



**CITY OF OAKLAND**  
**APPEAL FORM**  
**FOR DECISION TO PLANNING COMMISSION, CITY**  
**COUNCIL OR HEARING OFFICER**

**PROJECT INFORMATION**

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Case No. of Appealed Project: DET240084

Project Address of Appealed Project: 952 57th St. Oakland, CA

Assigned Case Planner/City Staff: Neil Gray

**APPELLANT INFORMATION:**

Printed Name: Michael McGrew Phone Number: (916) 662-5936

Mailing Address: 2729 Turk Blvd. Alternate Contact Number: \_\_\_\_\_

City/Zip Code San Francisco, 94118 Representing: 955-57th LLC

Email: mrm@hassinglaw.com

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**An appeal is hereby submitted on:**

**AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

**YOU MUST INDICATE ALL THAT APPLY:**

- Approving an application on an Administrative Decision
- Denying an application for an Administrative Decision
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) \_\_\_\_\_

**Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:**

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Creek Determination (OMC Sec. 13.16.460)
- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
- Other (please specify) \_\_\_\_\_

*(Continued on reverse)*

(Continued)

- A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)**       Granting an application to:      **OR**       Denying an application to:

**YOU MUST INDICATE ALL THAT APPLY:**

**Pursuant to the Oakland Municipal and Planning Codes listed below:**

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) \_\_\_\_\_

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**FOR ANY APPEAL:** An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

**You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court.** However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

**The appeal is based on the following:** *(Attach additional sheets as needed.)*

The Determination was issued in error and was an abuse of discretion. Appellant's use of the property is proper as a continuing nonconforming use under 17.114.040. The property was previously zoned for warehousing activity. This activity continued regularly within a year of the purchase of the property by Appellant. Despite the Determination's claim none was offered, appellant explained and offered a declaration by the previous owner. Instead, the Planner required a previous Zoning Clearance, which did not exist in the City's database.

**Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)*

(Continued on reverse)

(Continued)

Type text here



\_\_\_\_\_  
*Signature of Appellant or Representative of  
Appealing Organization*

12-19-24

\_\_\_\_\_  
*Date*

***TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE***

APPEAL FEE:           \$ \_\_\_\_\_

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

**Below For Staff Use Only**

**Date/Time Received Stamp Below:**

**Cashier's Receipt Stamp Below:**



**ALAMEDA COUNTY  
ASSESSOR'S OFFICE**

[New Search](#)

**Parcel Details for Parcel 15-1297-2**

**Parcel Number:** 15-1297-2 **Active:** Yes  
**Property Address:** 952 57TH ST, OAKLAND, CA 94608  
**Mailing Address:** 656 COVENTRY RD, KENSINGTON, CA 94707

**Values**

Select the year to see value details

Roll Year	Land Value	Imps Value
<a href="#">2024</a>	\$320,000	\$760,000
<a href="#">2023</a>	\$266,303	\$313,646
<a href="#">2022</a>	\$261,083	\$307,498
<a href="#">2021</a>	\$255,964	\$301,469
<a href="#">2020</a>	\$253,341	\$298,379

1 - 5 of 33 items

\*Corrected values

**Maps**

[Page 1](#)

[Maps Disclaimer](#)

**Use Code**

4100  
WAREHOUSE

[Use Code Reference](#)

No Parent Parcels Data No Child Parcels Data No Economic Unit Data

[Assessor's Office](#) [Treasurer-Tax Collector](#) [Property Tax Information](#)



## Parcel Information

The information provided in this map is for reference purposes only. It is not intended for any other use and should not be relied on for other purposes. To obtain the latest information, please contact the Zoning information Hotline Counter at (510) 238-3911.

### Basic Parcel Information

Parcel Number	015 129700200	MoreInfo ( <a href="https://www.acgov.org/ptax_pub_app/RealSearchInit.do?searchByParcel=true&amp;parcelNumber=15-1297-2">https://www.acgov.org/ptax_pub_app/RealSearchInit.do?searchByParcel=true&amp;parcelNumber=15-1297-2</a> )
Lot Area	Approx. area = 5398 sq. ft.	
Address within the Parcel	952 57TH ST	
Primary Landuse within the Parcel	Warehouse	

### Zoning and General Plan Information

Zoning (Base Zone and Combining)	HBX-1 , S-13	
Height - Central Business District	N/A	MoreInfo ( <a href="http://oaklandnet/oak/groups/ceda/documents/report/oak033161.pdf">http://oaklandnet/oak/groups/ceda/documents/report/oak033161.pdf</a> )
Height - Commercial Corridor	N/A	
General Plan/Estuary Policy Plan	Housing and Business Mix	MoreInfo ( <a href="https://www.oaklandca.gov/topics/city-of-oakland-general-plan">https://www.oaklandca.gov/topics/city-of-oakland-general-plan</a> )
Condominium Conversion Impact Area	No	Municipal Code 16.36
Impact Fee Zone	Fee Zone 2	
Housing Element Opportunity Site 4th & 5th Cycle		
Housing Element Opportunity Site 6th Cycle		
Priority Development Areas	North Oakland / Golden Gate	

### Administrative Information

City Council District	1	MoreInfo ( <a href="http://www2.oaklandnet.com/Government/o/CityCouncil/index.htm">http://www2.oaklandnet.com/Government/o/CityCouncil/index.htm</a> )
Port of Oakland Jurisdiction	No	
Black Arts Movement Business District (BAMBD)	No	

### Historic Resources Information

Local Historic Property Category	-	MoreInfo ( <a href="https://www.oaklandca.gov/topics/historic-preservation">https://www.oaklandca.gov/topics/historic-preservation</a> )
Local Historic District		MoreInfo ( <a href="https://cao-94612.s3.amazonaws.com/documents/HP-API-ASI-Map.pdf">https://cao-94612.s3.amazonaws.com/documents/HP-API-ASI-Map.pdf</a> )

**From:** Gray, Neil D. <[NGray@oaklandca.gov](mailto:NGray@oaklandca.gov)>  
**Sent:** Wednesday, September 4, 2024 11:50 AM  
**To:** Michael McGrew <[mrm@hassinglaw.com](mailto:mrm@hassinglaw.com)>  
**Subject:** Re: DET240084 - 952 7th St.

I don't think so because they need to show they were there legally and continuously and that they closed less than a year ago.

**Neil Gray, Planner IV** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: (510) 238-3878 |  
Email: [ngray@oaklandca.gov](mailto:ngray@oaklandca.gov) | Website: [www.oaklandca.gov/departments/planning-and-building](http://www.oaklandca.gov/departments/planning-and-building)

To view a project: <https://aca-prod.accela.com/oakland/default.aspx>  
For general zoning questions: <https://www.oaklandca.gov/services/permit-questions>  
To create a Zoning Worksheet: [City of Oakland](#) | [VIDEO: Create a Zoning Worksheet \(ZW\) for Your... \(oaklandca.gov\)](#)

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**From:** Michael McGrew <[mrm@hassinglaw.com](mailto:mrm@hassinglaw.com)>  
**Sent:** Wednesday, August 21, 2024 5:28 PM  
**To:** Gray, Neil D. <[NGray@oaklandca.gov](mailto:NGray@oaklandca.gov)>  
**Subject:** Re: DET240084 - 952 7th St.

Neil,

I was unable to find a Zoning Clearance online for the property by any of the previous owners since the creation of the building. Is it possible or common to not get a zoning clearance when purchasing or using the building? I have reached out to the former tenant-company and a company representative has agreed to sign a declaration that they used the building primarily for warehousing and storage within a year of the purchase, under the previous zoning. Would this be sufficient?

Thanks,  
Michael

**From:** Gray, Neil D. <[NGray@oaklandca.gov](mailto:NGray@oaklandca.gov)>  
**Date:** Monday, August 19, 2024 at 1:35 PM  
**To:** Michael McGrew <[mrm@hassinglaw.com](mailto:mrm@hassinglaw.com)>  
**Subject:** Re: DET240084 - 952 7th St.

A Zoning Clearance for sure, but also any other documents you have (utility bills, rental agreement, etc.). You need to show that the activity legally began with a Zoning Clearance under the allowed uses at that time.

--Neil

**Neil Gray, Planner IV** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: (510) 238-3878 |  
Email: [ngray@oaklandca.gov](mailto:ngray@oaklandca.gov) | Website: [www.oaklandca.gov/departments/planning-and-building](http://www.oaklandca.gov/departments/planning-and-building)

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**From:** Michael McGrew <[mrm@hassinglaw.com](mailto:mrm@hassinglaw.com)>  
**Sent:** Wednesday, July 24, 2024 1:31 PM  
**To:** Gray, Neil D. <[NGray@oaklandca.gov](mailto:NGray@oaklandca.gov)>  
**Subject:** Re: DET240084 - 952 7th St.

Ok, and what would be the best way to go about proving that to make your job easiest? And would that be within the last year since the new ordinance came into effect, or from the date of the notice?

Thanks,

**Michael-Ryan McGrew**  
Attorney / Law Offices of Steven J. Hassing  
(916) 662-5936  
San Francisco, CA

WARNING: This E-mail, and any attachments, are covered by the Electronic Communications Privacy Act, 18 U.S.C. §2510-2521. This email may contain confidential and legally privileged information. The contents of this e-mail, and any attachments, are intended solely for the use of the person or entity to whom the e-mail was addressed. This email may also contain information that may be protected by the attorney-client privilege, work-product doctrine, or other privileges, and may be restricted from disclosure by applicable Federal and State laws. If you are not the intended recipient of this email you are advised that any dissemination, distribution, or use of the contents of this message is strictly prohibited. If you received this e-mail message in error, please contact the sender by reply e-mail or phone. Please also permanently delete all copies of the original e-mail and any attachments.

**From:** Gray, Neil D. <[NGray@oaklandca.gov](mailto:NGray@oaklandca.gov)>  
**Date:** Wednesday, July 24, 2024 at 1:28 PM  
**To:** Michael McGrew <[mrm@hassinglaw.com](mailto:mrm@hassinglaw.com)>  
**Subject:** Re: DET240084 - 952 7th St.

You would need to show us that a warehouse has legally operated there within the last year (see 17.114.050 Nonconforming Activity—Discontinuance).

**Neil Gray, Planner IV** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2214 | Oakland, CA 94612 | Phone: (510) 238-3878 | Email: [ngray@oaklandca.gov](mailto:ngray@oaklandca.gov) | Website: [www.oaklandca.gov/departments/planning-and-building](http://www.oaklandca.gov/departments/planning-and-building)

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**From:** Michael McGrew <[mrm@hassinglaw.com](mailto:mrm@hassinglaw.com)>  
**Sent:** Wednesday, July 24, 2024 1:19 PM  
**To:** Gray, Neil D. <[NGray@oaklandca.gov](mailto:NGray@oaklandca.gov)>  
**Subject:** Re: DET240084 - 952 7th St.

You don't often get email from [mrm@hassinglaw.com](mailto:mrm@hassinglaw.com). [Learn why this is important](#)

Hi Neil,

Thanks for your response, I was looking at the municode version and I appreciate getting the updated version before I could embarrass myself. Following up on the activity issue, 17.01.040 of the Planning Code allows the continuance of any activity that existed lawfully prior to the new Code. My understanding from conversations with the previous and current owner, as well as the zoning map accessible from the City's website, is that the premises has been historically used for warehousing and that Suprema only uses it to warehouse their product rather than any distribution which takes place at a separate property. Apparently, the activity has not changed, so it should be in accordance with the Planning Code. Is there some documentation or evidence the current owner would need to support this?

Thanks again for your help.

**Michael-Ryan McGrew**  
Attorney / Law Offices of Steven J. Hassing  
(916) 662-5936  
San Francisco, CA