reduced or eliminated (along with a document listing the claimed value of the services.)

The petition which you attempted to file was incomplete. The chart below indicates what is missing from your filing:

Name of Document	Needed
<b>Notice to Property Owner of Tenant Petition</b> Page was not affixed to the front of the Petition served on the Property Owner ( <b>see attached Proof of Service Instructions</b> )	X
<b>Proof of service by first-class mail</b> or in person of the tenant petition and any required attachments on the owner.	X
A statement that the tenant is current on his/her rent or lawfully withholding rent	X
Petition was not completed or signed under oath	X
Decreased services claim did not include a statement of what services were reduced or eliminated	X

Decreased services claim did not include a document listing the claimed value of the services reduced or eliminated ( <b>Please complete Decrease in Services/Bad Conditions Chart attached</b> )	X
---	---

Since your petition is not complete, the RAP is unable to accept the petition. You have 30 days from the date of the mailing of this letter to provide a completed petition. If you do not do so, your petition will be dismissed.

If you have any questions or concerns, feel free to consult the undersigned by email or phone. The email address is [blothlen@oaklandca.gov](mailto:blothlen@oaklandca.gov) and the telephone number is 510-238-6415.

July 14, 2022

*Brittni Lothlen*

Brittni Lothlen  
City of Oakland  
Rent Adjustment Program



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS) ON THE PROPERTY OWNER PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.**

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 3) File a completed copy of this PROOF OF SERVICE form with RAP together with your Petition. Your Petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: \_\_\_\_/\_\_\_\_/\_\_\_\_ I served a copy of (check all that apply):

- TENANT PETITION** plus \_\_\_\_ attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO PROPERTY OWNER OF TENANT PETITION, or PROOF OF SERVICE)
- NOTICE TO PROPERTY OWNER OF TENANT PETITION**
- Other: \_\_\_\_\_

by the following means (check one):

- United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Commercial Carrier.** I deposited the document(s) with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to the person(s) listed below and at the address(es) below.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

**PERSON(S) SERVED:**

Name	
Address	
City, State, Zip	

Name	
Address	
City, State, Zip	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_

PRINTED NAME

\_\_\_\_\_

SIGNATURE

\_\_\_\_\_

DATE SIGNED



# IMPORTANT INFORMATION REGARDING FILING YOUR PETITION

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## TIME TO FILE YOUR PETITION

Your Tenant Petition form must be received by the Rent Adjustment Program within the required time limit for filing. RAP staff cannot grant an extension of time to file your Petition.

- For Petitions contesting a rent increase, you have 90 days from the date of notice of increase or from the first date you received the RAP Notice (whichever is later) to file a Petition. If you did not receive a RAP Notice with the rent increase you are contesting but have received one in the past, you have 120 days to file a Petition. If you have never received a RAP Notice, you may contest all rent increases.
- For Petitions claiming decreased housing services, you have 90 days from either the date you first became aware of the decreased service or the date you first received the RAP Notice (whichever is later) to file a Petition. If the decreased housing service is ongoing, you may file a Petition at any time. See O.M.C. §§ 8.22.090 (A)(2)-(3) for more information.

## CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING

To make an appointment, email [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) or call (510) 238-3721. Although the Housing Resource Center is temporarily closed for drop-in services, assistance is available by email or telephone.

## DOCUMENTS SUBMITTED IN SUPPORT OF PETITION

All attachments submitted together with your Petition must be numbered sequentially. You may submit additional evidence in support of your Petition up to seven days before your hearing. You must serve a copy of any documents filed with RAP on the other party and submit a PROOF OF SERVICE form.

## SERVICE ON PROPERTY OWNER

You are required to serve ALL the following documents on the property owner and/or the property owner's representative:

1. Copy of RAP form entitled "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (*included in petition packet and available on RAP website*).
2. Copy of completed Petition form and attachments.
3. Completed PROOF OF SERVICE form (*included in petition packet and available on RAP website*).

You may serve the property owner and/or the owner's representative by mail or personal delivery. A copy of the completed PROOF OF SERVICE form must be submitted to RAP together with your Petition. Your Petition will not be considered complete until a PROOF OF SERVICE form is filed indicating that the owner has been served.

## FILING YOUR PETITION

Although RAP normally does not accept filings by email or fax, RAP is temporarily accepting Petitions via email during the COVID-19 local state of emergency. You may also fill out and submit your Petition online through the RAP website or deliver the Petition to the RAP office by mail. If the RAP office is closed on the last day to file, the time to file is extended to the next day the office is open. If you send your Petition by mail, a postmark date does not count as the date it was received. Remember to file a PROOF OF SERVICE form together with your Petition.

**Via email:** [hearingsunit@oaklandca.gov](mailto:hearingsunit@oaklandca.gov)

**Mail to:** City of Oakland  
Rent Adjustment Program  
250 Frank H. Ogawa Plaza, Ste. 5313  
Oakland, CA 94612-0243

**File online:** <https://www.oaklandca.gov/services/file-a-tenant-petition>

**In person:** TEMPORARILY CLOSED  
City of Oakland  
Dalziel Building, 250 Frank H. Ogawa Plaza Suite  
5313 Reception area  
*Use Rent Adjustment date-stamp to stamp your documents to verify timely delivery and place them in RAP self-service drop box.*

## **AFTER PETITION IS FILED**

The property owner has 30 days after service of the Petition to file a Response (35 days if served by mail). The property owner must serve you with a copy of their Response form and any attachments filed with the Response. In most cases, RAP will schedule a hearing. You will be mailed a Notice of Hearing indicating the hearing date. If you are unable to attend the hearing, contact RAP as soon as possible. The hearing will only be postponed for good cause.

## **FILE/DOCUMENT REVIEW**

Either party may contact RAP to review the case file and/or to request copies of any documents pertaining to the case at any time prior to the scheduled hearing.

## **JURISDICTION**

Please note that if your rent is controlled or subsidized by any other governmental agency, your unit is not covered by the Rent Adjustment Ordinance and the Oakland Rent Adjustment Program does not have jurisdiction over your claim. O.M.C. § 8.22.030 (A)(1).

## **FOR MORE INFORMATION**

Additional information on the petition and hearing process is located on the RAP website and in the Residential Rent Adjustment Program Ordinance and Regulations (see Oakland Municipal Code 8.22.010 *et seq.*). For more information on rent increases, including the list of the annual allowable CPI rates and calculators for certain justifications, see: <https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases> or you can refer to the Guide on Oakland Rental Housing Law at <https://cao-94612.s3.amazonaws.com/documents/Guide-to-Oakland-Rental-Housing-Law-1.pdf>. You may also contact a RAP Housing Counselor with questions at any time by emailing [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) or calling (510) 238-3721.



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA  
94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

## **NOTICE TO PROPERTY OWNER OF TENANT PETITION**

### **ATTENTION: IMMEDIATE ACTION REQUIRED**

If you are receiving this NOTICE together with a completed TENANT PETITION form, it means that a tenant has filed a case against you with the Oakland Rent Adjustment Program (“RAP”) (commonly referred to as the “Rent Board”).

➤ **YOU MUST FILE A RESPONSE WITHIN 35 CALENDAR DAYS AFTER THE PETITION WAS MAILED TO YOU (30 DAYS IF DELIVERED IN-PERSON).**

➤ TO RESPOND:

- 1) Complete a **PROPERTY OWNER RESPONSE** form found on the RAP website.  
(<https://www.oaklandca.gov/services/respond-to-a-tenant-petition-for-the-rent-adjustment-program>)
- 2) Serve a copy of your **PROPERTY OWNER RESPONSE** form on the tenant (or the tenant’s representative listed on the petition) by mail or personal delivery.
- 3) Complete a **PROOF OF SERVICE** form (which is attached to the Response form and also available on the website) and provide a copy to the tenant (or tenant’s representative) together with your **PROPERTY OWNER RESPONSE** form.
- 4) Submit your **PROPERTY OWNER RESPONSE** form and completed **PROOF OF SERVICE\*** form to RAP through RAP’s online portal, via email, or by mail.

*\*Note: The Response will not be considered complete until a PROOF OF SERVICE is filed indicating that the tenant has been served with a copy.*

**DOCUMENT REVIEW:** The tenant is required to serve on you all documents the tenant filed in this case in addition to the petition. Additionally, all documents are available for review at RAP.

**FOR ASSISTANCE:** Contact a RAP Housing Counselor at (510) 238-3721 or by email at [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov). Additional information is also available on the RAP website and on the PROPERTY OWNER RESPONSE form.



**PROOF OF SERVICE**

**Case Number: T22-0089**

**Case Name: Terry v. Momentus II, LLC**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

**Today, I served the attached documents listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Oakland, California, addressed to:**

**Documents Included**

Notice of Incomplete Tenant Petition  
Proof of Service form  
Decrease in Services/Bad Conditions Chart

**Tenant**

Chela Terry  
9031 Hillside St Oakland Apt 2  
Oakland, CA 94603

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **July 14, 2022** in Oakland, California.

*Brittini Lothlen*

\_\_\_\_\_  
Brittini Lothlen  
Oakland Rent Adjustment Program

# City of Oakland Rent Adjustment Program

## Owner Response

Case **T22-0089**  
Property Address **9031 HILLSIDE ST, Apt 2**

### Parties

Party	Name	Address	Mailing Address
Tenant	Chela Terry (510) 978-1238 chelasellshomes@gmail.com	9031 Hillside St Oakland Apt 2 Oakland, CA 94603	
Owner	Guru Prabhu Momentus II, LLC (415) 889-8332 guruprabhu@hotmail.com	1027 Galley Ln Foster City, CA 94404	

### Business Information

Date of which you aquired the building	<b>2-23-2021</b>
Total Number of Units	5
Is there more than one street address on the parcel?	No
Type of Unit	Apartment, Room or Live-work
Is the contested increase a capital improvements increase?	No
Business License	00239532
Have you paid your business license?	Yes
Have you paid the Rent Adjustment Program Service Fee (\$101 per unit)?	Yes

### Rent History

The tenant moved into the rental unit on	11-23-2019
Initial monthly rent	1261.64

City of Oakland

000070

## City of Oakland Rent Adjustment Program

### Owner Response

Have you (or a previous Owner) given the City of Oakland's form entitled Notice to Tenants of Residential Rent Adjustment Program ("RAP Notice") to all of the petitioning tenants?	Yes
On what date was the notice first given?	6-1-2022
Is the tenant current on the rent?	No

# City of Oakland Rent Adjustment Program

## Owner Response

Are you claiming an Exemption? **No**

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### Owner Responses on Petition Grounds

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#### Questions

#### Owner Response

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Tenant did not receive proper notice, was not properly served, and/or was not provided with the required RAP form with rent increase(s)

Proper notice with RAP Notices attached was sent to Laura Bloom (Tenant) on 6/1/2022 via mail, Email and text message.

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A government agency has cited the unit for serious health, safety, fire, or building code violations.

No Response Submitted

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The owner is providing tenant(s) with fewer housing services and/or charging for services originally paid for by the owner.

Please see attached document

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Tenant(s) is/are being unlawfully charged for utilities.

No Response Submitted

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Rent was not reduced after a prior rent increase period for capital improvements.

NA

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Tenant is contesting exemption based on fraud or mistake.

No Response Submitted

---

Tenant's initial rent amount was unlawful because owner was not permitted to set initial rent without limitation (O.M.C. § 8.22.080C).

No Response Submitted

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City of Oakland

000072



# City of Oakland Rent Adjustment Program

## Owner Response

*I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/We said in this response is true and that all the documents attached to the response are true copies of the originals.*

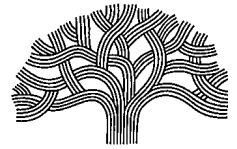
***Gurudutt Prabhu***

**8/16/2022**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

-----END OF RESPONSE-----



**ORDER OF DISMISSAL**

**CASE NAME/NUMBER:** T22-0089 Terry v. Momentus II, LLC

**PROPERTY ADDRESS:** 9031 Hillside Street, Unit 2  
Oakland, CA

**PARTIES:** Chela Terry, Tenant

**SUMMARY**

The Tenant's Petition is dismissed.

**BACKGROUND**

On May 11, 2022, the Tenant submitted a Petition alleging that they were being provided fewer housing services, to contest the exemption on the basis of fraud or mistake, and alleged that they were not provided with the required Rap Notice.<sup>1</sup>

On July 14, 2022, a Notice of Incomplete Petition was issued in the above-referenced matter. The Notice advised that the Petition was incomplete and listed the missing information. The notice listed the missing information, provided a deadline of 30 calendar days for a response, and indicated that failure to provide the required information would result in a dismissal.

**RATIONALE**

The Tenant herein filed the Petition on May 11, 2022. On July 14, 2022, the Tenant was served with a Notice of Incomplete Petition advising that the Tenant's

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<sup>1</sup> Notice to Tenants of the Residential Rent Adjustment Program.

Petition was incomplete.<sup>2</sup> The notice listed the missing information, provided a deadline of 30 calendar days for a response, and indicated that failure to provide the required information would result in a dismissal. The deadline has passed, and the required information has not been received.

As the Petitioner failed to provide the required information listed in the Notice of Incomplete Petition, the Petitioner failed to meet the filing requirements set forth in the Rent Adjustment Ordinance.<sup>3</sup> Accordingly, the Petition cannot proceed with the petition process, and the Petition is therefore dismissed.

### **ORDER**

1. Petition T22-0089 is dismissed.
2. The Remote Settlement Conference and Hearing, scheduled for August 23, 2022, is canceled.

**Right to Appeal:** **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within seventeen (17) calendar days of electronic service or twenty (20) days if served by first-class mail. If the last day to file is a weekend or holiday, the appeal may be filed on the next business day. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.



Dated: August 19, 2022

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Élan Consuella Lambert  
Hearing Officer  
Rent Adjustment Program

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<sup>2</sup> O.M.C. Section 8.22.090(A)

<sup>3</sup> Id.

**PROOF OF SERVICE**

**Case Number: T22-0089**

**Case Name: Terry v. Momentus II, LLC**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

**Today, I served the attached documents listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Oakland, California, addressed to:**

**Documents Included**

Order of Dismissal

**Owner**

Guru Prabhu, Momentus II, LLC  
1027 Galley Ln  
Foster City, CA 94404

**Tenant**

Chela Terry  
9031 Hillside St Oakland Apt 2  
Oakland, CA 94603

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **August 19, 2022** in Oakland, California.

*Brittnei Lothlen* \_\_\_\_\_

Brittnei Lothlen  
Oakland Rent Adjustment Program



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
 250 Frank H. Ogawa Plaza, Suite 5313  
 Oakland, CA 94612-0243  
 (510) 238-3721  
 CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## APPEAL

<b>Appellant's Name</b> Chela Terry	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant
<b>Property Address (Include Unit Number)</b> 9031 Hillside St Apt #2 Oakland, CA 94603	
<b>Appellant's Mailing Address (For receipt of notices)</b> 9031 Hillside St Apt #2 Oakland, CA 94603	<b>Case Number</b> T22-0089
	<b>Date of Decision appealed</b> 8/18/2022
<b>Name of Representative (if any)</b>	<b>Representative's Mailing Address (For notices)</b>

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):
  - a)  The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, Regulation or prior Board decision(s) and describe how the description is inconsistent.)*
  - b)  The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
  - c)  The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
  - d)  The decision violates federal, state, or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
  - e)  The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

- f)  <sup>DS</sup> **I was denied a sufficient opportunity to present my claim or respond to the petitioner’s claim.** (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g)  **The decision denies the Owner a fair return on the Owner’s investment.** (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h)  **Other.** (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

**Supporting documents (in addition to this form) must not exceed 25 pages, and must be received by the Rent Adjustment Program, along with a proof of service on the opposing party, within 15 days of the filing of this document.** Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(4). Please number attached pages consecutively. Number of pages attached: 10-15.

- You must serve a copy of your appeal on the opposing parties, or your appeal may be dismissed.** I declare under penalty of perjury under the laws of the State of California that on 8-9, 2022, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

<b>Name</b>	Guru Prabhu Momentus II, LLC
<b>Address</b>	1027 Galley Ln
<b>City, State Zip</b>	Foster City, CA 94404
<b>Name</b>	
<b>Address</b>	
<b>City, State Zip</b>	

DocuSigned by:  <small>5D8C58821B02479...</small>	9/8/2022
--	----------

**SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE**

**DATE**

## IMPORTANT INFORMATION:

**This Appeal must be received by the Rent Adjustment Program, 250 Frank Ogawa Plaza, Suite 5313, Oakland, California 94612, not later than 5:00 P.M. on the 20th calendar day after the date the decision was mailed to you as shown on the proof of service attached to the decision.** If the last day to file is a weekend or holiday, the time to file the document is extended to the next business day.

- Appeals filed late without good cause will be dismissed.
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- **Any response to the appeal by the responding party must be received by the Rent Adjustment Program, along with a proof of service on appealing party, within 15 days of service of the service of the appeal if the party was personally served. If the responding party was served the appeal by mail, the party must file the response within 20 days of the date the appeal was mailed to them.**
- There is no form for the response, but the entire response is limited to 25 pages or less.
- The Board will not consider new claims. All claims, except jurisdictional issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.
- The entire case record is available to the Board, but sections of audio recordings that you want the Board to review must be pre-designated to Rent Adjustment Staff.

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**Chela Terry**

9031 Hillside St Apt 2  
Oakland, CA 94603  
415-889-8332  
chelasellshomes@gmail.com

September 5, 2022

**Rent Adjustment Program**

Rent Adjustment Program Board,

I am appealing the dismissal of case number T22-0089. Please excuse my late reply as I am dealing with ongoing conditions where I am being stalked by the upstairs tenants at 9031 Hillside St Apt 2 and trying to get temporary restraining orders filed correctly, while being a single mom of 2 boys. I am also a victim of a crime and have an approved application with the Victim of Crime Program application on Shanisha Walker dated 6-6-2022 and my child Gianni, 3 yrs old also has a pending application on this tenant for stalking and destroying property while he is inside of the building putting us in danger.

I mailed my documents by priority mail on August 11 after receiving the letter from the Rent Adjustment Program a few days after the letter I received that was dated July 14th 2022. My priority mail says that the letter should have been received by the rent adjustment program, the next day on August 12, 2022. I am requesting that the dismissal be reversed and give my family an opportunity to have justice because my mail should have been acknowledged but it was not.

I also mailed the landlord my petition within the time and I also have a tracking number for when I mailed that to him between 8/5 and 8/8 2022. The landlord also responded by mail and stated that we were behind on rent but that has been corrected because my mother has received an \$800 stipend from BACS to help pay her rent since the last quarter of 2021. The landlord acknowledged this in his response and I included that in my petition I mailed to the RAP program 8-11-2022.

My family needs justice after Code Enforcement inspected Apt #5 and water + sewage leaked into my mother's wall. They said they found nothing but 3 days later my mother's roof collapsed. The tenants in #5 still have their toilet running that harmed us. The tenants in #5 have an ongoing issue putting our health and safety in danger.

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I am including a photocopy of the USPS Priority Mail Tracking Number, My Victim of Crime Approval, The day Code Enforcement came and stated there was no violations and also did not come downstairs to check #2 although I requested them to. I am also including a copy of the police report so you can see I am not getting any help from that department. Here is a link to the videos leading up to the day my mother's roof came down.

[https://youtu.be/xn\\_ZjMocS3E](https://youtu.be/xn_ZjMocS3E). Here are videos leading up to that day.

<https://youtu.be/vEOpLJZKJf4> The day's when my mother's roof was missing in March 2022. <https://youtu.be/RnZZfKaCm-Q> This stalking is ongoing, my sister was strangled in August 2021 when she tried to go upstairs and move a rug. I also have videos of that on my Youtube Channel that has reached almost 50,000 views from Youtube viewers. I did not create this channel for that but only to keep a journal but I have had people contact me and tell me they agree with me about the neighbors upstairs stalking and putting my family in #2 in danger despite the landlords warnings.

Reason #1 Dismissal Will Harm Me. My Rights Will Be Violated In 8.22 Rent Adjustment Program Will Harm Me By Violating Section 8.22 of paragraph:

"Housing services" means all services provided by the owner related to the use or occupancy of a covered unit, including, but not limited to, insurance, repairs, maintenance, painting, utilities, heat, water, elevator service, laundry facilities, janitorial service, refuse removal, furnishings, parking, security service, employee services, and any other benefits or privileges permitted the tenant by agreement, whether express or implied, including the right to have a specific number of occupants and the right to one-for-one replacement of roommates, regardless of any prohibition against subletting and/or assignment.

The Rent Adjustment program is harming me by making the rent for Laura Bloom at 9031 Hillside St go up. This is stated in section F.

Decreased housing services. A decrease in housing services is considered an increase in rent. A tenant may petition for an adjustment in rent based on a decrease in housing services under standards in the regulations. The tenant's petition must specify the housing services decreased. Where a rent or a rent increase has been reduced for decreased housing services, the rent or rent increase may be restored in accordance with procedures set out in the regulations when the housing services are reinstated.

Reason #2 **8.22.090 - Petition and response to filing procedures. The RAP Program Received Other Cases/Tenants Mail. Why Was My Mail Not Acknowledged? Hearing Officers Prior Inconsistency**

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in my other case Filed October 2021 that was not given a hearing until February 14, 2022 and RAP Appeal Officer ignored my emails sent on February 18, 2022 that included my Proof of Service I sent by mail to the owner sent by USPS Mail on that date. Resulting in the denial of my appeal I filed in that 1st case Terry vs Prabhu.

I provided a completed petition and proof of service within the 30 days after proof of mailing was sent to me a few days after July 14, 2022. I have included a Priority Mail tracking number dated 8/11 with the weight of my mail that included 37-40 pages to be delivered to the Rent Adjustment Program Office By 8/12 within the 30 days requested by the RAP program. I did not receive an acknowledgement of my mail even after my case was dismissed. I did not receive an acknowledgement in the last appeal I filed too on Feb 18, 2022 when I emailed the hearings unit that day or the supervisor a few weeks later.

#### 8.22.90

A. 3, b. If the decreased housing is ongoing (e.g., a leaking roof), the tenant may file a petition at any point but is limited in restitution for ninety (90) days before the petition is filed and to the period of time when the owner knew or should have known about the decreased housing service.

Please include sections 4 and 5 of 8.22.90 I was also harmed by the Rent Adjustment Program because my case was dismissed although I sent the copy of the petition with supporting documents to the owner and RAP program by Priority USPS mail.

4. In order to file a petition or respond to petition, a tenant, including a subtenant contesting overcharges by a primary tenant, must provide the following at the time of filing the petition or response:

Chela Terry Provided And Executed A-E by 8-11-2022 To Owner and RAP  
Program

A. Completed tenant petition or response on a form prescribed by the rent adjustment program;

B. Evidence that the tenant's rent is current or that the tenant is lawfully withholding rent;

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**C. A statement of the services that have been reduced or eliminated, if the tenant claims a decrease in housing services;**

**D. A copy of the applicable citation, if the tenant claims the rent increase need not be paid because the covered unit has been cited in an inspection report by the appropriate governmental agency as containing serious health, safety, fire, or building code violations pursuant to Section 8.22.070D.6; and**

**E. Proof of service by first-class mail or in person of the tenant petition or response and any supporting documents on the opposing party (owner, subtenant, or primary tenant).**

**5. A tenant must file a response to an owner's or subtenant's petition within thirty (30) days of service of the petition.**

**Reason #3. I am a licensed CA Realtor. This dismissal violates my right to fair and safe housing. This dismissal is discriminatory and the RAP program will harm me and my mother because my mail, or emails have a history of being lost with my cases dismissed. I am still being harmed, stalked, and terrorized by the tenants of 9031 Hillside St #5. You can see the videos I journal here of them destroying the property and stalking in the floors, pipes, or bathroom. Link to stalking channel:**

**<https://www.youtube.com/channel/UCxvQpK2Kek-gzz99YEUzxMg/about>**

**My family that resides at 9031 Hillside St Apt 2 too. The landlord lied and never gave us a RAP notice. Momentus II, LLC rep Guru Prabhu is in violation of the RAP Ordinance and possibly owes my family restitution.**

**Reason #4 The decision is not supported by substantial evidence because I was harmed that the RAP program did not acknowledge my mail that was sent by Priority mail on 8-12-2022. No signature was required to put in the RAP drop box for the post office worker, so it should of been received on time.**

**Reason #5 I was denied an opportunity to present my claim. I am requesting that the RAP program expedite a new hearing date because my family has been injured. If I cannot get justice at the RAP program I am prepared to present this case to the City Attorney because code enforcement came in March 1, 2022 and gave no violations after visiting Apt #5 and 3 days later my mother's bathroom roof was destroyed on purpose by a leak of water and sewage coming from an unreported leak in**

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**Apt #5 that was ongoing. Our safety is at risk living in this building of traps and stalkers.**

Thank you,

Chela Terry

Realtor-DRE #01984381



CITY OF OAKLAND

# CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS) ON THE PROPERTY OWNER PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.**

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served
- 2) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 3) File a completed copy of this PROOF OF SERVICE form with RAP together with your Petition. Your Petition will not be considered complete until this form has been filed indicating that service has occurred

On the following date: 05/12/2022 and 08/08/2022 served a copy of (check all that apply) (37-40)

- TENANT PETITION plus 37-40 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO PROPERTY OWNER OF TENANT PETITION, or PROOF OF SERVICE)
- NOTICE TO PROPERTY OWNER OF TENANT PETITION
- Other: \_\_\_\_\_

by the following means (check one):

- United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Commercial Carrier.** I deposited the document(s) with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to the person(s) listed below and at the address(es) below.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

### PERSON(S) SERVED:

Name	Moments II, Gera Pretha
Address	1027 Galley Ln
City, State, Zip	Foster City, CA 94404

Name	Cheli Terry
Address	9031 Hillside St Apt 2
City, State, Zip	Oakland, CA 94603

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Cheli Terry

PRINTED NAME

*Cheli Terry*

SIGNATURE

09/08/2022

DATE SIGNED





**MEMORANDUM**

**Date:** October 21, 2022  
**To:** Members of the Housing, Rent Residential & Relocation Board (HRRRB)  
**From:** Kent Qian, Deputy City Attorney  
**Re:** Appeal Summary in L22-0028 Richardson v. Tenants  
**Appeal Hearing Date:** October 27, 2022

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Property Address: 3320 and 3322 Magnolia Street, Oakland, CA

**PROCEDURAL BACKGROUND**

The owner petitioned for a certificate of exemption for 3320-22 Magnolia Street on the grounds of new construction. The petition attached business license tax receipt but showed that the owner claimed exemption from RAP fees for 2021 and 2022.

The hearing officer granted the petition based on evidence that (1) 3320 Magnolia Street property was a church that was converted to a single-family dwelling with a certificate of occupancy issued in 2019 and the 3322 Magnolia Street property was a garage that was converted to a garage converted to a single-family home with a certificate of occupancy issued in 2018 and (2) owner's testimony that there was no prior residential use in either property prior to issuance of certificate of occupancy.

The hearing officer also decided that even though the properties are exempt from the Rent Adjustment Ordinance, they were not exempt from the Just Cause for Eviction Ordinance and therefore are subject to the Rent Program Service Fee.

**GROUND FOR APPEAL**

The owner appealed the hearing decision. The owner argues:

1. He was not aware that the hearing would decide whether the property was subject to the Just Cause Ordinance
2. Even though the properties were converted, they should be considered built from the ground up according to the zoning code.



## ISSUES

1. Should the owner be given another opportunity to explain whether the property is subject to the Just Cause Ordinance?
2. Did the hearing officer correctly decide that the properties are subject to the Just Cause Ordinance and the Rent Program Service Fee?

## APPLICABLE LAW AND PAST BOARD DECISIONS

### Applicable Law

1. Exemption from Rent Adjustment Ordinance and Petition for Exemption

#### **8.22.030 Exemptions.**

- A. Types of Dwelling Units Exempt. The following dwelling units are not covered units for purposes of this Chapter, Article I only (the Just Cause for Eviction Ordinance (Chapter 8.22, Article II) and the Ellis Act Ordinance (Chapter 8.22, Article II)) have different exemptions):

...

5. Dwelling units which were newly constructed and received a certificate of occupancy on or after January 1, 1983. This exemption does not apply to a vehicular residential facility, or any newly constructed dwelling units that replace covered units withdrawn from the rental market in accordance with O.M.C. 8.22.400, et seq. (Ellis Act Ordinance). To qualify as a newly constructed dwelling unit, the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential.
6. Substantially Rehabilitated Buildings. This exemption shall apply only to buildings where the rental property owner submitted an application for a certification of exemption to the Rent Adjustment Program prior to October 20, 2017, and which have been issued a certificate of exemption from the Rent Adjustment Program.
7. Dwelling units exempt pursuant to Costa-Hawkins (California Civil Code § 1954.52).

- B. Exemption Procedures.

1. Certificate of Exemption:
  - a. A certificate of exemption is a determination by the Rent Adjustment Program that a dwelling unit or units qualify for an exemption and, therefore, are not covered units. For units exempt as new construction, or by state law, an owner may obtain a certificate of exemption by claiming and proving an exemption in response to a tenant petition or by petitioning the Rent Adjustment Program for such exemption. For units exempt based on substantial rehabilitation, an owner must obtain a certificate of exemption by petitioning the Rent Adjustment Program for such an exemption. A certificate of exemption may be granted only for dwelling units that are permanently exempt from the Rent Adjustment Ordinance as new construction, substantial rehabilitation, or by state law (Costa Hawkins).
  - b. For purposes of obtaining a certificate of exemption or responding to a tenant petition by claiming an exemption from Chapter 8.22, Article I, the burden of proving and producing evidence for the exemption is on the owner. A certificate of exemption is a final determination of exemption absent fraud or mistake.

- c. Timely submission of a certificate of exemption previously granted in response to a petition shall result in dismissal of the petition absent proof of fraud or mistake regarding the granting of the certificate. The burden of proving such fraud or mistake is on the tenant.

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## 2. Exemptions from Just Cause Ordinance

### **8.22.350 Applicability and Exemptions.**

The provisions of this Chapter shall apply to all rental units in whole or in part, including where a notice to vacate/quit any such rental unit has been served as of the effective date of this Chapter but where any such rental unit has not yet been vacated or an unlawful detainer judgment has not been issued as of the effective date of this Chapter. However, Section 6 [8.22.360] and Section 7(A)-(E) [8.22.370(A) through 8.22.370(E)] of the chapter [O.M.C. Chapter 8.22, Article II] shall not apply to the following types of rental units:

...

- I. A rental unit or rental units contained in a building that has a certificate of occupancy for the new construction of the unit or building in which the rental unit(s) is contained is issued on or after December 31, 1995.
  - 1. This exemption applies only to rental units that were newly constructed from the ground up and does not apply to units that were created as a result of rehabilitation, improvement or conversion of commercial space, or other residential rental space.
  - 2. If no certificate of occupancy was issued for the rental unit or building, in lieu of the date a certificate of occupancy, the date the last permit for the new construction was finalized prior to occupancy shall be used.

## 3. Units Subject to Rent Program Service Fee

### **8.22.500 Rent program service fee.**

...

- D. Residential Rental Units Subject to the Fee. The fee is to be charged on a per unit basis against all residential rental units that are either covered units or are covered by the Just Cause for Eviction Ordinance, except such residential rental units that are owned or operated by a public entity, including, but not limited to, the City of Oakland, the Redevelopment Agency of the City of Oakland, and the Oakland Housing Authority. A rental property owner who does not timely pay the fee because the rental property owner claims the dwelling unit is not subject to the fee must pay all fees, delinquent charges, interest, and collection costs for any dwelling unit that is found by the city to be subject to the fee. Neither the fact that a rental property owner paid the fee nor that a rental property owner claimed dwelling units are not subject to the fee can be used as evidence in any determination of a petition with the rent adjustment program or in a court proceeding regarding whether the subject dwelling unit is covered by the Rent Adjustment Ordinance or the Just Cause for Eviction Ordinance.



**MEMORANDUM**

**Date:** October 21, 2022  
**To:** Members of the Housing, Rent Residential & Relocation Board (HRRRB)  
**From:** Kent Qian, Deputy City Attorney  
**Re:** Appeal Summary in T22-0089 Terry v. Momentus II LLC  
**Appeal Hearing Date:** October 27, 2022

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Property Address: 9031 Hillside Street, Unit 2, Oakland, CA

**PROCEDURAL BACKGROUND**

On May 10, 2022, the tenant petitioned for a decrease in housing services and to contest a certificate of exemption. On July 14, the Rent Adjustment Program issued a notice of incomplete petition, noting various deficiencies in the petition, including lack of a proof of service of the petition, lack of a statement that the tenant was current on rent or lawfully withholding rent, and that the petition was not completed or signed under oath, and that decreased in housing services did not include a statement of what services were reduced or eliminated. The notice provided 30 days for the tenant to respond and indicated that failure to provide the required information would result in dismissal.

On August 19, the hearing officer dismissed the petition on the ground that the tenant failed to respond to the notice of incomplete petition.

**GROUND FOR APPEAL**

The tenant appealed the hearing decision. The tenant argues she responded to the notice of incomplete petition when sent her documents by priority mail on August 11 to the Rent Adjustment Program with expected delivery on August 12.

**ISSUES**

1. Is there good cause for the tenant to receive a new hearing?

## **APPLICABLE LAW AND PAST BOARD DECISIONS**

### Applicable Law

#### 1. Petition Requirements

##### **8.22.090 Petition and response to filing procedures.**

###### A. Tenant Petitions and Responses.

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4. In order to file a petition or respond to petition, a tenant, including a subtenant contesting overcharges by a primary tenant, must provide the following at the time of filing the petition or response:
  - a. A completed tenant petition or response on a form prescribed by the rent adjustment program;
  - b. Evidence that the tenant's rent is current or that the tenant is lawfully withholding rent;
  - c. A statement of the services that have been reduced or eliminated, if the tenant claims a decrease in housing services;
  - d. A copy of the applicable citation, if the tenant claims the rent increase need not be paid because the covered unit has been cited in an inspection report by the appropriate governmental agency as containing serious health, safety, fire, or building code violations pursuant to Section 8.22.070D.6; and
  - e. Proof of service by first-class mail or in person of the tenant petition or response and any supporting documents on the opposing party (owner, subtenant, or primary tenant).

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