



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

Mailing Address: 955 B 57TH ST

City/State: OAKLAND CA, 94608

Telephone: 916-677-1774

Email: ssh@hassinglaw.com

Appellant: 955 57th LLC

Mailing Address: 5655 LOWELL STREET

City/State: OAKLAND, CA

Telephone: c/o Steven S. HASSING, attorney  
916-677-1776

Email: ssh@hassinglaw.com

#### 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. OWNER
  - Briefly identify which of the enforcement actions by the City you are appealing. DECLARATION OF PUBLIC NUISANCE
  - Briefly identify how the City has erred or abused its discretion in bringing this action. DENIAL OF 10/24/21 APPEAL
  - Briefly identify how you want the City to resolve your appeal. ASSESSMENT OF PENALTIES (see attached) (see attached)
- (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.

[Signature] 7/18/22  
 APPELLANT'S SIGNATURE DATE

AGENT MUST PROVIDE NOTARIZED AUTHORIZATION

#### 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 \_\_\_\_\_

**CITY ERRED AND ABUSED ITS DISCRETION IN ISSUING THIS NOTICE**

The term alteration without required permit is vague and ambiguous and in violation of due process.

Permits for window removal and reframing of window opening were applied for and obtained. Permits for interior walls and exterior alterations were either unnecessary or were applied for unreasonably denied or unacted upon.

In the alternative, a reasonable and good faith attempt to apply for such permits was made and city has wrongfully withheld same in a discriminatory, retaliatory, and vindictive effort to harass 955 57 LLC and its tenant, Suprema Meats, Inc. This discriminatory action by City of Oakland has been conducted by City employees in concert and conspiracy with a group of neighbors who moved across from and next to the property which is located in the HBX-1 warehouse zone to garner votes for affected city officials.

A conditional use permit has been applied for and granted but with unreasonable and overburdensome conditions which Appellant appealed to the Planning Commission and later Petitioned the Alameda County Superior Court for writ of mandate which action is now on appeal at the First District Court of Appeal in San Francisco.

Appellant entered into a compliance plan which bars city from filing the subject notice which is one of the issues now on appeal at the FDCA. City is therefore barred from, and lacks jurisdiction to, issue the notice herein appealed.

There are no habitable conditions on the premises which endanger the health, safety, and welfare of occupants or potential occupants and the public is not therefore jeopardized by hazards. There does not exist any condition at the property that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof. The property is not a substandard building. The property does not constitute a public nuisance.

The civil penalties are excessive and punitive and therefore a violation of city ordinance and California and Federal law and therefore unenforceable.

**APPELLANT REQUESTS THAT THE CITY RESOLVE THE APPEAL BY WITHDRAWING ITS NOTICE OF DECLARATION OF PUBLIC NUISANCE**

In the alternative, in the event of an Administrative Hearing, Appellant asks that the independent hearing officer find that the City erred and abused its discretion in issuing the Notice of Declaration of Public Nuisance and has denied Appellant its right to due process.

DATED this 18<sup>th</sup> day of July 2022