



**CITY OF OAKLAND**  
**BUREAU OF PLANNING - ZONING DIVISION**  
250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031  
Phone: 510-238-3911 Fax: 510-238-4730

**Sent Via Email**

December 11, 2024

Michael-Ryan McGrew  
955 57th LLC  
sjh@hassinglaw.com

**Zoning Manager's Determination (Appeal of Major Zoning Violation Code Enforcement)**

**RE: Case File No. DET24084; Compliant No. 2402256; 952 57<sup>th</sup> Street; APN: 015 129700200**

Dear Mr. McGrew,

This letter is in response to your appeal of a City of Oakland Notice of Violation (*Attachment A*), dated May 15, 2024. The Notice of Violation (NOV) states the violation as "Operation of a Warehouse, Storage, and Distribution Industrial Activities in a Zoning District (HBX-1) where such an Activity requires a Conditional Use Permit and no such Permit having been granted." The NOV states that the required action is to "Cease the Activity then modify the Activity to one that is permitted and obtain a Zoning Clearance for that Activity, or cease the Activity then obtain an approved Conditional Use Permit."

Per the City of Oakland Code Enforcement Service's Appeal form, appeals of Notice of Violations regarding unpermitted activities, changes of use, expansions of non-conforming uses, etc. are considered Appeals of Major Zoning Violations and require a Determination from the Zoning Manager.

You filed an Appeal of the NOV via DET240084, received prior to the end of the appeal deadline of June 10, 2024. However, no supporting documentation was submitted with that appeal, nor was any explanation as to why you believe the use of the property conforms to the zoning designation submitted.

An inspection of the site by the Bureau of Building on May 12, 2024, determined that the site is being used as a warehouse, which is classified as a Warehousing, Storage, and Distribution Activity under Section 17.10.583 of the Planning Code. Staff review of Table 17.65.01 of the Planning Code confirms that, under the HBX-1 Zoning of the site, the operation of a Warehousing, Storage, and Distribution Industrial Activity requires the granting of a Conditional Use Permit (CUP). Staff review of the City's permitting system found no record of a CUP or Zoning Clearance for a Warehousing, Storage, and Distribution Industrial Activity for the site.

**Therefore, the business violates the permitted activity regulations in the HBX-1 Zone, and the appeal of the NOV is denied.**

If you, or any interested party, seeks to challenge this decision, an appeal must be filed by no later than ten (10) calendar days from the date of this letter, by 4:00 p.m. on December 21, 2024. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) Neil Gray, Planner IV, at [ngray@oaklandca.gov](mailto:ngray@oaklandca.gov), (2) Robert Merkamp, Zoning Manager, at [Rmerkamp@oaklandca.gov](mailto:Rmerkamp@oaklandca.gov), and (3) Catherine Payne, Development Planning Manager, at [Cpayne@oaklandca.gov](mailto:Cpayne@oaklandca.gov). The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not

supported by substantial evidence. Applicable appeal filing fees in the amount of \$10,193.51 in accordance with the City of Oakland Master Fee Schedule must be paid within five (5) calendar days (December 26, 2024) of filing the appeal.

If the fifth (5th) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee. Failure to timely appeal (or to timely pay all appeal fees) will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

If you have further questions regarding this matter, please contact Neil Gray, Planner IV, at (510) 238-3878 or [ngray@oaklandca.gov](mailto:ngray@oaklandca.gov).

Sincerely,



Robert Merkamp  
Zoning Manager

**Attachments:**

A – Notice of Violation

Cc: Michael Branson - [mbranson@oaklandcityattorney.org](mailto:mbranson@oaklandcityattorney.org)