



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

Code Enforcement Services

[inspectioncounter@oaklandca.gov](mailto:inspectioncounter@oaklandca.gov)[www.oaklandca.gov](http://www.oaklandca.gov)

## APPEAL FORM

### Instructions:

If you have received a **Notice of Violation (NOV)** related to Building Code or Zoning violations, you have the right to appeal. Major Zoning violations must be appealed separately from Building Code, Minor Zoning, Blight and Graffiti Violations (as identified on the NOV). Please review the NOV and indicate below the violations you are appealing.

Complete this form and return it, along with the required filing fee and supporting documentation, to the Bureau of Building, at **250 Frank Ogawa Plaza, 2<sup>nd</sup> Floor, Cashiering, Oakland, CA 94612**. Appeals forms may be submitted in person or by mail but must be received by the Bureau of Building no later than the **Deadline to Respond** identified on the Notice of Violation. Appeals Forms submitted without the required Filing Fees will be rejected.

**All future correspondence pertaining to this appeal will be sent via email only unless you have indicated below that you do not agree.**

Filing Date:

June 7, 2019

Complaint No.

1901763

Property Address:

465 63<sup>rd</sup> Street; Oakland

APN

16-1392-29

Name of Appellant:

Randall Whitney, Lyons Property Management

Appellant Mailing Address:

P.O. Box 4186, Walnut Creek, CA 94596  
~~8223~~ ; ~~94662~~ ; Emeryville, CA

Phone Number:

(415) 716 9898

Email Address:

whitwors@gmail.com

Property Owner: (if different)

Laura Lyons Trust

Phone

Number:

(925) 298-5929

Property Owner Mailing Address:

P.O. Box 8223 ; Emeryville CA 94662

Property Owner Email Address:

drlaura1412@aol.com

Representative/ Attorney (if any)

Randall Whitney, <sup>ATTY IN</sup> <sub>FACT</sub>

Phone

Number:

(415) 716 9898

Representative's Mailing Address:

PO Box 4186 ; Walnut Creek CA 94596

Representative's Email Address

whitwors@gmail.com

NON-ATTORNEY REPRESENTATIVES MUST PROVIDE NOTARIZED AUTHORIZATION

*I do not agree to receive future correspondence pertaining to this appeal by email.*

**Appeal Type:** (Check the appropriate box)

- Property Blight** (*trash, debris, overgrown vegetation, graffiti, etc.*)
- Building Maintenance** (*unpermitted work, no heat, water, undocumented units, landslides, drainage etc.*)
- Minor Zoning** (*e.g., unpermitted window, roofing changes; fencing height, unpermitted expansions, etc.*)
- Major Zoning** (*unpermitted activity; change of use; unpermitted units; expansion of non-conforming uses, etc.*)

### **How to Appeal:**

Complete and submit this form, along with all required filing fees, to the Bureau of Building no later than the **Deadline to Respond** indicated in the Notice of Violation. The **Deadline to Respond** shall be twenty-one (21) days except in cases involving danger or imminent hazard, in which case the deadline to Respond shall be seven (7) days.

You must provide all information required by this appeal form including responding to the requests at the top of page 3. If you are appealing a **Major Zoning Violation** you should explain a) why the use of your property conforms to the zoning designation for the property or b) why the activity should be approved as set forth in Planning Code, Title 17.

	Appeal Type:	Filing Fee
Category 1	Building Code, Minor Zoning, Blight and Graffiti Violations	\$110.00
Category 2	Major Zoning Violations (zoning determination)	\$473.92

If you are appealing both Category 1 and Category 2 Violations, you must pay **both** filing fees. If you are filing an appeal after the deadline to respond, explain why your appeal is past the deadline and why it should still be considered. Failure to adequately explain untimely filing may result in the appeal being summarily dismissed without a hearing.

### **Category 1 Appeals Process:**

Appeals of Building Code, Minor Zoning, Blight and Graffiti Violations will be reviewed administratively by staff who may grant the appeal without a hearing. If staff does not grant the appeal, a hearing will be scheduled before an Independent Hearing Officer within 60 days, unless you waive the right to the hearing following administrative review. If the Independent Hearing Officer grants your appeal, you will not be charged for the hearing. If the Hearing Officer denies your appeal, you must abate the violations and pay all administrative costs for the hearing as follows:

Processing Fee = \$932  
Conduct Appeals Hearing = \$150.00 an hour (Actual Cost)  
Reschedule Hearing = \$329.00

Notice of the date, time, and place of hearing will be sent to the appellant and the property owner by email and or mail at least 14 days prior to the hearing. At the hearing, you may present evidence and testimony to support your appeal.

Decisions of the Independent Hearing Officer regarding Blight and Graffiti are final and may only be appealed in court.

Decisions of the Independent Hearing Officer regarding violations identified under the Oakland Municipal Code Chapter 15.04, 15.08 or the California Model Building Construction Code may be appealed to an Appeals Board within fourteen (14) days by following the procedures set forth in Oakland Municipal Code 15.04.1.125G. Appeals not filed in a timely manner will be rejected.

## Category 2 Appeals Process:

Appeals of Major Zoning Violations are routed to the Zoning Manager for a Major Zoning Determination.

The Zoning Manager will issue a written decision within 45 days from the end of the appeal period. The Major Zoning Determination fee is not refundable once the decision has been issued, regardless of outcome. Decisions of the Zoning Manager are final unless appealed to the Planning Commission within 10 days from the written decision. Appeals not filed in a timely manner will be rejected.

Please respond to all of the following:

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

You may use this form to write your explanation and/or attach supplemental pages as needed.

I am Randall Whitney and I represent Dr Laura Lyons as Attorney in Fact and as Trustee.

We are appealing following actions:

Removal Trash (8:24.020 D1) and overgrown vegetation (8:24.020 D10)

HVAC System plan  
Electrical System plan (15.08.120, 15.08.140, 15.08.050)

Light fixtures, near staircase, 4 water heaters, and

4 windows and 2 doors replacement (15.08.120/15.08.140/15.08.050)

Appellant seeks City to schedule evidentiary hearing on appeal

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

Appellant Signature \_\_\_\_\_ Date 6-7-2019

Representative Signature \_\_\_\_\_ Date 6-7-2019

Print Name Clearly  
Randall Whitney

Print Name Clearly  
Randall Whitney

### Office Use Only

Record ID(s): 1901763

Administrative Reviewer(s): R. Fielding

Receive Date: (Stamp)

unavailable

Lyons Property Management  
P.O. Box 8223  
Emeryville CA 94662

## NOTICE OF APPEAL

Date: June 7, 2019

Specialty Combination Inspector  
Planning and Building Department, Suite 2340  
City of Oakland  
150 Frank H. Ogawa Plaza  
Oakland CA 94612-2031  
**SiuLing)**

CITY OAKLAND RECEIPT NO. 1017169 dtd June 7, 2019 (per

Re: 465 63<sup>rd</sup> Street, Oakland CA // APN 16-1392-29 // CityOakland Code Enforcement Case No. 1901763

**In response to your letter dated May 8, 2019 -**

**To the Specialty Combination Inspector assigned to this case:**

I represent the subject building referenced above and within the City of Oakland *Notice of Violation* ("Notice") citing the building for various building violations.

In accordance with the Notice, I am filing this NOTICE OF APPEAL as you did not include or respond to my May letter asking for an appeal form.

Your OMC reference was misleading as being OMC 150.08.100

I am submitting this Notice of Appeal in an abundance of caution to ensure that we preserve our rights to appeal this matter.

Please use this letter as our form to file an appeal in accordance with OMC 15.08.100.

/s/

Randall Whitney

cc: L. Lyons

Office Use Only

Record ID: ~~(1901763)~~ 1901763

Receive Date: pay 6/7/19 Administrative Reviewer: R. Fielding

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

Administrative Determination:  Denied  Zoning Determination required

Decision: PGE documentation regarding compromised mechanical and electrical systems, Photographic evidence of violations. (X) Filed 12/18/19

note: filing did not follow standard procedure: no stamp

no cashier comment