



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ■ SUITE 2340 ■ OAKLAND, CALIFORNIA 94612-2031

Planning & Building Department

(510) 238-3381

Bureau of Building

TDD:(510) 238-3254

Building Permits, Inspections and Code Enforcement Services

www.oaklandca.gov

Notice of Declaration of Public Nuisance

June 27, 2022

955 57TH LLC
955 B 57TH ST
OAKLAND CA, 94608

Property Address: 5655 LOWELL ST

Complaint Number: **1303769**

Parcel Number: 015 129800900

Penalty Amount: \$1,000 per day

Deadline to Abate: 10 days from date of mailing

Dear Property Owner:

The City of Oakland Planning and Building Department, by this notice, informs the owner of the property located at 955 57TH STREET (AKA) 5655 LOWELL ST, Oakland (the "Property") of the City's assessment of penalties pursuant to Oakland Municipal Code ("O.M.C.") § 1.08. Failure to completely abate the violations as required by this notice within 10 days of mailing this notice will result in the assessment of \$1,000 each day the violations continue at the Property.

DECLARATION OF PUBLIC NUISANCE

The City of Oakland hereby declares the Property a Public Nuisance. O.M.C. § 1.08.020(A)(1) permits the declaration of public nuisance and the assessment of civil penalties to affect the abatement of violations of Chapter 15.08 and Title 17 of the O.M.C. The violations of O.M.C. Chapter 15.08 and Title 17 described herein have created a nuisance at the Property since at least July 25, 2013. The Property owner has failed to abate the violations despite numerous inspections, notices, and order to abate from the City...

NATURE AND DATES OF THE VIOLATIONS

An inspection conducted by the City of Oakland's Code Enforcement Services ("CES") on July 25, 2013 documented violations of the City of Oakland's Municipal and Planning Codes at the Property. The violations documented by CES during the July 25, 2013 inspection are as follow:

1. Alteration without required permit, windows removed and opening reframed, interior walls removed and new wall framed in violation of O.M.C. §§ 15.08.050:15.08.120.
2. Exterior alterations, windows changed, without planning department approval in violation of O.M.C § 15.08.050.

On or about October 09, 2013, CES informed the Property owner of the above stated violations by sending it a Notice of Violation with reinspection scheduled for November 1, 2013.

An inspection conducted by the City of Oakland's Code Enforcement Services (CES) on November 26, 2013 and December 26, 2013 documented violations of the City of Oakland's Municipal and Planning Codes at the Property. The violations documented by CES during the November 26 and December 26, 2013 inspection are as follow:

1. Alteration without required permit, windows removed and opening reframed, interior walls removed and new wall framed in violation of O.M.C. §§ 15.08.050:15.08.120.
2. Alteration/ construction of loading dock, dock door, and canopy, without required permits, inspections and approvals in violation of O.M.C §§ 15.08.050; 15.08.120
3. Installation of refrigeration equipment and associated electrical, mechanical, building and plumbing alteration without required permit, inspections and approvals in violation of O.M.C. §§ 15.08.050:15.08.120, 15.08.340 A, C, E, F, G.
4. Installation of sump pump and drain at loading dock without required permit, inspections and approvals in violation of O.M.C. §§ 15.08.050:15.08.120, 15.08.340F.

On or about January 2, 2014, CES sent the Property owner a Revised Notice of Violation stating the violations continued at the Property. Subsequent inspections by CES on April 8, 2013, January 20, 2015, February 19, 2020, April 10, 2020 and April 26, 2022 confirmed the violations remained unabated at the Property.

On or about October 4, 2021, CES sent the Property owner Order to Abated-Habitability Hazards inform it, among other things, that the violations continued at the Property. Subsequent inspections by CES on April 26, 2022 confirmed the violations remained unabated at the Property.

On or around October 28, 2021, the Property owner's appeal Order to Abated-Habitability Hazards was denied by the Bureau of Planning's Building Acting Building Official on May 31, 2022.

Further inspection on April 26, 2022 confirmed the violations of OMC §§ 15.08.050, 15.08.120, 15.08.340 A, C, E, F, G remain unabated at the property.

REMEDIAL ACTION REQUIRED

Pursuant to the above declaration of public nuisance, the Property owner is ordered to abate the violations of OMC §§ 15.08.050, 15.08.120, 15.08.340 A, C, E, F, G Restore/ Repair/Replace as identified in the prior notices and order, and must obtain permits inspection and approvals for unpermitted steel canopy structure, unpermitted cargo container break room, unpermitted refrigeration equipment, unpermitted loading dock no later than July 7, 2022.

ASSESSMENT OF CIVIL PENALTIES

Failure to completely and permanently abate the violations 10 days from the date this letter is mailed will result in the City imposing daily assessments of \$1,000 a day up to \$365,000 a year pursuant to OMC Chapter § 1.08. Pursuant to O.M.C. § 1.08.060(E) the assessment of \$1,000 per day is based on the duration and frequency of the violations; the detrimental effect on the neighborhood; the Property owner's failure to correct the violations despite multiple notices, orders, and failed appeals of the violations and the penalty is necessary to effect the abatement of the violations wholly and permanently. The City will cease assessing penalties upon notification by the Property owner that the violations have been abated and CES's confirmation of such abatement. If unpaid, civil penalties and related administrative expenses, may be recovered by all appropriate legal means, including but not limited to a nuisance abatement lien and special assessment/priority lien of the general tax levy, or by civil and small claims brought by the City, or both pursuant to O.M.C. § 1.08.040(G).

APPEAL

As prescribed in O.M.C. §§ 1.08.080 and 15.04.125, you have the right to appeal this determination. Pursuant to O.M.C. § 15.04.1.125 your appeal must be received within 21 days from the date of this notice. An appeal hearing, if required will be conducted before an independent administrative hearing examiner. In order to request an appeal, you must pay a \$137 non-refundable filing fee and submit in writing the details upon which you base your claim that the City has erred or abused its discretion in this action. You may be assessed fees for the actual costs incurred by the City for enforcement proceedings against your property.

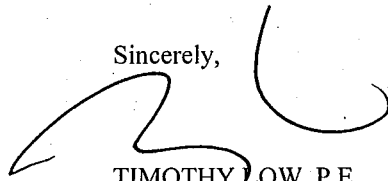
Please file your appeal by mail (address on page 1 of this notice), email at bbcode-inspect@oaklandca.gov or by personal or courier delivery (9:30 a.m. to 4:00 p.m. weekdays) at 250 Frank Ogawa Plaza, 2nd Floor, Attention: Cashiering. If we do not receive your written appeal with the filing fee before 4:00 p.m. (local time), July 18, 2022 you will waive your right for further administrative adjudication of this matter, and your only other method for redressing this matter will be judicial action.

Please note that incomplete appeals including, but not limited to, oral notification of your intention to appeal or receipt of a written appeal without the filing fee will be rejected. Please be advised that you will be assessed additional fees for processing the administrative hearings should your appeal be denied

OPTION TO MEET FOR COMPLIANCE PLAN

If you wish to completely and permanently abate the nuisances at the Property, but you cannot do so within the timeframe of this notice, you may request to meet with the Building and Planning Department and develop a compliance plan to abate the violations. In some cases, the City will require a performance bond be posted as a condition of a compliance plan. If you reach an agreement, the City may suspend the daily penalties while you meet the terms of the compliance plan. To request a meeting for a compliance plan, please email TLow@oaklandca.gov

Sincerely,



TIMOTHY LOW, P.E.
Acting Building Official

Encl.

cc:

List of Violations

Photos

Administrative Hearing Fees

Actual Cost to Conduct Appeals Hearing

\$931 Processing fee + \$150 per hour Hearing Officer fee

Costs include:

- Review of Evidence
- Conducting the Hearing
- Final Decision Preparation
- Parking and Postage costs

-Records Management and Technology Enhancement fee (14.75%)

Fees charged only if Appellant loses appeal

Additional Enclosures/Interest Holders

N/A



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ■ SUITE 2340 ■ OAKLAND, CALIFORNIA 94612-2031

Planning and Building Department
Bureau of Building
bbcode-inspect@oaklandca.gov

(510) 238-3381
TDD:(510) 238-3254

ADMINISTRATIVE APPEAL FORM

Submittal Date:

Property Address 955 57th STREET (AKA) 5655 LOWELL ST

Filing Fee \$137.00

Complaint No. 1303769

Parcel No. 015 129800900

Filing Deadline: 7/18/2022

Non-Refundable Fee

Appeal Type:

- Substandard Public Nuisance
 Order to Abate-Habitability
 Imminent Hazard
 Public Nuisance
 Administrative Penalty
 Civil Penalty

Property Owner: 955 57TH LLC

Appellant: _____

Mailing Address: 955 B 57TH ST

Mailing Address: _____

City/State: OAKLAND CA, 94608

City/State: _____

Telephone: _____

Telephone: _____

Email: _____

Email: _____

CONDITIONS FOR FILING AN ADMINISTRATIVE APPEAL

THE MUNICIPAL CODE PROVIDES FOR ADMINISTRATIVE ADJUDICATION BY AN INDEPENDENT HEARING EXAMINER OF THE ENFORCEMENT ACTIONS INDICATED ABOVE FOR APPELLANTS HAVING RECORD TITLE INTEREST IN THE PROPERTY. AN APPEAL MUST BE SUBMITTED IN WRITING WITH A FILING FEE. **IF THE APPEAL AND FEE ARE NOT RECEIVED BY THE BUILDING DEPARTMENT WITHIN 21 CALENDAR DAYS OF THE MAILING DATE OF THE NOTIFICATION OF THE ENFORCEMENT ACTION, OR IF THE APPELLANT FAILS TO IDENTIFY FACTS WHICH SUPPORT A CONTENTION THAT THE CITY HAS ERRED OR ABUSED ITS DISCRETION, THE APPEAL WILL BE DENIED WITHOUT AN ADMINISTRATIVE HEARING.** THE ONLY OTHER REDRESS AVAILABLE TO AN APPELLANT WILL BE JUDICIAL ACTION (CIVIL PROCEDURE 1094.6, etc.).

- Briefly identify your legal interest in the building or property.
 Briefly identify which of the enforcement actions by the City you are appealing,
 Briefly identify how the City has erred or abused its discretion in bringing this action.
 Briefly identify how you want the City to resolve your appeal.

(A separate sheet of paper is attached for your convenience)

I Declare Under Penalty of Perjury that the information given herewith is in all respects true and accurate to the best of my knowledge and belief.

APPELLANT'S SIGNATURE
AGENT MUST PROVIDE NOTARIZED AUTHORIZATION

DATE

Office Use Only

Receive Date: _____ Administrative Reviewer: _____

Administrative Determination: Approved Refund required: Yes No If yes, \$ _____

Administrative Determination: Denied Hearing to be scheduled within 60 days

Hearing Officer Decision: Approved Partial Approval - Refund required: Yes No If yes, \$ _____

Hearing Officer Decision: Denied Date of Final Decision: _____

Inspector _____

Jan 2022

Scan to: Code Enforcement-Notice-SS/PN Pending Declaration (H7)



County Assessor Display

Assessor Parcel Record for APN 15-1298-9 (015 129800900)

Format Parcel
15-1298-9

Property Address
5655 LOWELL ST, OAKLAND, 94608

Owner Name
955 57TH LLC

Care Of

Attention

Mailing Address
955 B 57TH ST, OAKLAND CA, 94608- 2843

Use Code
Light industrial

Recorder Number
2013 - 081367

Recorder Date
03/01/2013

Mailing Address Effective Date
03/01/2013

Last Document Input Date
04/26/2013

Deactivation Date

Exemption Code

Date Printed: 06-23-2022

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Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Required	\$	

Postmark Here

Pc 955 57th STREET LLC
955 B 57th STREET
OAKLAND, CA 94608

Sti 5655 LOWELL ST/1303769/DEC OF PUBLIC NUIS/06/27/22/TEC

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions