

Appeal Fee paid
6/6/2022

**LAW OFFICES
OF
STEVEN J. HASSING**

ALSO LICENSED AND PRACTICING IN
WASHINGTON
ARIZONA

425 CALABRIA COURT
ROSEVILLE, CALIFORNIA 95747
TELEPHONE: (916) 677-1776
FACSIMILE: (916) 677-1770
E-MAIL: sjh@hassinglaw.com

October 31, 2021

250 Frank H. Ogawa Plaza
Suite 2340
Oakland, California 94612
Bureau of Building

**RE: ADMINISTRATIVE APPEAL
COMPLAINT 1303769
955 57TH STREET**

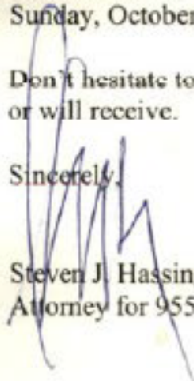
Dear Sir or Madam,

Please find enclosed 955 57th LLC's Appeal with check # 7656 in the amount of \$116.00. As you know, the original Appeal and check was placed with UPS on Thursday morning, October 28 for delivery to City of Oakland by 10:30 a.m. on Friday, October 29. Also, on the morning of October 28, my office emailed you a copy of the Appeal which had been placed with UPS.

I have just learned that UPS did not get the package delivered on Friday and says they are delivering it tomorrow, Monday, November 1. They gave no reason why it was not delivered Friday. Since today is a Sunday, 955 57th's last date to present the appeal and check automatically extend to Monday. However, in an abundance of caution, I am hand delivering this letter, a copy of the appeal that was provided to UPS, and a new check to City of Oakland today, Sunday, October 31.

Don't hesitate to call or email with questions. Please return one of the checks you have received or will receive.

Sincerely,


Steven J. Hassing
Attorney for 955 57th LLC



CITY OF OAKLAND

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

Planning and Building Department

(510) 238-3381

Bureau of Building

TDD:(510) 238-3254

www.oaklandca.gov

ADMINISTRATIVE APPEAL FORM

Submittal Date: 10/04/2021

Property Address: 5655 Lowell Street/955 57th Street Filing Fee: \$116.00

Complaint No. 1303769 Parcel No. 015-12987-009-00 Filing Deadline: 10/31/21
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 Street

City/State: Oakland, CA 94608-2843

Telephone: 916-677-1776 cell - 916-412-8847

Email: sjh@hassinglaw.com

Appellant: 955 57th LLC / c/o. Steve Hasson

Mailing Address: 425 Calabera Court

City/State: Roseville, CA 95747

Telephone: 916-677-1776 cell 916 412 5447

Email: sjh@hassinglaw.com
sjh@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.
- 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.

[Signature] attorney for 955-57 LLC 10/28/21
 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 _____

July 2021

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

Administrative Appeal
Substandard Public Nuisance

Property Address: 5655 Lowell Street/955 57th Street

Complaint: 1303769

1. Legal Interest in the Building or Property

This appeal is filed by 955 57th LLC, owner of the above described property, by its attorney, Steven J. Hassing, on behalf of 955 57th LLC. Mr. Hassing has been authorized and directed by 955 57th to draft, sign, and file this Appeal.

2. Enforcement Actions Being Appealed

Appellant Appeals each and every enforcement action mentioned in the October 4, 2021 Order to Abate-Habitability Hazards

3. City's Error and Abuse of Discretion

- a. There are no habitable conditions on the premises which are deteriorated to an extent that the health, safety, and welfare of occupants or potential occupants and the public is jeopardized by hazards.
- b. The property is and has always been maintained free of blighting conditions and secured from unauthorized entry in accordance with all applicable City specifications.
- c. 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.
- d. The property is not a substandard building.
- e. The property does not constitute a public nuisance.
- f. Permits for each of the six items noted under heading #1 on the attachment to the Notice to Abate have been applied for or a reasonable and good faith attempt to apply for such permits has been made. The permits have been wrongfully withheld in a discriminatory, retaliatory, and vindictive effort by City of Oakland to harass 955 57 LLC and its tenant, Suprema Meats, Inc. in an effort to force it to leave Oakland. 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.

- i. There exists no inadequate natural light or ventilation in partition areas, #4 at heading #1
 - ii. Appellant obtained a permit for the CMU wall, #5 at heading #1.
 - iii. There is inadequate fire and sound separation in wall partitions, #6 at heading #1.
 - iv. The wall partitions complained of do not require permits, #6 at heading #1.
- g. Permits for installation of refrigeration equipment, etc., listed under heading #2 on the attachment to the Notice to Abate have been applied for or a reasonable and good faith attempt to apply for such permits has been made. The permits have been wrongfully withheld in a discriminatory, retaliatory, and vindictive effort by City of Oakland to harass 955 57 LLC and its tenant, Suprema Meats, Inc. and force it to leave the city of Oakland. 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.
- h. Permits for plumbing work, including sump pump and drainage listed under heading #3 on the attachment to the Notice to Abate have been applied for or a reasonable and good faith attempt to apply for such permits has been made. The permits have been wrongfully withheld in a discriminatory, retaliatory, and vindictive effort by City of Oakland 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.
- i. Permits for air circulation/distribution system, etc., listed under heading #4 on the attachment to the Notice to Abate have been applied for or a reasonable and good faith attempt to apply for such permits has been made. The permits have been wrongfully withheld in a discriminatory, retaliatory, and vindictive effort by City of Oakland 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.
- j. i. Permits for interior walls referenced as item #1 in heading #5 of the attachment to Notice to Abate were either not needed or were applied for or a reasonable and good faith attempt to apply for such permits has been made. The permits have been wrongfully withheld in a discriminatory, retaliatory, and vindictive effort by City of Oakland 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.

ii. Permits for removal and framing of windows and window openings referenced as item #2 in heading #5 were applied for and obtained.

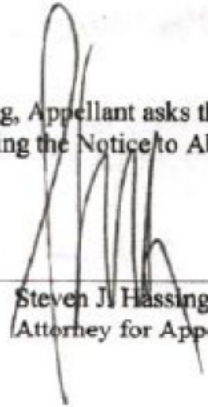
iii. There is no lack of required fire rated drywall or non-fire rated intumescent sealers referenced as item #3 in heading #5.

4. Resolution

Appellant asks the City to retract its Notice of Abate.

In the alternative, in the event of an Administrative Hearing, Appellant asks that the independent hearing officer find that the City erred in issuing the Notice to Abate or abused its discretion in doing so.

DATED this 28th day of October, 2021


Steven J. Hassing
Attorney for Appellant

7656
98-505/1232
50126
CHECK ARMOR
Photo
Date
Signature
Valid in CA

LAW OFFICE OF STEVEN J. HASSING
STEVEN J. HASSING
916-677-1776
425 CALABRIA CT
ROSEVILLE, CA 95747-5023

DATE 10/31/2021

PAY TO THE ORDER OF City of Oakland \$ 116⁰⁰
one hundred sixteen and 00/100 DOLLARS

UMPQUA BANK (866) 486-7782

FOR Meal - court - 1303769

