

**HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD  
FULL BOARD SPECIAL MEETING  
February 10, 2022  
5:00 P.M.  
Meeting Will Be Conducted Via Zoom**

**AGENDA**

**PUBLIC PARTICIPATION**

The public may observe and/or participate in this meeting in many ways.

**OBSERVE:**

• To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10

• To observe the meeting by video conference, please click on the link below:

When: Feb 10, 2022 5:00 PM Pacific Time (US and Canada)

Topic: HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD FULL BOARD MEETING- February 10, 2022

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83146224681>

Or One tap mobile :

US: +16699009128,,83146224681# or +13462487799,,83146224681#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or

+1 312 626 6799 or +1 646 558 8656

Webinar ID: 831 4622 4681

International numbers available: <https://us02web.zoom.us/j/83146224681>

**COMMENT:**

There are two ways to submit public comments.

• To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to “Raise Your Hand” are available [here](#).

• To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute yourself by pressing “\*6”.

If you have any questions, please email [hearingsunit@oaklandca.gov](mailto:hearingsunit@oaklandca.gov) .

## HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD SPECIAL MEETING

1. CALL TO ORDER
2. ROLL CALL
3. ELECTION OF OFFICERS
4. OPEN FORUM
5. RENEWAL: ADOPTION OF AB 361 RESOLUTION (pp. 3-5)
6. APPEALS\*
  - a. T21-0092, Cordova et al v. Infinite Glow LLC (pp.6-71)
  - b. L19-0259, 901 Jefferson LLC v. Tenants (pp.72-315)
7. INFORMATION AND ANNOUNCEMENTS
8. SCHEDULING AND REPORTS
9. ADJOURNMENT

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*\*Staff appeal summaries will be available on the Rent Adjustment Program's website and the City Clerk's office at least 48 hours prior to the meeting pursuant to O.M.C. 2.20.070.B and 2.20.090*

As a reminder, alternates in attendance (other than those replacing an absent board member) will not be able to take any action, such as with regard to the consent calendar.

**Accessibility:** Contact us to request disability-related accommodations, American Sign Language (ASL), Spanish, Cantonese, Mandarin, or another language interpreter at least five (5) business days before the event. Rent Adjustment Program (RAP) staff can be contacted via email at [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) or via phone at (510) 238-3721. California relay service at 711 can also be used for disability-related accommodations.

Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en Español, Cantonés, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) o llame al (510) 238-3721 o 711 por lo menos cinco días hábiles antes de la reunión.

需要殘障輔助設施, 手語, 西班牙語, 粵語或國語翻譯服務, 請在會議前五個工作天電郵 [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov) 或致電 (510) 238-3721 或711 California relay service.

# OAKLAND HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD (HRRRB)

RESOLUTION NO. \_\_\_\_\_

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**ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE HOUSING, RESIDENTIAL RENT AND RELOCATION BOARD (HRRRB) AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

**WHEREAS**, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

**WHEREAS**, City Council Resolution No. 88075 remains in full force and effect to date; and

**WHEREAS**, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

**WHEREAS**, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

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**WHEREAS**, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19 symptoms stay home. *See* <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

**WHEREAS**, persons without symptoms may be able to spread the COVID-19 virus. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

**WHEREAS**, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

**WHEREAS**, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

**WHEREAS**, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

**WHEREAS**, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

**WHEREAS**, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

**WHEREAS**, on October 14, 2021, December 9, 2021, and January 27, 2022, the Housing, Residential Rent and Relocation Board (HRRRB) adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

**RESOLVED:** that the Housing, Residential Rent and Relocation Board (HRRRB) finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

**FURTHER RESOLVED:** that, based on these determinations and consistent with federal, state and local health guidance, the Housing, Residential Rent and Relocation Board (HRRRB) renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

**FURTHER RESOLVED:** that the Housing, Residential Rent and Relocation Board (HRRRB) firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the

two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

**FURTHER RESOLVED:** that the Housing, Residential Rent and Relocation Board (HRRRB) will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Housing, Residential Rent and Relocation Board (HRRRB) finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.

## CHRONOLOGICAL CASE REPORT

Case No.: T21-0092

Case Name: Cordova et al v. Infinite Glow LLC

Property Address: 2912 14<sup>th</sup> Avenue, Oakland, CA 94606

Parties: Infinite Glow LLC (Owner)  
Johnathan, Open World Properties (Manager)  
Bernardino Verduzco (Tenant)  
Ann Cordova (Tenant)

### OWNER APPEAL:

<u>Activity</u>	<u>Date</u>
Tenant Petition filed	June 1, 2021
Property Owner Response filed	June 26, 2021
Property Owner Response filed	June 29, 2021
Property Owner follow-up submitted	July 12, 2021
Administrative Decision Mailed	August 17, 2021
Owner Appeal filed	September 2, 2021

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T21-0092 EL



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**RENT ADJUSTMENT PROGRAM**  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.  
**RECEIVED**  
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OAKLAND

8/4

### TENANT PETITION

**Please fill out this form as completely as you can.** Use this form to contest a rent increase, seek a rent decrease, and/or contest an owner exemption from the Rent Adjustment Program. Failure to provide the required information may result in your petition being rejected or delayed. See the last pages of this petition packet ("Important Information Regarding Filing Your Petition") or the RAP website for more information. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR PETITION BEFORE SUBMITTING.** To make an appointment email [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov).

#### Rental Unit Information

2912 14th Avenue 208 Oakland, CA 94606  
Street Number Street Name Unit Number Zip Code

Move-in Date: March 6, 2007 Initial Rent at Move-In: \$ 695.00 Current Rent: \$ 881.83

Is your rent subsidized or controlled by a government agency (such as HUD or Section 8), other than Oakland Rent Adjustment Program? (See page 5 "Jurisdiction" for more information)  
 Yes  
 No  
 Not sure

Are you current on rent?  Yes (\*Note: You must be current on your rent or lawfully withholding rent in order to file a petition. Checking "No" without providing an adequate explanation may result in your petition being dismissed.)  
 No\*

If not current on rent, explain why: \_\_\_\_\_

When (if ever) did the property owner first provide you with the City form, NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM ("RAP Notice")?  
 I first received the RAP Notice on: \_\_\_\_\_  
 I was never provided with the RAP Notice  
 I do not remember if I ever received the RAP Notice

Case number(s) of any relevant prior Rent Adjustment case(s): \_\_\_\_\_

#### Tenant Information (List each tenant petitioner in unit. If you need more space, attach additional sheet.)

Ann Cordova  
First Name Last Name  
Mailing Address (if different from above): \_\_\_\_\_  
Primary Telephone: (510) 330-7027 Other Telephone: (510) 842-8045 Email: NA

Bernardino Verduzco  
First Name Last Name  
Mailing Address (if different from above): \_\_\_\_\_  
Primary Telephone: (510) 842-8045 Other Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

#### Tenant Representative (Check one) No Representative Attorney Non-Attorney

\_\_\_\_\_  
First Name Last Name Firm/Organization (if any)  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Owner Information**

Property Owner

Infinite Glow LLC.

First Name

Last Name

Company/LLC/LP (if applicable): Infinite Glow LLC.

Mailing Address: 2784 Homestead RD. #434 Sant Clara Ca

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

94607

Property Manager (if applicable)

Jonathan

First Name

Last Name

Open World Properties

Name of Management Company

Mailing Address: 1111 Broadway, Suite 300 Oakland, Ca. 94806

Phone Number: (510) 250-0946

Email: \_\_\_\_\_

**GROUNDS FOR PETITION**

**Select the grounds for this petition from the list below.** Check all that apply. You must check at least one box. To contest a rent increase, select item(s) from Category A. If you have experienced a decrease in housing services and/or have issues with the condition of your unit, or are being charged for utilities in violation of the law, select item(s) from Category B. For more information on each of the grounds, see Oakland Municipal Code (O.M.C.) Sections 8.22.070 and 8.22.090 (Rent Adjustment Ordinance) and the corresponding Regulations. A copy of the Ordinance and Regulations are available here: [www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance](http://www.oaklandca.gov/resources/read-the-oakland-rent-adjustment-program-ordinance).

<b>A.</b>	<b>Unlawful Rent Increase(s)</b> <i>(Complete section A on page 3)</i>	<input checked="" type="checkbox"/> (A1) I received a rent increase above the allowable amount.
		<input checked="" type="checkbox"/> (A2) I received a rent increase that I believe is unlawful because I was not given proper notice, was not properly served, and/or was not provided with the required RAP Notice ("Notice to Tenants of the Residential Rent Adjustment Program").
		<input type="checkbox"/> (A3) I received a rent increase and do not believe I should be required to pay it because a government agency has cited my unit for serious health, safety, fire, or building code violations. <b>(You must attach a copy of the citation to your petition.)</b>
<b>B.</b>	<b>Decreased Housing Services</b> <i>(Complete section B on page 3)</i>	<input type="checkbox"/> (B1) The property owner is providing me with fewer housing services than I previously received and/or I am being charged for services originally paid for by the owner. <b>(Check this box for petitions based on bad conditions/failure to repair.)</b>
		<input type="checkbox"/> (B2) I am being unlawfully charged for utilities.
<b>C.</b>	<b>Other</b>	<input type="checkbox"/> (C1) My rent was not reduced after a prior rent increase period for capital improvements.
		<input type="checkbox"/> (C2) I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake.
		<input type="checkbox"/> (C3) The initial rent amount when I first moved in was unlawful because the property owner was not permitted to set the initial rent without limitation. O.M.C. § 8.22.080 (C).



A. Unlawful Rent Increase(s)					
(Complete this section if any of the grounds for petition fall under category A, above)					
<p><b>List all rent increases you wish to contest.</b> Begin with the most recent increase and work backwards. If you never received the RAP Notice, you can contest all past increases. See the "Important Information" page at the end of this petition packet for more information on time limits for contesting rent increases. If you need additional space, attach a separate sheet or an additional copy of this form.</p> <ul style="list-style-type: none"> <li>For petitions contesting a rent increase on the grounds that the unit has been cited by a government agency for serious health, safety, fire, or building code violations, <b>you must attach a copy of the citation</b> to your petition. Failure to attach a copy of the citation may result in your petition being dismissed.</li> </ul>					
Date received rent increase notice: (Month/Day/Year)	Date rent increase went into effect: (Month/Day/Year)	Amount of increase:		Received RAP Notice with notice of rent increase?	
		FROM	TO	YES	NO
4-28-2021	6-1-2021	\$ 881.83	\$ 1088.00	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12-20-2019	3-1-2020	\$ 881.83	\$ 1022.65	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>

B. Decreased Housing Services					
(Complete this section if any of the grounds for petition fall under category B, above)					
<p><b>List all the conditions that you believe entitle you to a rent decrease.</b> If your petition is based on problems related to your unit, or because the owner has taken away service(s) or is charging for services originally provided by the owner, you must complete this section. If you need more space, attach a separate sheet or an additional copy of this form.</p> <ul style="list-style-type: none"> <li><b>You are strongly encouraged to submit documentary evidence</b> (photographs, inspection reports, correspondence with your landlord, etc.) together with your petition. Evidence may be submitted up to seven calendar days prior to your hearing.</li> <li><b>You may wish to have a City inspector come inspect your unit</b> for possible code violations in advance of your hearing. Copies of any inspection report(s) may be submitted in support of your petition. To schedule an inspection, contact the City of Oakland Code Enforcement Unit at (510) 238-3381, or file a complaint online at <a href="https://www.oaklandca.gov/services/file-a-complaint-with-code-enforcement">https://www.oaklandca.gov/services/file-a-complaint-with-code-enforcement</a>. <i>Note: if additional items are cited in an inspection report that were not included in your original petition (below), you must file an additional petition listing those items in order for RAP staff to consider them as a part of your claim.</i></li> </ul>					
	Description of problem or decreased housing service (list separately):	Date problem or decreased service started: (Month/Day/Year)	Date first notified owner or manager of problem: (Month/Day/Year)	Date problem or service was fixed, if ever: (Month/Day/Year)	What is the dollar value of your claimed loss?
1.					\$
2.					\$
3.					\$
4.					\$

### TENANT VERIFICATION

(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this Tenant Petition is true and that all of the documents attached to the Petition are true copies of the originals.

Amr Gordon

Tenant 1 Signature

5-27-2021

Date

Bernardine Verdugo

Tenant 2 Signature

5-27-2021

Date

### CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If all parties agree to electronic service, the RAP will send certain documents only electronically and not by first class mail.

- I/We consent to receiving notices and documents in this matter electronically at the email address(es) provided in this response.

### MEDIATION PROGRAM

Mediation is an optional process offered by RAP to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. A trained third party will work with the parties prior to the hearing to see if a mutual agreement can be reached. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision.

Mediation will only be scheduled if both parties agree to mediate. Sign below if you agree to mediation in your case.

**I agree to have the case mediated by a Rent Adjustment Program staff mediator.**

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

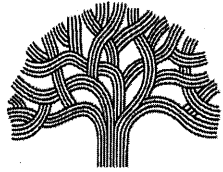
### INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language/dialect at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

- I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)  
 Cantonese (廣東話)  
 Mandarin (普通话)  
 Other: \_\_\_\_\_

**-END OF PETITION-**



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

**RECEIVED**

JUN -1 2021

**RENT ADJUSTMENT PROGRAM  
OAKLAND**

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR PETITION (PLUS ANY ATTACHMENTS) ON THE PROPERTY OWNER PRIOR TO FILING YOUR PETITION WITH RAP. You must include a copy of the RAP form "NOTICE TO PROPERTY OWNER OF TENANT PETITION" (the preceding page of this petition packet) and a completed PROOF OF SERVICE form together with your Petition.**

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 3) File a completed copy of this PROOF OF SERVICE form with RAP together with your Petition. Your Petition will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 5/27/2021 I served a copy of (check all that apply):

- TENANT PETITION** plus 92 attached pages (number of pages attached to Petition not counting the Petition form, NOTICE TO PROPERTY OWNER OF TENANT PETITION, or PROOF OF SERVICE)
- NOTICE TO PROPERTY OWNER OF TENANT PETITION**
- Other: \_\_\_\_\_

by the following means (check one):

- United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- Commercial Carrier.** I deposited the document(s) with a commercial carrier, using a service at least as expeditious as first-class mail, with all postage or charges fully prepaid, addressed to the person(s) listed below and at the address(es) below.
- Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

**PERSON(S) SERVED:**

Name	<u>Infinite Glow LLC.</u>
Address	<u>2784 Homestead RD. #434</u>
City, State, Zip	<u>Santa Clara, Ca. 95051</u>

Name	
Address	
City, State, Zip	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Ann Cardona

PRINTED NAME

Ann Cardona

SIGNATURE

5-27-2021

DATE SIGNED

June 26, 2021

Infinite Glow LLC

2784 Homestead Road, #434

Santa Clara, CA 95051

**Email:** infiniteglowllc@gmail.com

**Subject:** Property Owner Response to Tenant Petition

Dear City of Oakland RAP Office,

We are pleased to timely submit the attached Property Owner Response to Tenant Petition that had been filed by Ann Cordova, 2912 14<sup>th</sup> Ave, Unit 208, Oakland, CA 94606, on 5/27/2021.

The attached property owner response has the following contents:

- (i) This cover letter ✓ *one page*
- (ii) Completed Property Owner Response Form, four pages. ✓
- (iii) Attachment #B, Proof of current year RAP Fee paid, two pages. ✓
- (iv) Six Page - Attachment to the Property Owner Response Form marked as Attachment #A. ✓
- (v) Proof of service to the tenant by mail, *two* pages. ✓ *three* Total 16 pages

Please note, the six page attachment as in (iv) above is an integral part of the response form in (ii) and has the following three part content:

- (a) Statement of RAP regulations on pages 1 to 3, paragraphs 1 to 12;
- (b) Response to issues raised in the petition on pages 3 and 4, paragraphs 1 to 8; and
- (c) Details of the two components of the rent adjustment effective 06/01/21, based on CPI and operational costs, pages 4, 5 and 6.

Further, we had provided a copy of the six page attachment to the tenant and discussed with her on 06/24/2021, at 11.00AM, the contents (a), (b) and (c) as above, as part of our mediation efforts with her, as she had not known this content before filing her petition.

She has responded positively to the contents of the six page attachment, as she is being made aware of them for the first time; and has said she needs more time to digest all this information and would come back to us for additional questions she may have.

We also apprised her of the fact she had moved in March 2007 with a rent of \$695, more than fourteen years ago. Assuming a normal inflation as reflected in CPI data of about 2.0% to 3% /year, over these last fourteen years, Tenant's compounded adjusted rent would be about 50% higher and would be in the range of \$1050 to \$1100.

This is important to know for her, since with the current rent adjustment for which she had filed the petition her adjusted rent is \$1090.

Sincerely,

Infinite Glow LLC

**000013**



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
 250 Frank H. Ogawa Plaza, Suite 5313  
 Oakland, CA 94612-0243  
 (510) 238-3721  
 CA Relay Service 711  
 www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.  
  
 CASE NUMBER T - \_\_\_\_\_

## PROPERTY OWNER RESPONSE TO TENANT PETITION

**Please fill out this form as completely as you can.** Use this form to respond to the Tenant Petition you received. By completing this response form and submitting it in the required time for filing, you will be able to participate in the hearing. Failure to provide the required information may result in your response being rejected or delayed. See "Important Information Regarding Filing Your Response" on the last page of this packet for more information, including filing instructions and how to contact the Rent Adjustment Program ("RAP") with questions. Additional information is also available on the RAP website. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING.** To make an appointment email [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov).

Rental Unit Information			
Street Number <u>2912</u>	Street Name <u>14th Ave.</u>	Unit Number <u>208</u>	Oakland, CA <u>94606</u> Zip Code
Is there more than one street address on the parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list all addresses: _____			
Type of unit(s) (check one):	<input type="checkbox"/> Single family home <input type="checkbox"/> Condominium <input checked="" type="checkbox"/> Apartment, room, or live-work	Number of units on property: <u>18</u> Date acquired property: <u>11/08/2018</u>	
Case number(s) of any relevant prior Rent Adjustment case(s): _____			
Tenant Information			
Name of Tenant Petitioner(s): <u>Ann Cordova and Bernardino Verduzco</u>			
Date tenant(s) moved into rental unit: <u>03/6/07</u>		Initial rent amount: \$ <u>695.00</u>	
		Is/are tenant(s) current on rent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Property Owner Information			
First Name _____		Last Name _____	
Company/LLC/LP (if applicable): <u>Infinite Glow LLC</u>			
Mailing address: <u>2784 Homestead Rd #434, Santa Clara, CA 95051</u>			
Primary Telephone: _____		Other Telephone: _____	
Email: <u>infiniteglowllc@gmail.com</u>			
Property Owner Representative (Check one):			
<input type="checkbox"/> No Representative <input type="checkbox"/> Attorney <input checked="" type="checkbox"/> Non-attorney			
First Name <u>Jonathan</u>	Last Name <u>Fleming</u>	Firm/Organization (if any) <u>Openworld Properties</u>	
Mailing Address: <u>1111 Broadway, Suite 300, Oakland, CA 94806</u>			
Phone Number: <u>510 250 0946</u>		Email: _____	

## GENERAL FILING REQUIREMENTS

To file a Response to a Tenant Petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Property Owner Responses that are submitted without proof of compliance with the below requirements will be considered incomplete and may limit your participation in the hearing.

Requirement	Documentation
<input checked="" type="checkbox"/> Current Oakland business license	Attach proof of payment of your most recent Oakland business license.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	See Attachment # A, Page 3, Paragraph 2 Attach proof of payment of the current year's RAP Fee for the subject property. See Attachment # B
<input checked="" type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants	Attach a signed and dated copy of the first RAP Notice provided to the petitioning tenant(s) or check the appropriate box below. <input checked="" type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): <u>12/20/2019</u> <input type="checkbox"/> I have never provided a RAP Notice. <input type="checkbox"/> I do not know if a RAP Notice was ever provided.

## PROPERTY OWNER CLAIM OF EXEMPTION

If you believe that the subject property is exempt from the Rent Adjustment Ordinance (pursuant to O.M.C. § 8.22.030), check each box below that is the claimed basis of exemption. Attach supporting documentation together with your response form. If you do not claim any exemption, proceed to the "Response to Tenant Petition" section on the following page.

- The unit is a single-family residence or condominium exempted by the Costa Hawkins Rental Housing Act (Civil Code 1954.50, et seq.). **If claiming this exemption, you must answer the following questions. Attach a separate sheet if necessary.**
1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
  2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
  3. Was the prior tenant evicted for cause?
  4. At the time the prior tenant vacated were there any outstanding violations of building housing, fire or safety codes in the unit or building?
  5. Is the unit separately alienable, meaning it can be sold separately from any other unit on the parcel?
  6. Did the petitioning tenant have roommates when he/she moved in?
  7. If the unit is a condominium, did you purchase it? If so: 1) From whom? 2) Did you purchase the entire building?
- The rent for the unit is controlled, regulated, or subsidized by a governmental unit, agency, or authority other than the City of Oakland Rent Adjustment Ordinance. (Attach documentation.)
- The unit was newly constructed and issued a Certificate of Occupancy on or after January 1, 1983. (Attach copy of Certificate of Occupancy.)
- The unit is located in a motel, hotel, or rooming/boarding house, which the tenant petitioner has occupied for less than 30 days.
- The unit is in a building that was previously issued a certificate of exemption from RAP based on substantial rehabilitation. (Attach copy of Certificate of Exemption.)
- The unit is an accommodation in a hospital, convent, monastery, extended care facility, convalescent home, non-profit home for the aged, or dormitory owned and operated by an educational institution. (Attach documentation.)

# RESPONSE TO TENANT PETITION

**Use the chart(s) below to respond to the grounds stated in the Tenant Petition.** Enter your position on each claim in the appropriate section(s) below. You may attach any documents, photographs, or other tangible evidence that support your position together with your response form. If you need more space, attach additional copies of this page or state your response in a separate sheet attached to this form.

**A.**

## Unlawful Rent Increase(s)

Complete this section if any of the grounds for the Tenant Petition fall under Category A on the Tenant Petition.

List all rent increases given within the past five years, starting with the most recent increase.

Date tenant given notice of rent increase: (mm/dd/yy)	Date rent increase went into effect: (mm/dd/yy)	Amount of increase:		Did you provide a RAP Notice with the notice of rent increase?		Reason for increase (CPI, banking, or other):
		FROM	TO	YES	NO	
04/28/21	06/01/21	\$ 1022.65	\$ 1088.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attachment # A
12/20/19	03/01/20	\$ 881.83	\$ 1022.65	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attachment # A
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	Pages 3-4 # 1, 2, 3, 4, 5
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	

If the Tenant Petition is based on either of the following grounds, state your response in the space below or in a separate sheet attached to this form.

	Tenant Petition Grounds	Owner Response
(A2)	Tenant did not receive proper notice, was not properly served, and/or was not provided with the required RAP form with rent increase(s).	See Attachment # A
(A3)	A government agency has cited the unit for serious health, safety, fire, or building code violations.	Not Applicable

**B.**

## Decreased Housing Services

Complete this section if any of the grounds for the Tenant Petition fall under Category B on the Tenant Petition.

	Tenant Petition Grounds	Owner Response
(B1)	The owner is providing tenant(s) with fewer housing services and/or charging for services originally paid for by the owner.	Not Applicable
(B2)	Tenant(s) is/are being unlawfully charged for utilities.	Not Applicable

**C.**

## Other

Complete this section if any of the grounds for the Tenant Petition fall under Category C on the Tenant Petition.

	Tenant Petition Grounds	Owner Response
(C1)	Rent was not reduced after a prior rent increase period for capital improvements.	Not Applicable
(C2)	Owner exemption based on fraud or mistake.	Not Applicable
(C3)	Tenant's initial rent amount was unlawful because owner was not permitted to set initial rent without limitation (O.M.C. § 8.22.080 (C)).	Not Applicable



### OWNER VERIFICATION

(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this response is true and that all of the documents attached to the response are true copies of the originals.

Mukunda Singhal for Infinite Glow LLC  
Property Owner 1 Signature

06/26/21  
Date

Tara Singhal for Infinite Glow LLC  
Property Owner 2 Signature

06/26/21  
Date

### CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If you agree to electronic service, the RAP may send certain documents only electronically and not by first class mail.

I/We consent to receiving notices and documents in this matter from the RAP electronically at the email address(es) provided in this response.

### MEDIATION PROGRAM

Mediation is an optional process offered by RAP to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. A trained third party will work with the parties prior to the hearing to see if a mutual agreement can be reached. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision.

Mediation will only be scheduled if both parties agree to mediate. Sign below if you agree to mediation in your case.

I agree to have the case mediated by a Rent Adjustment Program staff mediator.

Mukunda Singhal  
Property Owner Signature

06/26/21  
Date

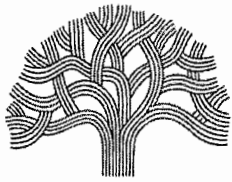
### INTERPRETATION SERVICES

If English is not your primary language, you have the right to an interpreter in your primary language/dialect at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)
- Cantonese (廣東話)
- Mandarin (普通话)
- Other: \_\_\_\_\_

**-END OF RESPONSE-**



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR RESPONSE (PLUS ANY ATTACHMENTS) ON THE TENANT(S) PRIOR TO FILING YOUR RESPONSE WITH RAP.**

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Note: Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed copy of this PROOF OF SERVICE form with RAP together with your Response. Your Response will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 06 / 26 / 21 I served a copy of (check all that apply):

**PROPERTY OWNER RESPONSE TO TENANT PETITION** plus 21 attached pages  
(number of pages attached to Response not counting the Response form or PROOF OF SERVICE)

Other: Proof of Service

by the following means (check one):

**United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

**Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

**PERSON(S) SERVED:**

Name	Ann Cordova
Address	2912 14th Ave #208
City, State, Zip	Oakland, CA 94606

Name	Bernardine Verdusco
Address	2912 14th Ave #208
City, State, Zip	Oakland, CA 94606

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Tara Singhal  
PRINTED NAME

Tara Singhal  
SIGNATURE

06/26/21  
DATE SIGNED

Infinite Glow LLC

2784 Homestead Rd. #434

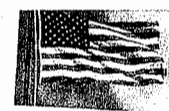
Santa Clara, CA 95051



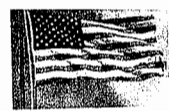
FOREVER / USA



FOREVER / USA



FOREVER / USA



FOREVER / USA

First Class mail

Mailed 06/26/21

Ann Cordova

Bernardino Verduzco

2912 14th Ave. #208

Oakland, CA 94606

000020

Attachment #A, Six Pages

**Property Owner RESPONSE to CITY OF OAKLAND PETITION**

**Petition filed by Tenant Ann Cordova dated 05/27/2021**

**The Response is timely filed within 35 days**

**And has been served on the Tenant on 6/15/2021**

**June 15, 2021**

**Dear Tenant and Rent Mediation Board,**

Before we, Infinite Glow LLC, residential income property owner, and property manager Openworld Properties, formally respond to the Tenant Petition filed by Ann Cordova, of 2912, 14<sup>th</sup> Ave, Unit 208, and issues raised therein, in the petition dated 5/27/2021, filed with the Oakland Rent Adjustment Program (RAP) and the rent mediation board, we state our understanding of the basic regulations of the City of Oakland for the RAP, which we deem to be eminently fair and equitable to address the needs of both the tenants and the residential income property owners as follows:

1. Residential income property owners can raise rents each year by a maximum of 10%. There is a provision of banking, where, if the rent is not adjusted in a year then rent adjustments are banked to be used in subsequent years. Thus, the rent rise in a given year includes the rent rise for that year plus what may have been banked in prior years and that may result in rent adjustment of more than 10%.

2. The rent adjustment each year is comprised of two different components: one is the CPI (Consumer Price Index) of the Alameda San Francisco counties and the second is the increase in operational costs of the property owner. These two components are added to comprise the rent adjustment in a given year. <https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases>

3. A rent adjustment notice is required to be served with a standard RAP notice to apprise the tenant of their rights to petition the rent adjustment with the rent mediation board. The RAP notice is publicly available on the city website to the tenant as well as the property owner. <https://cao-94612.s3.amazonaws.com/documents/NOTICE-TO-TENANTS-RAP-Notice-Rev.-2-21-20.pdf>

4. The Rent Adjustment Program exists to serve the interests of both the residential income property owner and the tenant and is a vehicle to mediate rent adjustment issues between the tenant and the residential income property owner.

5. In order to fund the RAP's operations, limited to rent mediation activities, the City of Oakland has charged a fee of \$34 per unit per year and subsequently increased that fee as discussed later herein.

6. Since the RAP benefits both the tenant and the residential income property owner, while the owner pays the fee directly to the city, the owner is able to recover half of that fee from the tenant.

7. A city or municipality may choose to provide a service to the property owners such as the RAP; however the city cannot charge a fee for that service that is not rationally related to the cost to the city of providing that service.

8. This basic principal, as above, is enshrined in the state as well as the federal constitution to prevent a city to raise taxes on its citizens and property owners disguised as service fees, as tax increases are governed by a different set of regulations.

9. The raising of RAP fees from \$34 per unit to \$101 per unit in 2020, an increase of 300% in one year, appears on the face as unjustified, unless the City of Oakland can show that this increase of 300% is rationally related to the cost of providing the RAP service to the tenants and the residential property owners in year 2020. Tenant is encouraged to contact the city council to discuss this unjustified RAP fee increase.

10. Under the RAP guidelines, residential property owners may collect half of the RAP fee from the tenant; therefore, RAP has made that collection of half of the RAP fee from the tenant conditional on the residential property owner having paid the RAP fee to the RAP office.

11. The property owner had already timely paid the RAP fee for year 2021, as well as prior years and the property owner is justified in levying and collecting half of the RAP fee from the tenant.

12. Please note, there is no connection or nexus between collecting half of the RAP fee from the tenant under paragraph 10, with the city business tax. City business tax is not applicable to residential income properties.

**Now addressing petition issues raised in the petition dated 5/27/2021 by Ann Cordova:**

1. The tenant has included in her petition her entire tenancy history since year 2007 when she had first become tenant. We are property owners since only November 2018. Hence any prior history is not relevant to this petition.
2. Further, the petition has to be timely filed by the tenant within 90 days of the rent adjustment notice. (<https://cao-94612.s3.amazonaws.com/documents/Tenant-Petition-Form-5.21.2021.pdf>).
3. Therefore this petition cannot cover the rent adjustment effective March 1, 2020 and served on December 20, 2019 for year 2020, even if has also been included in the tenant's petition.
4. Please also note, in the rent adjustment notice effective on March 1, 2020, the property owner had complied with all regulations and was detailed in every aspect in delineating the basis for the rent adjustment.

5. Since the tenant did not timely file in 90 days a petition contesting that adjustment effective March 1, 2020, the tenant cannot make that rent adjustment in March 2020, a part of this petition.
6. Further, the tenant had not been paying the adjusted rent \$1020.65 effective March 1, 2020; however the property owner could not enforce the collection of that adjusted rent as a result of the COVID pandemic regulations.
7. After the COVID-created eviction moratorium is over on June 30, 2021, the property owner intends to recover that past owed rent. Since the tenant is a long term tenant since year 2007, which is before we became property owners in late 2018, we prefer to work with the tenant in this regard to accommodate her specific income situation.
8. The rent adjustment notice served on May 1, 2021 to be effective June 1, 2021, was for 6.4% and comprised two components of, (i) 3.8% per the CPI as permitted by the city, and (ii) plus an additional 2.6% to cover some of our increased operational costs as detailed herein.

**Basis of 6.4% Rent Adjustment effective June 1, 2021**

**CPI component:**

The last rent adjustment was served on December 20, 2019, to be effective March 1, 2020. Therefore the period over which the CPI for the rent adjustment effective June 1, 2021, covers, is the period from March 2020 to April 2021.

The CPI for this period from Table A below is 3.8%



**Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted**

Month	2017		2018		2019		2020		2021	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	0.8	3.4	1.4	3.6	0.5	3.5	0.9	2.9	0.5	1.6
April	1.1	3.8	0.8	3.2	1.2	4.0	-0.5	1.1	1.7	3.8
June	0.3	3.5	0.9	3.9	0.2	3.2	0.7	1.6		
August	0.2	3.0	0.6	4.3	0.1	2.7	0.0	1.6		
October	0.6	2.7	0.7	4.4	1.0	3.0	0.5	1.1		
December	-0.1	2.9	0.1	4.5	-0.5	2.5	0.4	2.0		

Source: [https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm)

**CPI adjustment = \$1020.65 x 3.8% = \$38.78**

**Operational Cost component:**

Increase in Utility costs:

1. The city is charging the property owner \$283.50 based on a per unit fee of \$15.75 as a recycling fee. We are passing this fee to the tenant as a monthly fee of \$15.75.

Note: This fee is not rationally related to any recycling service the property needs. Based on Oakland regulation this fee is levied per dwelling, irrespective of the size of dwelling unit as a five bedroom home versus our studio units which do not need this recycling fee. The tenant is encouraged to raise the issue of excess recycling fee to their council member.

2. The city is charging the property owner \$543.66 trash collection fee, based on 20 gallons of trash per unit for 18 units. We are passing the excess of this fee to the tenant prorated (\$543.66/18 = \$30.20. and passing half = \$15.10 as a monthly fee of \$15.10.

Note: This fee is not rationally related to any trash service the property needs, because, based on Oakland regulation this fee is levied per dwelling, irrespective of the size of

dwelling unit as a five bedroom home versus our studio units which do not need 20 gallon trash service per week. The tenant is encouraged to raise this issue of excess trash fee to their council member.

Increase in General Operational costs:

Operational costs increased substantially during this period due to dealing with the COVID pandemic, which caused severe economic dislocation affecting our tenants and the property owner's ability to rent vacant units and collect rent, with uncollected rents exceeding over \$75,000. We have not included this general operational cost component in the rent adjustment below.

**Operational Cost component for Utility: = \$15.75 + \$15.10 = \$30.85**

$$= (\$30.85/\$1020.65)\times 100 = 3.0\%$$

Total Rent Adjustment

**CPI adjustment = \$1020.65 x 3.8% = \$38.78**

**Operational Cost component: = \$30.85**

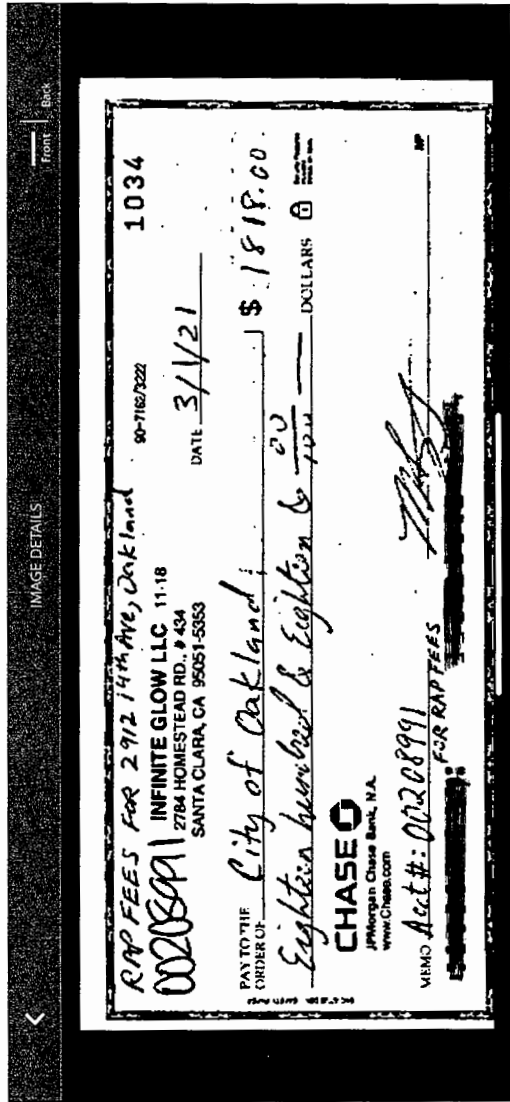
For the Tenant

**Total rent adjustment = \$38.78+ \$30.85 = \$69.63 = (\$69.63/1020.65)x100 = 6.8%** is both fair and reasonable as has been detailed above per the RAP guidelines. Applying the rent adjustment of 6.8% results in a new rent of \$1090, effective June 1<sup>st</sup>, 2021.

Rent Mediation Board:

Property Owner requests that in view of detailed data as has been provided above, this petition be dismissed or the tenant be asked to withdraw the petition as applicable.

ATTACHMENT  
# B  
Page 1 of 2



1034

90-7162/3222

DATE 3/1/21

RAP FEES For 2912 14th Ave, Oakland  
00208991 INFINITE GLOW LLC 11-18  
2784 HOMESTEAD RD. # 434  
SANTA CLARA, CA 95051-5353

PAY TO THE ORDER OF City of Oakland \$ 1818.00

Eighteen hundred & Eighteen & 00/100 DOLLARS

CHASE

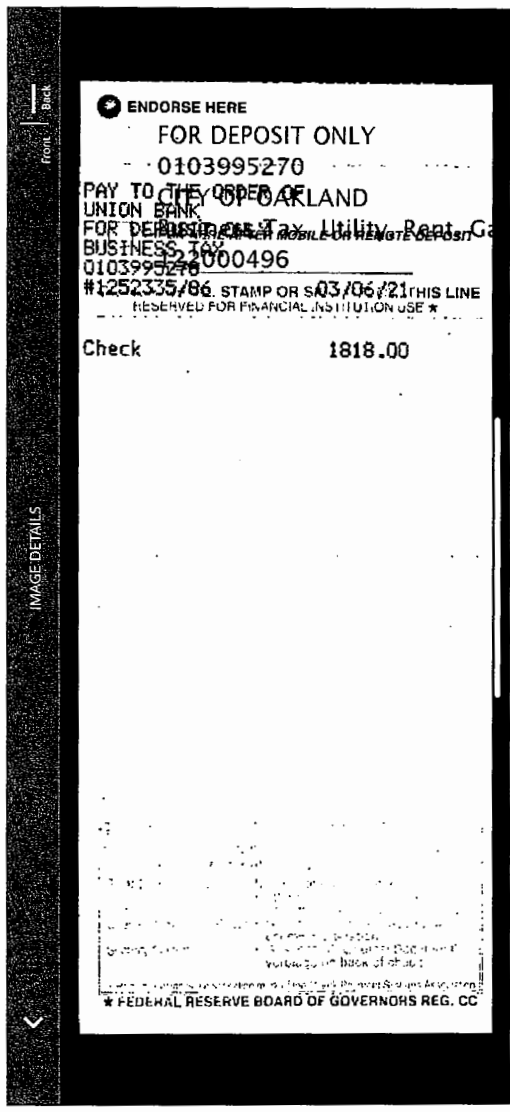
JPMorgan Chase Bank, N.A.  
www.chase.com

Acct #: 00208991

MEMO FOR RAP FEES

*[Signature]*

Attachment  
# B  
Page 2 of 2

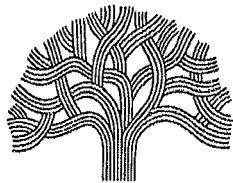


ENDORSE HERE  
FOR DEPOSIT ONLY  
0103995270  
PAY TO THE ORDER OF  
UNION BANK  
FOR DEPOSIT ONLY  
BUSINESS TAX, UTILITY, RENT, GAS  
0103995270  
#1252335786 STAMP OR SIGNATURE REQUIRED  
03/06/21 THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

Check 1818.00

IMAGE DETAILS

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC



CITY OF OAKLAND

### CITY OF OAKLAND RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
www.oaklandca.gov/RAP

For Rent Adjustment Program date stamp.

**RECEIVED**

JUN 29 2021

RENT ADJUSTMENT PROGRAM  
OAKLAND  
CASE NUMBER T \_\_\_\_\_

## PROPERTY OWNER RESPONSE TO TENANT PETITION

T21-0092

**Please fill out this form as completely as you can.** Use this form to respond to the Tenant Petition you received. By completing this response form and submitting it in the required time for filing, you will be able to participate in the hearing. Failure to provide the required information may result in your response being rejected or delayed. See "Important Information Regarding Filing Your Response" on the last page of this packet for more information, including filing instructions and how to contact the Rent Adjustment Program ("RAP") with questions. Additional information is also available on the RAP website. **CONTACT A HOUSING COUNSELOR TO REVIEW YOUR RESPONSE BEFORE SUBMITTING.** To make an appointment email [RAP@oaklandca.gov](mailto:RAP@oaklandca.gov).

### Rental Unit Information

Street Number: 2912 Street Name: 14th Ave. Unit Number: 208 Oakland, CA 94606  
Zip Code

Is there more than one street address on the parcel?  Yes  No If yes, list all addresses: \_\_\_\_\_

Type of unit(s) (check one):  Single family home  Condominium  Apartment, room, or live-work  
Number of units on property: 18  
Date acquired property: 11/08/2018

Case number(s) of any relevant prior Rent Adjustment case(s): \_\_\_\_\_

### Tenant Information

Name of Tenant Petitioner(s): Ann Cordova and Bernardino Verduzco

Date tenant(s) moved into rental unit: 03/6/07 Initial rent amount: \$ 695.00 Is/are tenant(s) current on rent?  Yes  No

### Property Owner Information

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
Company/LLC/LP (if applicable): Infinite Glow LLC  
Mailing address: 2784 Homestead Rd #434, Santa Clara, CA 95051  
Primary Telephone: \_\_\_\_\_ Other Telephone: \_\_\_\_\_ Email: infiniteglowllc@gmail.com

Property Owner Representative (Check one):  No Representative  Attorney  Non-attorney

First Name: Jonathan Last Name: Fleming Firm/Organization (if any): Openworld Properties  
Mailing Address: 1111 Broadway, Suite 300, Oakland, CA 94606  
Phone Number: 510 250 0946 Email: \_\_\_\_\_

## GENERAL FILING REQUIREMENTS

To file a Response to a Tenant Petition, the property owner must be current on the following requirements and submit supporting documentation of compliance. Property Owner Responses that are submitted without proof of compliance with the below requirements will be considered incomplete and may limit your participation in the hearing.

Requirement	Documentation
<input checked="" type="checkbox"/> Current Oakland business license	Attach proof of payment of your most recent Oakland business license.
<input checked="" type="checkbox"/> Payment of Rent Adjustment Program service fee ("RAP Fee")	See Attachment # A, Page 3, Paragraph 2 Attach proof of payment of the current year's RAP Fee for the subject property. See Attachment # B
<input checked="" type="checkbox"/> Service of the required City form entitled "NOTICE TO TENANTS OF THE RESIDENTIAL RENT ADJUSTMENT PROGRAM" ("RAP Notice") on all tenants	Attach a signed and dated copy of the first RAP Notice provided to the petitioning tenant(s) or check the appropriate box below. <input checked="" type="checkbox"/> I first provided tenant(s) with the RAP Notice on (date): 12/20/2019 <input type="checkbox"/> I have never provided a RAP Notice. <input type="checkbox"/> I do not know if a RAP Notice was ever provided.

## PROPERTY OWNER CLAIM OF EXEMPTION

If you believe that the subject property is exempt from the Rent Adjustment Ordinance (pursuant to O.M.C. § 8.22.030), check each box below that is the claimed basis of exemption. Attach supporting documentation together with your response form. If you do not claim any exemption, proceed to the "Response to Tenant Petition" section on the following page.

- The unit is a single-family residence or condominium exempted by the Costa Hawkins Rental Housing Act (Civil Code 1954.50, et seq.). **If claiming this exemption, you must answer the following questions. Attach a separate sheet if necessary.**
1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
  2. Did the prior tenant leave after being given a notice of rent increase (Civil Code Section 827)?
  3. Was the prior tenant evicted for cause?
  4. At the time the prior tenant vacated were there any outstanding violations of building housing, fire or safety codes in the unit or building?
  5. Is the unit separately alienable, meaning it can be sold separately from any other unit on the parcel?
  6. Did the petitioning tenant have roommates when he/she moved in?
  7. If the unit is a condominium, did you purchase it? If so: 1) From whom? 2) Did you purchase the entire building?
- The rent for the unit is controlled, regulated, or subsidized by a governmental unit, agency, or authority other than the City of Oakland Rent Adjustment Ordinance. (Attach documentation.)
- The unit was newly constructed and issued a Certificate of Occupancy on or after January 1, 1983. (Attach copy of Certificate of Occupancy.)
- The unit is located in a motel, hotel, or rooming/boarding house, which the tenant petitioner has occupied for less than 30 days.
- The unit is in a building that was previously issued a certificate of exemption from RAP based on substantial rehabilitation. (Attach copy of Certificate of Exemption.)
- The unit is an accommodation in a hospital, convent, monastery, extended care facility, convalescent home, non-profit home for the aged, or dormitory owned and operated by an educational institution. (Attach documentation.)

# RESPONSE TO TENANT PETITION

Use the chart(s) below to respond to the grounds stated in the Tenant Petition. Enter your position on each claim in the appropriate section(s) below. You may attach any documents, photographs, or other tangible evidence that support your position together with your response form. If you need more space, attach additional copies of this page or state your response in a separate sheet attached to this form.

**A.**

## Unlawful Rent Increase(s)

Complete this section if any of the grounds for the Tenant Petition fall under Category A on the Tenant Petition.

List all rent increases given within the past five years, starting with the most recent increase.

Date tenant given notice of rent increase: (mm/dd/yy)	Date rent increase went into effect: (mm/dd/yy)	Amount of Increase:		Did you provide a RAP Notice with the notice of rent increase?		Reason for increase (CPI, banking, or other):
		FROM	TO	YES	NO	
04/28/21	06/01/21	\$ 1027.65	\$ 1088.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attachment #A
12/20/19	03/01/20	\$ 881.83	\$ 1022.65	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attachment #A
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	Pages 3-4 #1, 2, 3, 4, 5
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	
		\$	\$	<input type="checkbox"/>	<input type="checkbox"/>	

If the Tenant Petition is based on either of the following grounds, state your response in the space below or in a separate sheet attached to this form.

Tenant Petition Grounds	Owner Response
(A2) Tenant did not receive proper notice, was not properly served, and/or was not provided with the required RAP form with rent increase(s).	See Attachment #A
(A3) A government agency has cited the unit for serious health, safety, fire, or building code violations.	Not Applicable

**B.**

## Decreased Housing Services

Complete this section if any of the grounds for the Tenant Petition fall under Category B on the Tenant Petition.

Tenant Petition Grounds	Owner Response
(B1) The owner is providing tenant(s) with fewer housing services and/or charging for services originally paid for by the owner.	Not Applicable
(B2) Tenant(s) is/are being unlawfully charged for utilities.	Not Applicable

**C.**

## Other

Complete this section if any of the grounds for the Tenant Petition fall under Category C on the Tenant Petition.

Tenant Petition Grounds	Owner Response
(C1) Rent was not reduced after a prior rent increase period for capital improvements.	Not Applicable
(C2) Owner exemption based on fraud or mistake.	Not Applicable
(C3) Tenant's initial rent amount was unlawful because owner was not permitted to set initial rent without limitation (O.M.C. § 8.22.080 (C)).	Not Applicable

### OWNER VERIFICATION

(Required)

I/We declare under penalty of perjury pursuant to the laws of the State of California that everything I/we said in this response is true and that all of the documents attached to the response are true copies of the originals.

Mukunda Singh for Infinite Glow LLC  
Property Owner 1 Signature

06/26/21  
Date

Tara Singh for Infinite Glow LLC  
Property Owner 2 Signature

06/26/21  
Date

### CONSENT TO ELECTRONIC SERVICE

(Highly Recommended)

Check the box below if you agree to have RAP staff send you documents related to your case electronically. If you agree to electronic service, the RAP may send certain documents only electronically and not by first class mail.

I/We consent to receiving notices and documents in this matter from the RAP electronically at the email address(es) provided in this response.

### MEDIATION PROGRAM

Mediation is an optional process offered by RAP to assist parties in settling the issues related to their Rent Adjustment case as an alternative to the formal hearing process. A trained third party will work with the parties prior to the hearing to see if a mutual agreement can be reached. If a settlement is reached, the parties will sign a binding agreement and there will not be a formal hearing. If no settlement is reached, the case will go to a formal hearing with a Rent Adjustment Hearing Officer, who will then issue a hearing decision.

Mediation will only be scheduled if both parties agree to mediate. Sign below if you agree to mediation in your case.

I agree to have the case mediated by a Rent Adjustment Program staff mediator.

Mukunda Singh  
Property Owner Signature

06/26/21  
Date

### INTERPRETATION SERVICES

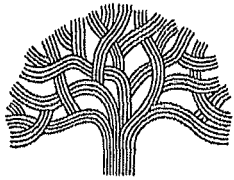
If English is not your primary language, you have the right to an interpreter in your primary language/dialect at the Rent Adjustment hearing and mediation session. You can request an interpreter by completing this section.

I request an interpreter fluent in the following language at my Rent Adjustment proceeding:

- Spanish (Español)
- Cantonese (廣東話)
- Mandarin (普通话)
- Other: \_\_\_\_\_

**-END OF RESPONSE-**





CITY OF OAKLAND

### CITY OF OAKLAND

### RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243  
(510) 238-3721  
CA Relay Service 711  
[www.oaklandca.gov/RAP](http://www.oaklandca.gov/RAP)

For Rent Adjustment Program date stamp.

## PROOF OF SERVICE

**NOTE: YOU ARE REQUIRED TO SERVE A COPY OF YOUR RESPONSE (PLUS ANY ATTACHMENTS) ON THE TENANT(S) PRIOR TO FILING YOUR RESPONSE WITH RAP.**

- 1) Use this PROOF OF SERVICE form to indicate the date and manner of service and the person(s) served.
- 2) Note: Email is not a form of allowable service on a party of a petition or response pursuant to the Ordinance.
- 3) Provide a completed copy of this PROOF OF SERVICE form to the person(s) being served together with the documents being served.
- 4) File a completed copy of this PROOF OF SERVICE form with RAP together with your Response. Your Response will not be considered complete until this form has been filed indicating that service has occurred.

On the following date: 06 / 26 / 21 I served a copy of (check all that apply):

**PROPERTY OWNER RESPONSE TO TENANT PETITION** plus 21 attached pages  
(number of pages attached to Response not counting the Response form or PROOF OF SERVICE)

Other: Proof of Service

by the following means (check one):

**United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed below and at the address(es) below and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

**Personal Service.** I personally delivered the document(s) to the person(s) at the address(es) listed below or I left the document(s) at the address(es) with some person not younger than 18 years of age.

#### PERSON(S) SERVED:

Name	Ann Cordova
Address	2912 14th Ave #208
City, State, Zip	Oakland, CA 94606

Name	Bernardine Verdugo
Address	2912 14th Ave #208
City, State, Zip	Oakland, CA 94606

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Tara Singhal  
PRINTED NAME

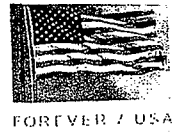
Tara Singhal  
SIGNATURE

06/26/21  
DATE SIGNED

Infinite Glow LLC

2784 Homestead Rd. #434

Santa Clara, CA 95051



First Class Mail

Mailed 06/26/21

Ann Cordova

Bernardino Verduzco

2912 14th Ave. #208

Oakland, CA 94606

000035

Attachment #A, Six Pages

Property Owner RESPONSE to CITY OF OAKLAND PETITION

Petition filed by Tenant Ann Cordova dated 05/27/2021

The Response is timely filed within 35 days

And has been served on the Tenant on 6/15/2021

June 15, 2021

Dear Tenant and Rent Mediation Board,

Before we, Infinite Glow LLC, residential income property owner, and property manager Openworld Properties, formally respond to the Tenant Petition filed by Ann Cordova, of 2912, 14<sup>th</sup> Ave, Unit 208, and issues raised therein, in the petition dated 5/27/2021, filed with the Oakland Rent Adjustment Program (RAP) and the rent mediation board, we state our understanding of the basic regulations of the City of Oakland for the RAP, which we deem to be eminently fair and equitable to address the needs of both the tenants and the residential income property owners as follows:

1. Residential income property owners can raise rents each year by a maximum of 10%. There is a provision of banking, where, if the rent is not adjusted in a year then rent adjustments are banked to be used in subsequent years. Thus, the rent rise in a given year includes the rent rise for that year plus what may have been banked in prior years and that may result in rent adjustment of more than 10%.

2. The rent adjustment each year is comprised of two different components: one is the CPI (Consumer Price Index) of the Alameda San Francisco counties and the second is the increase in operational costs of the property owner. These two components are added to comprise the rent adjustment in a given year. <https://www.oaklandca.gov/resources/learn-more-about-allowable-rent-increases>

3. A rent adjustment notice is required to be served with a standard RAP notice to apprise the tenant of their rights to petition the rent adjustment with the rent mediation board. The RAP notice is publicly available on the city website to the tenant as well as the property owner. <https://cao-94612.s3.amazonaws.com/documents/NOTICE-TO-TENANTS-RAP-Notice-Rev.-2-21-20.pdf>

4. The Rent Adjustment Program exists to serve the interests of both the residential income property owner and the tenant and is a vehicle to mediate rent adjustment issues between the tenant and the residential income property owner.

5. In order to fund the RAP's operations, limited to rent mediation activities, the City of Oakland has charged a fee of \$34 per unit per year and subsequently increased that fee as discussed later herein.

6. Since the RAP benefits both the tenant and the residential income property owner, while the owner pays the fee directly to the city, the owner is able to recover half of that fee from the tenant.

7. A city or municipality may choose to provide a service to the property owners such as the RAP; however the city cannot charge a fee for that service that is not rationally related to the cost to the city of providing that service.

8. This basic principal, as above, is enshrined in the state as well as the federal constitution to prevent a city to raise taxes on its citizens and property owners disguised as service fees, as tax increases are governed by a different set of regulations.

9. The raising of RAP fees from \$34 per unit to \$101 per unit in 2020, an increase of 300% in one year, appears on the face as unjustified, unless the City of Oakland can show that this increase of 300% is rationally related to the cost of providing the RAP service to the tenants and the residential property owners in year 2020. Tenant is encouraged to contact the city council to discuss this unjustified RAP fee increase.

10. Under the RAP guidelines, residential property owners may collect half of the RAP fee from the tenant; therefore, RAP has made that collection of half of the RAP fee from the tenant conditional on the residential property owner having paid the RAP fee to the RAP office.

11. The property owner had already timely paid the RAP fee for year 2021, as well as prior years and the property owner is justified in levying and collecting half of the RAP fee from the tenant.

12. Please note, there is no connection or nexus between collecting half of the RAP fee from the tenant under paragraph 10, with the city business tax. City business tax is not applicable to residential income properties.

**Now addressing petition issues raised in the petition dated 5/27/2021 by Ann Cordova:**

1. The tenant has included in her petition her entire tenancy history since year 2007 when she had first become tenant. We are property owners since only November 2018. Hence any prior history is not relevant to this petition.
2. Further, the petition has to be timely filed by the tenant within 90 days of the rent adjustment notice. (<https://cao-94612.s3.amazonaws.com/documents/Tenant-Petition-Form-5.21.2021.pdf>).
3. Therefore this petition cannot cover the rent adjustment effective March 1, 2020 and served on December 20, 2019 for year 2020, even if has also been included in the tenant's petition.
4. Please also note, in the rent adjustment notice effective on March 1, 2020, the property owner had complied with all regulations and was detailed in every aspect in delineating the basis for the rent adjustment.

5. Since the tenant did not timely file in 90 days a petition contesting that adjustment effective March 1, 2020, the tenant cannot make that rent adjustment in March 2020, a part of this petition.
6. Further, the tenant had not been paying the adjusted rent \$1020.65 effective March 1, 2020; however the property owner could not enforce the collection of that adjusted rent as a result of the COVID pandemic regulations.
7. After the COVID-created eviction moratorium is over on June 30, 2021, the property owner intends to recover that past owed rent. Since the tenant is a long term tenant since year 2007, which is before we became property owners in late 2018, we prefer to work with the tenant in this regard to accommodate her specific income situation.
8. The rent adjustment notice served on May 1, 2021 to be effective June 1, 2021, was for 6.4% and comprised two components of, (i) 3.8% per the CPI as permitted by the city, and (ii) plus an additional 2.6% to cover some of our increased operational costs as detailed herein.

**Basis of 6.4% Rent Adjustment effective June 1, 2021**

**CPI component:**

The last rent adjustment was served on December 20, 2019, to be effective March 1, 2020. Therefore the period over which the CPI for the rent adjustment effective June 1, 2021, covers, is the period from March 2020 to April 2021.

The CPI for this period from Table A below is 3.8%

**Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted**

Month	2017		2018		2019		2020		2021	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	0.8	3.4	1.4	3.6	0.5	3.5	0.9	2.9	0.5	1.6
April	1.1	3.8	0.8	3.2	1.2	4.0	-0.5	1.1	1.7	3.8
June	0.3	3.5	0.9	3.9	0.2	3.2	0.7	1.6		
August	0.2	3.0	0.6	4.3	0.1	2.7	0.0	1.6		
October	0.6	2.7	0.7	4.4	1.0	3.0	0.5	1.1		
December	-0.1	2.9	0.1	4.5	-0.5	2.5	0.4	2.0		

Source: [https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm)

**CPI adjustment = \$1020.65 x 3.8% = \$38.78**

**Operational Cost component:**

Increase in Utility costs:

1. The city is charging the property owner \$283.50 based on a per unit fee of \$15.75 as a recycling fee. We are passing this fee to the tenant as a monthly fee of \$15.75.

Note: This fee is not rationally related to any recycling service the property needs. Based on Oakland regulation this fee is levied per dwelling, irrespective of the size of dwelling unit as a five bedroom home versus our studio units which do not need this recycling fee. The tenant is encouraged to raise the issue of excess recycling fee to their council member.

2. The city is charging the property owner \$543.66 trash collection fee, based on 20 gallons of trash per unit for 18 units. We are passing the excess of this fee to the tenant prorated (\$543.66/18 = \$30.20, and passing half = \$15.10 as a monthly fee of \$15.10.

Note: This fee is not rationally related to any trash service the property needs, because, based on Oakland regulation this fee is levied per dwelling, irrespective of the size of



dwelling unit as a five bedroom home versus our studio units which do not need 20 gallon trash service per week. The tenant is encouraged to raise this issue of excess trash fee to their council member.

Increase in General Operational costs:

Operational costs increased substantially during this period due to dealing with the COVID pandemic, which caused severe economic dislocation affecting our tenants and the property owner's ability to rent vacant units and collect rent, with uncollected rents exceeding over \$75,000. We have not included this general operational cost component in the rent adjustment below.

**Operational Cost component for Utility: = \$15.75 + \$15.10 = \$30.85**

$$= (\$30.85/\$1020.65) \times 100 = 3.0\%$$

Total Rent Adjustment

CPI adjustment = \$1020.65 x 3.8% = \$38.78

Operational Cost component: = \$30.85

For the Tenant

**Total rent adjustment = \$38.78 + \$30.85 = \$69.63 = (\$69.63/1020.65) x 100 = 6.8%** is both fair and reasonable as has been detailed above per the RAP guidelines. Applying the rent adjustment of 6.8% results in a new rent of \$1090, effective June 1<sup>st</sup>, 2021.

Rent Mediation Board:

Property Owner requests that in view of detailed data as has been provided above, this petition be dismissed or the tenant be asked to withdraw the petition as applicable.

ATTACHMENT

#B

Page 1 of 2

IMAGE DETAILS

Front Back

RAP FEES FOR 2912 14th AVE, Oakland 90-7162/3222 1034

00208991 INFINITE GLOW LLC 11-18  
2784 HOMESTEAD RD., # 434  
SANTA CLARA, CA 95051-5353 DATE 3/1/21

PAY TO THE ORDER OF City of Oakland \$ 1818.00

Eighteen hundred & Eighteen &  $\frac{00}{100}$  DOLLARS

CHASE  
JPMorgan Chase Bank, N.A.  
www.Chase.com

MEMO Acct #: 00208991 FOR RAP FEES

000042

Attachment  
# B  
Page 2 of 2

FRONT BACK

IMAGE DETAILS

ENDORSE HERE  
FOR DEPOSIT ONLY  
0103995270

PAY TO THE ORDER OF  
UNION BANK  
FOR DEPOSIT ONLY  
BUSINESS TAX

CITY OF OAKLAND  
TAX, Utility, Rent, Ga  
0103995270 000496

#1252335786 STAMP OR SIGNATURE THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE \*

Check 1818.00

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

000043

June 26, 2021

Infinite Glow LLC

2784 Homestead Road, #434

Santa Clara, CA 95051

Email: infiniteglowllc@gmail.com

Subject: Property Owner Response to Tenant Petition

Dear City of Oakland RAP Office,

We are pleased to timely submit the attached Property Owner Response to Tenant Petition that had been filed by Ann Cordova, 2912 14<sup>th</sup> Ave, Unit 208, Oakland, CA 94606, on 5/27/2021.

The attached property owner response has the following contents:

- (i) This cover letter ✓ *one page*
- (ii) Completed Property Owner Response Form, four pages. ✓
- (iii) Attachment #B, Proof of current year RAP Fee paid, two pages. ✓
- (iv) Six Page - Attachment to the Property Owner Response Form marked as Attachment #A. ✓
- (v) Proof of service to the tenant by mail, *two* pages. ✓ *three* Total 16 pages

Please note, the six page attachment as in (iv) above is an integral part of the response form in (ii) and has the following three part content:

- (a) Statement of RAP regulations on pages 1 to 3, paragraphs 1 to 12;
- (b) Response to issues raised in the petition on pages 3 and 4, paragraphs 1 to 8; and
- (c) Details of the two components of the rent adjustment effective 06/01/21, based on CPI and operational costs, pages 4, 5 and 6.

Further, we had provided a copy of the six page attachment to the tenant and discussed with her on 06/24/2021, at 11.00AM, the contents (a), (b) and (c) as above, as part of our mediation efforts with her, as she had not known this content before filing her petition.

She has responded positively to the contents of the six page attachment, as she is being made aware of them for the first time; and has said she needs more time to digest all this information and would come back to us for additional questions she may have.

We also apprised her of the fact she had moved in March 2007 with a rent of \$695, more than fourteen years ago. Assuming a normal inflation as reflected in CPI data of about 2.0% to 3% /year, over these last fourteen years, Tenant's compounded adjusted rent would be about 50% higher and would be in the range of \$1050 to \$1100.

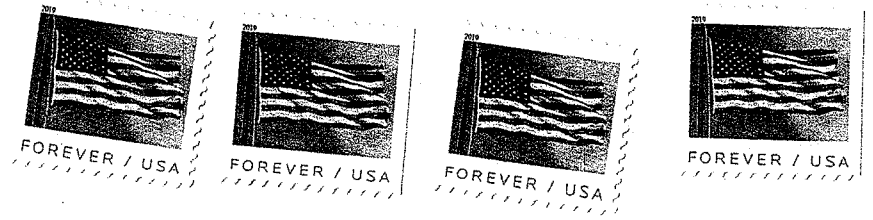
This is important to know for her, since with the current rent adjustment for which she had filed the petition her adjusted rent is \$1090.

Sincerely,

Infinite Glow LLC

000044

Infinite Glow LLC  
2784 Homestead Rd #434  
Santa Clara, CA 95051



First class mail mailed on 8/26/21

TO:

City of Oakland  
Rent Adjustment Program  
250 Frank H. Ogawa Plaza  
Suite 5313  
Oakland, CA 94612-0243

000045

# FAX

**PROOF OF SERVICE:**

I certify under penalty of perjury that this communication (three pages) was electronically transmitted via FASCIMILE to RAP Office at Fax Number: 510 238 6181 on July 12, 2021.

Signed: /Tara Singhal/      Dated: July 12, 2021

July 12, 2021

Rent Adjustment Program

City of Oakland

250 Frank Ogawa Plaza, Suite 5313,

Oakland, CA 94612

Tel: 510 238 3721;

Fax: 510 238 6181

**REF: Case Number: T21-0092; Cordova et al. v. Infinite Glow LLC**

Infinite Glow LLC

2784 Homestead Road, #434,

Santa Clara, CA 95051

**Email:** infiniteglowllc@gmail.com

**Subject:** Property Owner Response to RAP Office letter dated June 17, 2021

Dear City of Oakland RAP Office,

The property owner response that was US mailed on 06/26/2021 with a proof of service, in response to Petition dated 05/27/2021, served on the property manager, complied with RAP guidelines for the Property Owner Response.

We studied the petition and filed a response on June 26, 2021; we had by that time had not received your service of the petition dated June 17, 2021 to us. Therefore the property

**000046**

owner response that was filed on June 26, 2021, did not identify the response by the Case Number.

Please record that response filed 06/26/2021, as having been duly and timely filed in response to your communication dated June 17, 2021 to us. The response property owner had filed 06/26/2021 was attached with a cover letter; we have attached that cover letter here to this letter as well.

In the response we had filed, we had requested by check mark and signature, hearing by an officer. We request the hearing officer to read the detailed six page response therein in the property owner response that had addressed petition issues related to the size of the rent adjustment. Please let us know any issues not covered or responded to.

Based on hearing officer review, we request that the petition be asked to be withdrawn by the tenant as applicable without a hearing because we believe we have adequately addressed the issues therein.

If hearing is needed, we request the hearing be conducted remotely. We also request communication via email as noted earlier. **Email:** [infiniteglowllc@gmail.com](mailto:infiniteglowllc@gmail.com)

Sincerely,

Infinite Glow LLC

**Attachment:** Cover Letter for the Property Owner response filed 06/26/2021

**000047**

June 26, 2021

Infinite Glow LLC

2784 Homestead Road, #434

Santa Clara, CA 95051

**Email:** infiniteglowllc@gmail.com

**Subject:** Property Owner Response to Tenant Petition

Dear City of Oakland RAP Office,

We are pleased to timely submit the attached Property Owner Response to Tenant Petition that had been filed by Ann Cordova, 2912 14<sup>th</sup> Ave, Unit 208, Oakland, CA 94606, on 5/27/2021.

The attached property owner response has the following contents:

- (i) This cover letter
- (ii) Completed Property Owner Response Form, four pages.
- (iii) Attachment #B, Proof of current year RAP Fee paid, two pages.
- (iv) Six Page - Attachment to the Property Owner Response Form marked as Attachment #A.
- (v) Proof of service to the tenant by mail, two pages.

Please note, the six page attachment as in (iv) above is an integral part of the response form in (ii) and has the following three part content:

- (a) Statement of RAP regulations on pages 1 to 3, paragraphs 1 to 12;
- (b) Response to issues raised in the petition on pages 3 and 4, paragraphs 1 to 8; and
- (c) Details of the two components of the rent adjustment effective 06/01/21, based on CPI and operational costs, pages 4, 5 and 6.

Further, we had provided a copy of the six page attachment to the tenant and discussed with her on 06/24/2021, at 11.00AM, the contents (a), (b) and (c) as above, as part of our mediation efforts with her, as she had not known this content before filing her petition.

She has responded positively to the contents of the six page attachment, as she is being made aware of them for the first time; and has said she needs more time to digest all this information and would come back to us for additional questions she may have.

We also apprised her of the fact she had moved in March 2007 with a rent of \$695, more than fourteen years ago. Assuming a normal inflation as reflected in CPI data of about 2.0% to 3% /year, over these last fourteen years, Tenant's compounded adjusted rent would be about 50% higher and would be in the range of \$1050 to \$1100.

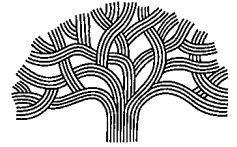
This is important to know for her, since with the current rent adjustment for which she had filed the petition her adjusted rent is \$1090.

Sincerely,

Infinite Glow LLC

**000048**



**ADMINISTRATIVE DECISION**

**CASE NUMBER** T21-0092

**CASE NAME:** Cordova v. Infinite Glow, LLC

**PROPERTY ADDRESS:** 2912 14<sup>th</sup> Avenue, Unit 208  
Oakland, CA

**PARTIES:** Ann Cordova, Tenant  
Infinite Glow, LLC, Owner

**SUMMARY OF DECISION**

The Tenant's petition is granted.

**INTRODUCTION**

**Reason for Administrative decision:** An Administrative Decision is a decision issued without a hearing. The purpose of a hearing is to allow the parties to present testimony and other evidence to allow resolution of disputes of material fact. However, in this case, sufficient uncontested facts have been presented to issue a decision without a hearing, and there are no material facts in dispute. Therefore, an administrative decision, without a hearing, is being issued.

**BACKGROUND**

On June 1, 2021, the Tenant filed a petition. The petition contested a rent increase received on December 20, 2019, effective March 1, 2020, and a rent increase received on April 28, 2021, effective June 1, 2021, on the following grounds: that

the rent increase exceeds the allowable amount, and that the rent increase is unlawful because the tenant was not given proper notice, was not properly served, and/or was not provided with the required RAP Notice (Notice to Tenants of the Residential Rent Adjustment Program).

The Owner filed a Property Owner Response indicating that the Tenant was first served the RAP Notice on December 20, 2019, and claiming that Increased Housing Service Costs justified the rent increase.

## **RATIONALE FOR ADMINISTRATIVE DECISION**

### **2020 Rent Increase**

The Rent Adjustment Ordinance requires an owner to serve a RAP Notice at the start of a tenancy<sup>1</sup> and together with any notice of rent increase or change in any term of the tenancy.<sup>2</sup> An owner may cure the failure to give notice at the start of the tenancy. However, a notice of rent increase is not valid if the effective date of the increase is less than six months after a tenant first receives the required RAP notice.<sup>3</sup>

The Tenant's petition states that she moved into the unit on March 6, 2007, and that she doesn't remember if she ever received the RAP Notice and that she did not receive the RAP Notice together with the 2020 or 2021 notice of rent increase being contested. The Owner's Response stated that they acquired the building in 2018 and first provided the RAP Notice in December 2019. Therefore, the Owner's increase of the rent before June 20, 2020, was invalid.

### **2021 Rent Increase**

On March 9, 2020, the Oakland City Administrator issued a proclamation of Local Emergency, which was ratified by the Oakland City Council on March 12, 2020, due to the Novel Coronavirus Covid-19 pandemic. On March 27, 2020, the Oakland City Council adopted an Ordinance imposing a rent increase moratorium during the Local Emergency." The Ordinance states explicitly, "For rental units regulated by Oakland Municipal Code 8.22.010 et seq, any notice of rent increase in excess of the CPI Rent Adjustment, as defined in Oakland Municipal Code

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<sup>1</sup> O.M.C. Section 8.22.060(A)

<sup>2</sup> O.M.C. Section 8.22.070(H)(1)(A)

<sup>3</sup> O.M.C. Section 8.22.060(C)

Section 8.22.020, shall be void and unenforceable if the notice is served or has an effective date during the Local Emergency.”<sup>4</sup>

The Owner’s Response indicates that the Notice of Rent Increase, effective June 1, 2021, indicated the rent was increased from \$1,022.65 to \$1,088.00. It is uncontested that the rent increase at issue of \$65.35 exceeds the applicable CPI Rent Adjustment of 2.7%, or \$27.61. Further, the rent increase has an effective date of June 1, 2021, which falls during the Local Emergency. Therefore, the rent increase is void and unenforceable as a matter of law.

Moreover, the Ordinance requires that an Owner must first petition the Rent Program and receive approval for the Rent Increases before the Rent Increases can be imposed on grounds other than the CPI or Banking, such as Increased Housing Services Costs. The Owner herein has filed no such petition.

Based on the foregoing, the Tenant’s petition is granted. The rent increase effective March 1, 2020, is invalid. The rent increase effective June 1, 2021, is invalid. The Tenant’s legal rent remains \$881.83, and the Owner shall refund the Tenant any amount overpaid in rent since June 1, 2020.

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<sup>4</sup> Ordinance No. 13589 C.M.S.

## **ORDER**

1. Petition T21-0092 is granted.
2. The Hearing scheduled for August 25, 2021, is canceled.

**Right to Appeal:** **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within fifteen (15) calendar days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.



Dated: August 13, 2021

---

Élan Consuella Lambert  
Hearing Officer  
Rent Adjustment Program

**PROOF OF SERVICE**  
**Case Number T21-0092**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

**Today, I served the attached documents listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:**

**Documents Included**

Administrative Decision

**Manager**

Jonathan, Open World Properties  
1111 Broadway Suite 300  
Oakland, CA 94612

**Owner**

Infinite Glow LLC  
2784 Homestead Road Suite 434  
Santa Clara, CA 94607

**Tenant**

Ann Cordova  
2912 14th Avenue Unit 208  
Oakland, CA 94606

**Tenant**

Bernardino Verduzco  
2912 14th Avenue Unit 208  
Oakland, CA 94606

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

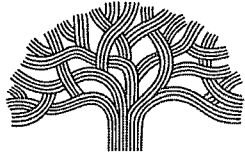
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **August 17, 2021** in Oakland, CA.

*Brittni Lothlen*

Brittni Lothlen

Oakland Rent Adjustment Program

**000053**



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**  
250 Frank Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

For date stamp.

**APPEAL**

Appellant's Name <b>INFINITE GLOW LLC</b>		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
Property Address (Include Unit Number) <b>2912 14th. Ave, Unit 208 Oakland CA 94606</b>			
Appellant's Mailing Address (For receipt of notices) <b>2784 Homestead Rd. Suite 434 Santa Clara, CA 95051</b>		Case Number <b>T 21- 0092</b>	Date of Decision appealed <b>August 17, 2021</b>
Name of Representative (if any) <b>Jonathan Fleming Open World Properties</b>	Representative's Mailing Address (For notices) <b>1111 Broadway, Suite 300 Oakland, CA 94612</b>		

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

- 1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*
- 2) Appealing the decision for one of the grounds below (required):

- a)  The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
- b)  The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
- c)  The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
- d)  The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
- e)  The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

- f)  I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim. (In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)
- g)  The decision denies the Owner a fair return on my investment. (You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)
- h)  Other. (In your explanation, you must attach a detailed explanation of your grounds for appeal.)

Submissions to the Board must *not* exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal. Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). Please number attached pages consecutively. Number of pages attached: 16

• You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed. •  
 I declare under penalty of perjury under the laws of the State of California that on 9/2/2021, 2021, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

<b>Name</b>	Ann Cordova
<b>Address</b>	2912 14th Ave, Unit 208
<b>City, State Zip</b>	Oakland, CA 94606
<b>Name</b>	Bernardino Verdusco
<b>Address</b>	2912 14th Ave, Unit 208
<b>City, State Zip</b>	Oakland, CA 94606

Tara Singhal / Member Infinite Glow LLC	9/2/2021
SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE	DATE

For more information phone (510) 238-3721.

Dear RAP Hearing Board,

The RAP Hearing Officer Administrative Decision made multiple errors in rendering the decision dated August 17, 2021 in Case Number T21-0092; Cordova v. Infinite Glow LLC.

These errors are both legal errors in not having followed RAP ordinance as well as factual errors in having ignored facts before the officer. These errors are identified below and require a reversal of the decision.

**Grounds of Appeal 2A:** The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulation.

**Part I: Rent Adjustment Notice for Rent adjustment effective March 01, 2020**

**RAP decision error #1**

**Facts and the Law:**

Ordinance requires serving on the tenant a RAP notice to apprise them of their petition rights. Tenant is a long term resident of Oakland for over a decade in our building and due to the fact of that long term tenancy is well familiar with her right to petition.

If there is no proof of RAP notice service, as alleged, that can be provided, the exclusive remedy for the tenant provided by the ordinance for the tenant is to have four months to file the petition instead of three months.

The tenant did not file their petition in four months and in fact filed more than a year later and for this reason, alone her petition should have been dismissed.

**Discussion:**

The tenant and property owner, at the tenant's request, discussed the justification of the rent adjustment in detail after the RAP Notice was served on December 20, 2019.

**See Attachment A:** RAP Notice effective March 01, 2020.

Hence based on that satisfaction the tenant did not choose file their petition in four months. Tenant, in fact filed petition more than a year later and for this reason alone, her petition should have been dismissed. However, the hearing officer did not dismiss the petition



for this reason. Therefore, it was an egregious error by the Administrative Officer to have granted the petition.

Conclusion:

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision-making to allow the property owner a fair and reasonable return on his/her property investment.

Thus RAP breached its duty and obligation to be a neutral and fair decision-maker. Therefore, to have granted the petition is an egregious error.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

RAP decision error #2

Facts and the Law

RAP ordinance requires that a written rent adjustment notice be comprised of three elements, (i) a CPI, (ii) banking of prior CPIs and (iii) increase in operational costs.

The notice served complied with these requirements and was detailed identifying each of these elements. See Attachment A: RAP Notice effective March 01, 2020.

First, the hearing officer decision noted that since the property owner had not filed a prior petition for the rent increase, the entire rent adjustment was disallowed.

Second, even if a landlord petition for operational cost increase was not filed in advance with RAP, the operational cost increase was entirely due to county imposed taxes as had been detailed in the notice and no prior petition needed be filed for seeking approval for such operational cost increase.

Discussion:

The notice had complied with all requirements and hence there was no reason to have disallowed the entire rent increase comprising the three components of, (i) a CPI, (ii) banking of prior CPIs and (iii) increase in operational costs.

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision making to allow the property owner a fair and reasonable return on his/her property. Therefore, for the officer to have granted the petition is an egregious error.

Conclusion:

RAP breached its duty and obligation to be a neutral, impartial and fair decision maker.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

RAP decision error #3

Facts and the Law

Ordinance expressly grants the property owner the right to collect half of \$101 RAP fee per unit from the tenant.

The decision by the Hearing Officer to disallow the property owner's right to collect half of the RAP fee was made in error.

Discussion:

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision making to allow the property owner a fair and reasonable return on his/her property. Therefore, to have granted tenant's petition by the hearing officer is an egregious error. Thus RAP breached its duty and obligation to be a neutral, impartial and fair decision maker.

Conclusion:

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

**Part II: Rent Adjustment Notice for Rent adjustment effective June 1, 2021**

RAP decision error #1

Law and the Facts:

Ordinance requires serving on the tenant a RAP notice to apprise them of their petition rights. Tenant is a long term resident of Oakland for over a decade in our building and due to the fact of that long term tenancy is well familiar with her right to petition.

If there is no proof of RAP notice service, as alleged, that can be provided, the exclusive remedy for the tenant provided by the ordinance for the tenant is to have four months to file the petition instead of three months.

The tenant used her right to file a timely petition in three months and hence lack of proof of RAP notice service by the property owner was immaterial to the rights of the tenant. Disallowing the entire rent increase by the Hearing Officer was an egregious error.

Discussion:

The tenant and property owner, at the tenant's request, discussed the justification of the rent adjustment in detail after the RAP Notice was served with a supplement.

See Attachment B: RAP Notice effective June 01, 2021.

However, the hearing officer did not dismiss the petition. Therefore, it was an egregious error by the Administrative Officer to have granted the petition.

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision making to allow the property owner a fair and reasonable return on his/her property. Therefore, to have nullified the entire rent adjustment notice is an egregious error.

Thus RAP breached its duty and obligation to be a neutral, impartial and fair decision maker. Therefore, to have nullified the entire rent adjustment notice is an egregious error.

Conclusion:

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision-making to allow the property owner a fair and reasonable return on his/her property investment.

Thus RAP breached its duty and obligation to be a neutral and fair decision- maker. Therefore, to have granted the petition is an egregious error.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

## RAP decision error #2

### Facts and the Law

RAP ordinance requires that a written rent adjustment notice be comprised of three elements, (i) a CPI, (ii) banking of prior CPIs and (iii) increase in operational costs.

The notice served complied with these requirements and was detailed identifying each of these elements. See Attachment B: RAP Notice effective June 01, 2021.

First, the hearing officer decision noted that since the property owner had not filed a prior petition for the rent increase, the entire rent adjustment was disallowed.

Second, even if a property owner petition for operational cost increase was not filed in advance with RAP, the operational cost increase was entirely due to city imposed utility costs as had been detailed in the notice and no prior petition needed be filed for seeking approval for such operational cost increase.

### Discussion:

The notice had complied with all requirements and hence there was no reason to have disallowed the entire rent increase comprising the three components of, (i) a CPI, (ii) banking of prior CPIs and (iii) increase in operational costs.

See Attachment B: RAP Notice effective June 01, 2021

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision making to allow the property owner a fair and reasonable return on his/her property. Therefore, for the officer to have granted the petition is an egregious error.

Conclusion:

RAP breached its duty and obligation to be a neutral, impartial and fair decision maker.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

RAP decision error #3

Facts and the Law

Ordinance expressly grants the property owner the right to collect half of \$101 RAP fee per unit from the tenant.

The decision by the Hearing Officer to disallow the property owner's right to collect half of the RAP fee was made in error.

Discussion:

RAP ordinance explicitly requires that RAP be neutral, fair and impartial in its decision making to allow the property owner a fair and reasonable return on his/her property. Therefore, to have granted tenant's petition by the hearing officer is an egregious error. Thus RAP breached its duty and obligation to be a neutral, impartial and fair decision maker.

Conclusion:

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

**Note:**

We also apprised tenant of the fact she had moved in March 2007 with a rent of \$695, more than fourteen years ago. Assuming a normal inflation as reflected in CPI data of about 2.0% to 3% /year, over these last fourteen years, Tenant's compounded adjusted rent would be about 50% higher and would be in the range of \$1050 to \$1100.

This is important to know for her, since with the current rent adjustment for which she had filed the petition her adjusted rent is \$1090.

**Grounds of Appeal 2c:** The decision raises a new policy issue that, it is believed had not been decided by the Board

The requirement for filing a petition by the property owner is for those operational costs that are due to capital costs for property improvement amortized over time to be sure they are fair and reasonable to the tenant.

1. There should not be a requirement to file a petition for rent adjustment that is necessary due to increase in operational costs that are as a direct result of increase in taxes levied by the city, county and the state on the property owner.

2. There should not be a requirement to file a petition for rent adjustment that is necessary due to increase in operational costs that are as a direct result of increase in utility costs by the city of Oakland on the property owner.

Requiring a petition for any increase in such operational costs is unnecessary and burdensome and is an abuse of the governmental authority.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

**Grounds of Appeal 2d:** The administrative decision violates federal, state and local law.

The administrative decision violates RAP ordinance to allow property owner fair and reasonable return on his property, allowing him/her to recover costs due to CPI and operational costs.

State constitution requires basic principles of fairness and equity in not depriving property owners their property rights.

The federal constitution does not permit taking of property rights without due process of laws.

Supreme Court recently ruled 6 to 3 that an eviction moratorium is illegal. The same ruling is also applicable that a rent increase moratorium would be illegal, as both of these moratoriums deprive a property-owner property rights.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

**Grounds of Appeal 2e:** The decision is not supported by substantial evidence

The decision is not supported by substantial evidence as each of the rent adjustment notices provided by the property owner included detailed data justifying the rent adjustment.

**See Attachment #A and #B detailing the basis of the rent adjustments.**

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

**Grounds of Appeal 2g:** The decision denies the property owner a fair return on my investment

The administrative decision of blanket denial of any rent adjustment for years 2020 and 2021 deprives the property owner of a fair and equitable return on the property investment.

If the property owner were to seek a judicial review of this decision, it would be held against the RAP as a clear violation and abuse of their authority.

**ATTACHMENT #A**

**2020 Rent Notice detailing CPI, CPI Banking and Operational costs**

**REVISED 01-28-2020**

December 12, 2019

Infinite Glow LLC  
2784 Homestead Rd, #434  
Santa Clara, CA 95051  
[InfiniteGlowLLC@gmail.com](mailto:InfiniteGlowLLC@gmail.com)

Property Management  
Openworld Properties  
1111 Broadway, Suite 300  
Oakland, CA 94607  
(510) 250-0946

Ann Cordova  
Unit 208  
2912 14th Ave,  
Oakland CA 94806

Dear Ms. Ann Cordova

Greetings and Happy Holidays!

We welcome and appreciate your long-term tenancy since June 2012.

As you may know, we became new property owners of the property at 2912 14th Avenue, Oakland, CA in November 2018 and as new property owners we would like to thank you for being a long-term tenant here.

As a long term-tenant you also have seen a lot of history including a succession of property owners and remodeling construction.

Like you, we hope to also be long-term property owners and have a mutually amicable and friendly long-term relationship with our tenants.

This is also time for rent adjustment as permitted by City of Oakland based on CPI and our cost increases.

Your rent includes all utilities including trash, recycling, water, gas and electric and was last adjusted on June 1, 2018, prior to when we acquired the property.



Your rent is being adjusted under City of Oakland RAP, based on three separate components:

1. Increase based on CPI for the Alameda County
2. ~~Increase in cost of Utilities~~
3. Cost as reflected in increased property taxes

**Rent adjustment calculation:**

- CPI increase (*sources:* [https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm))

**Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted**

Month	2015		2016		2017		2018		2019	
	2-month h	12-month h	2-month h	12-month h	2-month h	12-month h	2-month h	12-month h	2-month h	12-month h
February	1.0	2.5	0.9	3.0	0.8	3.4	1.4	3.6	0.5	3.5
April	1.1	2.4	0.7	2.7	1.1	3.8	0.8	3.2	1.2	4.0
June	0.6	2.3	0.6	2.7	0.3	3.5	0.9	3.9	0.2	3.2
August	0.3	2.6	0.7	3.1	0.2	3.0	0.6	4.3	0.1	2.7
October	0.4	2.6	0.9	3.6	0.6	2.7	0.7	4.4	1.0	3.0
December	-0.3	3.2	-0.3	3.5	-0.1	2.9	0.1	4.5		

The December 2019 Consumer Price Index for the San Francisco area is scheduled to be released on January 14, 2020.

Based on this data as above, The CPIs used for this rent adjustments are:

1. From 12/2017 to 12/2018: 4.5%
2. From 12/2018 to 11/2019: 3.0%
3. From 12/2019 to 12/2020: 3.0% (assumed)

**CPI calculation:**

- For year 2018, 4.5%, prorated for June to December 2018, =  $4.5 \times 8/12 = 3.0\%$
  - For year 2019 = 3.0%
  - For year 2020, prorated for January and February =  $3.0\% \times 2/12 = 0.5\%$
- Total

Hence CPI from June 2018 to Feb 2020 =  $3.0\% + 3.0\% + 0.5\% = 6.5\%$

$$\text{CPI Rise} = \$881.83 \times 6.5\% = \$57.32$$

**Property tax increase plus other costs:**

Tax rise is \$18,045.13 per year based on change in property valuation, divided by 18 units = \$1002.50 and divided by 12 months = \$83.50 per month per unit.

~~All utilities (water, sewer, trash, recycling, gas, and electric) cost included in rent is about \$160 that is a 10% rise since June 2018 = \$16~~

Please note the rise in property tax was directly as a result of capital improvements to the building and our purchase price based on these capital improvements. This calculation above is justifiable based on RAP guidelines for landlord to adjust rent based on CPI and to recover increased costs as detailed above.

**Overall rent percent increase:**

The rent rise due to CPI + property tax increase + ~~increase in utility costs~~ included in rent:

$$\$57.32 + \$83.50 + \cancel{\$16.00} = \cancel{\$156.82} \$140.82$$

**New Rent effective March 1, 2020 =  $\$881.83 + \cancel{\$156.82} \$140.82 = \$1022.65$**

This provides a sixty notice for this rent adjustment that translates as an increase of 16.0% based on the guidelines provided by City of Oakland RAP.

**OAKLAND RAP COST RECOVERY FROM TENANTS  
FOR PROPERTY OWNERS**

March 01, 2020

Infinite Glow LLC  
2784 Homestead Rd, #434  
Santa Clara, CA 95051  
[InfiniteGlowLLC@gmail.com](mailto:InfiniteGlowLLC@gmail.com)

Property Management  
Openworld Properties  
1111 Broadway, Suite 300  
Oakland, CA 94607  
(510) 250-0946

**Property:** 2912 14<sup>th</sup> Ave, Oakland, CA 94806

Dear Tenant: **Unit #208**

From City Of Oakland RAP FEE website

Each year property owners are required to pay a fee for each rental unit they own that is covered by the Rent Adjustment Ordinance or the Just Cause for Eviction Ordinance (Measure EE). The fee is currently \$101.

Under rent adjustment program (RAP) of city of Oakland, property owners are allowed to recover from the tenants half of the cost they pay to the city of Oakland

If the fee is paid on time, property owners are entitled to collect one half of the fee (\$50.50) from the tenant(s) of the rental unit for which the fee is paid.

Property owners have already paid \$101/unit on March 01, 2020

**Therefore, Tenant please pays one time annual RAP fee of \$50.50 for year 2020, due by March 31st, 2020 via the same method as you pay your rent.**

Thank you

**ATTACHMENT #B**

April 28, 2021

Infinite Glow LLC  
2784 Homestead Rd, #434  
Santa Clara, CA 95051  
[InfiniteGlowLLC@gmail.com](mailto:InfiniteGlowLLC@gmail.com)

Property Management  
Openworld Properties  
1111 Broadway, Suite 300  
Oakland, CA 94607  
(510) 250-0946

Ann Cordova  
Unit 208  
2912 14th Ave,  
Oakland CA 94806

Dear Ms. Ann Cordova, Greetings!

We welcome and appreciate your long-term tenancy since June 2012.

This is also time for rent adjustment as permitted by State of California state wide rent control. Your rent was last adjusted on March 01, 2020.

This provides a 30 day notice for this rent adjustment that translates as an increase of 6.4%

**New Rent effective June 1, 2021 = \$1022.65 + 6.4% = \$1088.00**

**CITY OF OAKLAND RAP COST RECOVERY FOR PROPERTY OWNERS**

Each year property owners are required to pay a fee for each rental unit they own that is covered by the Rent Adjustment Ordinance or the Just Cause for Eviction Ordinance (Measure EE). The fee is currently \$101.

**Therefore, Tenant pays RAP fee \$50.50 and is due by June 1, 2021**

Sincerely, Infinite Glow LLC and Openworld Properties

Attach RAP statement

Notice of service

**SUPPLEMENT**

**Basis of 6.4% Rent Adjustment effective June 1, 2021**

**CPI component:**

The last rent adjustment was served on December 20, 2019, to be effective March 1, 2020. Therefore the period over which the CPI for the rent adjustment effective June 1, 2021, covers the period from March 2020 to April 2021.

The CPI for this period from Table A below is 3.8%

[https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm)

<b>Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted</b>										
Month	2017		2018		2019		2020		2021	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	0.8	3.4	1.4	3.6	0.5	3.5	0.9	2.9	0.5	1.6
April	1.1	3.8	0.8	3.2	1.2	4.0	-0.5	1.1	1.7	3.8
June	0.3	3.5	0.9	3.9	0.2	3.2	0.7	1.6		
August	0.2	3.0	0.6	4.3	0.1	2.7	0.0	1.6		
October	0.6	2.7	0.7	4.4	1.0	3.0	0.5	1.1		
December	-0.1	2.9	0.1	4.5	-0.5	2.5	0.4	2.0		

**CPI adjustment = \$1020.65 x 3.8% = \$38.78**

**Operational Cost component:**

**Increase in Utility costs:**

1. The city is charging the property owner \$283.50 based on a per unit fee of \$15.75 as a recycling fee. We are passing this fee to the tenant as a monthly fee of \$15.75.

Appeal From Administrative Decision postmarked Dated August 17, 2021

Note: This fee is not rationally related to any recycling service the property needs.

Based on Oakland regulation this fee is levied per dwelling, irrespective of the size of dwelling unit as a five bedroom home versus our studio units which do not need this recycling fee. The tenant is encouraged to raise the issue of excess recycling fee to their council member.

2. The city is charging the property owner \$543.66 trash collection fee, based on 20 gallons of trash per unit for 18 units. We are passing the excess of this fee to the tenant prorated ( $\$543.66/18 = \$30.20$ . and passing half =  $\$15.10$  as a monthly fee of  $\$15.10$ .

Note: This fee is not rationally related to any trash service the property needs, because, based on Oakland regulation this fee is levied per dwelling, irrespective of the size of dwelling unit as a five bedroom home versus our studio units which do not need 20 gallon trash service per week. The tenant is encouraged to raise this issue of excess trash fee to their council member.

Increase in General Operational costs:

Operational costs increased substantially during this period due to dealing with the COVID pandemic causing severe economic dislocation affecting our tenants with uncollected rents exceeding over \$75,000.

**Operational Cost component for Utility: =  $\$15.75 + \$15.10 = \$30.85$**

$$= 30.85/1020.65 \times 100 = 3.0\%$$

**Total Rent Adjustment**

**CPI adjustment =  $\$1020.65 \times 3.8\% = \$38.78$**

**Operational Cost component:  $\$15.75 + \$15.10 = \$30.85$**

**For the Tenant**

**Total rent adjustment** =  $\$38.78 + \$30.85 = \$69.60 = \$69.60 / 1020.65 \times 100 = 6.8\%$  is both fair and reasonable as has been detailed above per RAP guidelines.

## CHRONOLOGICAL CASE REPORT

Case No.: L19-0259

Case Name: 901 Jefferson LLC v. Tenants

Property Address: 4001 San Leandro Street, Oakland, CA 94601

Parties:

- 901 Jefferson, LLC (Owner)
- Lerna Kazazic (Owner Representative)
- Jeffrey Rivas (Tenant)
- Stephen Wagner (Tenant)
- Chris Congdon (Tenant)
- Patrick Hamilton (Tenant)
- Dane Pollock (Tenant)
- Karina Vlastnik (Tenant)
- Amy Callis (Tenant)
- Mark Tse (Tenant)
- Natalie Davis (Tenant)
- Muhammad Yaremko (Tenant)
- Julie Davis (Tenant)
- Cristina Rivera-Hess (Tenant)
- Erika Frank (Tenant)
- Matthew Wigeland (Tenant)
- Chris Ledet (Tenant)
- Sigrid Hafstrom (Tenant)
- Logan Shillinglaw IV (Tenant)
- Delene Hessinger (Tenant)

**000072**



Kristen Eiden (Tenant)  
Christophen Wettersten (Tenant)  
Chester Rhoden (Tenant)  
Courtney Lain (Tenant)  
Jackson LaForce (Tenant)  
Mike McCord (Tenant)  
Steven Joyner (Tenant)  
Caleb Duarte (Tenant)  
Michael Cantor (Tenant)  
Kenna Benitez (Tenant)  
Eliot Curtis (Tenant)  
Katherine Smith (Tenant)  
Lauren Aiken (Tenant)  
Marcus Pacheco (Tenant)  
David Horton (Tenant)  
David Hall (Tenant Representative)


**OWNER APPEAL:**

<u>Activity</u>	<u>Date</u>
Property Owner Petition filed	November 8, 2018
Tenant Response filed (Scammon)	January 7, 2020
Tenant Response filed (Lain)	January 7, 2020
Tenant Response filed (Alvarado)	January 7, 2020

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Tenant Response filed (Cantor)	January 7, 2020
Tenant Response filed (Lambert & Pollok)	January 7, 2020
Tenant Response filed (Cordes)	January 7, 2020
Tenant Response filed (Callis)	January 7, 2020
Tenant Response filed (McCrae)	January 7, 2020
Tenant Response filed (Smith)	January 7, 2020
Tenant Response filed (Frank & Carter)	January 7, 2020
Tenant Response filed (Martines)	January 8, 2020
Tenant Response filed (Mortimer)	January 8, 2020
Tenant Response filed (Rivas)	January 8, 2020
Tenant Response filed (Ledet, Gonen & Cortez)	January 8, 2020
Tenant Response filed (Rhoden & Rhoden)	January 8, 2020
Tenant Response filed (McCord)	January 8, 2020
Tenant Response filed (Joyner)	January 8, 2020
Tenant Response filed (Hantman)	January 8, 2020
Tenant Response filed (Raya & Murase)	January 8, 2020

Tenant Response filed (Galleri)	January 27, 2020
Proof of RAP Fee submitted	April 22, 2020
Tenant Response filed (Davis)	April 24, 2020
2021 Business License submitted	April 26, 2020
Tenant Respondent's Brief	July 20, 2021
Hearing Date	July 27, 2021
Hearing Decision mailed	September 21, 2021
Property Owner Appeal filed	October 8, 2021
Appellant's Explanation in Support of Appeal	October 13, 2021
Appellant's Brief in Support of Appeal	October 25, 2021

<b>CITY OF OAKLAND</b> <b>RENT ADJUSTMENT PROGRAM</b> 250 Frank H. Ogawa Plaza, Suite 5313 Oakland, CA 94612 (510) 238-3721  <i>LI9-0259 SKRC</i>	For date stamp. <div style="text-align: center;">   <b>NOV 08 2018</b>  <b>RENT ADJUSTMENT PROGRAM</b>  <b>LANDLORD PETITION</b>  <b>FOR CERTIFICATE OF EXEMPTION</b>  <b>(OMC §8.22.030.B)</b> </div>
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**Please Fill Out This Form Completely As You Can.** Failure to provide needed information may result in your petition being rejected or delayed. Attach to this petition copies of the documents that prove your claim. Before completing this petition, please read the Rent Adjustment Ordinance, section 8.22.030. A hearing is required in all cases even if uncontested or irrefutable.

**Section 1. Basic Information**

Your Name 901 Jefferson, LLC		Complete Address (with zip code) 155 Grand Avenue #950 Oakland, CA 94612	Telephone Day: _____
Your Representative's Name Lerna Kazazic Pahl & McCay		Complete Address (with zip code) 225 W. Santa Clara Street, #1500 San Jose, CA 95113	Telephone (408) 286-5100 Day: _____
Property Address 4001 San Leandro Street Oakland, CA 94601		Total number of units in bldg or parcel. 33	
Type of units (circle one)	Single Family Residence (SFR)	Condominium	Apartment or Room Apartment
If an SFR or condominium, can the unit be sold and deeded separately from all other units on the property?		Yes	No
Assessor's Parcel No. 033216600303			

**Section 2. Tenants.** You must attach a list of the names and addresses, with unit numbers, of all tenants residing in the unit/building you are claiming is exempt.

**Section 3. Claim(s) of Exemption:** A Certificate of Exemption may be granted **only** for dwelling units that are **permanently** exempt from the Rent Adjustment Ordinance.

**New Construction:** This may apply to individual units. The unit was newly constructed and a certification of occupancy was issued for it on or after January 1, 1983.

**Substantial Rehabilitation:** This applies only to entire buildings. An owner must have spent a minimum of fifty (50) percent of the average basic cost for new construction for a rehabilitation project. The average basic cost for new construction is determined using tables issued by the Chief Building Inspector applicable for the time period when the Substantial Rehabilitation was completed.

Single-Family or Condominium (Costa-Hawkins): Applies to Single Family Residences and condominiums only. If claiming exemption under the Costa-Hawkins Rental Housing Act (Civ. C. §1954.50, et seq.), please answer the following questions on a separate sheet:

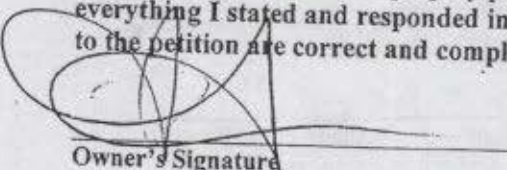
1. Did the prior tenant leave after being given a notice to quit (Civil Code Section 1946)?
2. Did the prior tenant leave after being a notice of rent increase under Civil Code Section 827?
3. Was the prior tenant evicted for cause?
4. Are there any outstanding violations of building, housing, fire, or safety codes in the unit or building?
5. Is the unit a single family dwelling or condominium that can be sold separately?
6. Did the current tenant have roommates when he/she moved in?
7. If the unit is a condominium, did you purchase it? If so: 1) from whom? 2) Did you purchase the entire building?
8. When did the tenant move into the unit?

I (We) petition for exemption on the following grounds (Check all that apply):

<input checked="" type="checkbox"/>	New Construction
<input type="checkbox"/>	Substantial Rehabilitation
<input type="checkbox"/>	Single Family Residence or Condominium (Costa-Hawkins)

**Section 4. Verification** Each petitioner must sign this section.

I declare under penalty of perjury pursuant to the laws of the State of California that everything I stated and responded in this petition is true and that all of the documents attached to the petition are correct and complete copies of the originals.

  
Owner's Signature

11.8.18  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

**Important Information**

**Burden of Proof** The burden of proving and producing evidence for the exemption is on the Owner. A Certificate of Exemption is a final determination of exemption absent fraud or mistake.

**File Review** Your tenant(s) will be given the opportunity to file a response to this petition within 35 days of notification by the Rent Adjustment Program. You will be sent a copy of the tenant's Response. Copies of attachments to the Response form will not be sent to you. However, you may review any attachments in the Rent Program Office. Files are available for review by appointment only. For an appointment to review a file, call (510) 238-3721. Please allow six weeks from the date of filing for notification processing and expiration of the tenant's response time before scheduling a file review.

# Rent Roll

901 Jefferson Street, LLC (high)

As of: 11/05/2018

Unit	Unit Type	Unit Sqft	Resident	Name
Current/Notice Residents				
01	res	1,200.00	t0003549	Jeffrey Rivas
02	res	1,000.00	t0005194	Stephen Wagner
03	res	2,000.00	t0003918	Chris Shaw
04	res	2,000.00	t0003552	Cristina Rivera-Hess
05	res	2,000.00	t0003553	Erika Frank
06	res	2,000.00	t0003980	Mathilde Froustey
07	res	3,500.00	t0003719	Brian Lewis Lewis
08	res	1,700.00	t0003825	Sigrid Hafstrom
09	res	1,850.00	t0003955	Jonathan Blaising
10	res	1,700.00	t0003558	Delene Hessinger
11	res	2,300.00	t0003559	Kristen Eiden
12	res	2,400.00	t0003560	Christopher Wettersten
13	res	1,900.00	t0003561	Chester Rhoden
14	res	1,800.00	t0004453	Courtney Lain
15	res	1,820.00	t0003848	Jessica Boddicker
16	res	2,200.00	t0003564	Mike McCord
17	res	1,450.00	t0003565	Steven Joyner
18	res	980.00	t0003566	Caleb Duarte
19	res	1,000.00	t0003567	Michael Cantor
20	res	850.00	t0003568	Kenna Benitez
21	res	1,200.00	t0003569	Eliot Curtis
22	res	1,500.00	t0003570	Katherine Smith
23	res	1,500.00	t0005138	John Paulus
24	res	2,667.00	t0003572	Marcus Pacheco
25	res	2,688.00	t0003573	David Horton
26	res	3,215.00	t0005195	Chris Congdon
27	res	1,999.00	t0005050	Mark Morcos
28	res	2,211.00	t0003576	Kathryn Kaminski
29	res	2,484.00	t0005248	Alberto Diaz
30	res	1,384.00	t0004750	John Mortimer
31	res	1,051.00	t0004705	Nathon Verdugo
32	res	1,205.00	t0003580	Natalie Davis
33	res	3,927.00	t0003581	Muhammad Yaremko
34	res	0.00	t0003582	Outfront Outfront

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**REPORT OF  
BUILDING  
RECORD**

**000079**



# CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • 2ND FLOOR • OAKLAND, CA 94612

Planning and Building Department, Permit Center - Records Archive  
www.oaklandnet.com

PH: 510-238-3606  
FAX: 510-238-6445  
TDD: 510-238-3254

## Report of Building Record

This information is not to be construed that the said building complies with all applicable laws of the City of Oakland. It only sets forth the record as of the date completed.

ADDRESS: 4001 SAN LEANDRO ST		APN: 033 216600303	APPLICANT: 901 JEFFERSON STREET, LLC RRR1700125	Page 1 Of 3
PERMIT RECORD	Permit #	Status	Date	
Original construction permit not in records archive	A7842	Finaled	10/25/1925	
Building permit for addition to building	A56947	Finaled	05/02/1935	
Building permit for 31'x103' addition	A57138	Finaled	08/02/1935	
Building permit for fire damage repairs	A64904	Finaled	12/28/1936	
Building permit for brick masonry building	B19713	Finaled	07/16/1941	
Building permit for addition	A78977	Finaled	08/09/1941	
Building permit for for fire damage repairs and addition to building	B14223	Finaled	12/01/1947	
Building permit for curtain wall in existing building	B19624	Finaled	02/27/1948	
Building permit to convert existing building into lofts	D35382	Issued	11/07/1984	
Electrical permit to convert existing building into lofts, new 200 and 600 ampere service	21217	Finaled	08/29/1985	
Plumbing permit to convert existing building into lofts	025712	Finaled	02/05/1986	
Plumbing permit to reinstall gas service	P9102271	Finaled	08/19/1991	
Electrical permit to repair of fire damaged wiring	E9104287	Finaled	02/28/1992	
Electrical permit to bring existing panel and lights up to code	E9201213	Finaled	05/13/1992	
Electrical permit for meter reset	Y9201489	Finaled	09/10/1992	
Building permit for fire damage repair, reframed roof & studs walls	B9105431	Expired	11/30/1992	
Electrical permit for emergency fire reset exam	E9102785	Expired	11/30/1992	
Mechanical permit to replace furnace	M9200253	Expired	11/30/1992	
Curb permit to repair sidewalk	CGS960143	Issued	05/02/1996	
Building permit for seismic hazard mitigation	B9600513	Expired	10/03/1997	
Curb permit to repair sidewalk and driveway	CGS980351	Issued	12/15/1998	
Building permit to complete B9600513 for seismic hazard mitigation	B0005291	Expired	02/08/2002	
Building permit to replace portion of elevated roof	B0202586	Expired	03/11/2003	
Building permit to complete B9600513 for seismic hazard mitigation	B0205870	Finaled	04/30/2003	
Excavation permit to replace pole and overhead equipment	X1000376	Issued	03/18/2010	
Excavation permit to install anchor	X10402338	Expired	12/31/2012	

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CITY OF OAKLAND  
INSPECTIONAL SERVICES DEPARTMENT  
CITY HALL PLAZA  
OAKLAND, CALIF. 94612  
(415) 273-0443



BUILDING PERMIT APPLICATION

THIS PERMIT IS VALID WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED

PROJECT: 2601 SAN LEANDRO ST.  
LOT: 101 PARCEL  
OWNER: JAMES ALEXANDER 536-1180  
APPLICANT: JAMES ALEXANDER  
ADDRESS: 2601 SAN LEANDRO ST. OAKLAND, CA 94612  
CITY: OAKLAND, CA 94612

PERMIT NO. 115-34417  
DATE ISSUED 11/5/84  
CONTRACT NO. 115-34417  
CITY ENGINEER: JAMES ALEXANDER  
CITY ENGINEER'S SIGNATURE: [Signature]

DESCRIPTION OF PROPOSED CONSTRUCTION WORK:  
CONSERVATION OF HISTORICAL RESOURCES  
REPAIR AND RESTORE  
MASONRY  
NO DWELLING UNITS  
PLAN FILED: 11/5/84  
FILE NO. 2601-184  
NO. OF UNITS: 18  
HEIGHT OF HIGHEST POINT: 35  
PROPOSED USE OF BUILDING: CHURCH, HALL, CLUB, STORE, WORKSHOP  
TYPE OF BUILDING: I II III IV V  
OCCUPANCY GROUP: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z  
ZONING: R-2  
FLOOR COVERING: PARQUET  
ESTIMATE WORK: MASONRY, PLUMBING, ELECTRICAL, MECHANICAL

VALUE: \$150,000  
APPLICANT'S SIGNATURE: [Signature]  
DATE: 11/5/84

NOTICE TO APPLICANT: After making an application for a permit, you should be aware of the following conditions of the permit.  
I hereby agree to these conditions and to the City of Oakland and its officers, agents and agents against all liability, expense, costs and expense which may be incurred by the City in consequence of the issuing of this permit or from the use or non-use of the same, and to indemnify and hold the City harmless from all such liability, expense, costs and expense which may be incurred by the City in consequence of the issuing of this permit or from the use or non-use of the same, and to indemnify and hold the City harmless from all such liability, expense, costs and expense which may be incurred by the City in consequence of the issuing of this permit or from the use or non-use of the same.

BLDC III: 101.00  
REC'D III: 10.00  
SHIP 913: 14.00  
REC'D III: 15.13  
SUBTOTAL: 140.13

Permit No. 115-34417  
Call for Inspection 273-3444  
DATE ISSUED: 11/5/84  
CONTRACT NO. 115-34417  
CITY ENGINEER'S SIGNATURE: [Signature]

DESCRIPTION OF PROPOSED CONSTRUCTION WORK:  
CONSERVATION OF HISTORICAL RESOURCES  
REPAIR AND RESTORE  
MASONRY  
NO DWELLING UNITS  
PLAN FILED: 11/5/84  
FILE NO. 2601-184  
NO. OF UNITS: 18  
HEIGHT OF HIGHEST POINT: 35  
PROPOSED USE OF BUILDING: CHURCH, HALL, CLUB, STORE, WORKSHOP  
TYPE OF BUILDING: I II III IV V  
OCCUPANCY GROUP: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z  
ZONING: R-2  
FLOOR COVERING: PARQUET  
ESTIMATE WORK: MASONRY, PLUMBING, ELECTRICAL, MECHANICAL

VALUE: \$150,000  
APPLICANT'S SIGNATURE: [Signature]  
DATE: 11/5/84

HOUSING CONSERVATION  
FIRE MARSHAL  
SPECIAL ACTIVITY NO.  
MOVING PERMIT NO.  
PORT OF OAKLAND  
LICENSE VERIFICATION  
HEALTH DEPT.  
BY & A ITEM NO.  
HABAB RES. NO.  
ZONING & MANNING NO.  
OTHER:  
APPLICANT'S SIGNATURE: [Signature]  
DATE: 11/5/84  
PERMIT ISSUED BY: C Z  
FIELD CHECKS: [Signature]  
FINAL INSPECTION: [Signature]

CITY OF OAKLAND  
 OCCUPATIONAL SERVICES DEPARTMENT  
 CITY HALL PLAZA  
 OAKLAND, CALIF. 94612  
 PHONE (415) 778-3440



**ELECTRICAL PERMIT APPLICATION**

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, DATED, VALIDATED & FEES PAID.

DATE: 05/14/85  
 ADDRESS: 2225 MARQUET ST, OAKLAND, CALIF 94612  
 CITY: OAKLAND, CALIF 94612  
 COUNTY: ALameda  
 CITY ISSUES SS: 652-8052  
 LICENSE # C-10 402028  
 CONTRACTOR: ALOUIS RUCKER  
 ADDRESS: 1417-54th ST, OAKLAND, CALIF 94612  
 CITY: OAKLAND, CALIF 94612  
 COUNTY: ALameda  
 DATE: 05/14/85

I hereby affirm that I am licensed under articles of Chapter 8 (commencing with Section 1400) of Division 2 of the Business and Professions Code, and my license is in full force and effect.

I, as owner of the property, or my employees with proper written consent, understand all the work, and the contractor is not bonded or insured for labor (Sec. 7044, Business and Professions Code). The Contractor's License Law does not apply to an owner of property who builds or repairs fixtures, and who does such work himself or through his employees, provided that such contractors are not intended or allowed for use to receive the benefits of unemployment insurance and within one year of completion, the owner let or will have the benefit of providing that he did not build or improve for the purpose of sale.

I, as owner of the property, do hereby certify that the requirements of the above are met: (1) in preparing the permit (2) in the absence of a certificate of inspection (3) the work will be performed prior to sale (4) I have included in the notice for the IP notices prior to completion of the work, and (5) I have not claimed exemption in the application or have had my own structures since the last being any three-year period (Sec. 7044, Business and Professions Code).

I, as owner of the property, do hereby certify that I understand the requirements of the above and I am aware of the provisions of the Business and Professions Code, and I am aware of the provisions of the Business and Professions Code, and I am aware of the provisions of the Business and Professions Code.

I have attached to this application: RFP for this work.

I hereby affirm that I have a certificate of earned 10 self-insurance, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 1400, Lab. C).

I certified copy is hereby furnished.  
 Certified copy is filed with the city building inspection department.

Signature: ALOUIS RUCKER Date: 05-14-85  
 (This section must not be completed if the permit is for non-load-bearing work (\$100 or less).)

I hereby affirm that the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Law of California.

Signature: Date: \_\_\_\_\_

NOTICE TO APPLICANTS: If, after reading the contents of this permit, you should become subject to the Workers' Compensation provisions of the Labor Code, you must furnish a copy with each provision of this permit shall be deemed posted.

I hereby affirm that there is a contractor's bonding agency for the performance of the work for which this permit is issued (Sec. 1097, Civ. C).

Signature: JIM ALEXANDER Date: 05/14/85  
 Address: 2225 MARQUET ST, OAKLAND, CALIF 94612

I hereby affirm that I have read the provisions of the Business and Professions Code, and I am aware of the provisions of the Business and Professions Code, and I am aware of the provisions of the Business and Professions Code.

Signature: Date: 05/14/85

REG 112 337.00  
 REG 112 8.00  
 REG 112 338.00  
 REG 112 339.00  
 REG 112 340.00  
 REG 112 341.00  
 REG 112 342.00  
 REG 112 343.00  
 REG 112 344.00

Call for information 273-3444  
 DATE ISSUED: 6/5/85 APPROVED BY: [Signature]  
 NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION

OTHER REMOVAL:  
 Description of Work: REMOVAL OF EXISTING BUILDING AND LOFT SPACE  
 TWO SERVICE ONE 200 AMP ONE 600 AMP

120V SERVICE: 600A 3W 120V  
 220V SERVICE: 220V 3W 220V  
 240V SERVICE: 240V 3W 240V

16	SERVICE	600A	20.00
17	CIRCUITS	132	132.00
18	APPOINTMENTS	22	22.00
19	OUTLETS (ROUGH)	22	22.00
20	SWITCHES	132	132.00
21	CONDUIT	22	22.00
22	PAN EXHAUST	22	22.00
23	WATER WASH	22	22.00
24	HEATING (AIR)	22	22.00
25	FURNACE	22	22.00
26	BEVERAGE CAB	22	22.00
27	VEGETABLE CAB	22	22.00
28	STRAINER	22	22.00
29	MOTION PICTURE MACH	22	22.00
30	MOVIE PROJECTOR	22	22.00
31	MOVIE PROJECTOR	22	22.00
32	MOVIE PROJECTOR	22	22.00
33	MOVIE PROJECTOR	22	22.00
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97	MOVIE PROJECTOR	22	22.00
98	MOVIE PROJECTOR	22	22.00
99	MOVIE PROJECTOR	22	22.00
100	MOVIE PROJECTOR	22	22.00
SUN TOTAL		531.00	
SURCHARGE		531.00	
GRAND TOTAL		1062.00	

PERMIT NO. 1217  
 DISTRICT NO. 10  
 ADDRESS: 100

2/21/7

6/6/85 R. ok front to units Southwicks St. Side

6/14/85 No one on site JW

6/18/85 Non-plumbing walls ok to Rock JW - All

6/18/85 Utilities ok

8/29/85  
 17 Disconnect for exhaust fan & light fix  
 2 Exhaust fan & Cond  
 11 5 Trays back on BX in, label panel blank  
 in park  
 3 Light in Hall  
 Box in Jackson on 2nd floor.

8/29/ Final ok

Fee One 4 sept @ 10.00  
 - 40  
 40.00  
 40.00

# PLUMBING PERMIT APPLICATION

THIS IS YOUR PERMIT WHICH MUST BE FILLED OUT FRONT & VALIDATED

PROJECT NO. **7001 SAN LEANILLO ST**  
 ADDRESS **HIGH STREET PROFESOR R**  
**2225 MARIN ST**  
**BERKELEY, CA 94707**  
 CITY **N/A**

DATE PERMIT **1/17/85** CITY **San Francisco**  
 TYPE OF WORK **ALTERATION**  
 PERMIT NUMBER **D35282**

EXPIRES **12-31-85**  
 CONTRACTOR'S NO. **310968 B**  
 CONTRACTOR'S NAME **ALEXANDER CONSTRUCTION**  
 ADDRESS **474 AVE O**  
**OAKLAND, CA 94601**

PLUMBING	NO	FEES	PGT DATES
WATER MAIN	20	700	
SEWER	20	150	5-23 called
DRYING	20	100	5-27 called
LABOR ONLY			8-31 called over
AUTO CLOSING WORK			6-3 called
ADDED TO EXISTING			6-19 called
REPAIRS			7-3 called
STORM LINE TO CURB			7-5 called
WATER MAIN			7-9 called
SEWER			7-15 called
DRYING			8-14 called
LABOR ONLY			8-14 called
SLAB PATCHING			8-26 called
WATER MAIN			8-29 called
SEWER			8-30 called
DRYING			8-30 called
LABOR ONLY			9-4 called
TOTAL		503.99	

PROJECT NO. **025712**

I hereby agree that I am exempt from the Contractor's License Law (Section 7011, 7012, 7013, 7014, 7015, 7016, 7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066, 7067, 7068, 7069, 7070, 7071, 7072, 7073, 7074, 7075, 7076, 7077, 7078, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099, 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129, 7130, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7140, 7141, 7142, 7143, 7144, 7145, 7146, 7147, 7148, 7149, 7150, 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7158, 7159, 7160, 7161, 7162, 7163, 7164, 7165, 7166, 7167, 7168, 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7177, 7178, 7179, 7180, 7181, 7182, 7183, 7184, 7185, 7186, 7187, 7188, 7189, 7190, 7191, 7192, 7193, 7194, 7195, 7196, 7197, 7198, 7199, 7200, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7210, 7211, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7226, 7227, 7228, 7229, 7230, 7231, 7232, 7233, 7234, 7235, 7236, 7237, 7238, 7239, 7240, 7241, 7242, 7243, 7244, 7245, 7246, 7247, 7248, 7249, 7250, 7251, 7252, 7253, 7254, 7255, 7256, 7257, 7258, 7259, 7260, 7261, 7262, 7263, 7264, 7265, 7266, 7267, 7268, 7269, 7270, 7271, 7272, 7273, 7274, 7275, 7276, 7277, 7278, 7279, 7280, 7281, 7282, 7283, 7284, 7285, 7286, 7287, 7288, 7289, 7290, 7291, 7292, 7293, 7294, 7295, 7296, 7297, 7298, 7299, 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7324, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336, 7337, 7338, 7339, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7349, 7350, 7351, 7352, 7353, 7354, 7355, 7356, 7357, 7358, 7359, 7360, 7361, 7362, 7363, 7364, 7365, 7366, 7367, 7368, 7369, 7370, 7371, 7372, 7373, 7374, 7375, 7376, 7377, 7378, 7379, 7380, 7381, 7382, 7383, 7384, 7385, 7386, 7387, 7388, 7389, 7390, 7391, 7392, 7393, 7394, 7395, 7396, 7397, 7398, 7399, 7400, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7448, 7449, 7450, 7451, 7452, 7453, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7461, 7462, 7463, 7464, 7465, 7466, 7467, 7468, 7469, 7470, 7471, 7472, 7473, 7474, 7475, 7476, 7477, 7478, 7479, 7480, 7481, 7482, 7483, 7484, 7485, 7486, 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7511, 7512, 7513, 7514, 7515, 7516, 7517, 7518, 7519, 7520, 7521, 7522, 7523, 7524, 7525, 7526, 7527, 7528, 7529, 7530, 7531, 7532, 7533, 7534, 7535, 7536, 7537, 7538, 7539, 7540, 7541, 7542, 7543, 7544, 7545, 7546, 7547, 7548, 7549, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558, 7559, 7560, 7561, 7562, 7563, 7564, 7565, 7566, 7567, 7568, 7569, 7570, 7571, 7572, 7573, 7574, 7575, 7576, 7577, 7578, 7579, 7580, 7581, 7582, 7583, 7584, 7585, 7586, 7587, 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7608, 7609, 7610, 7611, 7612, 7613, 7614, 7615, 7616, 7617, 7618, 7619, 7620, 7621, 7622, 7623, 7624, 7625, 7626, 7627, 7628, 7629, 7630, 7631, 7632, 7633, 7634, 7635, 7636, 7637, 7638, 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647, 7648, 7649, 7650, 7651, 7652, 7653, 7654, 7655, 7656, 7657, 7658, 7659, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7667, 7668, 7669, 7670, 7671, 7672, 7673, 7674, 7675, 7676, 7677, 7678, 7679, 7680, 7681, 7682, 7683, 7684, 7685, 7686, 7687, 7688, 7689, 7690, 7691, 7692, 7693, 7694, 7695, 7696, 7697, 7698, 7699, 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711, 7712, 7713, 7714, 7715, 7716, 7717, 7718, 7719, 7720, 7721, 7722, 7723, 7724, 7725, 7726, 7727, 7728, 7729, 7730, 7731, 7732, 7733, 7734, 7735, 7736, 7737, 7738, 7739, 7740, 7741, 7742, 7743, 7744, 7745, 7746, 7747, 7748, 7749, 7750, 7751, 7752, 7753, 7754, 7755, 7756, 7757, 7758, 7759, 7760, 7761, 7762, 7763, 7764, 7765, 7766, 7767, 7768, 7769, 7770, 7771, 7772, 7773, 7774, 7775, 7776, 7777, 7778, 7779, 7780, 7781, 7782, 7783, 7784, 7785, 7786, 7787, 7788, 7789, 7790, 7791, 7792, 7793, 7794, 7795, 7796, 7797, 7798, 7799, 7800, 7801, 7802, 7803, 7804, 7805, 7806, 7807, 7808, 7809, 7810, 7811, 7812, 7813, 7814, 7815, 7816, 7817, 7818, 7819, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7830, 7831, 7832, 7833, 7834, 7835, 7836, 7837, 7838, 7839, 7840, 7841, 7842, 7843, 7844, 7845, 7846, 7847, 7848, 7849, 7850, 7851, 7852, 7853, 7854, 7855, 7856, 7857, 7858, 7859, 7860, 7861, 7862, 7863, 7864, 7865, 7866, 7867, 7868, 7869, 7870, 7871, 7872, 7873, 7874, 7875, 7876, 7877, 7878, 7879, 7880, 7881, 7882, 7883, 7884, 7885, 7886, 7887, 7888, 7889, 7890, 7891, 7892, 7893, 7894, 7895, 7896, 7897, 7898, 7899, 7900, 7901, 7902, 7903, 7904, 7905, 7906, 7907, 7908, 7909, 7910, 7911, 7912, 7913, 7914, 7915, 7916, 7917, 7918, 7919, 7920, 7921, 7922, 7923, 7924, 7925, 7926, 7927, 7928, 7929, 7930, 7931, 7932, 7933, 7934, 7935, 7936, 7937, 7938, 7939, 7940, 7941, 7942, 7943, 7944, 7945, 7946, 7947, 7948, 7949, 7950, 7951, 7952, 7953, 7954, 7955, 7956, 7957, 7958, 7959, 7960, 7961, 7962, 7963, 7964, 7965, 7966, 7967, 7968, 7969, 7970, 7971, 7972, 7973, 7974, 7975, 7976, 7977, 7978, 7979, 7980, 7981, 7982, 7983, 7984, 7985, 7986, 7987, 7988, 7989, 7990, 7991, 7992, 7993, 7994, 7995, 7996, 7997, 7998, 7999, 8000, 8001, 8002, 8003, 8004, 8005, 8006, 8007, 8008, 8009, 8010, 8011, 8012, 8013, 8014, 8015, 8016, 8017, 8018, 8019, 8020, 8021, 8022, 8023, 8024, 8025, 8026, 8027, 8028, 8029, 8030, 8031, 8032, 8033, 8034, 8035, 8036, 8037, 8038, 8039, 8040, 8041, 8042, 8043, 8044, 8045, 8046, 8047, 8048, 8049, 8050, 8051, 8052, 8053, 8054, 8055, 8056, 8057, 8058, 8059, 8060, 8061, 8062, 8063, 8064, 8065, 8066, 8067, 8068, 8069, 8070, 8071, 8072, 8073, 8074, 8075, 8076, 8077, 8078, 8079, 8080, 8081, 8082, 8083, 8084, 8085, 8086, 8087, 8088, 8089, 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138, 8139, 8140, 8141, 8142, 8143, 8144, 8145, 8146, 8147, 8148, 8149, 8150, 8151, 8152, 8153, 8154, 8155, 8156, 8157, 8158, 8159, 8160, 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8327, 8328, 8329, 8330, 8331, 8332, 8333, 8334, 8335, 8336, 8337, 8338, 8339, 8340, 8341, 8342, 8343, 8344, 8345, 8346, 8347, 8348, 8349, 8350, 8351, 8352, 8353, 8354, 8355, 8356, 8357, 8358, 8359, 8360, 8361, 8362, 8363, 8364, 8365, 8366, 8367, 8368, 8369, 8370, 8371, 8372, 8373, 8374, 8375, 8376, 8377, 8378, 8379, 8380, 8381, 8382, 8383, 8384, 8385, 8386, 8387, 8388, 8389, 8390, 8391, 8392, 8393, 8394, 8395, 8396, 8397, 8398, 8399, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8410, 8411, 8412, 8413, 8414, 8415, 8416, 8417, 8418, 8419, 8420, 8421, 8422, 8423, 8424, 8425, 8426, 8427, 8428, 8429, 8430, 8431, 8432, 8433, 8434, 8435, 8436, 8437, 8438, 8439, 8440, 8441, 8442, 8443, 8444, 8445, 8446, 8447, 8448, 8449, 8450, 8451, 8452, 8453, 8454, 8455, 8456, 8457, 8458, 8459, 8460, 8461, 8462, 8463, 8464, 8465, 8466, 8467, 8468, 8469, 8470, 8471, 8472, 8473, 8474, 8475, 8476, 8477, 8478, 8479, 8480, 8481, 8482, 8483, 8484, 8485, 8486, 8487, 8488, 8489, 8490, 8491, 8492, 8493, 8494, 8495, 8496, 8497, 8498, 8499, 8500, 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511, 8512, 8513, 8514, 8515, 8516, 8517, 8518, 8519, 8520, 8521, 8522, 8523, 8524, 8525, 8526, 8527, 8528, 8529, 8530, 8531, 8532, 8533, 8534, 8535, 8536, 8537, 8538, 8539, 8540, 8541, 8542, 8543, 8544, 8545, 8546, 8547, 8548, 8549, 8550, 8551, 8552, 8553, 8554, 8555, 8556, 8557, 8558, 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566, 8567, 8568, 8569, 8570, 8571, 8572, 8573, 8574, 8575, 8576, 8577, 8578, 8579, 8580, 8581, 8582, 8583, 8584, 8585, 8586, 8587, 8588, 8589, 8590, 8591, 8592, 8593, 8594, 8595, 8596, 8597, 8598, 8599, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608, 8609, 8610, 8611, 8612, 8613, 8614, 8615, 8616, 8617, 8618, 8619, 8620, 8621, 8622, 8623, 8624, 8625, 8626, 8627, 8628, 8629, 8630, 8631, 8632, 8633, 8634, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655, 8656, 8657, 8658, 8659, 8660, 8661, 8662, 8663, 8664, 8665, 8666, 8667, 8668, 8669, 8670, 8671, 8672, 8673, 8674, 8675, 8676, 8677, 8678, 8679, 8680, 8681, 8682, 8683, 8684, 8685, 8686, 8687, 8688, 8689, 8690, 8691, 8692, 8693, 8694, 8695, 8696, 8697, 8698, 8699, 8700, 8701, 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8711, 8712, 8713, 8714, 8715, 8716, 8717, 8718, 8719, 8720, 8721, 8722, 8723, 8724, 8725, 8726, 8727, 8728, 8729, 8730, 8731, 8732, 8733, 8734, 8735, 8736, 8737, 8738, 8739, 8740, 8741, 8742, 8743, 8744, 8745, 8746, 8747, 8748, 8749, 8750, 8751, 8752, 8753, 8754, 8755, 8756, 8757, 8758, 8759, 8760, 8761, 8762, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 8772, 8773, 8774, 8775, 8776, 8777, 8778, 8779, 8780, 8781, 8782, 8783, 8784, 8785, 8786, 8787, 8788, 8789, 8790, 8791, 8792, 8793, 8794, 8795, 8796, 8797, 8798, 8799, 8800, 8801, 8802, 8803, 8804, 8805, 8806, 8807, 8808, 8809, 8810, 8811, 8812, 8813, 8814, 8815, 8816, 8817, 8818, 8819, 8820, 8821, 8822, 8823, 8824, 8825, 8826, 8827, 8828, 8829, 8830, 8831, 8832, 8833, 8834, 8835, 8836, 8837, 8838, 8839, 8840, 8841, 8842, 8843, 8844, 8845, 8846, 8847, 8848, 8849, 8850, 8851, 8852

025712

Inspection fee. Draw strength of building. 2 hours. 20.00 for 25.00 and 1.00 for 1.00 from room given to find.

7/15 CORR. 7" C. ON DRAINAGE  
 AND BATH PIPING  
 7/15 CORR. 7" C. ON DRAINAGE  
 AND BATH PIPING  
 5/29/85 SAME AS ABOVE  
 7/31/85 N.C. - WILL CALL

6/3/85 SECTIONS OF UNDERFLOOR  
 DRAINAGE PIPING OK

6/14/85 CORR. 7" C. ON WATER  
 PIPING & BATH PIPING  
 6/14/85 CORR. 7" C. ON WATER  
 PIPING & BATH PIPING  
 6/14/85 PERSONAL DRINK WORK  
 NOTIFIED ON JOBSITE

7/3/85 CORR. 7" C. ON DRAINAGE,  
 VENT AND WATER PIPING  
 NOTE: PERSON IN CHARGE NOTIFIED  
 ON JOBSITE

8/14/85 2-WATER SERVICES AND  
 SECTIONS OF 2" DRAINAGE  
 & VENT PIPING OK

8/14/85 WATER TEST OF DRAINAGE,  
 VENT AND WATER PIPING OK

8-29-85 INSPECTION REQUESTED  
 WORK NOT READY. NOTE: CONTR.  
 NOTIFIED ON JOBSITE. R. J.

9-4-85 ~~120.25~~ CHECK DELIVERED  
 BY ME.

20 - HOURS  
 2 - WATER SERVICES (\$15.00 SHORT)  
 1 - GAS TEST

R. J.

OAKLAND  
DEPARTMENT OF PUBLIC WORKS  
OAK CITY HALL PLAZA  
OAKLAND, CALIF. 94612  
PHONE (415) 373-3443



**ELECTRICAL PERMIT APPLICATION**

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED & FEES PAID

PROJECT: **40' x 90' AV**  
 ADDRESS: **2225 MARIN**  
 CITY: **OAKLAND**  
 COUNTY: **ALAMEDA**  
 CITY ADDRESS: **C-10 402028**  
 PERMIT NO: **2225 MARIN**  
 DATE ISSUED: **9-27-85**  
 APPROVED BY: **[Signature]**  
 CALL FOR INSPECTION: **273-3444**  
 DESCRIPTION OF WORK: **BUILDING (WAREHOUSE) STORAGE**  
 WORK: **200A**  
 VOLTAGE: **120**  
 SQUARE FEET: **10,000**  
 SERVICE: **1-12-11**  
 CONCRETE: **[ ]**  
 APPOINTMENTS: **[ ]**  
 OUTLETS: **[ ]**  
 SWITCHES: **[ ]**  
 RANGE: **[ ]**  
 FURNACE TOP: **[ ]**  
 FAN EXHAUST: **[ ]**  
 AIR CONDITIONING: **[ ]**  
 HEATERS: **[ ]**  
 REFRIGERATION: **[ ]**  
 BEVERAGE CASE: **[ ]**  
 VEGETABLE CASE: **[ ]**  
 STERILIZER: **[ ]**  
 MOTION PICTURE MACH: **[ ]**  
 BATH: **[ ]**  
 BATH ELECTRICS: **[ ]**  
 BATH LIGHTING: **[ ]**  
 SERVICE (TEMPORARY): **[ ]**  
 MISC APPARATUS: **[ ]**  
 PENALTY: **[ ]**  
 APPLICATION FEE: **\$25**  
 SUB TOTAL: **37-**  
 ANNUAL FEE: **[ ]**  
 SURCHARGE 1%: **37**  
 GRAND TOTAL: **51 37**

NO	DESCRIPTION	NO	DESCRIPTION	NO	DESCRIPTION
15	SERVICE	16	CONCRETE	17	APPOINTMENTS
18	OUTLETS	19	SWITCHES	20	RANGE
21	FURNACE TOP	22	FAN EXHAUST	23	AIR CONDITIONING
24	HEATERS	25	REFRIGERATION	26	BATH
27	BATH ELECTRICS	28	BATH LIGHTING	29	SERVICE (TEMPORARY)
30	MISC APPARATUS	31	PENALTY	32	APPLICATION FEE
33	SUB TOTAL	34	ANNUAL FEE	35	SURCHARGE 1%
36	GRAND TOTAL				

PERMIT NO. 2225 MARIN ADDRESS 2225 MARIN CITY 94612

OAKLAND  
DEPARTMENT OF PUBLIC WORKS  
OAK CITY HALL PLAZA  
OAKLAND, CALIF. 94612

**BUILDING PERMIT APPLICATION**

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED & FEES PAID

PROJECT: **40' x 90' AV**  
 ADDRESS: **2225 MARIN**  
 CITY: **OAKLAND**  
 COUNTY: **ALAMEDA**  
 CITY ADDRESS: **C-10 402028**  
 PERMIT NO: **2225 MARIN**  
 DATE ISSUED: **9-27-85**  
 APPROVED BY: **[Signature]**  
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 DESCRIPTION OF WORK: **BUILDING (WAREHOUSE) STORAGE**  
 WORK: **200A**  
 VOLTAGE: **120**  
 SQUARE FEET: **10,000**  
 SERVICE: **1-12-11**  
 CONCRETE: **[ ]**  
 APPOINTMENTS: **[ ]**  
 OUTLETS: **[ ]**  
 SWITCHES: **[ ]**  
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 FURNACE TOP: **[ ]**  
 FAN EXHAUST: **[ ]**  
 AIR CONDITIONING: **[ ]**  
 HEATERS: **[ ]**  
 REFRIGERATION: **[ ]**  
 BEVERAGE CASE: **[ ]**  
 VEGETABLE CASE: **[ ]**  
 STERILIZER: **[ ]**  
 MOTION PICTURE MACH: **[ ]**  
 BATH: **[ ]**  
 BATH ELECTRICS: **[ ]**  
 BATH LIGHTING: **[ ]**  
 SERVICE (TEMPORARY): **[ ]**  
 MISC APPARATUS: **[ ]**  
 PENALTY: **[ ]**  
 APPLICATION FEE: **\$25**  
 SUB TOTAL: **37-**  
 ANNUAL FEE: **[ ]**  
 SURCHARGE 1%: **37**  
 GRAND TOTAL: **51 37**

000086

CITY OF OAKLAND



INSPECTIONAL SERVICES DEPARTMENT  
One City Hall Plaza, Room 203  
Oakland, California 94612

CORRECTION NOTICE

Name Boris Anderson  
Address 747 54<sup>th</sup> St  
City/State Oakland Ca.

4001 San Leandro  
Job Location  
22051  
Permit Number  
12/23/85  
Date

An inspection of the subject premises on the above data revealed the following corrections and/or fees are necessary, as they do not comply with the requirements of the Oakland \_\_\_\_\_  
Date \_\_\_\_\_

Section \_\_\_\_\_

Panel need fuses, blanks in house  
panel & GFI need for outside recept

These corrections are required to be made within ten (10) days after receipt of this notice.

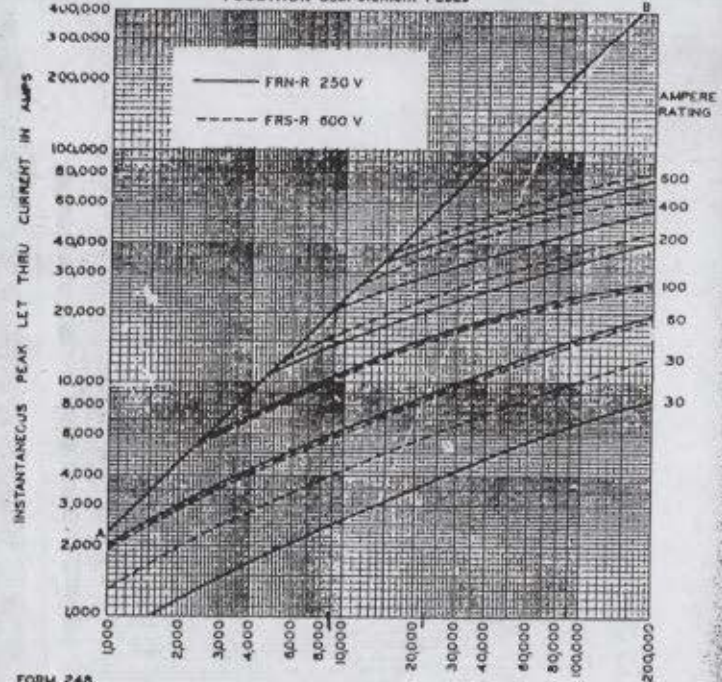
If there are any questions, please contact:

Jim Williams  
Elect Insp  
Title \_\_\_\_\_

PHONE: 273-3441-Building Inspection  
273-3341-Electrical Inspection  
273-3291-Plumbing Inspection  
273-3291-Mechanical Inspection

600-40<sup>th</sup> ST PERMIT # 22051

CURRENT LIMITING EFFECT  
FUSETRON dual-element Fuses



FORM 248

4-71

PROSPECTIVE SHORT CIRCUIT CURRENT - SYMMETRICAL RMS AMPS

Prospective current is the symmetrical component of short-circuit current that would flow if not limited by the opening of the fuse. The total value of prospective current consists of the short-circuit current determined by the circuit constants plus any current that makes acting as generators may be able to contribute to the fault.

Low voltage fuses have their interrupting rating expressed in terms of the symmetrical component of short-circuit current. In other words, they are given an rms symmetrical interrupting rating. This means that as long as the symmetrical component of current does not exceed the interrupting rating of the fuse, the fuse can interrupt any asymmetrical current that can accompany the symmetrical component of current.

The line A-B on the chart shows the relationship of the instantaneous peak current to the prospective short-circuit current. Although the chart shows the prospective current in symmetrical amperes, the line A-B represents the instan-

aneous peak current of the maximum asymmetrical rms current that could be associated with the symmetrical current. This peak current would be attained if the circuit were not protected by a fuse.

The effect of a fuse in the circuit is to limit the instantaneous peak current to a value less than that represented by line A-B.

The curves below the A-B line show the amount of current which will be let through when fuses of the size shown are used.

To illustrate: The rms value of available short-circuit current calculated from circuit constants is 100,000 amperes symmetrical. Reading this value on line A-B, it is found that the instantaneous peak value is 230,000 amperes. If a 100 ampere FR5 or FR5-R FUSETRON Dual-Element fuse is in the circuit, the peak let-thru current would be 22,000 amperes — or 10% of the current that would flow if the fuse were not protecting the circuit.





CITY OF OAKLAND  
PUBLIC WORKS SERVICES DEPARTMENT  
ONE CITY HALL PL. S.W.  
OAKLAND, CALIF. 94612  
PHONE (415) 378-3444



ELECTRICAL PERMIT APPLICATION

THIS IS YOUR PERMIT WHEN PROPERLY FILLED IN. SHOULD YOU HAVE A FEEL FREE

PROJECT NO. 21817  
DISTRICT NO. 6  
ADDRESS 1000

DATE ISSUED 6/5/85  
 NEW  
 REPAIR  
 ADDITION  
 RENEWAL  
 ALTERATION  
 DEMOLITION

OTHER PERMITS

DESCRIPTION OF WORK: RENEWAL OF EXISTING BUILDING W/ST LOFT SPACE  
 TWO SERVICE ONE 300 AMP ONE 600 AMP

PERMIT NO. 21817  
DISTRICT NO. 6  
ADDRESS 1000

DATE ISSUED 6/5/85  
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 RENEWAL  
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 TWO SERVICE ONE 300 AMP ONE 600 AMP

ELECTRICAL INSPECTION RECORD

2/217

6/4/85 R. ok front 6 units Subcontractor 3rd. Ind.

6/18/85 Non-plumbing walls ok to Rock Jul - All

6/18/85 Utility ok

6/29/85 #12 Placement for exhaust fan & light fix  
 #11 Exhaust fan to Cond  
 #11 5' through back on brick in, label Panel blank  
 #13 Light in hall  
 OK in jacket on 2nd floor

6/29/85 Final ok.

Fee One Extra @ 10.00  
 = 40  
 + 16 = 40  
 40.40

NO.	DESCRIPTION	DATE	BY
1	APPLICATION FEE	53.00	1000
2	PLAN REVIEW	5.00	1000
3	MINIMUM FEE	5.00	1000
4	GRAND TOTAL	53.00	1000

not on staff  
1/3/91 See correction list off  
1-15-92 See correction list off  
1/16/92 Per [unclear] [unclear]  
sent 33 [unclear] [unclear]  
\$26 part will be [unclear] [unclear]

1/11/91

2-11-91 Detail [unclear]  
[unclear] [unclear] [unclear]  
[unclear] [unclear] [unclear]

7

**REPORT OF  
RESIDENTIAL  
BUILDING  
RECORD**

000091



Office of Planning and Building  
Oakland Housing Code, Sec. H-206

# APPLICATION FOR REPORT OF RESIDENTIAL BUILDING RECORD (3-R Report)

FOR CITY USE ONLY

Date Completed 11/03/04

Expiration Date 2/3/05

Completed by S.M. Buggs

Address of Subject Property: 4001 SAN LEANDRO AVENUE Street Avenue Drive Way OAKLAND

Name of Applicant: MADISON PARK FINANCIAL CORP / DERMOT O'DOHERTY

Mailing Address of Applicant: 409 13TH STREET, #800 OAKLAND, CA 94612

Name and address of Owner (if different from above): HIGH ST. PROPERTIES PARTNERS, SAME ADDRESS

Total number of HABITABLE buildings on premises: 1 Total number of ACCESSORY buildings on premises: \_\_\_\_\_

Existing BASEMENT or CELLAR?  yes  no Habitable BASEMENT or CELLAR?  yes  no

Existing ATTIC?  yes  no Habitable ATTIC?  yes  no

Number of STORIES: \_\_\_\_\_ Construction Material:  Wood frame  Block  Steel  \_\_\_\_\_

Number occupied?  yes  no

Number of dwelling UNITS or APARTMENTS: 33 Number of HOUSEKEEPING units: \_\_\_\_\_ Number of HOTEL/Guest rooms: \_\_\_\_\_

Number of KITCHENS: \_\_\_\_\_ Total number of HABITABLE ROOMS (excluding bath, toilet, laundry, utility rooms and closets): \_\_\_\_\_

I certify that I am the APPLICANT named hereto, that I have familiarized myself with the residential building with respect to preparing and filing this application; that the work herein contained are in all respects true and accurate to the best of my knowledge and belief, and that they may not correlate with the City's official records as recorded above.

Signature of Applicant: [Signature] Date: 10-22-04 Telephone: 510-452-2944

## REPORT OF RESIDENTIAL BUILDING RECORD

This is NOT to be construed that said residential building complies with all applicable laws of the City and only sets forth the report as of the date completed shown above.

Zone District: \_\_\_\_\_ Date of original building construction: 1925 Building type: VN

Original OCCUPANCY or USE: 1 story office and factory building

Plans on file?  no  yes SFD?  no  yes Cert. of Occupancy issued?  no  yes; Date \_\_\_\_\_ Number \_\_\_\_\_

Total number of HABITABLE BUILDINGS: 0 Total number of ACCESSORY BUILDINGS: 0 Total number of HABITABLE ROOMS: 0 Total number of UNITS or APARTMENTS: 0

Building related PERMITS ISSUED:

Permit Description	Permit #	Date	CONDITIONS/VARIANCES:
Original construction permit	A7842	10/25/25	
Addition to building	A56947	8/27/35	
Addition of building for furniture Factory	A57138	8/2/35	
Fire damage repairs	A64904	12/20/36	
1 story factory building addition	B14223	12/1/47	
and replace fire damage portion			
1 story warehouse building	A78977	8/9/41	

Present AUTHORIZED OCCUPANCY or USE (insofar as ascertainable from existing City records): Story factory and office buildings

A Report of Residential Building Record shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions or requirements of any laws or ordinances of the City of Oakland, nor shall such issuance thereafter prevent requiring corrections of errors, violations, or any applicable law or ordinance of the City of Oakland. This report contains information insofar as ascertainable from City records. It shall be unlawful for the owner or authorized agent of the owner, to sell this residential building without first delivering to the buyer this Report of Residential Building Record prior to the consummation of sale.

Report of Residential Building Record (3R)

Date: November 3, 2004

Address: 4001 San Leandro Street

Building related PERMITS ISSUED:

	<u>Permit #</u>	<u>Permit Date</u>
Construct interior wall	B19624	2/27/48
Erect addition to shop building	B19713	7/16/46
Interior alterations for retail space no dwelling units	D35382	11/7/84
Fire damage repairs	B9105431	11/30/92-EX
Mandatory seismic mitigation	B9600513	11/3/97-EX
Complete work from B9600513	B0005291	2/08/02-EX
Alterations to roof	B0202586	3/11/03-EX
Complete work from previous seismic permits	B0205870	4/30/03

End of Report

November 3, 2004

Date

Authorized Signature, City of Oakland  
Sequonita M. Buggs



Stephen D. Pahl  
Karen K. McCay  
Fenn C. Horton  
Catherine S. Robertson  
Servando R. Sandoval  
Ginger L. Sotelo  
Theresa C. Becerra

Soma S. Shan  
Helene A. Simvoulakis-Panos  
John A. List  
Eric J. Stephenson  
Lerna Kazazic  
Stephanie Drell  
Monisha Oshtory

Sarahann Shapiro  
*Special Counsel*

225 West Santa Clara St., Suite 1500, San Jose, California 95113-1752 • Tel: 408-286-5100 • Fax: 408-286-5722

2530 Wilshire Blvd., Suite 200, Santa Monica, California 90403-4663 • Tel: 424-217-1830 • Fax: 424-217-1854

Reply to: San Jose Office  
Sender's Direct Dial No.: (408) 918-2829  
Sender's Email Address: [ssandoval@pahl-mccay.com](mailto:ssandoval@pahl-mccay.com)

November 8, 2018

Oakland City Hall  
The Oakland Rent Adjustment Program  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612

Re: **Madison Park Financial/4001 San Leandro Street**  
**Request for Certificate of Exemption**

To Whom It May Concern:

This office represents Madison Park Financial, managing agent of High Street Apartments located at 4001 San Leandro Street, Oakland, California (the "Property"). The purpose of this letter is to provide clarification regarding the additional documents and California Court of Appeals decision submitted with this Landlord Petition for Certificate of Exemption.

The Property was constructed around 1905 and the original building permits are not in the records archive with the City of Oakland. The enclosed documents demonstrate that the building, which was previously a brick masonry building, was converted into live/work units between 1985-1986. The Property again had to undergo substantial permitted work following an arson fire that heavily damaged the Property in 1991.

Enclosed with this letter and Petition are the following:

1. Report of Building Record indicating that a building permit, electrical permit, and plumbing permit were requested and/or issued between 1984-1986 to convert the existing building into lofts, and accompanying permits. The building permit states that there were "no dwelling units" at the Property in November 1984 and that the proposed renovation would include altering the Property to contain "studios."
2. Report of Residents Building Record (3-R Report) completed on November 3, 2004, indicating that there were no dwelling units at the Property in 1984.

000094

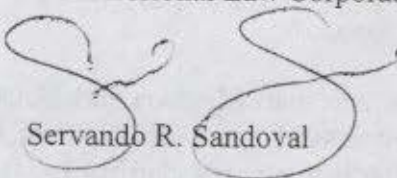
Oakland City Hall  
November 8, 2018  
Page 2

The above-referenced documents demonstrate the following: the Property was converted from an entirely non-residential warehouse into live/work units between 1984-1986, after permits were obtained from the City. While there is no certificate of occupancy for the Property for some unknown reasons, the documents demonstrate that there were no absolutely no dwelling units in the Property prior to 1983.

If you require further clarification regarding the above referenced documents or former proceedings, feel free to contact the undersigned.

Sincerely,

PAHL & McCAY  
A Professional Law Corporation



Servando R. Sandoval

SRS/lk  
Enclosures  
cc: Clients

\*4693/001 - 00654649.DOCX.1

000095



Stephen D. Pahl  
Karen K. McCay  
Fenn C. Horton  
Catherine S. Robertson  
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November 8, 2018

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The Oakland Rent Adjustment Program  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612

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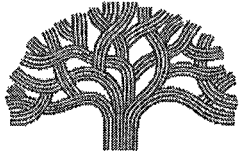
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2. Report of Residents Building Record (3-R Report) completed on November 3, 2004, indicating that there were no dwelling units at the Property in 1984.

000096





CITY OF OAKLAND

RECEIVED  
CITY OF OAKLAND  
RENT ARBITRATION PROGRAM

2020 JAN -7 PM 4:49

### RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

### TENANT RESPONSE TO CLAIM OF PERMANENT EXEMPTION

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Alexander Scammon</i>	Complete Address (with Zip Code) <i>4001 San Leandro St., #8 Oakland, CA 94601</i>	Telephone <i>415-272-1722</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 5/28/16

Date you moved into this unit: 6/25/16

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*wish to contest an exemption from the rent adjustment ordinance because the exemption was based on fraud or mistake (OMC § 8.22, Article 1)*

7.12.2019

000097


Please list the date you first received the Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice):

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

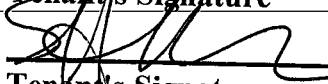
Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To	Yes	No
6/25/2018	8/01/2018	\$ 3250	\$ 3348	Yes <input checked="" type="checkbox"/>	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

  
 \_\_\_\_\_  
 Tenant's Signature

1/6/20  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Tenant's Signature

1/6/20  
 \_\_\_\_\_  
 Date

**Important Information**

This form must be received at the Rent Adjustment Offices by the date and time limits prescribed by Oakland Municipal Code, Chapter 8.22. The offices are located at City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. The mailing address is PO Box 70243, Oakland, CA 94612-0243. For more information, please call: 510-238-3721.

**You cannot get an extension of time to file your Response by telephone.**

**File Review**

You should have received with this letter a copy of the landlord petition.

**Copies of attachments to the petition will not be sent to you. However, you may review these in the Rent Program office. Files are available for review by appointment ONLY.**

For an appointment to review a file call (510) 238-3721.

2020 JAN -7 PM 4:49



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in  
your response being rejected or delayed.

Your Name <i>Courtney Linn</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. # 414 OAKLAND, CA 94601</i>	Telephone <i>(510) 502-9831</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: \_\_\_\_\_

Date you moved into this unit: \_\_\_\_\_

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 1)*

*11/28*



CITY OF OAKLAND

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250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**CASE NUMBER L19-0259**

### TENANT RESPONSE TO CLAIM OF PERMANENT EXEMPTION

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name Frederick A. Alvarado	Complete Address (with Zip Code) 4001 San Leandro St, #18 OAKLAND, CA 94601	Telephone 510-261-4235
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

#### **Rental History:**

Date you entered into the Rental Agreement for this unit: 03/2004

Date you moved into this unit: 03/2004

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

#### **Exemption Contested:**

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000100

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		From	To	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No

Don't  
have  
Records  
  
NO  
RRAP  
NOTICE

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

Fred Alvarado  
Tenant's Signature

01/05/2020  
Date

\_\_\_\_\_  
Tenant's Signature

\_\_\_\_\_  
Date

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RENT ARBITRATION PROGRAM

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**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <b>MICHAEL CANTOR</b>	Complete Address (with Zip Code) <b>4001 SAN LEANDRO ST. #19 OAKLAND, CA 94601</b>	Telephone <b>510-495-4094</b>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 3?

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 7/1/2006

Date you moved into this unit: 7/1/2006

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

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ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)**

000102

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RENT ARBITRATION PROGRAM

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CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Andy Lambert</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. #20 OAKLAND, CA 94601</i>	Telephone <i>336.706.2250</i>
Your Representative's Name <i>Dane Pollok</i>	Complete Address (with Zip Code)	Telephone <i>917.776.8019</i>

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: March 1, 2019

Date you moved into this unit: March 1, 2019

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

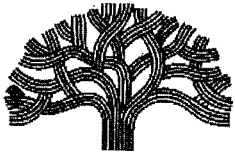
**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 1)*

000103



CITY OF OAKLAND

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RENT ADJUSTMENT PROGRAM

2020 JAN -7 PM 4:49

RC/SK

### RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**CASE NUMBER L19-0259**

### TENANT RESPONSE TO CLAIM OF PERMANENT EXEMPTION

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Carver Cordes</i>	Complete Address (with Zip Code) <i>4001 San Leandro St. #21 Oakland, CA 94601</i>	Telephone <i>510 417 8476</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 12-9-2013

Date you moved into this unit: 1-15-2014

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

I wish to contest an exemption from the Rent Adjustment Ordinance because the exemption was based on fraud or mistake 8.22, Article I)

*part*

000104



Please list the date you first received the Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice):

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To	Yes	No
6/25/2018	8/1/2018	\$ 1670.00	\$ 1754.00	Yes	No <input checked="" type="checkbox"/>
3/24/2017	5/1/2017	\$ 1590.00	\$ 1670.00	Yes	No <input checked="" type="checkbox"/>
12/27/2015	3/1/2016	\$ 1445.00	\$ 1540.00	Yes	No <input checked="" type="checkbox"/>
Estimate March 2014	Estimate May 2014	\$ 1400.00	\$ 1445.00	Yes	No <input checked="" type="checkbox"/>
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

*[Signature]*  
 Tenant's Signature

1-4-2020  
 Date

\_\_\_\_\_  
 Tenant's Signature

\_\_\_\_\_  
 Date

**Important Information**

This form must be received at the Rent Adjustment Offices by the date and time limits prescribed by Oakland Municipal Code, Chapter 8.22. The offices are located at City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. The mailing address is PO Box 70243, Oakland, CA 94612-0243. For more information, please call: 510-238-3721.

**You cannot get an extension of time to file your Response by telephone.**

**File Review**

You should have received with this letter a copy of the landlord petition.

**Copies of attachments to the petition will not be sent to you. However, you may review these in the Rent Program office. Files are available for review by appointment ONLY.**

For an appointment to review a file call (510) 238-3721.



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RENT ARBITRATION PROGRAM  
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**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Amy Callis</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. #30 OAKLAND, CA 94601</i>	Telephone <i>510 203 7648</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33  
The unit I rent is: a house  an apartment \_\_\_\_\_ a condo \_\_\_\_\_

**Rental History:**

Date you entered into the Rental Agreement for this unit: 08/15/2019

Date you moved into this unit: 08/17/2019

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

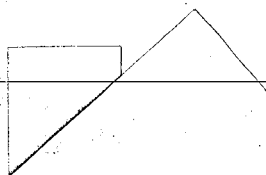
If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

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The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)*



2020 JAN -7 PM 4:49



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in  
Your response being rejected or delayed.

Your Name <b>A. Camille MCLAIR</b>	Complete Address (with Zip Code) <b>4001 SAN LEANDRO ST. #31 OAKLAND, CA 94601</b>	Telephone <b>510-913-1705</b>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 04/10/19

Date you moved into this unit: 04/13/19

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

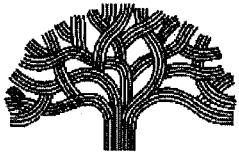
**Exemption Contested:**

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The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

**I wish to CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
FRAUD OR MISTAKE (OMC 8.22, ARTICLE 1)**

REV. 7.12.2019



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RENT ARBITRATION PROGRAM

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**CASE NUMBER L19-0259**

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name Katherine Smith	Complete Address (with Zip Code) 4001 San Leandro St #22 Oakland, CA 94601	Telephone 415 359 5005
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33  
The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 4/1/2012

Date you moved into this unit: 2/1/2011

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

The building has been an artist live/work since the 1980's, the same as buildings like the Vulcan (4401 San Leandro St).  
Every multi-unit building converted in the 1980's is covered by rent control, so should this one.

**000108**

Wait

Please list the date you first received the Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice):

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?		
		From	To	Yes	No	X
6/25/2018	8/1/2018	\$ 1983	\$ 2082	Yes	No	X
<del>5/1/2017</del>	<del>8/1/2017</del>	\$ 1889	\$ 1983	Yes	No	X
3/24/17	5/1/2017	\$	\$	Yes	No	X
12/27/2015	3/1/2016	\$ 1717	\$ 1889	Yes	No	X
3/27/2012	4/1/2012	\$ 1667	\$ 1717	Yes	No	X
		\$	\$	Yes	No	X
		\$	\$	Yes	No	X

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

  
 \_\_\_\_\_  
 Tenant's Signature

\_\_\_\_\_  
 1/1/2020  
 Date

\_\_\_\_\_  
 Tenant's Signature

\_\_\_\_\_  
 Date

**Important Information**

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**File Review**

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For an appointment to review a file call (510) 238-3721.



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RENT ARBITRATION PROGRAM

2020 JAN -7 PM 4:49

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in  
your response being rejected or delayed.

Your Name Erica Frank Rob Carter	Complete Address (with Zip Code) 4001 SAN LEANDRO ST. # 3 OAKLAND, CA 94601	Telephone 650-255-0760
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 1994

Date you moved into this unit: 1994

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)

11.4

000110

2020 JAN -8 PM 2:34



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

RC/OK

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Victor - la Martinez</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. #23 OAKLAND, CA 94601</i>	Telephone <i>801-361-6370</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: \_\_\_\_\_

Date you moved into this unit: \_\_\_\_\_

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

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ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)*

REV. 7.12.2019

Unit

000111

2020 JAN -8 PM 2:34



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in  
Your response being rejected or delayed.

Your Name <i>John Mortimer</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. # 23 OAKLAND, CA 94601</i>	Telephone <i>215.313.6240</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33  
The unit I rent is: 23 a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 08/16/19

Date you moved into this unit: 08/16/19

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)*



2020 JAN -8 PM 3:47



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Jeffrey Rivas</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. #1 OAKLAND, CA 94601</i>	Telephone <i>510 2190122</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33  
The unit I rent is: 1 a house  an apartment  a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 4/15/2012

Date you moved into this unit: 4/16/2012

Are you current on your rent?  Yes  No  Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

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The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)*

REV. 7.12.2019

000113

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RENT ARBITRATION PROGRAM

2020 JAN -8 PM 3:47

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name Christopher Ledet Jake Gonen Victor Cortez	Complete Address (with Zip Code) 4001 SAN LEANDRO ST. #7 OAKLAND, CA 94601	Telephone 760-807-9048
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: Oct 12, 2019

Date you moved into this unit: Oct 13, 2019

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

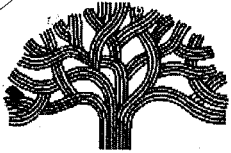
**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

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ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)

000114



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RENT ARBITRATION PROGRAM

2020 JAN -8 PM 3:48

### RENT ADJUSTMENT PROGRAM

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**CASE NUMBER L19-0259**

### TENANT RESPONSE TO CLAIM OF PERMANENT EXEMPTION

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Michiko Rhoden Chester Rhoden</i>	Complete Address (with Zip Code) <i>4001 San Leandro St. #13 Oakland, CA 94601</i>	Telephone <i>(415) 640-5668</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: \_\_\_\_\_

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

#### **Rental History:**

Date you entered into the Rental Agreement for this unit: 7/18/2007

Date you moved into this unit: 8/1/2007

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

#### **Exemption Contested:**

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The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I wish to contest an exemption from the rent adjustment ordinance because the exemption was based on fraud or mis*

*OMC 8.22, ARTICLE 1)*

**000115**

Please list the date you first received the Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice):

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To	Yes	No
6/25/2018	8/1/2018	\$ 2397	\$ 2565	Yes <input checked="" type="checkbox"/>	No
	5/1/2017	\$ 2283	\$ 2397	Yes	No
	3/1/2016	\$ 2075	\$ 2283	Yes	No
	11/1/2013	\$ 2015	\$ 2075	Yes	No
	1/1/2012	\$ 1957	\$ 2015	Yes	No
	9/1/2008	\$ 1900	\$ 1957	Yes	No
		\$	\$	Yes	No

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



Tenant's Signature



Tenant's Signature

1/5/2020

Date

01-05-2020

Date

**Important Information**

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**You cannot get an extension of time to file your Response by telephone.**

**File Review**

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For an appointment to review a file call (510) 238-3721.

# THIRTY-DAY NOTICE OF CHANGE OF MONTHLY RENT

TO: Chester Rhoden and Michiko Rhoden  
*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:

4001 San Leandro Street, Unit # (if applicable) 13  
*(Street Address)*  
Oakland, CA 94601  
*(City) (Zip)*

You are hereby notified, in accordance with Civil Code Section 827, that 30 days after service upon you of this Notice, or 8/01/2018, whichever is later, your monthly rent which is payable in advance on or before the 1<sup>st</sup> day of each month, will be the sum of \$ 2,565.00, instead of \$ 2,397.00, the

current monthly rent.

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.

If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency.

06/25/2018  
Date

Owner/Agent For 901 Jefferson Street, LLC

Dear Resident(s):

Having regard for current rent levels and increased building operating costs, an adjustment to your rent is considered necessary.

We value you as a Resident and appreciate your understanding.

Sincerely,

Madison Park Financial Corp.

For 901 Jefferson Street, LLC





RECEIVED

JAN - 8 2020

RENT ADJUSTMENT PROGRAM  
OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <b>MICHAEL McCORD</b>	Complete Address (with Zip Code) <b>4001 SAN LEANDRO ST. #16 OAKLAND, CA 94601</b>	Telephone <b>510-290-1161</b>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 10-8-94

Date you moved into this unit: 10-15-94

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

A. B. 1482 - TENANT PROTECTION ACT OF 2019.

000118

Unit

Please list the date you first received the Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice):

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To	Yes	No
	8-1-2018	\$ 1750	\$ 1873	Yes <input checked="" type="checkbox"/>	No
		\$ 1624	\$ 1750	Yes	No
	3-1-2016	\$ 1473	\$ 1624	Yes <input checked="" type="checkbox"/>	No
		\$ 1420	\$ 1473	Yes	No
	5-1-2011	\$ 1379	\$ 1420	Yes <input checked="" type="checkbox"/>	No
		\$ 1286	\$ 1379	Yes	No
	10-1-2001	\$ 1050	\$ 1286	Yes <input checked="" type="checkbox"/>	No

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.

*M. J. Card*  
 Tenant's Signature

1-2-2020  
 Date

\_\_\_\_\_  
 Tenant's Signature

\_\_\_\_\_  
 Date

**Important Information**

This form must be received at the Rent Adjustment Offices by the date and time limits prescribed by Oakland Municipal Code, Chapter 8.22. The offices are located at City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. The mailing address is PO Box 70243, Oakland, CA 94612-0243. For more information, please call: 510-238-3721.

**You cannot get an extension of time to file your Response by telephone.**

**File Review**

You should have received with this letter a copy of the landlord petition.

**Copies of attachments to the petition will not be sent to you. However, you may review these in the Rent Program office. Files are available for review by appointment ONLY.**

For an appointment to review a file call (510) 238-3721.



**30 Day Notice of Change of Terms of Tenancy**

Date: June 24, 1998

To: Mike & Yvonne McCord  
4001 San Leandro Blvd., # 76  
Oakland, 94601

You are hereby notified, that thirty (30) days after service upon you of this notice, or August 1, 1998, whichever is later, your tenancy of the above designated premises will be changed as follows:

1-Rents are to continue to be made payable to High Street Studios, and are to be mailed to our office at P.O.Box 687, Oakland, 94604. For safety and security reasons, cash cannot be accepted.

2-Rents not received in this office by the 5th of the month (rather than the 10th) will be subject to the 6% late charge specified in the rental agreement. All payments will be applied to the oldest balance due first, and then to current amounts due. This provision will be enforced from now on.

3-All amounts paid as "Last Months Rent" will now be reclassified as Security Deposits, and added to the Security Deposit paid at move in. No action is required from you at this time. Should you give 30-Day Notice to Vacate, you must pay the rent (on-a-prorated basis) through the end of the notice period, on time, as usual. After the unit is vacated, the owner/agent has 21 days to account for and refund any unused portion of the Security Deposit to you.

4-Paragraph 31 of the Lease, Attorney's Fees, shall be null and void. In the event of any legal action each party shall be responsible for their own legal fees.

5-To simplify the calculations and payment of rent, utility charges, and common area fees, we will now combine these charges to come up with a revised rent amount as follows:

	<u>1 person</u>	<u>2 persons</u>	<u>3 or more persons</u>
Gas, electric, water, and garbage	\$ 45.00	\$ 85.00	\$ 130.00
Common Area Fee (where applicable)	15.00	15.00	15.00
Your Current Rent	<del>_____</del>	<del>_____</del>	<del>_____</del>
Your New Rent amount, Due 8/1/98	\$ <del>_____</del>	\$ <del>_____</del>	\$ <del>_____</del>

**(It is OK to start paying this amount on 7/1/98).**

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.

As required by law, you are hereby notified that a negative credit report reflecting on your credit rating may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Thank You,  
Steve Straus  
 Steve Straus  
 452-2944





**MPR**

madison park real estate investment trust

July 30, 2001

Mike Mc Cord  
4001 San Leandro Street, #16  
Oakland, CA 94601

Re: NOTICE OF CHANGE OF TERMS OF TENANCY CIVIL CODE SECTION 827

**SIXTY (60) DAY NOTICE**

Dear Mike , tenants(s) in possession and any other person in possession:

**YOU ARE HEREBY NOTIFIED**, in accordance with Civil Code Section 827 that, as of October 1, 2001 , your tenancy of the above-described premises will be changed as follows:

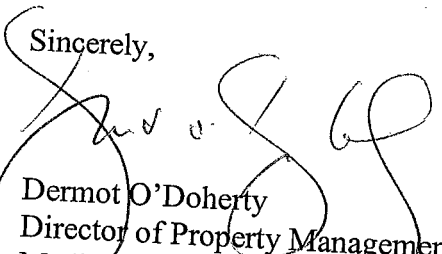
The monthly rent for apartment #16 shall increase for a total of ~~\$1286.00~~ due on the first of each month.

**Please be advised that this building is exempt from Oakland rent control. In order for a building to be under rent control, construction must have been completed prior to 1983. Buildings completed after 1983, where new rental units have been created after 1983 or building where over 50% of the appraised value was spent on capital improvements are not under the rent control ordinance.**

Except as provided herein, all other terms of your tenancy shall remain in full force and effect.

If you have any questions please contact me at (510) 452-2944, ext. 14.

Sincerely,

  
Dermot O'Doherty  
Director of Property Management  
Madison Park REIT

# THIRTY-DAY NOTICE OF CHANGE OF MONTHLY RENT

TO: Mike McCord  
*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:  
4001 San Leandro Street, Unit # (if applicable) 16  
*(Street Address)*  
Oakland, CA 94601  
*(City) (Zip)*

You are hereby notified, in accordance with Civil Code Section 827, that 30 days after service upon you of this Notice, or 5/1/2011, whichever is later, your monthly rent which is payable in advance on or before the 1<sup>st</sup> day of each month, will be the sum of \$ 1,420.00, instead of \$ 1,379.00, the current monthly rent.

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.  
If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency.

3/31/2011  
Date

*Mike McCord*  
Owner/Agent

Dear Tenant(s),  
The costs of operating the above mentioned property have increased. Taking this into consideration and having regard for current rent levels, an adjustment to your rent is considered necessary.  
We value you as a tenant and appreciate your understanding.

Sincerely,  
Madison Park Financial Corp.  
For High Street Properties, LLC

**UNAUTHORIZED REPRODUCTION  
OF BLANK FORMS IS ILLEGAL**

# SIXTY-DAY NOTICE OF CHANGE OF MONTHLY RENT

TO: Mike McCord

*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:

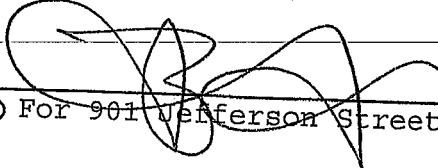
4001 San Leandro Street, Unit # (if applicable) 16  
*(Street Address)*  
Oakland, CA 94601  
*(City) (Zip)*

You are hereby notified, in accordance with Civil Code Section 827, that 60 days after service upon you of this Notice, or 3/01/2016, whichever is later, your monthly rent which is payable in advance on or before the 1<sup>ST</sup> day of each month, will be the sum of \$ 1,624.00, instead of \$ 1,473.00, the current monthly rent.

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.

If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency.

12/27/2015  
Date

  
Owner/Agent For 901 Jefferson Street, LLC

Dear Resident(s):

Having regard for current rent levels and increased building operating costs an adjustment to your rent is considered necessary. We value you as a Resident and appreciate your understanding.

Sincerely,

Madison Park Financial Corp.

For 901 Jefferson Street, LLC

NOTE: This property is permanently exempt from application of the City of Oakland Residential Rent Adjustment Ordinance, Oakland Municipal Code, Chapter 8.22, Article 1.



California Apartment Association Approved Form  
www.caanet.org  
Form 5.2—Revised 1/06—©2006—All Rights Reserved  
Page 1 of 1

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000123

# THIRTY-DAY NOTICE OF CHANGE OF MONTHLY RENT

TO: Mike McCord  
*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:

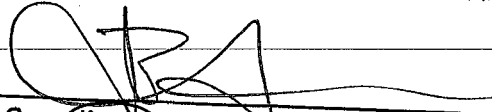
4001 San Leandro Street, Unit # (if applicable) 16  
*(Street Address)*  
Oakland, CA 94601  
*(City) (Zip)*

You are hereby notified, in accordance with Civil Code Section 827, that 30 days after service upon you of this Notice, or 8/01/2018, whichever is later, your monthly rent which is payable in advance on or before the 1<sup>st</sup> day of each month, will be the sum of \$ 1,873.00, instead of \$ 1,750.00, the current monthly rent.

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.

If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency.

06/25/2018  
Date

  
Owner/Agent For 901 Jefferson Street, LLC

Dear Resident(s):  
Having regard for current rent levels and increased building operating costs, an adjustment to your rent is considered necessary.  
We value you as a Resident and appreciate your understanding.  
Sincerely,  
Madison Park Financial Corp.  
For 901 Jefferson Street, LLC



UNAUTHORIZED REPRODUCTION  
OF BLANK FORMS IS ILLEGAL



2020 JAN -8 PM 3:47



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name <i>Steven Joyner</i>	Complete Address (with Zip Code) <i>4001 SAN LEANDRO ST. # 17 OAKLAND, CA 94601</i>	Telephone <i>5104091141</i>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 04282009

Date you moved into this unit: 05282009

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

*I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)*

000125

*1/12/20*

2020 JAN -8 PM 3:47



**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <b>AESOP HANTMAN</b>	Complete Address (with Zip Code) <b>4001 SAN LEANDRO ST. # 25 OAKLAND, CA 94601</b>	Telephone <b>(415) 713-1686</b>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33  
The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 2/15

Date you moved into this unit: 2/15

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

**I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)**

Unit

2020 JAN -8 PM 3:47



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in  
Your response being rejected or delayed.

Your Name <b>Salvador Rayan</b>	Complete Address (with Zip Code) <b>4001 SAN LEANDRO ST. # 25 OAKLAND, CA 94601</b>	Telephone <b>(510) 689-7460</b>
<b>BALI MURASE</b>		<b>(415) 572-9952</b>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 8/2018

Date you moved into this unit: 8/1/2018

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

**I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
FRAUD OR MISTAKE (OMC 8.22, ARTICLE 2)**



CITY OF OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

RECEIVED

JAN 27 2020

RENT ADJUSTMENT PROGRAM  
OAKLAND

CASE NUMBER L19-0259

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

Please Fill Out This Form Completely. Failure to provide needed information may result in your response being rejected or delayed.

Your Name <b>John C. Galleri</b>	Complete Address (with Zip Code) <b>4001 SAN LEANDRO ST. #20 OAKLAND, CA 94601</b>	Telephone <b>510-332-5991</b>
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: 33  
The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 3/24/1999

Date you moved into this unit: 4/1/1999

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

**I WISH TO CONTEST AN EXEMPTION FROM THE RENT ADJUSTMENT  
ORDINANCE BECAUSE THE EXEMPTION WAS BASED ON  
REV. 7.12.2019 FRAUD OR MISTAKE (OMC 8.22, ARTICLE 1)**

000128



Monday 20 January 2020

PC/SK

RECENTLY  
CITY OF OAKLAND  
RENT ARBITRATION PROGRAM

To all parties concerned,

2020 JAN 27 PM 3:55

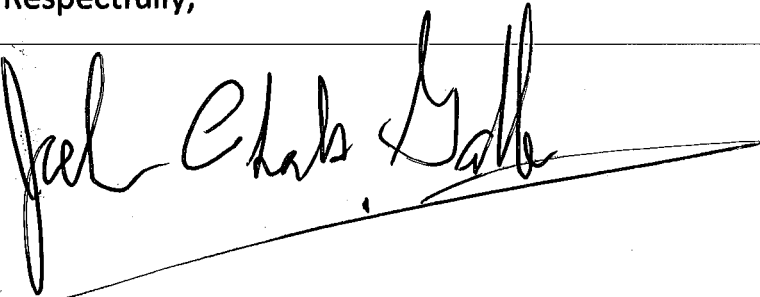
I am the real tenant residing at 4001 San Leandro St., Apt 20, in Oakland, CA. My tenancy began on 1 April 1999, and has been continuous since that date.

In regards to the paperwork at hand: I am very confused that Madison Park would have addressed a notification packet to Kenna Benitez and not me. Kenna is my ex-wife, and she hasn't lived in the building quite literally for an entire decade – she and I separated and she moved out in December 2009. I don't appear on the roster of tenants at all, but she does. In any case, the legal packet/notification of case was never sent to me.

I have filled out the form that I eventually procured via other sources. My rental history is quite long, so I have attached a copy of my rental ledger from Madison Park, and a breakdown of all rent increases for my unit. Rent increases over 5% are in red.

Thanks for your attention. I may be contacted via email in the case of any questions.

Respectfully,



John Charles Galleni  
C 510-332-5991  
[johncgalleni@gmail.com](mailto:johncgalleni@gmail.com)  
4001 San Leandro St.  
Apt 20  
Oakland, CA, 94601

000129

**RENT INCREASE HISTORY FOR SAN LEANDRO ST., APT 20, OAKLAND, CA, 94601**

RENT	ON DATE	AMOUNT	INCREASE \$	INCREASE %	MONTHS AT THIS RATE	UNTIL DATE
INITIAL	4/1/1999	\$850	INITIAL RATE		12	4/1/2000
INCREASE	4/1/2000	\$876	\$26	3%	12	4/1/2001
INCREASE	4/1/2001	\$1,100	\$224	26%	12	4/1/2002
INCREASE	4/1/2002	\$1,133	\$33	3%	117	1/1/2012
INCREASE	1/1/2012	\$1,166	\$33	3%	22	11/1/2013
INCREASE	11/1/2013	\$1,201	\$35	3%	27	2/1/2016
INCREASE	2/1/2016	\$1,321	\$120	10%	15	5/1/2017
INCREASE	5/1/2017	\$1,387	\$66	5%	15	8/1/2018
INCREASE	8/1/2018	\$1,456	\$69	5%	CURRENT RATE	

# Purged Resident Ledger



## MADISON PARK

Date: 01/13/2020

<b>Code</b>	t0001192	<b>Property</b>	hi	<b>Lease From</b>	04/01/1999
<b>Name</b>	John Charles Galleni Kenna Benitez	<b>Unit</b>	20	<b>Lease To</b>	
<b>Address</b>	4001 San leandro Street #20	<b>Status</b>	Past	<b>Move In</b>	04/01/1999
		<b>Rent</b>	1201.00	<b>Move Out</b>	05/31/2015
<b>City</b>	Oakland, CA 94601	<b>Phone (H)</b>	(510) 436-3963	<b>Phone (W)</b>	

Date	Chg Code	Description	Charge	Payment	Balance
03/24/1999	security	Security Deposit	1,275.00		1,275.00
03/24/1999				1,275.00	0.00
04/01/1999	rent	Rent for 30 Days	850.00		850.00
04/06/1999				850.00	0.00
04/06/1999				50.00	-50.00
04/08/1999	security	Security Deposit - gate remote	50.00		0.00
05/01/1999	rent	Rent	850.00		850.00
05/05/1999				850.00	0.00
06/01/1999	rent	Rent	850.00		850.00
06/07/1999				850.00	0.00
07/01/1999	rent	Rent	850.00		850.00
07/06/1999				850.00	0.00
08/01/1999	rent	Rent	850.00		850.00
08/05/1999				850.00	0.00
09/01/1999	rent	Rent	850.00		850.00
09/02/1999				850.00	0.00
10/01/1999	rent	Rent	850.00		850.00
10/06/1999				850.00	0.00
11/01/1999	rent	Rent	850.00		850.00
11/04/1999				850.00	0.00
12/01/1999	rent	Rent	850.00		850.00
12/06/1999				850.00	0.00
01/01/2000	rent	Rent	850.00		850.00
01/06/2000				850.00	0.00
02/01/2000	rent	Rent	850.00		850.00
02/07/2000				850.00	0.00
03/01/2000	rent	Rent	850.00		850.00
03/06/2000				700.00	150.00
04/01/2000	rent	Rent	876.00		1,026.00
04/10/2000				876.00	150.00

000131

05/01/2000	rent	Rent	876.00		1,026.00
05/08/2000				876.00	150.00
05/17/2000	rent	credit for water leak	-150.00		0.00
06/01/2000	rent	Rent	876.00		876.00
06/05/2000				876.00	0.00
07/01/2000	rent	Rent	876.00		876.00
07/06/2000				876.00	0.00
08/01/2000	rent	Rent	876.00		876.00
08/04/2000				876.00	0.00
09/01/2000	rent	Rent	876.00		876.00
09/05/2000				876.00	0.00
10/01/2000	rent	Rent	876.00		876.00
10/17/2000				876.00	0.00
11/01/2000	rent	Rent	876.00		876.00
11/06/2000				876.00	0.00
12/01/2000	rent	Rent	876.00		876.00
12/04/2000				876.00	0.00
01/01/2001	rent	Rent	876.00		876.00
01/04/2001				876.00	0.00
02/01/2001	rent	Rent	876.00		876.00
02/07/2001				876.00	0.00
03/01/2001	rent	Rent	876.00		876.00
03/01/2001				876.00	0.00
04/01/2001	rent	Rent	1,100.00		1,100.00
04/03/2001				1,100.00	0.00
05/01/2001	rent	Rent	1,100.00		1,100.00
05/03/2001				1,100.00	0.00
06/01/2001	rent	Rent	1,100.00		1,100.00
06/04/2001				1,100.00	0.00
07/01/2001	rent	Rent	1,100.00		1,100.00
07/06/2001				1,100.00	0.00
08/01/2001	rent	Rent	1,100.00		1,100.00
08/03/2001				1,100.00	0.00
09/01/2001	rent	Rent	1,100.00		1,100.00
09/06/2001				1,100.00	0.00
10/01/2001	rent	Rent	1,100.00		1,100.00
10/04/2001				1,100.00	0.00
11/01/2001	rent	Rent	1,100.00		1,100.00
11/05/2001				1,100.00	0.00
12/01/2001	rent	Rent	1,100.00		1,100.00
12/04/2001				1,100.00	0.00
01/01/2002	rent	Rent	1,100.00		1,100.00
01/07/2002				1,100.00	0.00
02/01/2002	rent	Rent	1,100.00		1,100.00
02/06/2002				1,100.00	0.00
03/01/2002	rent	Rent	1,100.00		1,100.00

000132

03/06/2002				1,100.00	0.00
04/01/2002	rent	Rent	1,133.00		1,133.00
04/03/2002				1,100.00	33.00
05/01/2002	rent	Rent	1,133.00		1,166.00
05/07/2002				1,100.00	66.00
06/01/2002	rent	Rent	1,133.00		1,199.00
06/03/2002				1,133.00	66.00
07/01/2002	rent	Rent	1,133.00		1,199.00
07/02/2002				1,133.00	66.00
08/01/2002	rent	Rent	1,133.00		1,199.00
08/07/2002				1,133.00	66.00
09/01/2002	rent	Rent	1,133.00		1,199.00
09/06/2002				1,133.00	66.00
10/01/2002	rent	Rent	1,133.00		1,199.00
10/04/2002				1,133.00	66.00
11/01/2002	rent	Rent	1,133.00		1,199.00
11/05/2002				1,133.00	66.00
12/01/2002	rent	Rent	1,133.00		1,199.00
12/05/2002				1,133.00	66.00
01/01/2003	rent	Rent	1,133.00		1,199.00
01/06/2003				1,133.00	66.00
02/01/2003	rent	Rent	1,133.00		1,199.00
02/05/2003				1,133.00	66.00
03/01/2003	rent	Rent	1,133.00		1,199.00
03/03/2003				1,133.00	66.00
03/12/2003	rent	Adj rent for May & June/02 did not pay the increase	-66.00		0.00
04/01/2003	rent	Rent	1,133.00		1,133.00
04/08/2003				1,133.00	0.00
05/01/2003	rent	Rent	1,133.00		1,133.00
05/06/2003				1,133.00	0.00
06/01/2003	rent	Rent	1,133.00		1,133.00
06/05/2003				1,133.00	0.00
07/01/2003	rent	Rent	1,133.00		1,133.00
07/07/2003				1,133.00	0.00
08/01/2003	rent	Rent	1,133.00		1,133.00
08/06/2003				1,133.00	0.00
09/01/2003	rent	Rent	1,133.00		1,133.00
09/08/2003				1,133.00	0.00
10/01/2003	rent	Rent	1,133.00		1,133.00
10/06/2003				1,133.00	0.00
11/01/2003	rent	Rent	1,133.00		1,133.00
11/04/2003				1,133.00	0.00
12/01/2003	rent	Rent	1,133.00		1,133.00
12/02/2003				1,133.00	0.00
01/01/2004	rent	Rent	1,133.00		1,133.00
01/05/2004				1,133.00	0.00

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02/01/2004	rent	Rent	1,133.00		1,133.00
02/09/2004				1,133.00	0.00
03/01/2004	rent	Rent	1,133.00		1,133.00
03/05/2004				1,133.00	0.00
04/01/2004	rent	Rent	1,133.00		1,133.00
04/06/2004				1,133.00	0.00
05/01/2004	rent	Rent	1,133.00		1,133.00
05/04/2004				1,133.00	0.00
06/01/2004	rent	Rent	1,133.00		1,133.00
06/03/2004				1,133.00	0.00
07/01/2004	rent	Rent	1,133.00		1,133.00
07/07/2004				1,133.00	0.00
08/01/2004	rent	Rent	1,133.00		1,133.00
08/09/2004				1,133.00	0.00
09/01/2004	rent	Rent	1,133.00		1,133.00
09/08/2004				1,133.00	0.00
10/01/2004	rent	Rent	1,133.00		1,133.00
10/01/2004				1,133.00	0.00
11/01/2004	rent	Rent	1,133.00		1,133.00
11/04/2004				1,133.00	0.00
12/01/2004	rent	Rent	1,133.00		1,133.00
12/03/2004				1,133.00	0.00
01/01/2005	rent	Rent	1,133.00		1,133.00
01/05/2005				1,133.00	0.00
02/01/2005	rent	Rent	1,133.00		1,133.00
02/07/2005				1,133.00	0.00
03/01/2005	rent	Rent	1,133.00		1,133.00
03/03/2005				1,133.00	0.00
04/01/2005	rent	Rent	1,133.00		1,133.00
04/04/2005				1,133.00	0.00
05/01/2005	rent	Rent	1,133.00		1,133.00
05/03/2005				1,133.00	0.00
06/01/2005	rent	Rent	1,133.00		1,133.00
06/06/2005				1,133.00	0.00
07/01/2005	rent	Rent	1,133.00		1,133.00
07/06/2005				1,133.00	0.00
08/01/2005	rent	Rent	1,133.00		1,133.00
08/03/2005				1,133.00	0.00
09/01/2005	rent	Rent	1,133.00		1,133.00
09/06/2005				1,133.00	0.00
10/01/2005	rent	Rent	1,133.00		1,133.00
10/03/2005				1,133.00	0.00
11/01/2005	rent	Rent	1,133.00		1,133.00
11/02/2005				1,133.00	0.00
12/01/2005	rent	Rent	1,133.00		1,133.00
12/05/2005				1,133.00	0.00

000134

01/01/2006	rent	Rent	1,133.00	1,133.00
01/04/2006				1,133.00 0.00
02/01/2006	rent	Rent	1,133.00	1,133.00
02/06/2006				1,133.00 0.00
03/01/2006	rent	Rent	1,133.00	1,133.00
03/02/2006				1,133.00 0.00
04/01/2006	rent	Rent	1,133.00	1,133.00
04/03/2006				1,133.00 0.00
05/01/2006	rent	Rent	1,133.00	1,133.00
05/03/2006				1,133.00 0.00
06/01/2006	rent	Rent	1,133.00	1,133.00
06/03/2006				1,133.00 0.00
07/01/2006	rent	Rent	1,133.00	1,133.00
07/03/2006				1,133.00 0.00
08/01/2006	rent	Rent	1,133.00	1,133.00
08/02/2006				1,133.00 0.00
09/01/2006	rent	Rent	1,133.00	1,133.00
09/05/2006				1,133.00 0.00
10/01/2006	rent	Rent	1,133.00	1,133.00
10/03/2006				1,133.00 0.00
11/01/2006	rent	Rent	1,133.00	1,133.00
11/06/2006				1,133.00 0.00
12/01/2006	rent	Rent	1,133.00	1,133.00
12/04/2006				1,133.00 0.00
01/01/2007	rent	Rent	1,133.00	1,133.00
01/02/2007				1,133.00 0.00
02/01/2007	rent	Rent	1,133.00	1,133.00
02/02/2007				1,133.00 0.00
03/01/2007	rent	Rent	1,133.00	1,133.00
03/02/2007				1,133.00 0.00
04/01/2007	rent	Rent	1,133.00	1,133.00
04/03/2007				1,133.00 0.00
05/01/2007	rent	Rent	1,133.00	1,133.00
05/01/2007				1,133.00 0.00
06/01/2007	rent	Rent	1,133.00	1,133.00
06/04/2007				1,133.00 0.00
07/01/2007	rent	Rent	1,133.00	1,133.00
07/02/2007				1,133.00 0.00
08/01/2007	rent	Rent	1,133.00	1,133.00
08/02/2007				1,133.00 0.00
09/01/2007	rent	Rent	1,133.00	1,133.00
09/04/2007				1,133.00 0.00
10/01/2007	rent	Rent	1,133.00	1,133.00
10/02/2007				1,133.00 0.00
11/01/2007	rent	Rent	1,133.00	1,133.00
11/02/2007				1,133.00 0.00

000135

12/01/2007	rent	Rent			
12/03/2007				1,133.00	1,133.00
01/01/2008	rent	Rent			1,133.00 0.00
01/02/2008				1,133.00	1,133.00
02/01/2008	rent	Rent			1,133.00 0.00
02/04/2008				1,133.00	1,133.00
03/01/2008	rent	Rent			1,133.00 0.00
03/03/2008				1,133.00	1,133.00
04/01/2008	rent	Rent			1,133.00 0.00
04/04/2008				1,133.00	1,133.00
05/01/2008	rent	Rent			1,133.00 0.00
05/02/2008				1,133.00	1,133.00
06/01/2008	rent	Rent			1,133.00 0.00
06/03/2008				1,133.00	1,133.00
07/01/2008	rent	Rent			1,133.00 0.00
07/07/2008				1,133.00	1,133.00
08/01/2008	rent	Rent			1,133.00 0.00
08/04/2008				1,133.00	1,133.00
09/01/2008	rent	Rent			1,133.00 0.00
09/03/2008				1,133.00	1,133.00
10/01/2008	rent	Rent			1,133.00 0.00
10/02/2008				1,133.00	1,133.00
11/01/2008	rent	Rent			1,133.00 0.00
11/04/2008				1,133.00	1,133.00
12/01/2008	rent	Rent			1,133.00 0.00
12/05/2008				1,133.00	1,133.00
12/05/2008					566.50 566.50
01/01/2009	rent	Rent			566.50 0.00
01/05/2009				1,133.00	1,133.00
01/05/2009					566.50 566.50
02/01/2009	rent	Rent			566.50 0.00
02/03/2009				1,133.00	1,133.00
02/03/2009					566.50 566.50
03/01/2009	rent	Rent			566.50 0.00
03/02/2009				1,133.00	1,133.00
03/02/2009					566.50 566.50
04/01/2009	rent	Rent			566.50 0.00
04/01/2009		:Prog Gen prepayment transfer		1,133.00	1,133.00
04/05/2009					0.00 1,133.00
04/05/2009					566.50 566.50
05/01/2009	rent	Rent			566.50 0.00
05/01/2009		:Prog Gen prepayment transfer		1,133.00	1,133.00
05/04/2009					0.00 1,133.00
05/04/2009					566.50 566.50
06/01/2009	rent	Rent			566.50 0.00
06/01/2009		:Prog Gen prepayment transfer		1,133.00	1,133.00
					0.00 1,133.00



06/05/2009					566.50	566.50
06/05/2009					566.50	0.00
07/01/2009	rent	Rent			1,133.00	1,133.00
07/01/2009		:Prog Gen prepayment transfer				1,133.00
07/06/2009					0.00	1,133.00
07/06/2009					566.50	566.50
08/01/2009	rent	Rent			566.50	0.00
08/01/2009		:Prog Gen prepayment transfer			1,133.00	1,133.00
08/03/2009					0.00	1,133.00
08/03/2009					566.50	566.50
09/01/2009	rent	Rent			566.50	0.00
09/01/2009		:Prog Gen prepayment transfer			1,133.00	1,133.00
09/04/2009					0.00	1,133.00
09/04/2009					566.50	566.50
10/01/2009	rent	Rent			566.50	0.00
10/05/2009					1,133.00	1,133.00
10/05/2009					566.50	566.50
11/01/2009	rent	Rent			566.50	0.00
11/03/2009					1,133.00	1,133.00
11/03/2009					566.50	566.50
12/01/2009	rent	Rent			566.50	0.00
12/07/2009					1,133.00	1,133.00
12/07/2009					566.50	566.50
01/01/2010	rent	Rent			566.50	0.00
01/04/2010					1,133.00	1,133.00
02/01/2010	rent	Rent			1,133.00	0.00
02/04/2010					1,133.00	1,133.00
03/01/2010	rent	Rent			1,133.00	0.00
03/03/2010					1,133.00	1,133.00
04/01/2010	rent	Rent			1,133.00	0.00
04/05/2010					1,133.00	1,133.00
05/01/2010	rent	Rent			1,133.00	0.00
05/06/2010					1,133.00	1,133.00
06/01/2010	rent	Rent			1,133.00	0.00
06/07/2010					1,133.00	1,133.00
07/01/2010	rent	Rent			1,133.00	0.00
07/05/2010					1,133.00	1,133.00
08/01/2010	rent	Rent			1,133.00	0.00
08/03/2010					1,133.00	1,133.00
09/01/2010	rent	Rent			1,133.00	0.00
09/02/2010					1,133.00	1,133.00
10/01/2010	rent	Rent			1,133.00	0.00
10/06/2010					1,133.00	1,133.00
11/01/2010	rent	Rent			1,133.00	0.00
11/05/2010					1,133.00	1,133.00
12/01/2010	rent	Rent			1,133.00	0.00
					1,133.00	

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02/04/2010					
01/01/2011	rent	Rent		1,133.00	0.00
01/03/2011			1,133.00		1,133.00
02/01/2011	rent	Rent		1,133.00	0.00
02/03/2011			1,133.00		1,133.00
03/01/2011	rent	Rent		1,133.00	0.00
03/02/2011			1,133.00		1,133.00
04/01/2011	rent	Rent		1,133.00	0.00
04/06/2011			1,133.00		1,133.00
05/01/2011	rent	Rent		1,133.00	0.00
05/06/2011			1,133.00		1,133.00
06/01/2011	rent	Rent		1,133.00	0.00
06/03/2011			1,133.00		1,133.00
07/01/2011	rent	Rent		1,133.00	0.00
07/05/2011			1,133.00		1,133.00
08/01/2011	rent	Rent		1,133.00	0.00
08/01/2011			1,133.00		1,133.00
09/01/2011	rent	Rent		1,133.00	0.00
09/05/2011			1,133.00		1,133.00
10/01/2011	rent	Rent		1,133.00	0.00
10/06/2011			1,133.00		1,133.00
11/01/2011	rent	Rent		1,133.00	0.00
11/06/2011			1,133.00		1,133.00
12/01/2011	rent	Rent		1,133.00	0.00
12/06/2011			1,133.00		1,133.00
01/01/2012	rent	Rent		1,166.00	-33.00
01/01/2012		:Prog Gen prepayment transfer	1,166.00		1,133.00
01/01/2012		:Prog Gen prepayment transfer		0.00	1,133.00
01/04/2012				0.00	1,133.00
02/01/2012	rent	Rent		1,166.00	-33.00
02/01/2012		:Prog Gen prepayment transfer	1,166.00		1,133.00
02/01/2012		:Prog Gen prepayment transfer		0.00	1,133.00
02/06/2012				0.00	1,133.00
				1,166.00	-33.00

# Resident Ledger



# MADISON PARK

Date: 01/13/2020

Code	t0001192	Property	hi	Lease From	04/01/1999
Name	John Charles Galleni Kenna Benitez	Unit	20	Lease To	
Address	4001 San leandro Street #20	Status	Past	Move In	04/01/1999
		Rent	1201.00	Move Out	05/31/2015
City	Oakland, CA 94601	Phone (H)	(510) 436-3963	Phone (W)	

Date	Chg Code	Description	Charge	Payment	Balance	Chg/Rec
12/31/2011	rent	Balance @ 123111	(33.00)		(33.00)	4836
01/01/2012	rent	:Posted by QuickTrans (rent)	1,166.00		1,133.00	2323
01/04/2012		chk# 276 Imported from Advantage		1,166.00	(33.00)	7325
02/01/2012	rent	:Posted by QuickTrans (rent)	1,166.00		1,133.00	2355
02/06/2012		chk# 233 Imported from Advantage		1,166.00	(33.00)	7326
02/27/2012	security		1,325.00		1,292.00	416
03/01/2012	rent	:Posted by QuickTrans (rent)	1,166.00	1,325.00	(33.00)	413
03/02/2012		chk# 5873 Imported from Advantage		1,166.00	1,133.00	2389
04/01/2012	rent	Rent (04/2012)	1,166.00		(33.00)	7327
04/07/2012		chk# 237		1,166.00	1,133.00	4139
05/01/2012	rent	Rent (05/2012)	1,166.00		(33.00)	10400
05/07/2012		chk# 241		1,166.00	1,133.00	5792
06/01/2012	rent	Rent (06/2012)	1,166.00		(33.00)	12868
06/06/2012		chk# 240		1,166.00	1,133.00	6947
07/01/2012	rent	Rent (07/2012)	1,166.00		(33.00)	14547
07/03/2012		chk# 288		1,166.00	1,133.00	8010
08/01/2012	rent	Rent (08/2012)	1,166.00		(33.00)	15335
08/03/2012		chk# 295		1,166.00	1,133.00	9223
09/01/2012	rent	Rent (09/2012)	1,166.00		(33.00)	17046
09/10/2012		chk# 298		1,166.00	1,133.00	10390
10/01/2012	rent	Rent (10/2012)	1,166.00		(33.00)	19118
10/05/2012		chk# 250		1,166.00	1,133.00	11453
11/01/2012	rent	Rent (11/2012)	1,166.00		(33.00)	20188
11/05/2012		chk# 251		1,166.00	1,133.00	12666
12/01/2012	rent	Rent (12/2012)	1,166.00		(33.00)	21849
12/06/2012		chk# 252		1,166.00	1,133.00	13982
01/01/2013	rent	Rent (01/2013)	1,166.00		(33.00)	23593
01/07/2013		chk# 256		1,166.00	1,133.00	14934
02/01/2013	rent	Rent (02/2013)	1,166.00		(33.00)	25294
					1,133.00	16077

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03/01/2013		chk# 259				
03/01/2013	rent	Rent (03/2013)		1,166.00	(33.00)	26266
03/04/2013		chk# 265	1,166.00		1,133.00	17410
04/01/2013	rent	Rent (04/2013)		1,160.00	(27.00)	27765
04/02/2013		chk# 266	1,166.00		1,139.00	18430
05/01/2013	rent	Rent (05/2013)		1,166.00	(27.00)	29140
05/03/2013		chk# 269	1,166.00		1,139.00	19730
06/01/2013	rent	Rent (06/2013)		1,166.00	(27.00)	30544
06/05/2013		chk# 305 Reversed by ctrl#32947	1,166.00		1,139.00	20758
06/11/2013		chk# 306		1,166.00	(27.00)	32411
06/11/2013		chk# 305 NSF receipt Ctrl# 32411		1,166.00	(1,193.00)	32784
06/19/2013	nsf	Returned Check Fee		(1,166.00)	(27.00)	32947
07/01/2013	rent	Rent (07/2013)	27.00		0.00	21492
07/05/2013		chk# 313	1,166.00		1,166.00	21843
08/01/2013	rent	Rent (08/2013)		1,166.00	0.00	33770
08/05/2013		chk# 83	1,166.00		1,166.00	23009
09/01/2013	rent	Rent (09/2013)		1,166.00	0.00	34919
09/05/2013		chk# 331	1,166.00		1,166.00	24328
10/01/2013	rent	Rent (10/2013)		1,166.00	0.00	36715
10/07/2013		chk# 885	1,166.00		1,166.00	25410
11/01/2013	rent	Rent (11/2013)		1,166.00	0.00	38370
11/05/2013		chk# 1127	1,201.00		1,201.00	26708
12/01/2013	rent	Rent (12/2013)		1,201.00	0.00	39601
12/04/2013		chk# 1431	1,201.00		1,201.00	28092
01/01/2014	rent	Rent (01/2014)		1,201.00	0.00	41127
01/03/2014		chk# 1696	1,201.00		1,201.00	29173
02/01/2014	rent	Rent (02/2014)		1,201.00	0.00	42477
02/07/2014		chk# 421	1,201.00		1,201.00	30431
03/01/2014	rent	Rent (03/2014)		1,201.00	0.00	45099
03/03/2014		chk# 2276	1,201.00		1,201.00	31618
04/01/2014	rent	Rent (04/2014)		1,201.00	0.00	45791
04/07/2014		chk# 2743	1,201.00		1,201.00	32795
05/01/2014	rent	Rent (05/2014)		1,201.00	0.00	48132
05/05/2014		chk# 3069	1,201.00		1,201.00	33969
06/01/2014	rent	Rent (06/2014)		1,201.00	0.00	49380
06/05/2014		chk# 3387	1,201.00		1,201.00	35185
07/01/2014	rent	Rent (07/2014)		1,201.00	0.00	50891
07/02/2014		chk# 3605	1,201.00		1,201.00	36406
08/01/2014	rent	Rent (08/2014)		1,201.00	0.00	52049
08/02/2014		chk# 3863	1,201.00		1,201.00	38109
09/01/2014	rent	Rent (09/2014)		1,201.00	0.00	53863
09/05/2014		chk# 384	1,201.00		1,201.00	39323
10/01/2014	rent	Rent (10/2014)		1,201.00	0.00	56139
10/06/2014		chk# 4541	1,201.00		1,201.00	40716
11/01/2014	rent	Rent (11/2014)		1,201.00	0.00	57935
11/03/2014		chk# 4752	1,201.00		1,201.00	42063
				1,201.00	0.00	55070

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12/01/2014	rent	Rent (12/2014)	1,201.00		1,201.00	43539
		chk# 389				
01/01/2015	rent	Rent (01/2015)		1,201.00	0.00	61140
01/06/2015		chk# 4956	1,201.00		1,201.00	44919
02/01/2015	rent	Rent (02/2015)		1,201.00	0.00	62754
02/02/2015		chk# 5578	1,201.00		1,201.00	46228
03/01/2015	rent	Rent (03/2015)		1,201.00	0.00	64156
03/05/2015		chk# 323	1,201.00		1,201.00	47425
04/01/2015	rent	Rent (04/2015)		1,201.00	0.00	65954
04/02/2015		chk# 6073	1,201.00		1,201.00	48693
05/01/2015	rent	Rent (05/2015)		1,201.00	0.00	67251
05/04/2015		chk# 6252	1,201.00		1,201.00	49991
				1,201.00	0.00	68547

000141

# Resident Ledger



# MADISON PARK

Date: 01/13/2020

Code	t0003568	Property	high	Lease From	04/01/1999
Name	Kenna Benitez	Unit	20	Lease To	03/31/2001
Address	4001 San Leandro Street #20	Status	Current	Move In	04/01/1999
		Rent	1456.00	Move Out	
City	Oakland, CA 94601	Phone (H)	(510) 332-5991	Phone (W)	

Date	Chg Code	Description	Charge	Payment	Balance	Chg/Rec
06/01/2015	security	security deposit	1,325.00		1,325.00	51927
06/01/2015		chk# transfer		1,325.00	0.00	70923
06/02/2015	rent	Rent for 30 days	1,201.00		1,201.00	51772
06/02/2015		chk# 6824		1,201.00	0.00	70194
07/01/2015	rent	Rent (07/2015)	1,201.00		1,201.00	52636
07/02/2015		chk# 7128		1,201.00	0.00	71458
08/01/2015	rent	Rent (08/2015)	1,201.00		1,201.00	53838
08/03/2015		chk# 7376		1,201.00	0.00	72776
09/01/2015	rent	Rent (09/2015)	1,201.00		1,201.00	55113
09/04/2015		chk# 7827		1,201.00	0.00	74757
10/01/2015	rent	Rent (10/2015)	1,201.00		1,201.00	56296
10/05/2015		chk# 8083		1,201.00	0.00	75689
11/01/2015	rent	Rent (11/2015)	1,201.00		1,201.00	57445
11/03/2015		chk# 8305		1,201.00	0.00	76893
12/01/2015	rent	Rent (12/2015)	1,201.00		1,201.00	58619
12/02/2015		chk# 8597		1,201.00	0.00	78004
01/01/2016	rent	Rent (01/2016)	1,201.00		1,201.00	59769
01/04/2016		chk# 8894 Reapplied Receipt		1,201.00	0.00	79747
02/01/2016	rent	Rent (02/2016)	1,201.00		1,201.00	61262
02/01/2016		chk# 9102		1,201.00	0.00	81323
03/01/2016	rent	Rent (03/2016)	1,321.00		1,321.00	62593
03/02/2016		chk# 9504		1,321.00	0.00	82647
04/01/2016	rent	Rent (04/2016)	1,321.00		1,321.00	64004
04/05/2016		chk# 9847		1,321.00	0.00	84504
05/01/2016	rent	Rent (05/2016)	1,321.00		1,321.00	65411
05/02/2016		chk# 10159		1,321.00	0.00	85751
06/01/2016	rent	Rent (06/2016)	1,321.00		1,321.00	66799
06/03/2016		chk# 10461		1,321.00	0.00	87446
07/01/2016	rent	Rent (07/2016)	1,321.00		1,321.00	68128
07/05/2016		chk# 430		1,321.00	0.00	89145

000142

08/01/2016	rent	Rent (08/2016)	1,321.00		1,321.00	69575
08/04/2016		chk# 431		1,321.00	0.00	90653
09/01/2016	rent	Rent (09/2016)	1,321.00		1,321.00	71019
09/01/2016		chk# 1346		1,321.00	0.00	92014
10/01/2016	rent	Rent (10/2016)	1,321.00		1,321.00	72501
10/04/2016		chk# 433		1,321.00	0.00	93538
11/01/2016	rent	Rent (11/2016)	1,321.00		1,321.00	73861
11/01/2016		chk# 393		1,321.00	0.00	95075
12/01/2016	rent	Rent (12/2016)	1,321.00		1,321.00	75231
12/05/2016		chk# 2186		1,321.00	0.00	96757
01/01/2017	rent	Rent (01/2017)	1,321.00		1,321.00	76601
01/02/2017		chk# 6909		1,321.00	0.00	98063
02/01/2017	rent	Rent (02/2017)	1,321.00		1,321.00	78144
02/02/2017		chk# 394		1,321.00	0.00	99538
03/01/2017	rent	Rent (03/2017)	1,321.00		1,321.00	79613
03/05/2017		chk# 396		1,321.00	0.00	101432
04/01/2017	rent	Rent (04/2017)	1,321.00		1,321.00	81159
04/06/2017		chk# 397		1,321.00	0.00	103090
05/01/2017	rent	Rent (05/2017)	1,387.00		1,387.00	82744
05/03/2017		chk# 398		1,387.00	0.00	104313
06/01/2017	rent	Rent (06/2017)	1,387.00		1,387.00	85179
06/05/2017		chk# 399		1,387.00	0.00	106882
07/01/2017	rent	Rent (07/2017)	1,387.00		1,387.00	87074
07/03/2017		chk# 4093		1,387.00	0.00	108579
08/01/2017	rent	Rent (08/2017)	1,387.00		1,387.00	89189
08/02/2017		chk# 400		1,387.00	0.00	110801
09/01/2017	rent	Rent (09/2017)	1,387.00		1,387.00	91989
09/04/2017		chk# 4740		1,387.00	0.00	112992
10/01/2017	rent	Rent (10/2017)	1,387.00		1,387.00	94462
10/05/2017		chk# 5002		1,387.00	0.00	115649
11/01/2017	rent	Rent (11/2017)	1,387.00		1,387.00	97109
11/03/2017		chk# 5241		1,387.00	0.00	117543
12/01/2017	rent	Rent (12/2017)	1,387.00		1,387.00	99881
12/04/2017		chk# 406		1,387.00	0.00	119530
01/01/2018	rent	Rent (01/2018)	1,387.00		1,387.00	102622
01/03/2018		chk# 5771		1,387.00	0.00	121724
02/01/2018	rent	Rent (02/2018)	1,387.00		1,387.00	105431
02/04/2018		chk# 6079		1,387.00	0.00	124621
03/01/2018	rent	Rent (03/2018)	1,387.00		1,387.00	108538
03/01/2018		chk# 411		1,387.00	0.00	126341
04/01/2018	rent	Rent (04/2018)	1,387.00		1,387.00	111900
04/03/2018		chk# 404		1,387.00	0.00	129464
05/01/2018	rent	Rent (05/2018)	1,387.00		1,387.00	116810
05/03/2018		chk# 336		1,387.00	0.00	132762
06/01/2018	rent	Rent (06/2018)	1,387.00		1,387.00	121154
06/04/2018		chk# 7283		1,387.00	0.00	135722

000143

07/01/2018	rent	Rent (07/2018)	1,387.00		87.00	125404
07/05/2018		chk# 341		1,387.00	0.00	139072
08/01/2018	rent	Rent (08/2018)	1,456.00		1,456.00	129406
08/01/2018		chk# 154		1,456.00	0.00	141809
09/01/2018	rent	Rent (09/2018)	1,456.00		1,456.00	134892
09/06/2018	late	Late Fee, 10% of \$1456.00	145.60		1,601.60	135757
09/10/2018		chk# 345		1,456.00	145.60	146418
09/14/2018	late	waive one time late fee	(145.60)		0.00	136734
10/01/2018	rent	Rent (10/2018)	1,456.00		1,456.00	139518
10/05/2018		chk# 18601		1,456.00	0.00	149297
11/01/2018	rent	Rent (11/2018)	1,456.00		1,456.00	144042
11/05/2018		chk# 8214		1,456.00	0.00	151908
12/01/2018	rent	Rent (12/2018)	1,456.00		1,456.00	148567
12/04/2018		chk# 1503		1,456.00	0.00	155347
01/01/2019	rent	Rent (01/2019)	1,456.00		1,456.00	153297
01/04/2019		chk# 9480		1,456.00	0.00	158425
02/01/2019	rent	Rent (02/2019)	1,456.00		1,456.00	158499
02/01/2019		chk# 2815		1,456.00	0.00	161963
03/01/2019	rent	Rent (03/2019)	1,456.00		1,456.00	163777
03/04/2019		chk# 6084		1,456.00	0.00	165152
04/01/2019	rent	Rent (04/2019)	1,456.00		1,456.00	169035
04/02/2019		chk# 1001		1,456.00	0.00	168282
05/01/2019	rent	Rent (05/2019)	1,456.00		1,456.00	175025
05/05/2019		chk# 1003		1,456.00	0.00	171696
06/01/2019	rent	Rent (06/2019)	1,456.00		1,456.00	180995
06/01/2019		chk# 1005		1,456.00	0.00	174902
07/01/2019	rent	Rent (07/2019)	1,456.00		1,456.00	186834
07/01/2019		chk# 1006		1,456.00	0.00	178575
08/01/2019	rent	Rent (08/2019)	1,456.00		1,456.00	193423
08/02/2019		chk# 1007		1,456.00	0.00	182804
09/01/2019	rent	Rent (09/2019)	1,456.00		1,456.00	199516
09/05/2019		chk# 1010		1,456.00	0.00	186943
10/01/2019	rent	Rent (10/2019)	1,456.00		1,456.00	205483
10/01/2019		chk# 8215		1,456.00	0.00	189791
11/01/2019	rent	Rent (11/2019)	1,456.00		1,456.00	214614
11/04/2019		chk# 5374		1,456.00	0.00	195173
12/01/2019	rent	Rent (12/2019)	1,456.00		1,456.00	221670
12/04/2019		chk# 8089		1,456.00	0.00	199426
01/01/2020	rent	Rent (01/2020)	1,456.00		1,456.00	230986
01/05/2020		chk# 4529		1,456.00	0.00	202853

000144



MADISON PARK FINANCIAL CORP AS AGENT FOR  
901 JEFFERSON STREET, LLC  
155 GRAND AVE., SUITE 950  
OAKLAND, CA 94612

SUMMIT BANK  
PO BOX 898 2969 BROADWAY  
OAKLAND, CA 94604-0898


2615

90-3895/1211

121138958

PAY TO THE ORDER OF \*\*\*\*\* ELEVEN THOUSAND ONE HUNDRED FIFTY FOUR AND 00/100 DOLLARS AMOUNT  
DATE 04/21/2021 \$11,154.00\*\*

City of Oakland  
250 Frank H. Ogawa Plaza Suite 1320  
Oakland, CA 94612-2011



AUTHORIZED SIGNATURE



⑈002615⑈ ⑆121138958⑆ ⑆0120041744⑈

DATE: 04/21/2021 CK#: 2615 TOTAL: \$11,154.00\*\* BANK: Summit (New Account) (high-new)

MADISON PARK FINANCIAL CORP AS AGENT FOR  
901 JEFFERSON STREET, LLC  
HIGH

2615

Property	Account	Invoice - Date	Description	Amount
high	6465-0000	00173883_high - 04/21/2	2018/2019/202/2021 RAP Rent Adjustme	11,154.00
				11,154.00

FOR REORDER: CALL AMERICAN COMPUTER FORMS 305-284-1234, FAX 305-663-6748 OR EMAIL sales@acforms.com MAD001LC93

MADISON PARK FINANCIAL CORP AS AGENT FOR  
901 JEFFERSON STREET, LLC  
HIGH

2615

Property	Account	Invoice - Date	Description	Amount
high	6465-0000	00173883_high - 04/21/2	2018/2019/202/2021 RAP Rent Adjustme	11,154.00
				11,154.00

FOR REORDER: CALL AMERICAN COMPUTER FORMS 305-284-1234, FAX 305-663-6748 OR EMAIL sales@acforms.com MAD001LC93

000145



**CITY OF OAKLAND**

Finance Department  
Revenue Management Bureau  
250 Frank H. Ogawa Plaza, Suite 1320 Oakland, CA 94612  
(510) 238-3704 TDD (510) 238-3254  
<https://ltss.oaklandnet.com>  
[btwebsupport@oaklandca.gov](mailto:btwebsupport@oaklandca.gov)



MADISON PARK FINANCIAL  
901 JEFFERSON STREET LLC  
155 GRAND AVE STE 950  
OAKLAND, CA 94612-3819

ACCOUNT NUMBER
00173883
RATE TYPE
N - COMMERCIAL RENTAL PROPERTY
PAYMENT DUE DATE
04/30/2021

BUSINESS ADDRESS: 4001 SAN LEANDRO ST

April 21, 2021

Dear Business Owner/Operator:

According to our records, your account has a balance of \$11,154.00. This amount was calculated as follows:

Charges	Amount
<b>2018</b>	
RAP Rent Adjustment Program (M)	\$2,244.00
<b>2019</b>	
RAP Rent Adjustment Program (M)	\$2,244.00
<b>2020</b>	
RAP Rent Adjustment Program (M)	\$3,333.00
<b>2021</b>	
RAP Rent Adjustment Program (M)	\$3,333.00

**Total Due:** \$11,154.00

The amount due stated on this invoice was calculated using the **Invoice Date** noted at the top of this form. The principal balance may accrue additional penalties and interest per Oakland's Municipal Code.

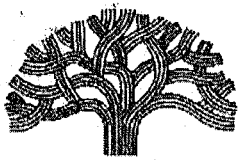
YOU CAN NOW PAY YOUR INVOICE ONLINE!  
LOG ONTO [HTTPS://LTSS.OAKLANDNET.COM](https://ltss.oaklandnet.com)  
ACCOUNT #: 00173883 PIN: 1256697

**COMPLETE AND RETURN  
WITH YOUR PAYMENT TO:**

City of Oakland  
250 Frank H. Ogawa Plaza Suite 1320  
Oakland, CA 94612-2011

MD

**000146**



CITY OF OAKLAND

RECEIVED

APR 24 2020

RENT ADJUSTMENT PROGRAM  
OAKLAND

**RENT ADJUSTMENT PROGRAM**

250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

**CASE NUMBER L19-0259**

**TENANT RESPONSE TO  
CLAIM OF PERMANENT EXEMPTION**

**Please Fill Out This Form Completely.** Failure to provide needed information may result in your response being rejected or delayed.

Your Name Natalie Davis	Complete Address (with Zip Code) 400 San Leandro St #32 Oakland, CA 94601	Telephone 415.294.1108
Your Representative's Name	Complete Address (with Zip Code)	Telephone

Number of Units on the parcel: \_\_\_\_\_

The unit I rent is: \_\_\_\_\_ a house  an apartment \_\_\_\_\_ a condo

**Rental History:**

Date you entered into the Rental Agreement for this unit: 10/28/2010

Date you moved into this unit: 11/8/2010 Delay requested by LL due to partial unit turnover [work incomplete at move-in]

Are you current on your rent?  Yes \_\_\_\_\_ No \_\_\_\_\_ Lawfully Withholding Rent

If you are lawfully withholding rent, attach a written explanation of the circumstances.

**Exemption Contested:**

For the detailed text of the exemptions, see Oakland Municipal Code Chapter 8.22 and the Rent Board Regulations on the City of Oakland web site. You can get additional information and copies of the Ordinance and Regulations from the Rent Program office in person or by phoning (510) 238-3721.

The property owner has the burden of proving the right to exemption for the unit. Explain below why you believe your landlord's claim that your unit is exempt is incorrect.

Landlord's claim is based on fraud or mistake.

000147

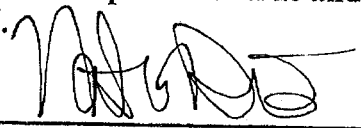
Please list the date you first received the Notice to Tenants of the Residential Rent Adjustment Program (RAP Notice):

List all increases your received. Begin with the most recent and work backwards. Attach most recent rent increase notice. If you need additional space please attach another sheet.

Date Notice Given (Mo/Day/Yr)	Date Increase Effective	Rent Increased		Did you receive a NOTICE TO TENANTS with the notice of rent increase?	
		From	To	Yes	No
cannot recall	cannot recall	\$ 1,400	\$ 1,485	Yes	No
6/25/2018	8/1/2018	\$ 1,485	\$ 1,619	Yes	No ✓
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No
		\$	\$	Yes	No

**Verification**

I declare under penalty of perjury pursuant to the laws of the State of California that all statements made in this Response are true and that all of the documents attached hereto are true copies of the originals.



\_\_\_\_\_  
Tenant's Signature

4/9/2020

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant's Signature

\_\_\_\_\_  
Date

**Important Information**

This form must be received at the Rent Adjustment Offices by the date and time limits prescribed by Oakland Municipal Code, Chapter 8.22. The offices are located at City of Oakland, Rent Adjustment Program, Dalziel Building, 250 Frank H. Ogawa Plaza Suite 5313, Oakland, CA 94612. The mailing address is PO Box 70243, Oakland, CA 94612-0243. For more information, please call: 510-238-3721.

**You cannot get an extension of time to file your Response by telephone.**

**File Review**

You should have received with this letter a copy of the landlord petition.

**Copies of attachments to the petition will not be sent to you. However, you may review these in the Rent Program office. Files are available for review by appointment ONLY.**

For an appointment to review a file call (510) 238-3721.

Natalie Davis  
PO Box 30264  
Oakland, CA 94604

Thursday, April 16, 2020

City of Oakland  
Rent Adjustment Program  
Dalziel Building  
250 Frank H. Ogawa Plaza  
Suite 513  
Oakland, CA 94612

Case No. L19-0259

RC/SLC

Dear Mr. Robert Costa,

I write to ask your acceptance of my response to my landlord's claim of permanent exemption from rent control under Case No. L19-0259. I am in receipt of its Petition for a Certificate of Exemption dated November 8, 2018. I ask your acceptance because my response is past the deadline indicated in the materials served upon me by US mail dated December 4, 2019.

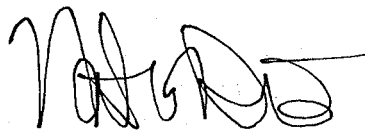
My response is delayed because I initially misread its deadline as being 45 days from the date of service instead of 35 days. After I realized my mistake, I reached out to your office by phone on January 10, 2020 (being 37 days from the date of service) and again on January 13, 2020, before we made contact on January 14, 2020. In that phone conversation, you advised that submissions may be accepted past the deadline, along with a letter of explanation for the delay. You indicated that this leniency was due to the hearing date being several months away at that time. You also noted that my landlord's petition had received a number of responses from my neighbors already.

I hope this letter can suffice to permit your acceptance of my response to my landlord's claim of permanent exemption from rent control under Case No. L19-0259.

I note that the City of Oakland has postponed all hearings and other deadlines, such that the original hearing date for my landlord's petition of April 23, 2020, is now pending indefinitely.<sup>1</sup> I look forward to meeting you when our date is rescheduled.

In the meantime, I hope you and yours are well and safe.

Very Truly Yours,



Natalie Davis

RECEIVED

APR 24 2020

RENT ADJUSTMENT PROGRAM  
OAKLAND

<sup>1</sup> <https://www.oaklandca.gov/services/view-updates-and-announcements-from-rent-adjustment-program>.

000149

found true 6/26/18

### THIRTY-DAY NOTICE OF CHANGE OF MONTHLY RENT

TO: Natalie Davis  
*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:

4001 San Leandro Street, Unit # (if applicable) 32  
*(Street Address)*  
Oakland, CA 94601  
*(City) (Zip)*

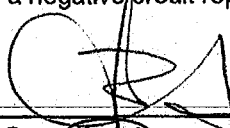
You are hereby notified, in accordance with Civil Code Section 827, that 30 days after service upon you of this Notice, or 8/01/2018, whichever is later, your monthly rent which is payable in advance on or before the 1<sup>st</sup> *(Date)* day of each month, will be the sum of \$ 1,619.00, instead of \$ 1,485.00, the

current monthly rent.

Except as herein provided, all other terms of your tenancy shall remain in full force and effect.

If you fail to fulfill the terms of your credit obligations, a negative credit report may be submitted to a credit reporting agency.

06/25/2018  
*Date*

  
Owner/Agent For 901 Jefferson Street, LLC

Dear Resident(s):

Having regard for current rent levels and increased building operating costs, an adjustment to your rent is considered necessary.

We value you as a Resident and appreciate your understanding.

Sincerely,

Madison Park Financial Corp.  
For 901 Jefferson Street, LLC



UNAUTHORIZED REPRODUCTION  
OF BLANK FORMS IS ILLEGAL



**CITY OF OAKLAND**  
**BUSINESS TAX CERTIFICATE**

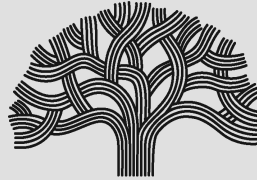
**ACCOUNT  
NUMBER**  
00173883

The issuing of a Business Tax Certificate is for revenue purposes only. It does not relieve the taxpayer from the responsibility of complying with the requirements of any other agency of the City of Oakland and/or any other ordinance, law or regulation of the State of California, or any other governmental agency. The Business Tax Certificate expires on December 31st of each year. Per Section 5.04.190(A), of the O.M.C. you are allowed a renewal grace period until March 1st the following year.

**DBA** 901 JEFFERSON STREET LLC

**BUSINESS LOCATION** 4001 SAN LEANDRO ST  
OAKLAND, CA 94601-4023

**BUSINESS TYPE** N Rental - Commercial Property



**EXPIRATION DATE**

12/31/2021

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to:  
<https://www.dca.ca.gov/publications>



901 JEFFERSON STREET LLC  
MADISON PARK FINANCIAL  
155 GRAND AVE STE 950  
OAKLAND, CA 94612-3819

A BUSINESS TAX CERTIFICATE  
IS REQUIRED FOR EACH  
BUSINESS LOCATION AND IS  
NOT VALID FOR ANY OTHER  
ADDRESS.

ALL OAKLAND BUSINESSES  
MUST OBTAIN A VALID  
ZONING CLEARANCE TO  
OPERATE YOUR BUSINESS  
LEGALLY. RENTAL OF REAL  
PROPERTY IS EXCLUDED  
FROM ZONING.

PUBLIC INFORMATION ABOVE  
THIS LINE TO BE  
CONSPICUOUSLY POSTED!

**000151**

1 David Hall (SBN 250736)  
CENTRO LEGAL DE LA RAZA  
2 3022 International Boulevard, Suite 410  
Oakland, CA 94601  
3 t: 510-994-0704  
e: dhall@centrolegal.org  
4

5 Attorney for Respondent  
6  
7

8 CITY OF OAKLAND  
9 RENT ADJUSTMENT PROGRAM

10 901 Jefferson, LLC,

11 Plaintiff,

12 vs.

13 Carver Cordes et al,

14 Defendant.  
15  
16

Case No. L19-0259

**TENANT RESPONDENT'S BRIEF REGARDING  
RESIDENTIAL USE PRIOR RO LEGAL  
CONVERSION**

17  
18 **I. INTRODUCTION**

19 This case hinges upon statutory construction of one of the two elements that a landlord  
20 must prove to demonstrate entitlement to a "new construction" certificate of exemption: 1) The property  
21 must have received a certificate of occupancy on or after January 1, 1983 and 2) it must have been  
22 "formerly entirely non-residential."  
23

24 The evidence will demonstrate that the owner/builders of the 33-unit live- work property here  
25 began renting out residential units long before they received any finalized permits or certificates of  
26 occupancy. As soon as a unit was built, it was leased to tenants, who then resided at the property. This  
27  
28

**000152**



1 practice continued for quite some time. Under such circumstances, can the property be said to have been  
2 "formerly entirely non-residential?"

3 The present owners assert that, in order to defeat their exemption petition, the tenants must show  
4 residential use prior to January 1, 1983. This position ignores basic principles of statutory  
5 construction and rewards landlords who break the law. "Formerly entirely non-residential" should be  
6 interpreted to mean prior to issuance of certificates of occupancy. Proof of residential use prior to  
7 issuance of the certificates should be sufficient to defeat a landlord's new construction petition.  
8

9 "New construction" is an exemption to the Ordinance, which is a general statute. "Exceptions to  
10 the general rule of a statute are to be strictly construed...One seeking to be excluded from the sweep of  
11 the general statute must establish that the exception applies." *Barnes v. Chamberlain* (1983) 147 Cal.  
12 App.3d 762, 767; see also, *Da Vinci Group v. San Francisco Residential Rent Board* (1992) 5  
13 Cal.App.4<sup>th</sup> 24, 28.

14 In this brief, the tenants discuss the factors in this case which compel a narrow interpretation of  
15 the new construction exemption. Such factors include case law examples of application of strict  
16 construction to rent control exemptions, the ambiguity inherent in Oakland's exemption provisions as  
17 written, the ordinance's Regulations designed to protect against erroneous determination of new  
18 construction petitions, the fact that the owner's practice of leasing property prior to the issuance of final  
19 permits and certificates of occupancy was unlawful and unsafe, and the inherent undermining of public  
20 policy when landlords who engage in such practices are rewarded with certificates of exemption.  
21

22 The Ordinance should be construed narrowly. The term "formerly entirely non-residential"  
23 should be taken to refer to residential occupancy prior to the issuance of final permits and certificates of  
24 occupancy.  
25

## 26 27 28 II. STATEMENT OF FACTS

1 The Tenant respondents will demonstrate the following facts at the hearing of this matter.

2  
3  
4 The property in question was purchased by 901 Jefferson LLC in 2013, well after its use had  
5 changed to residential. A prior owner planned to build a series of live-work rental units at the property.  
6 Permits were taken out beginning in 1984, after the sale was recorded. Construction at the property  
7 began not long after and likely continued for some time after that.

8 Units were rented out to new occupants as soon as they were completed, beginning in 1984 at the  
9 latest. Indeed, construction of some units was not completed at the time they were rented for residences.  
10 The occupants had to finish the build-out themselves. The tenants were not compensated for this work.  
11 Some tenants paid the owners to complete portions of their rental units. Respondents also contend that  
12 the building was occupied for some time prior to 1983<sup>1</sup>.

14 The units were rented to the tenants for residential use. They contained kitchens with  
15 hookups for appliances, fully equipped bathrooms (sink, toilet, tub, shower) and sleeping rooms,  
16 as well as spacious work studios. It is abundantly clear that the rental units were in residential use prior  
17 to issuance of certificates of occupancy and prior to finalization of all permits. The evidence will  
18 contradict the current owner's assertion that the property was formerly entirely non-residential.  
19

### 20 21 **III. ARGUMENT**

#### 22 23 A. The New Construction Provisions of the Rent Ordinance

24 The Oakland Municipal Code provisions for an exemption from rent control for  
25 newly constructed rental units requires a two-part test:  
26

27  
28 

---

<sup>1</sup> At present, only fragmentary information about possible residential use prior to 1983 has been located. If Tenant petitioners are allowed to obtain Voter Registration records for the pre-1983 period, it is anticipated that the issue of pre-1983 residential use could be definitively determined.

1  
2 A. Types of Dwelling Units Exempt. The following dwelling units are not covered units...:

3 5. Dwelling units which were newly constructed and received a certificate of occupancy on or  
4 after January 1, 1983.,,,To qualify as a newly constructed dwelling unit, the dwelling unit must  
5 be entirely newly constructed or created from space that was formerly entirely non-residential.

6 The Regulations for the Ordinance further define the exemption:

7 2. Newly constructed dwelling units (receiving a certificate of occupancy  
8 after January 1, 1983).

9 a. Newly constructed units include legal conversions of uninhabited  
10 spaces not used by Tenants, such as:

- 11 i. Garages;
- 12 ii. Attics;
- 13 iii. Basements;
- 14 iv. Spaces that were formerly entirely commercial.

15 b. Any dwelling unit that is exempt as newly constructed under applicable  
16 interpretations of the new construction exemption pursuant to Costa-  
17 Hawkins (California Civil Code Section 1954.52).

18 c. Dwelling units not eligible for the new construction exemption  
19 include:

- 20 i. Live/work space where the work portion of the space was  
21 converted into a separate dwelling unit;
- 22 ii. Common area converted to a separate dwelling unit.

23 OMC 8.22.010, Regulation No. 8.22.030

24 The owners here take the position that the term "formerly entirely non-residential"  
25 means that there was no residential use of the property prior to 1983. Tenants assert that the term refers,  
26 not to the January 1983 date, but to the date upon which the certificate of occupancy is obtained. Here,  
27 the certificates of occupancy were never issued. There was indisputably prior residential use of the rental  
28 units at the property prior to the date that permits for electrical and plumbing were finalized. The prior  
owner filled rental units as quickly as they were built. If the owners' interpretation of the Ordinance is  
correct, it would not matter when they first rented out the units. If the Tenants' interpretation is correct,

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1 then the property cannot be exempt, as it was used residentially prior to the issuance of documents  
2 finalizing the new construction. The resolution of this issue is a question of statutory construction.

3  
4 B. Rules of Statutory Construction and Case Law Require Narrow Interpretation of Exemptions  
5 to Rent Control

6 1. Statutory Construction  
7

8 First, of course, the intent of the legislative body must be determined, so as to  
9 construe the statute to effect that purpose. *Doe v. Brown* (2009) 177 Cal.App.4th 408, 417.  
10 Words used in the statute should be given their ordinary meaning. If the language is clear and  
11 unambiguous, there is no need for construction. If the statute is amendable to two alternative  
12 interpretations, the one that leads to the more reasonable result will be followed. *Lungren v. Deukmejian*  
13 (1988) 45 Cal.3d 727, 735. In interpreting ambiguous language, the court adopts the interpretation that  
14 best harmonizes the statute internally and may look to extrinsic aids, such a legislative history, other  
15 parts of the statutory scheme, or public policy to determine the proper interpretation. *Pacific Sunwear,*  
16 *Inc. v. Olaes Enterprises, Inc.* (2008) 167 Cal.App.4th 466,474.

17  
18 "The construction of a municipal ordinance is governed by the same rules as the  
19 construction of statutes." *City of Los Angeles v. Los Olivos Mobile Home Park* (1989) 213  
20 Cal.App.3d 1427, 1433.

21  
22 For our purposes here, it is crucial to note that this case involves an exemption to a  
23 general statute. As an exemption, the following applies:

24 Exceptions to the general rule of a statute are to be strictly construed. In interpreting  
25 exceptions to the general statute courts include only those circumstances which are within the  
26 words and reason of the exception. One seeking to be excluded from the sweep of the general  
27 statute must establish that the exception applies. ( *Barnes v. Chamberlain* (1983) 147 Cal.App.3d  
28 762, 767 [195 Cal.Rptr. 417].)

*Da Vinci Group v. San Francisco Residential Rent Board* (1992) 5 Cal.App.4th 24,

1  
2           2. Case Law Requires that Exemptions to Rent Control Be Narrowly Construed

3  
4           Two cases, *Da Vinci Group, supra.* and *Burien, LLC v. Wiley* (2014) 230  
5 Cal.App.4th 1039 illustrate the sort of strict construction applied to local rent laws which  
6 provide exemption for newly constructed rental units.<sup>2</sup>

7  
8           In *Da Vinci Group*, the owner had purchased a multi-tenant warehouse with no certificate of  
9 occupancy. For years after the purchase, the new owner continued to rent it to  
10 tenants without a certificate of occupancy. After the city flagged the building for having  
11 been changed to apartments without a permit, the owner made improvements and received a certificate  
12 of occupancy. The owner then claimed exemption from the local rent ordinance, which exempted  
13 "rental units located in a structure for which a certificate of occupancy was first issued after the  
14 effective date of this ordinance." At the time, the San Francisco Ordinance lacked a provision barring  
15 units which had previously been used residentially from the exemption. The appellate court looked  
16 beyond the bare language of the Ordinance to the Board's regulations, which added the element that new  
17 construction exemptions applied "only where there has been no residential use since the enactment of  
18 the Ordinance." *Da Vinci Group, supra.* at p. 29.

19  
20           Noting that the new construction exemption's purpose was to ease the housing shortage by the  
21 creation of new units, the appellate court commented, "The 1986 certificate of occupancy in this case  
22 created legal residential units where there were illegal ones before. Legalizing de factor residential use  
23 does not enlarge San Francisco's housing stock." *Id.* at p. 30.

24  
25           Da Vinci's units were not newly constructed, nor was the building restructured to permit new  
26 residential use. Existing residential use was made legal by bringing the building up to code and  
27 obtaining a certificate of occupancy. While this is a commendable undertaking, it does not bring  
the premises within the Ordinance's "new construction" exemption.

28  

---

<sup>2</sup> New construction is also one of the three types of permanent exemption required of local rent ordinances by the Costa-Hawkins Act, as an exemption to Costa-Hawkins, the same analysis applied under state law

1  
2 Id. at p. 30.

3           This case is remarkably similar to *Da Vinci*. The sole difference is that the petitioners  
4 claim that 901 Jefferson was apparently empty when purchased. However, the owners filled the property  
5 with renters and accepted rent for the entire time construction was ongoing. They chose to put the  
6 property to residential use prior to final approvals of the construction process. 901 Jefferson LLC  
7 nonetheless asserts that they are entitled to an exemption because the prior residential use did not occur  
8 before 1983. Nowhere in the ordinance or regulations is there a requirement that the residential use  
9 precede the enactment of the ordinance.  
10

11           In *Burien, LLC v. Wiley* (2014) 230 Cal.App.4th 1039, a landlord sought to take advantage of the  
12 exemption provisions of the Costa-Hawkins Act. (Civ. Code§ 1954.52) The landlord converted a rent-  
13 controlled apartment building, which had a 1972 certificate of occupancy, to condominiums. He  
14 obtained a new certificate of occupancy in 2009, based on the change in use, and raised the rent. When  
15 an existing tenant objected, the landlord sought a declaration from the court that the unit was exempt  
16 from the Los Angeles Rent Stabilization Ordinance under provisions of the Costa-Hawkins Act which  
17 exempts units that have certificates of occupancy issued after 1995. Despite the post- 1995 certificate of  
18 occupancy, the trial court found that the rent raise violated the ordinance.  
19

20           On appeal, the landlord contended that the unit was exempt under Civil Code 1954.52 because it  
21 received a certificate of occupancy after February 1995. The tenant contended that the exemption  
22 referred to the first certificate of occupancy and did not apply because his tenancy was established long  
23 before the new certificate of occupancy.  
24

25           In discussing the landlord's contention that the exemption applied broadly to any certificate of  
26 occupancy issued after February 1995 the appellate court determined, "Although the language is  
27 susceptible to this construction, the result does not further the purpose of the statute. A certificate of  
28

1 occupancy based solely on a change in use from one type of residential housing to another does not  
2 enlarge the supply of housing."

3 *Burian* at p.1047.

4 In affirming the trial court decision, the appellate court concluded:

5  
6 In this case, Tenant's unit is not exempt under [Costa-Hawkins] because the tenant occupied the  
7 unit prior to the issuance of the 2009 certificate of occupancy. *The 2009 certificate of occupancy*  
8 *did not precede the residential use of the property.* (Emphasis added)

9  
10 *Burien* at p. 1049.

11 Similarly, in the instant case, the Certificates of Occupancy were never issued, and the  
12 finalization of the building, electrical and plumbing permits did not precede the residential use of the  
13 property.  
14

15 3. The Oakland Rent Ordinance Does Not State a Specific Time Period During Which  
16 Prior Residential Use Must Have Occurred to Disqualify the Property From Exemption;  
The Exemption Provisions Must be Narrowly Construed to Bar Exemption

17 Different rent control municipalities have treated the subject of prior residential use in different  
18 ways. The Los Angeles ordinance exempted housing from rent control if the first certificate of  
19 occupancy was issued after October 1978, unless the building was first occupied residentially *prior to*  
20 October 1978<sup>3</sup>. (See, *Burien v. Wiley, supra*. at p. 1048.) This is the construction of the Oakland  
21 ordinance that the Owners urge in this petition.  
22

23 San Francisco, on the other hand, exempts live-work units in buildings in which a  
24 lawful conversion has occurred, a certificate of occupancy has been issued after June 1979 and there has  
25 been no residential use of any kind *between* June 1979 and the issuance of the certificate of occupancy.  
26  
27

28 \_\_\_\_\_  
<sup>3</sup> The dates which appear in the different ordinances relate to the original dates of enactment of the rent ordinances

1 Thus, the one ordinance provides that residential use prior to enactment of its ordinance defeats  
2 exemption, while the other provides that residential after the enactment of the ordinance but before  
3 issuance of the certificate of occupancy defeats the exemption. City of San Francisco Rent Stabilization  
4 and Arbitration Board, Rules and Regulations, Regulation Section 1.17 (g).

5 The Oakland Ordinance and Regulations are silent as to when, precisely, prior residential use  
6 defeats a later claim of exemption. The Ordinance is ambiguous in that it is capable of more than one  
7 construction. It could mean residential use prior to 1983. It could mean residential use prior to the  
8 issuance of the certificate of occupancy. The latter interpretation furthers the purpose of the Ordinance  
9 by preserving affordable housing and limiting rent increases for existing tenants. (OMC 8.22.0 I0. A and  
10 8.22.0 I 0.C-Findings and Purpose) The former interpretation widens the scope of the new construction  
11 exemption provisions of the Ordinance. Per *Da Vinci* and *Burien*. exemption must be strictly construed.  
12 Further, per the language of the Regulations, Section 8.22.030 (B)(2)(a)(iv) which states that "newly  
13 constructed units include *legal conversions of uninhabited spaces not used by Tenants*" also supports the  
14 latter interpretation. Not only must the conversion be from entirely commercial use, the new units  
15 cannot be inhabited until it is a *legal conversion*, which means allowing occupancy only after obtaining  
16 the Certificates of Occupancy, and in rare case, its equivalent of final building, plumbing, and electrical  
17 permit approvals. Per *Da Vinci* and *Burien*. exemption must be strictly construed. The term, "formerly  
18 entirely non-residential" should mean prior to the issuance of the certificate of occupancy.  
19  
20  
21

#### 22 4. The Regulations for Permanent Exemption Hearings Demonstrate That Caution Should 23 Be Exercised In Granting Certificates of Exemption

24  
25 New construction is one of only three specified *permanent* exemptions in the Ordinance. They  
26 permit landlords to remove rental units from rent control entirely. Due to the serious consequences of  
27 wrongfully-granted certificates of exemption, the Regulations contain special provisions to protect  
28 against erroneous determinations:



- 1 Whenever an Owner seeks a Certificate of Exemption the following procedures  
apply:
- 2 a. The petition cannot be decided on a summary basis and may only be  
decided after a hearing on the merits;
  - 3 b. Staff may intervene in the matter for the purpose of better ensuring that  
all facts relating to the exemption are presented to the Hearing Officer;
  - 4 c. In addition to a party's right to appeal, Staff or the Hearing Officer may appeal the decision to  
the Rent Board; and,
  - 5 d. A Certificate of Exemption shall be issued in the format specified by  
6 Government Code Section 27361.6 for purposes of recording with the County Recorder
- 7 2. In the Event that a previously issued Certificate of Exemption is found to have been issued  
8 based on fraud or mistake and thereby rescinded, the Staff shall record a rescission of the  
9 Certificate of Exemption against the affected real party with the County Recorder.

10 These regulations add emphasis to the substantial body of statutory and case law doctrine that  
11 exemptions to general statutes must be narrowly construed.

12  
13 5. Public Policy Disfavors Granting Exemptions to Landlords Who Lease Residential  
14 Rental Units Prior to the Issuance of Final Permits and Certificates of Occupancy

15 The prior owners of the property leased the roughed-out rental units as quickly as possible while  
16 construction was ongoing. The California Building Codes' stated purpose is to establish minimum  
17 requirements to safeguard public health, safety and general welfare through structural strength, means of  
18 egress, sanitation, adequate light and ventilation, and safety to life and property from fire and other  
19 hazards. (California Building Code § 101.3) Both the Oakland Municipal Code and state law require  
20 issuance of a certificate of occupancy before a building can be occupied. (California Building Code §  
21 110.1 *et seq.*; Oakland Municipal Code §15.08.150) The owners simply ignored these laws.

22  
23 A landlord is not entitled to collect rent if a property lacks a certificate of occupancy  
24 required by law. The lease is an illegal transaction and thus void. *Gruzen v. Henry* (1978) 84  
25 Cal.App.3d 515, 519. What is more, the tenant of such a unit is entitled to the protections of local  
26 rent ordinances. As the person intended to be protected by the laws, she is entitled to enforce her  
27  
28

1 tenancy rights, even though the lease itself may be void. *Carter v. Cohen* (2010) 188 Cal.App.4th  
2 1038.

3 The prior owners permitted occupancy almost immediately after they purchased  
4 the property. They continued to rent it out for at least a year before issuance of certificates of occupancy.  
5 Such a practice is unlawful and unsafe. It undermines the important public policies upon which building  
6 codes and housing law is based. Permitting the current owners to obtain an exemption under these  
7 circumstances rewards wrongful conduct.  
8

9  
10 **IV. CONCLUSION**

11 The tenants respectfully request that the Landlord petition be denied and that the Landlord's defense  
12 of "new construction" in answer to the Tenant petitions be stricken.

13  
14 Dated: July 20, 2021

Respectfully submitted,

15 CENTRO LEGAL DE LA RAZA

16 *David Hall*

17 \_\_\_\_\_  
18 David Hall  
19 Attorney for Respondent  
20  
21  
22  
23  
24  
25  
26  
27  
28

**000162**

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CA 94612

Department of Housing and Community Development  
Rent Adjustment Program

TEL (510) 238-3721  
FAX (510) 238-6181  
CA Relay 711

**HEARING DECISION**

**CASE NUMBER:** L19-0259, 901 Jefferson LLC v. Tenants

**PROPERTY ADDRESS:** 4001 San Leandro St., Oakland, CA

**DATE OF HEARING:** July 27, 2021

**DATE OF DECISION:** September 20, 2021

**APPEARANCES:** Donte Gullatt, Director for Madison Park Financial,  
Managing Agent  
Lerna Kazazic, Attorney for Owner  
Servando Sandoval, Attorney for Owner  
Alex Scammon, Tenant, Unit #8  
Mike McCord, Tenant, Unit #16  
Carver Cordes, Tenant, Unit #21  
Jean Cadwell, Tenant, Unit #21  
Katherine Smith, Tenant, Unit #22  
Natalie Davis, Tenant, Unit #32  
Douglas Lucchetti, former Tenant  
David Hall, Attorney for Tenants Cordes and Cadwell

**PUBLIC OBSERVERS:** Emily Wheeler; Emily Stone; Brian Zhang;  
Ann Marie Bustamante; Meena Saleh

**SUMMARY OF DECISION**

The Owner Petition for Certificate of Exemption is denied. The subject property is not exempt from the Rent Adjustment Program.

**CONTENTIONS OF THE PARTIES**

On November 8, 2018, the owner filed an Owner Petition for Certificate of Exemption, alleging that the subject property is exempt from the Rent Adjustment Program as newly constructed after January 1, 1983.

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Tenants in eighteen units (Units #1, 3, 7, 8, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 30, 31 and 32) filed identical responses to the owner's petition, alleging that the claim of exemption is based on fraud or mistake. Only the tenants listed above appeared for the hearing. The tenants in the remaining units did not file responses and did not appear for the hearing.

It should be noted that no exemption was granted for the subject property in the past, prior to the filing of the owner's petition.

### ISSUE

Is the subject unit exempt from the jurisdiction of the Rent Adjustment Program?

### EVIDENCE

The subject property consists of a total of thirty-three (33) residential units and has one Assessor Parcel Number 033 2166 003 03.

#### Owner Documents

The owner submitted 20 pages of documents that consist of the City of Oakland building and planning records, permit applications and records relating to the subject property.<sup>1</sup> This packet was admitted into evidence without objection.

The permit history records show that the subject property was a factory built in 1925, and a warehouse and offices were added in the 1940s. On November 7, 1984, a Building Permit D35382 was issued for "construction of interior alteration for retail and service space – no dwelling units." The Electrical Permit 21217 and the Plumbing Permit 025712 were both issued at the same time for the "remodel of building into lofts space" and were finalized on June 29, 1985, and February 5, 1986, respectively.

The Report of Residential Building Record (3-R Report), completed and signed on November 3, 2004, shows a "1 story office and factory building" originally constructed in 1925, and chronologically lists additions to the building for a furniture factory in 1935 and fire damage repairs in 1936. The report also shows a construction permit for a one-story warehouse in 1941. Page 2 of the report shows a Permit D35382 for interior alterations of retail space and "no dwelling units" issued on November 7, 1984. After 1984, the report lists four expired permits from 1992, 1997, 2002 and 2003, and a seismic work permit on April 30, 2003. No record indicates a completion of conversion to residential lofts.

#### Tenant Documents and Testimony

The attorney for Tenants Cordes and Cadwell submitted a packet of documents consisting of 224 pages that was admitted into evidence without objection.<sup>2</sup>

<sup>1</sup> Exhibit A

The documents contain the following items: Affidavits of two prior tenants stating that they both lived in the subject building; one from 1989 to 1996 and the other one from 1995 to 1998; a declaration of tenants' former attorney regarding a private investigator's report searching credit-related accounts with an address at 4001 San Leandro. The search revealed two individuals from 1983, but did not specify if the address was the individual's residence or business address and did not have an apartment number, unlike the remaining persons revealed in the search after 1983.

The tenants' packet also included copies from telephone books (yellow and white pages from 1985 through 1987), the property's public records, such as Grant Deeds and the City of Oakland records that included building permit records, zoning details records, applications for permits, update/query project info records, and the 3-R Reports. Most of the property records were identical to those submitted by the owner.

Douglas Lucchetti testified that he was a former tenant and lived in Unit #8 from 1985 through 1991. He testified that he only remembers a couple of architecture students who lived at the property at the same time, and that he did not know if anyone resided there prior to January 1, 1983.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

### Exemption

The Rent Ordinance exempts certain dwelling units which were newly constructed and received a certificate of occupancy on or after January 1, 1983.<sup>3</sup> To qualify as a newly constructed dwelling unit, the unit must be entirely newly constructed **or** created from space that was formerly entirely non-residential.<sup>4</sup> Newly constructed units include legal conversions of spaces that were formerly entirely commercial.<sup>5</sup>

The Housing Residential Rent and Relocation Board (HRRRB) has ruled that exemptions are allowed for units constructed after 1/1/83.<sup>6</sup> Even a unit located in a building that was built prior to 1983 was exempt as newly constructed because it was created after 1983 out of space not previously used for housing.<sup>7</sup> **A Certificate of Occupancy or its functional equivalent, such as a finalized permit, is sufficient for exemption.**<sup>8</sup>

The City of Oakland records show that the subject property was a non-residential property – factory and office building – originally constructed in 1925. The permit history records show finalized plumbing and electrical permits for conversion to residential lofts on June 29, 1985, and February 5, 1986 but not the finalized Building Permit D35382.

---

<sup>2</sup> Exhibit B

<sup>3</sup> O.M.C. §8.22.030 (A)(5)

<sup>4</sup> O.M.C. §8.22.030 (A)(5)

<sup>5</sup> O.M.C. Regulations §8.22.030 (B)(2)(a)(iv)

<sup>6</sup> HRRRB Appeal Decision in T01-0178, Parfait v. Miller

<sup>7</sup> HRRRB Appeal Decision in T01-0107, Castellanos v. Geer

<sup>8</sup> HRRRB Appeal Decision in T04-0163, Garson v. Collins and T12-0112, Williams v. Taplin

There is no dispute that the conversion work occurred between November of 1984 and 1986. However, there was no evidence of the date of the final inspection of Building Permit D35382. There was no evidence of a Certificate of Occupancy or its equivalent being issued for the subject property. The 3-R Report for Permit D35382 states that this permit was issued for interior alterations of retail space and no dwelling units. There is no evidence of a finalized building permit, showing the date of completion and final inspection date for the residential conversion of the subject property.

In summary, while there was no evidence of residential use before January 1, 1983, and the evidence showed that the units were newly created from an entirely non-residential space (a factory/warehouse/office space) after January 1, 1983, there is no Certificate of Occupancy issued after January 1, 1983, or its equivalent, such as a 3-R Report showing a finalized building permit for residential conversion. For this reason, the owner has not met the requirements of the Rent Ordinance and the exemption cannot be granted at this time.

**ORDER**

1. Owner Petition L19-0259 is denied.
2. The subject property is not exempt from the Rent Adjustment Program.

Right to Appeal: This is the final decision of the Rent Adjustment Program. Either party may appeal by filing a completed RAP appeal form within 15 days<sup>9</sup> after service of the decision, which is shown on the attached Proof of Service.

Dated: September 17, 2021



\_\_\_\_\_  
Linda M. Moroz, Hearing Officer  
Rent Adjustment Program

<sup>9</sup> O.M.C. §8.22.120(A)(1)

**PROOF OF SERVICE**  
**Case Number L19-0259**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California 94612.

**Today, I served the attached document listed below by placing a true copy in a City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5th Floor, Oakland, California, addressed to:**

**Document Included**  
Hearing Decision

**Owner**  
901 Jefferson, LLC, 901 Jefferson, LLC  
155 Grand Avenue # 950  
Oakland, CA 94612

**Owner Representative**  
Lerna Kazazic, Pahl & McCay  
225 W. Santa Clara Street # 1500  
San Jose, CA 95113

**Tenants**  
Amy Callis  
4001 San Leandro Street # 30  
Oakland, CA 94601

Caleb Duarte  
4001 San Leandro Street # 18  
Oakland, CA 94601

Chester Rhoden  
4001 San Leandro Street # 13  
Oakland, CA 94601

Chris Congdon  
4001 San Leandro Street # 26  
Oakland, CA 94601

Chris Ledet  
4001 San Leandro Street # 7  
Oakland, CA 94601

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Courtney Lain  
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Cristina Rivera-Hess  
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Lauren Aiken  
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Logan Shillinglaw IV  
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Michael Cantor  
4001 San Leandro Street # 19  
Oakland, CA 94601

Mike McCord  
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Muhammad Yaremko  
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Natalie Davis  
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Oakland, CA 94601

Stephen Wagner  
4001 San Leandro Street # 2  
Oakland, CA 94601

Steven Joyner  
4001 San Leandro Street # 17  
Oakland, CA 94601

**Tenant Representative**

David Hall, Centro Legal de la Raza  
3400 E. 12th Street  
Oakland, CA 94601

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

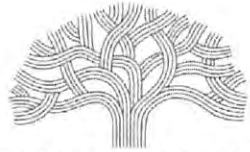
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **September 23, 2021** in Oakland, CA.



---

Ava Silveira  
Oakland Rent Adjustment Program

000170



CITY OF OAKLAND

**CITY OF OAKLAND  
RENT ADJUSTMENT PROGRAM**

250 Frank Ogawa Plaza, Suite 5313  
Oakland, CA 94612  
(510) 238-3721

For date stamp.

**APPEAL**

<b>Appellant's Name</b> 901 Jefferson LLC		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	
<b>Property Address (Include Unit Number)</b> 4001 San Leandro Street			
<b>Appellant's Mailing Address (For receipt of notices)</b> 155 Grand Avenue #950 Oakland, CA 94612		<b>Case Number</b> L19-0259	
		<b>Date of Decision appealed</b> September 20, 2021	
<b>Name of Representative (if any)</b> Lerna Kazazic, Esq. Pahl & McCay		<b>Representative's Mailing Address (For notices)</b> 225 W. Santa Clara Street, Suite 1500 San Jose, CA 95113	

Please select your ground(s) for appeal from the list below. As part of the appeal, an explanation must be provided responding to each ground for which you are appealing. Each ground for appeal listed below includes directions as to what should be included in the explanation.

1) There are math/clerical errors that require the Hearing Decision to be updated. *(Please clearly explain the math/clerical errors.)*

2) Appealing the decision for one of the grounds below (required):

- a)  The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations or prior decisions of the Board. *(In your explanation, you must identify the Ordinance section, regulation or prior Board decision(s) and describe how the description is inconsistent.)*
- b)  The decision is inconsistent with decisions issued by other Hearing Officers. *(In your explanation, you must identify the prior inconsistent decision and explain how the decision is inconsistent.)*
- c)  The decision raises a new policy issue that has not been decided by the Board. *(In your explanation, you must provide a detailed statement of the issue and why the issue should be decided in your favor.)*
- d)  The decision violates federal, state or local law. *(In your explanation, you must provide a detailed statement as to what law is violated.)*
- e)  The decision is not supported by substantial evidence. *(In your explanation, you must explain why the decision is not supported by substantial evidence found in the case record.)*

For more information phone (510) 238-3721.

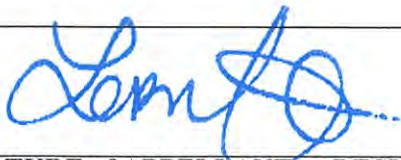
- f)  **I was denied a sufficient opportunity to present my claim or respond to the petitioner's claim.** *(In your explanation, you must describe how you were denied the chance to defend your claims and what evidence you would have presented. Note that a hearing is not required in every case. Staff may issue a decision without a hearing if sufficient facts to make the decision are not in dispute.)*
- g)  **The decision denies the Owner a fair return on my investment.** *(You may appeal on this ground only when your underlying petition was based on a fair return claim. You must specifically state why you have been denied a fair return and attach the calculations supporting your claim.)*
- h)  **Other.** *(In your explanation, you must attach a detailed explanation of your grounds for appeal.)*

**Submissions to the Board must not exceed 25 pages from each party, and they must be received by the Rent Adjustment Program with a proof of service on opposing party within 15 days of filing the appeal.** Only the first 25 pages of submissions from each party will be considered by the Board, subject to Regulations 8.22.010(A)(5). *Please number attached pages consecutively. Number of pages attached: \_\_\_\_\_.*

All argument and supporting documentation shall be submitted within fifteen days of the submission of this appeal.

- **You must serve a copy of your appeal on the opposing parties or your appeal may be dismissed.** •  
 I declare under penalty of perjury under the laws of the State of California that on October 7, 2021, I placed a copy of this form, and all attached pages, in the United States mail or deposited it with a commercial carrier, using a service at least as expeditious as first class mail, with all postage or charges fully prepaid, addressed to each opposing party as follows:

<b><u>Name</u></b>	Please see attached service list.
<b><u>Address</u></b>	
<b><u>City, State Zip</u></b>	
<b><u>Name</u></b>	
<b><u>Address</u></b>	
<b><u>City, State Zip</u></b>	

	10/7/21
<b>SIGNATURE of APPELLANT or DESIGNATED REPRESENTATIVE</b>	<b>DATE</b>

For more information phone (510) 238-3721.

**IMPORTANT INFORMATION:**

This appeal must be received by the Rent Adjustment Program, 250 Frank Ogawa Plaza, Suite 5313, Oakland, California 94612, not later than 5:00 P.M. on the 20th calendar day after the date the decision was mailed to you as shown on the proof of service attached to the decision. If the last day to file is a weekend or holiday, the time to file the document is extended to the next business day.

- Appeals filed late without good cause will be dismissed.
- You must provide all the information required, or your appeal cannot be processed and may be dismissed.
- Any response to the appeal by the other party must be received by the Rent Adjustment Program with a proof of service on opposing party within 35 days of filing the appeal.
- The Board will not consider new claims. All claims, except jurisdiction issues, must have been made in the petition, response, or at the hearing.
- The Board will not consider new evidence at the appeal hearing without specific approval.
- You must sign and date this form or your appeal will not be processed.
- The entire case record is available to the Board, but sections of audio recordings must be pre-designated to Rent Adjustment Staff.

**For more information phone (510) 238-3721.**

## SERVICE LIST

City of Oakland  
Rent Adjustment Program  
250 Frank Ogawa Plaza,  
Suite 5313  
Oakland, CA 94612

901 Jefferson, LLC, 901  
Jefferson, LLC  
155 Grand Avenue # 950  
Oakland, CA 94612

Amy Callis  
4001 San Leandro Street # 30  
Oakland, CA 94601

Caleb Duarte  
4001 San Leandro Street # 18  
Oakland, CA 94601

Chester Rhoden  
4001 San Leandro Street # 13  
Oakland, CA 94601

Chris Congdon  
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Oakland, CA 94601

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Oakland, CA 94601

Christopher Wettersten  
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Courtney Lain  
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Cristina Rivera-Hess  
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Oakland, CA 94601

David Horton  
4001 San Leandro Street # 25  
Oakland, CA 94601

Delene Hessinger  
4001 San Leandro Street # 10  
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Eliot Curtis  
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Erika Frank  
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Jackson LaForce  
4001 San Leandro Street # 15  
Oakland, CA 94601

Jeffrey Rivas  
4001 San Leandro Street # 1  
Oakland, CA 94601

Julie Davis  
4001 San Leandro Street # 3  
Oakland, CA 94601

Karina Vlastnik  
4001 San Leandro Street # 29  
Oakland, CA 94601

Katherine Smith  
4001 San Leandro Street # 22  
Oakland, CA 94601

Kenna Benitez  
4001 San Leandro Street # 20  
Oakland, CA 94601

Kristen Fiden  
4001 San Leandro Street # 11  
Oakland, CA 94601

Lauren Aiken  
4001 San Leandro Street # 23  
Oakland, CA 94601

Logan Shillinglaw 1V  
4001 San Leandro Street #9  
Oakland, CA 94601

Marcus Pacheco  
4001 San Leandro Street #24  
Oakland, CA 94601

Mark Tse  
4001 San Leandro Street # 31  
Oakland, CA 94601

Matthew Wigeland  
4001 San Leandro Street # 6  
Oakland, CA 94601

Michael Cantor  
4001 San Leandro Street # 19  
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**000176**



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4001 San Leandro Street # 17  
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Tenant Representative  
David Hall, Centro Legal de  
la Raza  
3400 E. 12th Street  
Oakland, CA 94601

ORIGIN ID: RBKA (408) 286-5100  
MICHELLE GARCIA  
PAHL & MCCAY  
225 W. SANTA CLARA STREET  
SUITE 1500  
SAN JOSE, CA 95113  
UNITED STATES US

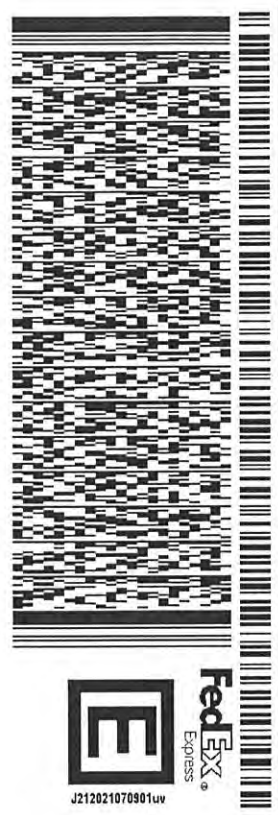
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CAD: 1850473INNET4400

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TO RENT ADJUSTMENT PROGRAM  
CITY OF OAKLAND  
250 FRANK OGAWA PLAZA, SUITE 5313

OAKLAND CA 94612  
(510) 238-3721 REF: 4693 004

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1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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**RENT ADJUSTMENT PROGRAM  
OAKLAND**

1 **PAHL & McCAY**  
A Professional Law Corporation  
2 **Servando R. Sandoval, Esq.** (State Bar No. 205339)  
3 **Lerna Kazazic, Esq.** (State Bar No. 306207)  
225 West Santa Clara Street  
Suite 1500  
4 San Jose, California 95113-1752  
Telephone: (408) 286-5100  
5 Facsimile: (408) 286-5722  
Email: lkazazic@pahl-mccay.com

6 Attorneys for Appellants  
7 901 JEFFERSON, LLC.

8 **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
9 **RENT ADJUSTMENT PROGRAM**

10 **CITY OF OAKLAND**

11 901 Jefferson, LLC	)	EXPLANATION IN SUPPORT OF
	)	APPEAL TO HEARING OFFICER
12 Appellants	)	DECISION
	)	
13 v.	)	Case No. L19-0259
	)	
14 Tenants	)	Date: TBD
	)	Time: TBD
15 Respondents	)	
	)	
	)	
	)	
	)	
	)	

18 This Explanation In Support of Appeal to Hearing Officer Decision is submitted on behalf  
19 of 901 Jefferson, LLC. ("Appellant") in response to the September 20, 2021 Hearing Decision of  
20 Hearing Officer Linda Moroz, which was mailed to the parties on September 23, 2021. The  
21 Decision affects the real property located at 4001 San Leandro Street in Oakland, California (the  
22 "Property").

23 **GROUND S TO APPEAL**

24 Per the directions founds on the appeal form, the appeal must be received by the Rent  
25 Adjustment Form by no later than the 20<sup>th</sup> calendar day after the date of the decision, which in this  
26 case would be October 13, 2021.

27 On October 7, 2021, Appellants submitted their appeal by way of the form prescribed by  
28 the Rent Adjustment Program. By way of this submission, Appellants are providing further

**Pahl & McCay**  
A Professional Corp.  
225 W. Santa Clara  
Suite 1500  
San Jose, CA 95113  
(408) 286-5100  
  
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1 explanation as to the grounds for appeal.

- 2 • The decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior  
3 decision of the Board.
  - 4 ○ The Oakland Rent Adjustment Ordinance (OMC Chapter 8.22.020) states that  
5 dwelling units are not “covered units” under the Ordinance if such units “were  
6 newly constructed and received a certificate of occupancy on or after January 1,  
7 1983” The dwelling units must be entirely newly constructed or created from space  
8 that was formerly entirely non-residential.
  - 9 ○ T05-0110 (Peacock v. Vulcan Props, LP): A building was constructed in the late  
10 1980s and there was reliable evidence that construction was inspected and  
11 approved by a City Building Inspection and the permit was finalized. A “finalized”  
12 building permit is the practical equivalent of a Certificate of Occupancy.
  - 13 ○ T12-0112 (Williams v. Best Bay Apts): The Hearing Officer re-affirmed that a  
14 finalized building permit was the practical equivalent of a Certificate of Occupancy  
15 and that the owner had proven by a preponderance of evidence that the subject  
16 building was entirely new construction and that the building either did or should  
17 have received a Certificate of occupancy after January 1, 1983.
  - 18 ○ The Hearing Officer found that there was no evidence of residential use before  
19 January 1, 1983 and that the evidence showed that the units were newly constructed  
20 from an entirely non-residential space (a factor/warehouse/office space) after  
21 January 1, 1983. The Hearing Officer’s determination that that Property is not  
22 exempt from the Rent Adjustment Program is based solely on the lack of a  
23 Certificate of Occupancy issued after 1983, or its equivalent. While the evidence  
24 presented during the hearing rested heavily on demonstrated that there was no  
25 residential use prior to 1983, the Property does, in fact, have final permits  
26 (functional equivalent to a Certificate of Occupancy) that were issued after 1983.  
27 The Property received a Conditional Use Permit (C88-482) prior to 2000 for 23  
28 live/work spaces in the building. Appellants have requested copies of this Permit

1 from the City and have been unable to obtain copies of such permits (the City has  
2 seemingly misplaced the permit and was unable to provide a copy, although several  
3 communications from the City confirm existence of the permit); however,  
4 documentation surrounding this permit has been obtained. Appellants continue to  
5 research and attempt to obtain copies of this permit to submit to the City. The  
6 Property then received a second Conditional Use Permit in the mid-2000s for the  
7 remaining 10 units. All units at the Property have a Conditional Use Permit, which  
8 is the practical equivalent of the Certificate of Occupancy. Copies of these permits  
9 have been requested from the City and shall be obtained (if available), within 15  
10 days of the filing of the Appeal.

- 11 • The decision is inconsistent with decision issued by other Hearing Officers.
  - 12 ○ The Oakland Rent Adjustment Ordinance (OMC Chapter 8.22.020) states that
  - 13 dwelling units are not “covered units” under the Ordinance if such units “were
  - 14 newly constructed and received a certificate of occupancy on or after January 1,
  - 15 1983” The dwelling units must be entirely newly constructed or created from space
  - 16 that was formerly entirely non-residential.
  - 17 ○ T05-0110 (Peacock v. Vulcan Props, LP): A building was constructed in the late
  - 18 1980s and there was reliable evidence that construction was inspected and
  - 19 approved by a City Building Inspection and the permit was finalized. A “finalized”
  - 20 building permit is the practical equivalent of a Certificate of Occupancy.
  - 21 ○ T12-0112 (Williams v. Best Bay Apts): The Hearing Officer re-affirmed that a
  - 22 finalized building permit was the practical equivalent of a Certificate of Occupancy
  - 23 and that the owner had proven by a preponderance of evidence that the subject
  - 24 building was entirely new construction and that the building either did or should
  - 25 have received a Certificate of occupancy after January 1, 1983.
  - 26 ○ The Hearing Officer found that there was no evidence of residential use before
  - 27 January 1, 1983 and that the evidence showed that the units were newly constructed
  - 28 from an entirely non-residential space (a factor/warehouse/office space) after

1 January 1, 1983. The Hearing Officer's determination that that Property is not  
2 exempt from the Rent Adjustment Program is based solely on the lack of a  
3 Certificate of Occupancy issued after 1983, or its equivalent. While the evidence  
4 presented during the hearing rested heavily on demonstrated that there was no  
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16 is the practical equivalent of the Certificate of Occupancy. Copies of these permits  
17 have been requested from the City and shall be obtained (if available), within 15  
18 days of the filing of the Appeal.

- 19 • The decision raises a new policy issue that has not been decided by the Board.
  - 20 ○ The Oakland Rent Adjustment Ordinance (OMC Chapter 8.22.020) states that
  - 21 dwelling units are not "covered units" under the Ordinance if such units "were
  - 22 newly constructed and received a certificate of occupancy on or after January 1,
  - 23 1983" The dwelling units must be entirely newly constructed or created from space
  - 24 that was formerly entirely non-residential.
  - 25 ○ T05-0110 (Peacock v. Vulcan Props, LP): A building was constructed in the late
  - 26 1980s and there was reliable evidence that construction was inspected and
  - 27 approved by a City Building Inspection and the permit was finalized. A "finalized"
  - 28 building permit is the practical equivalent of a Certificate of Occupancy.

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- T12-0112 (Williams v. Best Bay Apts): The Hearing Officer re-affirmed that a finalized building permit was the practical equivalent of a Certificate of Occupancy and that the owner had proven by a preponderance of evidence that the subject building was entirely new construction and that the building either did or should have received a Certificate of occupancy after January 1, 1983.
- The Hearing Officer found that there was no evidence of residential use before January 1, 1983 and that the evidence showed that the units were newly constructed from an entirely non-residential space (a factor/warehouse/office space) after January 1, 1983. The Hearing Officer's determination that that Property is not exempt from the Rent Adjustment Program is based solely on the lack of a Certificate of Occupancy issued after 1983, or its equivalent. While the evidence presented during the hearing rested heavily on demonstrated that there was no residential use prior to 1983, the Property does, in fact, have final permits (functional equivalent to a Certificate of Occupancy) that were issued after 1983. The Property received a Conditional Use Permit (C88-482) prior to 2000 for 23 live/work spaces in the building. Appellants have requested copies of this Permit from the City and have been unable to obtain copies of such permits (the City has seemingly misplaced the permit and was unable to provide a copy, although several communications from the City confirm existence of the permit); however, documentation surrounding this permit has been obtained. Appellants continue to research and attempt to obtain copies of this permit to submit to the City. The Property then received a second Conditional Use Permit in the mid-2000s for the remaining 10 units. All units at the Property have a Conditional Use Permit, which is the practical equivalent of the Certificate of Occupancy. Copies of these permits have been requested from the City and shall be obtained (if available), within 15 days of the filing of the Appeal.
- The decision violates federal, state, or local law.
  - The Oakland Rent Adjustment Ordinance (OMC Chapter 8.22.020) states that

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 Suite 1500  
 San Jose, CA 95113  
 (408) 286-5100

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1 dwelling units are not “covered units” under the Ordinance if such units “were  
2 newly constructed and received a certificate of occupancy on or after January 1,  
3 1983” The dwelling units must be entirely newly constructed or created from space  
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- 5 ○ T05-0110 (Peacock v. Vulcan Props, LP): A building was constructed in the late  
6 1980s and there was reliable evidence that construction was inspected and  
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DATED: October 12, 2021

PAHL & McCAY  
A Professional Law Corporation



By: \_\_\_\_\_  
Lerna Kazacic, Esq.

Attorneys for Appellant  
901 Jefferson, LLC

Pahl & McCay  
A Professional Corp  
225 W. Santa Clara  
Suite 1500  
San Jose, CA 95113  
(408) 286-5100

\*4693/004 -  
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1 Dept of Housing – Rent Adjustment Program, Case No.: L19-0259

2 PROOF OF SERVICE

3 State of California )  
4 County of Santa Clara ) xx

5 I am a citizen of the United States and an employee in the aforesaid County. I am over the  
6 age of eighteen years and not a party to the within action. My business address is 225 West Santa  
7 Clara Street, Suite 1500, San Jose, California 95113-1752. On the date mentioned below, I caused  
8 true copy(ies) of the following document(s) to be served on the party(ies) below using the  
9 method(s) checked:

- EXPLANATION IN SUPPORT OF APPEAL TO HEARING OFFICER DECISION

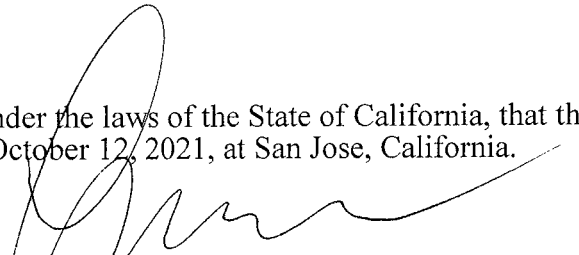
10 On the Addressee(s) below named in said action by:

- 11  First Class Mail. I am familiar with the regular mail collection and processing  
12 practices of the business. Mail will be deposited with the United States Postal  
13 Service on the same day following ordinary business practices. I enclosed the  
14 above-mentioned document(s) in a sealed envelope with postage thereon fully  
15 prepaid in the United States Post Office mail box at the above address in San Jose,  
16 California.
- By Personal Delivery (by Messenger Service).
- By Federal Express pursuant to Code of Civil Procedure § 1005.
- By Electronic Mail, to the email address(es) set forth below.

17 Addressee(s)

18 See Attached List

19  
20 I declare under penalty of perjury, under the laws of the State of California, that the  
21 foregoing is true and correct. Executed on October 12, 2021, at San Jose, California.

22   
23 Lupe C. Austin

24 Pahl & McCay  
25 A Professional Corp.  
26 225 W. Santa Clara  
27 Suite 1500  
28 San Jose, CA 95113  
(408) 286-5100  
1879.105  
00715466  
\*4693/004 -  
00907660.DOCX

## SERVICE LIST

### Owner

901 Jefferson, LLC, 901 Jefferson, LLC  
155 Grand Avenue # 950  
Oakland, CA 94612

### Tenants

Amy Callis  
4001 San Leandro Street # 30  
Oakland, CA 94601

Caleb Duarte  
4001 San Leandro Street # 18  
Oakland, CA 94601

Chester Rhoden  
4001 San Leandro Street # 13  
Oakland, CA 94601

Chris Congdon  
4001 San Leandro Street # 26  
Oakland, CA 94601

Chris Ledet  
4001 San Leandro Street # 7  
Oakland, CA 94601

Christopher Wettersten  
4001 San Leandro Street # 12  
Oakland, CA 94601

Courtney Lain  
4001 San Leandro Street # 14  
Oakland, CA 94601

Cristina Rivera- Hess  
4001 San Leandro Street # 4  
Oakland, CA 94601

Dane Pollock  
4001 San Leandro Street # 28  
Oakland, CA 94601

David Horton  
4001 San Leandro Street # 25  
Oakland, CA 94601

Delene Hessinger  
4001 San Leandro Street # 10  
Oakland, CA 94601

Eliot Curtis  
4001 San Leandro Street # 21  
Oakland, CA 94601

Erika Frank  
4001 San Leandro Street #5  
Oakland, CA 94601

Jackson LaForce  
4001 San Leandro Street # 15  
Oakland, CA 94601

Jeffery Rivas  
4001 San Leandro Street # 1  
Oakland, CA 94601

Julie Davis  
4001 San Leandro Street # 3  
Oakland, CA 94601

Karina Vlastnik  
4001 San Leandro Street # 29  
Oakland, CA 94601

Katherine Smith  
4001 San Leandro Street # 22  
Oakland, CA 94601

Kenna Benitez  
4001 San Leandro Street # 20  
Oakland, CA 94601

Kristen Eiden  
4001 San Leandro Street # 11  
Oakland, CA 94601

Lauren Aiken  
4001 San Leandro Street # 23  
Oakland, CA 94601

Logan Shillinglaw 1V  
4001 San Leandro Street # 9  
Oakland, CA 94601

Marcus Pacheco  
4001 San Leandro Street # 24  
Oakland, CA 94601

Mark Tse  
4001 San Leandro Street # 31  
Oakland, CA 94601

Matthew Wigeland  
4001 San Leandro Street # 6  
Oakland, CA 94601

Michael Cantor  
4001 San Leandro Street # 19  
Oakland, CA 94601

Mike McCord  
4001 San Leandro Street # 16  
Oakland, CA 94601

Muhammad Yaremko  
4001 San Leandro Street # 33  
Oakland, CA 94601

Natalie Davis  
4001 San Leandro Street # 32  
Oakland, CA 94601

Patrick Hamilton  
4001 San Leandro Street # 27  
Oakland, CA 94601

Resident  
4001 San Leandro Street # 34  
Oakland, CA 94601

Sigrid Hafstrom  
4001 San Leandro Street # 8  
Oakland, CA 94601

Stephen Wagner  
4001 San Leandro Street # 2  
Oakland, CA 94601

Steven Joyner  
4001 San Leandro Street # 17  
Oakland, CA 94601

Tenant Representative  
David Hall, Centro Legal de la Raza  
3400 E. 12 Street  
Oakland, CA 94601

RECEIVED

AS

OCT 25 2021

RENT ADJUSTMENT PROGRAM  
OAKLAND

1 PAHL & McCAY  
A Professional Corporation  
2 Servando R. Sandoval, Esq. (State Bar No. 205339)  
Lerna Kazazic, Esq. (State Bar No. 306207)  
3 225 West Santa Clara Street  
Suite 1500  
4 San Jose, California 95113-1752  
Telephone: (408) 286-5100  
5 Facsimile: (408) 286-5722  
Email: ssandoval@pahl-mccay.com  
6 lkazazic@pahl-mccay.com

7 Attorneys for Appellant  
901 JEFFERSON, LLC.

8 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
9 RENT ADJUSTMENT PROGRAM

10 CITY OF OAKLAND

11 901 Jefferson, LLC, ) APPELLANT'S BRIEF IN SUPPORT OF  
12 Appellant, ) APPEAL TO HEARING OFFICER  
13 v. ) DECISION  
14 Tenants, ) Case No. L19-0259  
15 Respondents. ) Date: TBD  
16 ) Time: TBD  
17 )

18 Appellant 901 Jefferson, LLC. ("Appellant") hereby submits the following Brief in  
19 Support of its Appeal to Hearing Officer Decision in support of the Appeal to the September 20,  
20 2021 Hearing Decision issued by Hearing Officer Linda Moroz (the "Decision"). The Decision  
21 affects the real property located at 4001 San Leandro Street in Oakland, California (the  
22 "Property"). Appellant submitted its appeal to the Decision on October 7, 2021 and Respondents  
23 are hereby submitted argument and evidence in support of the Appeal.

24 GROUND TO APPEAL

25 Appellants are appealing the Decision on the following grounds:

26 (1) the Decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior  
27 decisions of the Board;

- 1 (2) the Decision is inconsistent with decisions issued by other Hearing Officers;
- 2 (3) the Decision raises a new policy issue that has not been decided by the Board;
- 3 (4) the Decision violates federal, state, or local law, and;
- 4 (5) The Decision is not supported by the evidence.

5 **RELEVANT LAW**

6 The Oakland Rent Adjustment Ordinance (OMC Chapter 8.22.020) states that dwelling  
7 units are not “covered units” under the Ordinance if such units “were newly constructed and  
8 received a certificate of occupancy on or after January 1, 1983.” OMC 8.22.020(A)(5) This section  
9 goes on to clarify that the dwelling units must be entirely newly constructed or created from  
10 space that was formerly entirely non-residential.

11 Section 8.22.020(B)(1) provides that method for obtaining a certificate of exemption,  
12 which is a determination by the Rent Adjustment Program that a dwelling unit or units qualify for  
13 an exemption and, are therefore, not covered units. For units exempt as new construction, or by  
14 state law, an owner may obtain a certificate of exemption by claiming and proving an exemption  
15 in response to a tenant petition or by an owner petitioning the Rent Adjustment Program for such  
16 exemption. For purposes of obtaining a certificate of exemption, the burden of proving and  
17 producing evidence for the exemption is on the owner.

18 In Garsson v. Collins, T04-0163, the Hearing Officer found that a former warehouse,  
19 which was converted into live/work lofts, was ineligible for exemption from the Ordinance as  
20 “new construction” because there was no Certificate of Occupancy ever issued for the building.  
21 The landlord appealed to the Board on the basis that it was not possible for the landlord to have  
22 obtained a Certificate of Occupancy at the time the premises were converted to live-work units.  
23 The Board remanded the case for a further hearing, during which the parties would be able to  
24 present further evidence and comment on the issue of the new construction exemption and the  
25 need for a Certificate of Occupancy. During the remanded hearing, the landlord testified that the  
26 City was not issuing Certificates of Occupancy for live/work conversions at the time he acquired  
27 the property and did not begin to do so until November 2004.

1 In further support, the landlord submitted the decision in Wood v. Collins (T04-0380), that  
2 suggest that no Certificate of Occupancy was available in the 1980s, but states that as of  
3 November 2004, a Certificate of Occupancy for live-work conversions become obtainable. The  
4 Hearing Officer found that the landlord satisfied the burden of proof on the fact that no  
5 Certificates of Occupancy were available until 2004.

6 In Williams v. Best Bay Apts (T12-0112), the owner did not provide a Certificate of  
7 Occupancy. The owner's representative testified that he went to the City Inspection Services and  
8 requested a copy of the Certificate of Occupancy for the subject building. The owner's  
9 representative presented a document on which the City's Inspection Manager for the City of  
10 Oakland wrote that the City could not locate the Certificate of Occupancy at that time and to  
11 accept the building permit as the final document.

12 The Hearing Officer found that the testimony and documents presented at the hearing were  
13 found to be credible. The Hearing Officer took official notice of Peacock, et al. v. Vulcan Props.,  
14 LP (T05-0110), in which a building was constructed in the late 1980s and there was reliable  
15 evidence that the construction was inspected and approved by a City Building Inspector (the  
16 permit was "finalized"); however, the records of the Building Department did not contain a  
17 Certificate of Occupancy.

18 At the hearing in Peacock, Ray Derania, who was then the City Code Compliance  
19 Manager, testified that many records of the Building Department were lost in the 1989 earthquake.  
20 He further testified that at that time, due to clerical oversight, paperwork leading to a Certificate of  
21 Occupancy was not prepared after a building permit was finalized. Mr. Derania further testified  
22 that, in the normal course of business, final approval by a City of Oakland Building Inspector  
23 would trigger the issuance of a Certificate of Occupancy and that there is nothing more to be done.  
24 The Hearing Officer in the Peacock matter held that a "finalized" building permit is the practical  
25 equivalent of a Certificate of Occupancy. The Hearing Officer specifically ruled that a Certificate  
26 of Occupancy for the subject building was not available, that it was constructed in 1989, and that a  
27 building permit was finalized. Based on this, the Hearing Officer found that the owner had proven  
28



1 by a preponderance of the evidence that the subject building was entirely new construction and  
2 that that the building did or should have received a Certificate of Occupancy after January 1, 1983.  
3 The tenant filed an appeal to this decision, asserting that it was incorrect on the basis that the  
4 owner never produce a Certificate of Occupancy. The Board affirmed the decision of the Hearing  
5 Officer.

### 6 SUMMARY OF DECISION

7 The Property consists of a total of thirty-three (33) residential units and has one Assessor  
8 Parcel Number. During the hearing, Appellant submitted several pages of documents that  
9 consisted of the City of Oakland building and planning records, permit applications and records  
10 relating to the Property. The Tenants submitted a packet of documents containing affidavits of past  
11 residents, public records, copies from telephone books, applications for permits, and the 3-R  
12 Reports. Upon review of all evidence and testimony presented at the hearing, the Hearing Officer  
13 found that there was no evidence of residential use before January 1, 1983 and that the evidence  
14 showed that the units were newly constructed from an entirely non-residential space (a  
15 factory/warehouse/office space) after January 1, 1983. Regardless, the Hearing Officer found that  
16 the Property is not exempt from the Ordinance and denied Appellant's Petition.

17 The Hearing Officer's determination that that Property is not exempt from the Rent  
18 Adjustment Program is based solely on the lack of a Certificate of Occupancy issued after 1983, or  
19 its equivalent, such as a 3-R Report showing a finalized building permit for residential conversion.

### 20 APPEAL ARGUMENT

21 While the evidence presented during the hearing rested heavily on demonstrating that there  
22 was no residential use prior to January 1, 1983, the Property does, in fact, have a variety of  
23 finalized permit for Units 1-23 and a Certificate of Occupancy for Units 24-33.

#### 24 Property Background

25 The Property was converted into artist lofts between 1984 and 1986, after being used as a  
26 warehouse and commercial space for nearly 60 years. The Property was issued a Building Permit,  
27 an Electrical Permit, and a Plumbing Permit between 1984 and 1986 for this conversion. In 1991,  
28

1 an arson fire destroyed a better portion of the Property and extensive repairs had to be undertaken  
2 in order for the Property to once again be livable. Once again, a Building Permit, Electrical Permit,  
3 and Plumbing Permit were issued for these repairs to be undertaken. A true and correct copy of all  
4 available permits is attached hereto as Exhibit A. These permits were presented to the Hearing  
5 Officer during the Hearing and submitted in support of Appellant's Petition. These documents are  
6 the only available relevant permits to Appellant, that were obtained from the prior owner.  
7 Interestingly, in response to all public records requests for all permits applicable to the Property,  
8 these permits were never produced. It appears that there is a record of poor-record keeping on the  
9 part of the city, which as lead to repeated difficulty with establishing proper documentation for the  
10 Property. To demonstrate such, Appellant has obtained a copy of an Attestation of Erroneous of  
11 Unauthorized Destruction of Records demonstrating that the City is missing most planning case  
12 files for the year 1986. A true and correct copy of this Attestation of attached hereto as Exhibit B.

13 Units 1- 23

14 The Property received a Conditional Use Permit ("CUP"), No. C88-482, at some time prior  
15 to 2000 for Units 1-23 at the Property. Appellant has spent several years trying to obtain copies of  
16 this CUP from the City, but for some unknown reason, the City does not have a copy of this CUP.  
17 Appellant has been able to, however, obtain documentation confirming existence of the CUP.  
18 Attached to this Brief, as Exhibit C, is a letter from Willie Yee, Zoning Administrator, dated  
19 October 27, 2000, confirming that "[t]here are existing 23 live/work space[s] under previous  
20 Conditional Use Permit C88-482." Appellant's counsel has submitted several public records  
21 requests to attempt and obtain a copy of the CUP and the City has been unable to produce such. A  
22 true and correct copy of the public records requests and responses from the City is attached hereto  
23 as Exhibit D.

24 Units 24-33

25 Around the year 2000, the previous owner of the Property set out to permit the remaining  
26 10 units that were not covered under CUP C88-482. This process lasted several years and was  
27 finally completed in the year 2018 by Appellant. The City was heavily involved in the process as  
28

ahl & McCay  
Professional Corp.  
5 W. Santa Clara  
Ave 1500  
San Jose, CA 95113  
(408) 286-5100

93/004 -  
10356.DOCX

1 several changes had to be made to the remaining 10 units and the Property in order for the City to  
2 sign off on the project. During this process, Appellant submitted a further application to document  
3 previously existing live/work units. Ultimately, as a result of these efforts, the City issued a  
4 Certificate of Occupancy on July 6, 2018. The Certificate of Occupancy describes the building use  
5 as Live/Work with 33 dwelling units. A copy of the Certificate of Occupancy is attached hereto as  
6 Exhibit E.

### 7 CONCLUSION

8 While the evidence presented during the hearing heavily focused on demonstrating that  
9 there was no residential use prior to 1983, the Property is exempt from the Ordinance not just on  
10 the basis that there was no residential use prior to January 1, 1983, but also that there is a  
11 Certificate of Occupancy and its functional equivalent issued after January 1, 1983. Units 1-23 had  
12 the functional equivalent of a Certificate of Occupancy (the CUP) for several years, and the  
13 remaining 10 units, 23-33, received a Certificate of Occupancy in 2018. In addition, Appellant  
14 spent several years working with the City to try and obtain copies of the CUP, but was  
15 unsuccessful through no fault of Appellant. As has been established in prior decisions issued by  
16 this Board, Certificates of Occupancy for live-work conversions were not obtainable from the City  
17 prior to 2004. This would explain why the City has no record of a Certificate of Occupancy for  
18 the first 23 units. The City simply did not issue them. However, the evidence shows that the units  
19 had the final permits approved and as such the Property is exempt and a certificate of exemption  
20 should have been granted by the Hearing Officer.

21 As a result, the Hearing Officer's Decision should either be overturned or remanded for an  
22 additional hearing.

23 DATED: October 22, 2021

PAHL & McCAY  
A Professional Corporation

24  
25   
26 By: \_\_\_\_\_

Lerna Kazazic, Esq.  
Attorneys for Appellant  
901 Jefferson, LLC

# **EXHIBIT A**

CITY OF OAKLAND  
INSPECTIONAL SERVICES DEPARTMENT  
100 CITY HALL PLAZA  
OAKLAND, CALIF. 94612  
(415) 276-0443



**BUILDING PERMIT APPLICATION**

PERMIT WHEN PROMPTLY FILLED OUT, NONID, VALIDATED

APPLICANT: BILL LEANDER Sr.  
ADDRESS: 12104 57th Ave  
CITY: OAKLAND  
STATE: CA  
ZIP: 94612  
PROJECT: RENOVATION OF WATERLOO RESTAURANT

OWNER: JAMES ALEXANDER  
ADDRESS: 12104 57th Ave  
CITY: OAKLAND  
STATE: CA  
ZIP: 94612  
PROJECT: RENOVATION OF WATERLOO RESTAURANT

INSURANCE: BAKER INSURANCE CO.  
AGENCY: 115/84

NOTICE TO APPLICANT: If after reading the Commission's Decision, you should become aware of any error in the Commission's Decision, you must file a written appeal with the City Clerk within 15 days of the date of the Commission's Decision.

BLDC 111 101.00  
HECR 111 101.02  
SRIP 913 101.03  
REPR 111 15.15  
SUBTOTAL 318.24

Permit No. 115-3444  
Call for Inspection 273-3444  
DATE ISSUED 11/5/84  
DURATION 11/5/84 TO 11/5/85

NEW  REPAIR  
 MOVE  ALTERATION  
 OTHER

DESCRIPTION OF PROPOSED CONSTRUCTION WORK:  
RENOVATION OF WATERLOO RESTAURANT  
SUBSTANCE AND STRUCTURE  
NO DRILLING - 4 CITY

Pin No.	Survey filed
Size of Bldg.	25' x 25' x 2
No. of Units	12
Height at Highest Point	35'
Proposed Use of Bldg.	RESTAURANT
Proposed Use of Site	RESTAURANT
Number of Bldgs. on lot	1
Use of each	RESTAURANT
Lot Area	1,562 S.F.
TYPE OF BUILDING	II III IV C D P R. H. I. 12-14
OCCUPANCY GROUP	A-2
ZONING	M-2
Kind of Coverage	RESTAURANT
Estimated Value	150,000
Valuation of Proposed Work	150,000

APPL. FEE	100.00
R.R. TAX	100.00
M. PL. REV.	100.00
CHECKING FEE	100.00
TOTAL	400.00
GENERAL FEE	100.00
CHECKING FEE	100.00
M. PL. REV.	100.00
TOTAL	300.00
ADDITIONAL FEE	100.00
ADDITIONAL FEE	100.00
ADDITIONAL FEE	100.00
ADDITIONAL FEE	100.00
TOTAL VALUE	150,000
ADDITIONAL FEE	100.00
ADDITIONAL FEE	100.00
ADDITIONAL FEE	100.00
TOTAL	300.00

11-9-84  
FIELD CHECK BY A. HARRIS  
PERMIT ISSUED BY C 2  
FINAL INSPECTION



2/21/7

6/16/85 R. ok front to limits SW hand side 37. Side

6/16/85 p/a on on side Jw

6/18/85 Non-plumbing walls ok to Rock Jw - All

6/16/85 Utilities ok

6/16/85 ~~2~~ Document for exhaust fan & light for  
 2 Exhaust fan to Base  
 11 5' Strong back on BX in, label Paul Blank  
 3 Light in Hall  
 Box in kitchen on 2nd Floor

6/19/85 Final ok

Final One of extra 2 10 00  
 40  
 40 40  
 40 40





ADDITIONAL FEES

Inspected for [unclear] of [unclear] flow [unclear] and [unclear] from [unclear] from [unclear]

025712

1/25/85 [unclear] [unclear] [unclear]  
 1/25/85 [unclear] [unclear] [unclear]  
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1/25/85 [unclear] [unclear] [unclear]

1/25/85 [unclear] [unclear] [unclear]

2-4-85 [unclear] CHECK DELIVERED

20 - SINKS  
 2 - WATER SERVICES (\$15.00 SHORT)  
 1 - GAS TEST

R. J.

STATE OF CALIFORNIA  
 DEVELOPMENT SERVICES DEPARTMENT  
 1500 BROADWAY, 15th FLOOR  
 OAKLAND, CALIF. 94612  
 PHONE (415) 773-3443

**ELECTRICAL PERMIT APPLICATION**

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED & FEES PAID.

PROJECT NO: **10407028**  
 ADDRESS: **4001 SAN LEANDED ST, OAKLAND, CALIF. 94612**  
 CITY: **OAKLAND**  
 COUNTY: **ALAMEDA**  
 ZIP: **94612**

Call for inspection 273-3444  
 DATE ISSUED: **8-27-85** APPROVED BY: **[Signature]**  
 NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION  
 OTHER

Description of Work  
**BUILDING (GARAGEHOUSE) STORAGE**

24	SECTION	LF METERS	WF METERS
15	SERVICE		
16	NEUTRAL GROUNDING		
17	CIRCUITS		
18	OUTLETS (ROUGH)		
19	OUTLETS (FINISH)		
20	SWITCHES		
21	RECEPTACLES		
22	RANGE		
23	RANGE TOP		
24	FAN EXHAUST		
25	DISHWASHER		
26	HEATERS (AIR)		
27	HEATERS (WATER)		
28	FURNACE		
29	WATER HEATER		
30	BEVERAGE COOLER		
31	VEGETABLE COOLER		
32	REFRIGERATOR		
33	STOVE		
34	WASHING MACHINE		
35	FREEZER		
36	REFRIGERATOR		
37	WATER HEATER		
38	WATER HEATER		
39	WATER HEATER		
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100	WATER HEATER		

1. I, the undersigned, certify that I am a duly licensed electrician in the State of California, and that I am the holder of a valid permit to perform the work described herein.  
 2. I certify that the work described herein complies with the California Electrical Code, as amended, and with all applicable local ordinances.  
 3. I certify that the work described herein complies with the California Building Code, as amended, and with all applicable local ordinances.  
 4. I certify that the work described herein complies with the California Fire Code, as amended, and with all applicable local ordinances.  
 5. I certify that the work described herein complies with the California Mechanical Code, as amended, and with all applicable local ordinances.  
 6. I certify that the work described herein complies with the California Plumbing Code, as amended, and with all applicable local ordinances.  
 7. I certify that the work described herein complies with the California Gas Code, as amended, and with all applicable local ordinances.  
 8. I certify that the work described herein complies with the California Safety Code, as amended, and with all applicable local ordinances.  
 9. I certify that the work described herein complies with the California Health Code, as amended, and with all applicable local ordinances.  
 10. I certify that the work described herein complies with the California Environmental Code, as amended, and with all applicable local ordinances.  
 11. I certify that the work described herein complies with the California Fire Prevention Code, as amended, and with all applicable local ordinances.  
 12. I certify that the work described herein complies with the California Fire Alarm Code, as amended, and with all applicable local ordinances.  
 13. I certify that the work described herein complies with the California Fire Sprinkler Code, as amended, and with all applicable local ordinances.  
 14. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.  
 15. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.  
 16. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.  
 17. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.  
 18. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.  
 19. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.  
 20. I certify that the work described herein complies with the California Fire Alarm and Signaling Code, as amended, and with all applicable local ordinances.

APPROVED BY: **[Signature]**  
 DATE: **8/27/85**

VALIDATED 11-6-91  
 CITY OF OAKLAND  
 DEVELOPMENT SERVICES DEPARTMENT  
 1500 BROADWAY, 15th FLOOR  
 OAKLAND, CALIF. 94612

**BUILDING PERMIT APPLICATION**

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED & FEES PAID.

PROJECT NO: **10407028**  
 ADDRESS: **4001 SAN LEANDED ST, OAKLAND, CALIF. 94612**  
 CITY: **OAKLAND**  
 COUNTY: **ALAMEDA**  
 ZIP: **94612**

Call for inspection 273-3444  
 DATE ISSUED: **11-6-91** APPROVED BY: **[Signature]**  
 NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION  
 OTHER

Description of Work  
**REPAIR DAMAGE CAUSED BY REBAR FIRE, REBAR ROOF AREA, REBAR AND WINDS, S.W. WOOD, HASTING**

APPROVALS AND FEES

NO.	DESCRIPTION	AMOUNT
1	PERMIT FEE	30.00
2	PLAN FEE	174.60
3	INSPECTION FEE	573.00
4	CONSTRUCTION FEE	212.45
5	WATER FEE	14.60
6	SEWER FEE	14.60
7	STREET FEE	25.00
8	STREET LIGHTING FEE	0.00
9	STREET SIGNAGE FEE	0.00
10	STREET LIGHTING SIGNAGE FEE	0.00
11	STREET LIGHTING SIGNAGE FEE	0.00
12	STREET LIGHTING SIGNAGE FEE	0.00
13	STREET LIGHTING SIGNAGE FEE	0.00
14	STREET LIGHTING SIGNAGE FEE	0.00
15	STREET LIGHTING SIGNAGE FEE	0.00
16	STREET LIGHTING SIGNAGE FEE	0.00
17	STREET LIGHTING SIGNAGE FEE	0.00
18	STREET LIGHTING SIGNAGE FEE	0.00
19	STREET LIGHTING SIGNAGE FEE	0.00
20	STREET LIGHTING SIGNAGE FEE	0.00
21	STREET LIGHTING SIGNAGE FEE	0.00
22	STREET LIGHTING SIGNAGE FEE	0.00
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98	STREET LIGHTING SIGNAGE FEE	0.00
99	STREET LIGHTING SIGNAGE FEE	0.00
100	STREET LIGHTING SIGNAGE FEE	0.00

APPROVED BY: **[Signature]**  
 DATE: **11-6-91**

98-5173, January 12, 1998 4001 SAN LEANDED ST, OAKLAND, CA 94612

CITY OF OAKLAND



INSPECTIONAL SERVICES DEPARTMENT  
One City Hall Plaza, Room 203  
Oakland, California 94612

CORRECTION NOTICE

Brian Andersson  
747 54th St  
Oakland, Ca

4001 San Leandro  
Job Location  
22051  
Permit Number  
8/23/85  
Date

An inspection of the subject premises on the above data revealed the following corrections and/or fees are necessary, as they do not comply with the requirements of the Oakland Code.

Final need fuses, blanks in house  
PANEL & GFI need for outside recept

These corrections are required to be made within ten (10) days after receipt of this notice.

If there are any questions, please contact:

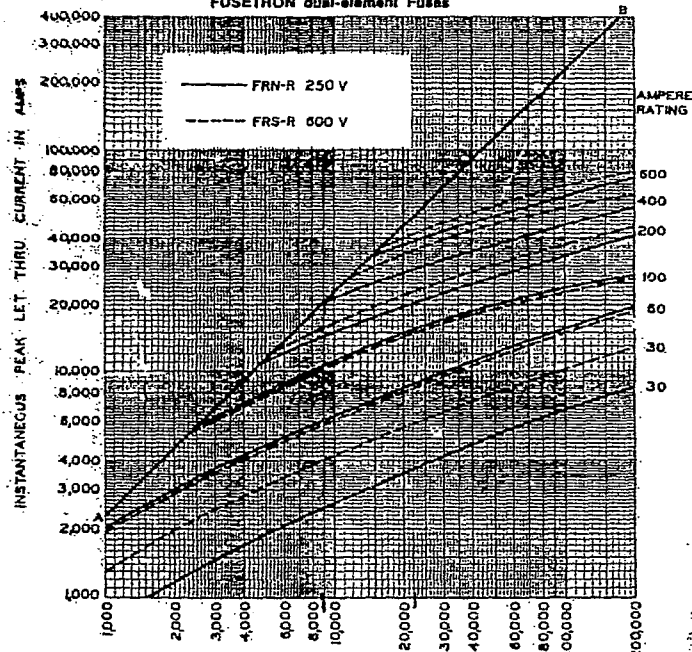
Jim Williams  
Electrician

PHONE: 273-3441-Building Inspection  
273-3341-Electrical Inspection  
273-3291-Plumbing Inspection  
273-3291-Mechanical Inspection

1530-1487-2/85

650-40021 PERMIT # 22051

CURRENT LIMITING EFFECT  
FUSETRON dual-element Fuses



FORM 248

4-71 PROSPECTIVE SHORT-CIRCUIT CURRENT - SYMMETRICAL RMS AMPS

Prospective current is the symmetrical component of short-circuit current that could flow if not limited by the opening of the fuse. The total value of prospective current consists of the short-circuit current determined from the circuit constants plus any current that motors acting as generators may be able to contribute to the fault.

Low voltage fuses have their interrupting rating expressed in terms of the symmetrical component of short-circuit current. In other words, they are given an rms symmetrical interrupting rating. This means that as long as the symmetrical component of current does not exceed the interrupting rating of the fuse, the fuse can interrupt any asymmetrical current that can accompany the symmetrical component of current.

The line A-B on the chart shows the relationship of the instantaneous peak current to the prospective short-circuit current. Although the chart shows the prospective current in symmetrical amperes, the line A-B represents the instan-

aneous peak current of the resultant asymmetrical rms current that could be associated with the symmetrical current. This peak current would be attained if the circuit were not protected by a fuse.

The effect of a fuse in the circuit is to limit the instantaneous peak current to a value less than that represented by line A-B.

The curves below the A-B line show the amount of current which will be let through urban fuses of the sizes shown and used.

To illustrate: The rms value of available short-circuit current calculated from circuit constants is 100,000 amperes symmetrical. Reading into value on line A-B, it is found that the instantaneous peak value is 220,000 amperes. If a 100 ampere FRS or FRN FUSETRON Dual-Element fuse is in the circuit, the peak let-thru current would be 22,000 amperes — or 10% of the current that would flow if the fuse were not protecting the circuit.



CITY OF OAKLAND  
OFFICE OF BUILDING SERVICES DEPARTMENT  
1500 OAKLAND ST.  
OAKLAND, CALIF. 94612  
PHONE (415) 273-3400

ELECTRICAL PERMIT APPLICATION

THIS 16-YEAR PERMIT WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED AND FEES PAID:

PROJECT: **SAUL GALAND ST**  
ADDRESS: **OAKLAND, CALIF.**  
TYPE: **HIGH STREET RECONSTRUCTION**  
OWNER: **2725 MARIST ST**  
PROJECT NO: **94207**  
JOB NO: **JIM ALEXANDER**  
DATE: **53-6480**  
PROJECT: **2725 MARIST ST**  
ADDRESS: **BUICKWAY, CA 94207**

CON. FOR INSPECTION 273-3424  
DATE ISSUED: **6/15/85** APPROVED BY: **[Signature]**  
 NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION  
 OTHER: **REMODEL**

Description of Work: **REMODEL OF RESTROOM**  
**REWORKING LOST FORCE**  
**NEW SERVICE ONE 200 AMP**  
**ONE 600 AMP**

SECTION: **C-10 402028**  
DESCRIPTION: **ALUMINUM ELECTRIC**  
DATE: **5/17/85**

OWNER: **OAKLAND CAL**  
ADDRESS: **457 5052**  
**BRACERSON** **05/14/85**

I certify that I am owner of the property...  
I certify that I am owner of the property...  
I certify that I am owner of the property...  
I certify that I am owner of the property...  
I certify that I am owner of the property...

NO.	DESCRIPTION OF WORK	AMOUNT	REMARKS
15	SERVICE	600A	3N 120
16	SERVICE	600A	3N 120
17	METERS CENTER	22	20.00
18	DISCOUNTS	132	163.00
19	APPURTENANCES	22	33.00
20	OUTLETS (SIGNAL)	48A	141.00
21	FIXTURES	120	140.00
22	SWITCHES	132	33.00
23	RECEPTACLES	272	58.00
24	RANGE		
25	DRYER		
26	RANGE TOP		
27	OVEN		
28	FAN EXHAUST	22	11.00
29	DISPOSAL		
30	DISHWASHER		
31	AIR CONDITIONER		
32	HEATERS (LUM)		
33	HEATERS (MATTN)		
34	FURNACE		
35	REFRIGERATION		
36	FREEZER CASE		
37	REFRIGERATION CASE		
38	VEGETABLE CASE		
39	DEFRIG. UNIT'S		
40	STERILIZER		
41	CASINO PICTURE MATCH		
42	LOCK NEW		
43	LOCK EXISTING		
44	OUTLINE LIGHTING		
45	MOVED BLOC		
46	SERVICE TEMPORARY		
47	MISC APPURTENANCE		
48	MOTORS		
49	PULLBOX		
50	APPLICATION FEE		531.40
51	SUB TOTAL		531.40
52	MINIMUM FEE		531.40
53	SURCHARGE	15	531.40
54	GRAND TOTAL		531.40

I certify that I have read this application and that the information therein is true and correct...  
**BRACERSON** **05/14/85**  
Signature: **[Signature]**  
Date: **05/14/85**

INSPECTION DATE: **6/16/85**  
INSPECTION TYPE: **UNDERGROUND**  
**UTILITY NOTIFIED**  
**FINAL**

273-3424  
007

ELECTRICAL INSPECTION RECORD

DATE	DESCRIPTION	INSPECTOR
6/16/85	R. at front 6 units Siskiyoun St. 5th	
6/16/85	110 amperes sub. JW	
6/18/85	Non-plumbing, walls - de la Rock JW - A11	
6/15/85	Utility ok	
8/29/85	#12 - Disconnect for exhaust fan & light for C-17 - Exhaust Fan & Light C-11 - 5.5 amp back on box in, Label Panel. Blank in panel C-3 - Light in 3rd Box in Jackson 22 Floor.	
8/29	Final ok	
	Fees Due - 4 extra @ 10.00 = 40.00	

2/21/7



**REPORT OF  
RESIDENTIAL  
BUILDING  
RECORD**



APPLICATION FOR  
REPORT OF RESIDENTIAL  
BUILDING RECORD (3-R Report)

Office of  
Planning and Building  
Oakland Housing Code, Sec. H-206

FOR CITY USE ONLY

Date Completed 11/03/04

Expiration Date 2/3/05

Completed by S.M. Buggs

Address of Subject Property: 4001 SAN LEANDRO AVENUE Street Avenue Drive Way OAKLAND

Name of Applicant: MADISON PARK FINANCIAL CORP / DERMOT O'DONOHUE

Mailing Address of Applicant: 409 13TH STREET, #800  
OAKLAND, CA 94612

Name and address of Owner (if different from above): HIGH ST. PROPERTIES PARTNERS, SAME ADDRESS

Total number of HABITABLE buildings on premises: 1 Total number of ACCESSORY buildings on premises: \_\_\_\_\_

Existing BASEMENT or CELLAR?  yes  no Habitable BASEMENT or CELLAR?  yes  no

Existing ATTIC?  yes  no Habitable ATTIC?  yes  no

Number of STORIES: \_\_\_\_\_ Construction Material:  Wood frame  Block  Steel  \_\_\_\_\_

Number of dwelling UNITS or APARTMENTS: 33 Number of HOUSEKEEPING units: \_\_\_\_\_ Number of HOTEL/Guest rooms: \_\_\_\_\_

Number of KITCHENS: \_\_\_\_\_ Total number of HABITABLE ROOMS (excluding bath, toilet, laundry, utility rooms and closets): \_\_\_\_\_

I certify that I am the APPLICANT named hereto, that I have familiarized myself with the residential building with respect to preparing and filling this application; that the sworn herein contained are in all respects true and accurate to the best of my knowledge and belief, and that they may not correlate with the City's official records as recorded below.

[Signature] 10-22-04 510-452-2944

Signature of Applicant Date Telephone

**REPORT OF RESIDENTIAL BUILDING RECORD**

This is NOT to be construed that said residential building complies with all applicable laws of the City and only sets forth the report as of the date completed shown above.

Zone District: \_\_\_\_\_ Date of original building construction: 1925 Building type: VN

Original OCCUPANCY or USE: 1 story office and factory building

Plans on file?  no  yes SFD?  no  yes Cert. of Occupancy issued?  no  yes Date \_\_\_\_\_ Number \_\_\_\_\_

Total number of HABITABLE BUILDINGS: 0 Total number of ACCESSORY BUILDINGS: 0 Total number of HABITABLE ROOMS: 0 Total number of UNITS or APARTMENTS: 0

Building related PERMITS ISSUED:

Permit Description	Permit #	Date	CONDITIONS/VARIANCES:
Original construction permit	A7842	10/25/25	
Addition to building	A56947	8/2/35	
Addition of building for furniture Factory	A57138	8/2/35	
Fire damage repairs	A64904	12/28/36	
Story factory building addition	B14223	12/1/47	
and replace fire damage portion			
erect 1 story warehouse building	A78977	8/9/41	

Present AUTHORIZED OCCUPANCY or USE (insofar as ascertainable from existing City records): Story factory and office buildings

This Report of Residential Building Record shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions or requirements of any laws or ordinances of the City of Oakland, nor shall such issuance therefor prevent requiring corrections of errors, violations, or any applicable law or ordinance of the City of Oakland. This report contains information for as ascertainable from City records. It shall be unlawful for the owner or authorized agent of the owner, to sell this residential building without first delivering to the buyer this Report of Residential Building Record prior to the consummation of sale.

November 3, 2004 [Signature] Date: 11/03/04 Amt Paid: \$132.88  
City of Oakland S.M. Buggs By: EC Register ROR Receipt# 075086



Report of Residential Building Record (3R)

Address: 4001 San Leandro Street

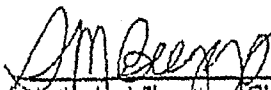
Building related PERMITS ISSUED:

<u>Building related PERMITS ISSUED:</u>	<u>Permit #</u>	<u>Permit Date</u>
Construct interior wall	B19624	2/27/48
Erect addition to shop building	B19713	7/16/46
Interior alterations for retail space no dwelling units	D35382	11/7/84
Fire damage repairs	B9105431	11/30/92-EX
Mandatory seismic mitigation	B9600513	11/3/97-EX
Complete work from B9600513	B0005291	2/08/02-EX
Alterations to roof	B0202586	3/11/03-EX
Complete work from previous seismic permits	B0205870	4/30/03

End of Report

November 3, 2004

Date



Authorized Signature, City of Oakland  
Sequonita M. Buggs

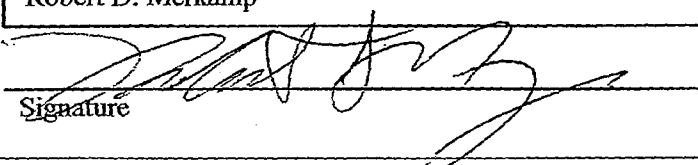


# **EXHIBIT B**

**Attestation of Erroneous or Unauthorized Destruction of Records**

“Erroneous Destruction of Records as defined by 36 CFR 1230 is any Unlawful or Accidental Removal, Defacing of a record which includes Alteration...; Deface...; Removal...without the permission...; Unlawful or accidental destruction (also called unauthorized destruction)...prior to the end of ... retention period.“

I accordance with guidelines of ISO 15489-1:2001, California Government Codes 34090 and 6200-6203, City Charter Section 105 the below attests to the knowledge of or witness to an Erroneous or Unauthorized Destruction of City Records:

<p>Department</p> <p>Planning and Building</p>	<p>Unit and/or Division</p> <p>Development Planning</p>
<p>Record Number/Type</p> <p>Most Planning Case Files for the year 1986</p>	<p>Detailed Description</p> <p>~ 500 Development records</p>
<p>Date Range (be specific)</p> <p>1/86-12/86</p>	<p>Date of Discard (be as specific as possible)</p> <p>Late 1980's or early 1990's</p>
<p>Details of circumstances/actions surrounding the destruction</p> <p>Planning is missing most of the Planning Case records from 1986. Several accounts of how the records were disposed of have been provided to me but the destruction appears to be accidental.</p>	
<p>Details, if any, of actions taken to salvage, restore, reconstruct or locate records</p> <p>We have a single Banker's box of records from 1986 that managed to survive whatever happened to the bulk of this year (the surviving records appear to be a random collection of unrelated files from that time period) but have never found any others. I'm not aware of what steps city employees at the time of the incident undertook to restore or salvage records.</p>	
<p>Name of Person Attesting</p> <p>Robert D. Merkamp</p>	<p>Title</p> <p>Development Planning Manager</p>
<p>Signature</p> 	<p>Date</p> <p>June 16, 2015</p>



# **EXHIBIT C**

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 839-6451

October 27, 2000

Marco Garbarino  
143 3<sup>rd</sup> Street  
SanRafael, CA 94610

**RE: CASE FILE NO.: REV00-10 / C88-482 ; 4001 San Leandro Street APN.033-2166-3-3**

Dear Mr. Garbarino:

Your application for a Minor Conditional Use permit to convert ten (10) commercial units into joint live/work units. (There are existing 23 live/work space under previous Conditional Use Permit C88-482. The building contains a total of 33 live/work units) located at 4001 San Leandro Street in the Housing Business Mix General Plan Land Use Classification, and M-20 Light Industrial and the S-13 Mixed- Use Development Combining Zones. (Environmental Determination: Exempt. 15301; State CEQA Guidelines; Minor alteration to an existing has been found to comply with the Conditional Use Permit Criteria set forth in Sections 17.134.050, of the Oakland Planning Code. (see attachment A)

The proposal is hereby approved subject to the following conditions of approval. In the event of a failure to comply with any prescribed condition of approval, the Planning Commission may revoke the Conditional Use Permit:

1. The proposal shall be constructed substantially in accordance with the plans submitted on September 12, 2000; provided further, that the project incorporate the revisions listed below as conditions of approval.
2. Prior to application for a building permit, revised elevations and vertical section details shall be submitted and approved by the Planning Department. The applicant shall repair or replace all damaged exterior material such as corrugated metal, stucco, windows, broken glasses, trim, and remove all graffiti on all sides of the building, and new paint on the exterior of the building.
3. That final design, including all exterior details and exterior building materials, colors and textures shall be submitted to and approved by the Zoning Administrator prior to issuance of building permits.
4. All missing and dead landscaping along the exterior of the building and interior court yard shall be replaced with a

000215

combination of drought tolerant trees, shrubs and groundcover. A landscape and irrigation plan of the existing landscaping, showing sizes, quantities and specific common and botanical names of all trees, shrubs, groundcover shall be submitted to the Zoning Administrator for approval before issuance of any building permits. Landscaping shall be installed per the approved plans before final building permit inspection. Any needed irrigation system repairs shall be made and the system maintained in good working order. All planting materials shall be permanently maintained in a good growing condition and replaced with new plants whenever necessary.


5. That minor changes to approved project plans shall be submitted to and approved by the Zoning Administrator prior to the issuance of any applicable building permits and/or prior to the construction of the changes.
6. That the applicant shall maintain 32 parking spaces on the site for the use of the live work units.
7. The approval shall terminate one year from the effective date of its granting unless a building permit for the project has been applied for within such period or an extension has been applied for from the Community and Economic Development Office prior to the expiration of the planning permit. In the event the building permit lapses, then the planning approval will also terminate unless an extension of the planning permit has been applied for prior to expiration of the building permit. This approval may be extended for one (1) year upon written request to the Zoning Administrator (maximum of three extensions allowed) prior to the expiration date.

This decision becomes effective in ten (10) days from the date of this letter unless appealed to the City Planning Commission. An appeal is made by completing an application and paying the required fee (\$413).

In order to file a Building Permit, please submit construction drawings consistent with the present approval and pay fees at the CEDA Permit Counter, 250 Frank Ogawa Plaza administration building, 2nd Floor, Oakland.

If you have any questions, please contact Jason Madani of the Zoning Division at (510) 238-4790.

Sincerely,

  
WILLIE YEE  
Zoning Administrator

ATTACHMENT A

000216





# **EXHIBIT D**

# Request #18-312

**CLOSED**

As of October 22, 2021, 9:16am

## Details

All written and electronic records concerning APN 033216600303, commonly referred to as 4001 San Leandro Blvd, Oakland Ca. This includes, but is not limited to: letters, permits, permit applications, maps, diagrams, citations, zoning records, parcel data, planning records, or other writing under California Evidence Code 250 that concerns the above identified property.

### *Received*

**April 4, 2018** via web

### *Due*

**April 16, 2018**

### *Departments*

**Planning & Building**

## Documents

[18-312\\_CU05122.pdf](#)

[18-312\\_DRX150780.pdf](#)

[18-312\\_REV000010.pdf](#)

[18-312 County Assessor Display.pdf](#)

[18-312.pdf](#)

## Staff

### *Point of Contact*

**Mariko Highsmith**

# Timeline

## **Request Closed**

Public

We have redacted personal information, including but not limited to, telephone numbers, social security numbers, credit card numbers and other personal identifying information pursuant to the constitutional rights of privacy and to protect against identity theft pursuant to Government Code Section 6254(c).

*April 9, 2018, 1:09pm*

## **Document(s) Released**

Public

18-312\_CU05122.pdf

18-312\_DRX150780.pdf

18-312\_REV000010.pdf

*April 9, 2018, 1:08pm*

## **Document(s) Released**

Public

18-312 County Assessor Display.pdf

*April 9, 2018, 11:28am*

## **Document(s) Released**

Public

18-312.pdf

*April 9, 2018, 11:25am*

## **Department Assignment**

Public

Planning & Building

*April 4, 2018, 10:56am*

## **Request Opened**

Public

Request received via web

*April 4, 2018, 10:56am*

# Request #21-8677

**CLOSED**

As of October 22, 2021, 9:15am

## Details

Please provide all issued, final, and/or signed off building permits, conditional use permits, and/or development permits issued between 1990 and today for the real property located at 4001 San Leandro Street.

*Received*

**October 12, 2021** via web

*Due*

**October 22, 2021**

*Departments*

**Planning & Building**

## Documents

[4001 SAN LEANDRO ST-B0005291\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B0202586\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B1704677\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-CU05-122\(3\)\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-CU05-122\(4\)\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E9102785\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-RRR1700125-SUMMARY.pdf](#)  
[4001 SAN LEANDRO ST-ZC102166\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC132566\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC162310\\_Redacted.pdf](#)  
[4001 SSAN LEANDRO ST-M1601815-SIGNED COPY\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B0205870\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B1504365-APPLICATION\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B1504365-CO.pdf](#)  
[4001 SAN LEANDRO ST-B9105431\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B9600513\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-CU05-122\(1\)\\_Redacted.pdf](#)

[4001 SAN LEANDRO ST-CU05-122\(2\)\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E1500086\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E1603551\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E9104287\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E9201213\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-M9200253.pdf](#)  
[4001 SAN LEANDRO ST-P1602706\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-P9102271.pdf](#)  
[4001 SAN LEANDRO ST-REV00010.pdf](#)  
[4001 SAN LEANDRO ST-RRR1700125\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC141101\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC160478\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC121611\\_Redacted.pdf](#)

## Staff

*Point of Contact*

**Brian Fujihara**

## Timeline

### **Request Closed**

*October 18, 2021, 9:32am*

Public

### **Document(s) Released**

4001 SAN LEANDRO ST-B0005291\_Redacted.pdf  
4001 SAN LEANDRO ST-B0202586\_Redacted.pdf  
4001 SAN LEANDRO ST-B0205870\_Redacted.pdf  
4001 SAN LEANDRO ST-B1504365-APPLICATION\_Redacted.pdf  
4001 SAN LEANDRO ST-B1504365-CO.pdf  
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4001 SAN LEANDRO ST-B9600513\_Redacted.pdf  
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*October 18, 2021, 9:32am*

**Department Assignment**

Public

Planning & Building

*October 12, 2021, 3:05am*

**Request Opened**

Public

Request received via web

*October 12, 2021, 3:05am*





# **EXHIBIT E**



**CITY OF OAKLAND**  
 250 FRANK H. OGAWA PLAZA · 2ND FLOOR · OAKLAND, CA 94612

Planning and Building Department  
 www.oaklandnet.com

PH: 510-238-3891  
 FAX: 510-238-2263  
 TDD: 510-238-3254

**CERTIFICATE OF OCCUPANCY**

Finalled on 6/7/2018

Permit Number: B1504365  
 Job Site Address: 4001 SAN LEANDRO ST, Oakland, CA 94601  
 Parcel Number: 033 216600303  
 Project Description: Construction to bring live-work units 24 - 33 up to compliance. DRX150780.  
 Related Permits: E1603551, M1601815, P1602706

Owner Name and Address: 901 JEFFERSON STREET, LLC  
155 GRAND AVE, #1025, OAKLAND, CA 94612

Building Use: Live/Work Per JLWQ Occupancy: R-7 Live / Work  
 Number of Stories: 3 JLWQ  
 Type of Construction: VB - Combustible Construction; No Fire Rating  
 Number of Dwelling Units: 33  
 Fire Sprinklers Provided: Yes: X No:      Reason for Fire Sprinklers: Building Code Requirement  
 Design Occupant Load: 131 (Chapter 9)  
 Total Number of Parking Spaces                     

CBC Edition: 2013 Ordinance: 13252  
 Building code Variances:                      Zone: HBX-1

**SEE ATTACHED FLOOR PLAN**

BUILDING OFFICIAL: Deborah Sandercock

*THIS BUILDING HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REFERENCED CODES AND ORDINANCES FOR THE OCCUPANCIES AND THE USES DESCRIBED ABOVE, AND OCCUPANCY OF THE PREMISES ONLY FOR SAID PURPOSES IS HEREBY AUTHORIZED.*

*THIS CERTIFICATE SHALL NOT BE CONSTRUED AS AUTHORITY TO VIOLATE, CANCEL, ALTER, OR SET ASIDE ANY OF THE PROVISIONS OR REQUIREMENTS OF ANY LAWS OR CITY OF OAKLAND ORDINANCES NOR SHALL SUCH ISSUANCE THEREAFTER PREVENT REQUIRING CORRECTIONS OF ERRORS OR OF VIOLATIONS OF SAID REGULATIONS, THIS CERTIFICATE IS NOT A LICENSE.*

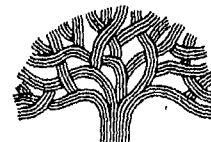
By: [Signature]  
 INSPECTION SERVICES MANAGER

Date Issued: 7/6/18

Copies:  Owner  Assessor  Microfilm  \*Business License

**RELEVANT HEARING**  
**DECISIONS**

000227



250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-3691  
TDD (510) 238-3254

**Housing, Residential Rent  
and Relocation Board (HRRRB)**

**APPEAL DECISION**

**CASE NUMBER:** T04-0163 (Garsson v. Collins)  
**APPEAL HEARING:** July 28, 2005  
**PROPERTY ADDRESS:** 4701 San Leandro St., #37, Oakland, CA  
**APPEARANCES:** Linda Maranzana (Attorney for Tenant)  
Alan Beales (Landlord Representative)  
Pauline Deixler (Landlord Representative)

**Background**

The petition in this case was filed by the tenant on June 17, 2004, alleging that the current rent increase exceeds the applicable annual increase permitted under the Ordinance and Regulations.

The landlord filed a timely response to the petition. The response contains three allegations: (1) The requested payment is not a "rent increase" but, rather, an annual billing pursuant to the terms of the tenant's lease; (2) The tenant's unit is commercial, not residential; and (3) The unit is exempt from the Rent Ordinance as being "newly constructed."

**The Hearing Decision**

The Hearing Decision granted the tenant's petition. The Hearing Officer found that the requested payment was an increase in rent, that the unit was used for residential purposes and so is covered by the Rent Adjustment Ordinance and that the tenant's rental unit is not exempt from the Rent Ordinance because the landlord failed to obtain a Certificate of Occupancy, as required by both State law and the Oakland Municipal Code.

**Grounds for Appeal**

The landlord filed an appeal on December 7, 2004, asserting that the decision is

inconsistent with the Rent Ordinance, Rent Board Regulations or prior decisions of the Board; that the decision raises a new policy issue that has not been decided by the Board; and that the decision is not supported by substantial evidence. The appeal asserts that it was not possible for the landlord to have obtained a Certificate of Occupancy at the time the premises were converted from use as a paint factory to live-work units. Therefore, the building in which the tenant's unit is located should be found exempt from the Rent Ordinance as "newly constructed" despite the lack of a Certificate of Occupancy. The landlord also argued that the use was commercial because the City Planning Code defined all live-work use as commercial.

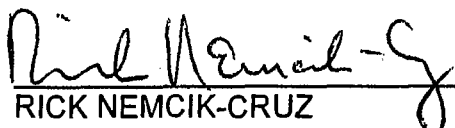
Appeal Decision

The Board affirms the decision except for the issue of the new construction exemption. The Board remands the case for a further hearing, at which the parties will be able to present further evidence and comment on the issue of the new construction exemption and the need for a Certificate of Occupancy. A finding of fact shall be made as to the date on which residential use of the unit began.

**NOTICE TO PARTIES**

Pursuant to Ordinance No(s). 9510 C.M.S. of 1977 and 10449 C.M.S. of 1984, modified in Article 5 of Chapter 1 of the Municipal Code, the City of Oakland has adopted the ninety (90) day statute of limitations period of Code of Civil Procedure, Section 1094.6.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE NINETY (90) DAYS FROM THE DATE OF MAILING OF THIS DECISION WITHIN WHICH TO SEEK JUDICIAL REVIEW OF THE DECISION OF THIS BOARD IN YOUR CASE.

  
\_\_\_\_\_  
RICK NEMCIK-CRUZ  
HOUSING, RESIDENTIAL RENT AND  
RELOCATION BOARD DESIGNEDD

9-13-2005  
DATE

Passed by the following vote:

Aye: H. Bolt Trippe, S. Kennedy, S. Sanger, D. Taylor, R. Hunter, L. Arreola  
Nay: None  
Abstain: None  
Absent: None

## **PROOF OF SERVICE**

**Case Number T04-0163**

I am a resident of the State of California and over eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Appeal Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

**Chandra Garsson**  
4701 San Leandro St Unit 37  
Oakland, CA 94601

**Francis Collins**  
1301 61st St  
Emeryville, CA 94608-  
2117

**Alan K. Beales**  
6116 Merced Ave. Unit  
214  
Oakland, CA 94611

**Linda Maranzana, SBN**  
**222222**  
3130 Shattuck Ave  
Berkeley, CA 94705

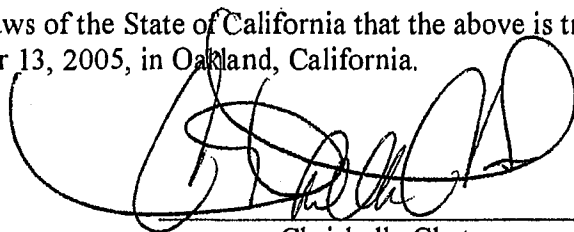
**Pauline M. Deixler Esq.**  
6050 Hollis St  
Emeryville, CA 94608

**Rebecca Robbins**  
P.O. Box 8685  
Emeryville, CA 94662

**Emily Schaefer, Law Clerk**  
3130 Shattuck Ave  
Berkeley, CA 94705

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Tuesday, September 13, 2005, in Oakland, California.



Chrishelle Chatman  
Oakland Rent Adjustment Program

**000230**



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency(510) 238-3721  
Rent Adjustment Program

FAX (510) 238-3691  
TDD (510) 238-3254

**CORRECTED HEARING DECISION**

**CASE NUMBER:** T04-0163 (Garsson v. Collins)  
**PROPERTY ADDRESS:** 4701 San Leandro St., #37 Oakland, CA  
**HEARING DATE:** August 20, 2004  
**PARTIES PRESENT:** Chandra Garsson (Tenant)  
Pedro Moreno (Witness for Tenant)  
Francis D. Collins (Landlord)  
Rebecca Robins (Agent for Landlord)  
Alan K. Beales (Representative for Landlord)

**INTRODUCTION**

This matter involves a petition filed on June 17, 2004 by a tenant who contests a request for payment that she contends is a rent increase which exceeds the Consumer Price Index (CPI) Rent increase authorized by the Oakland Municipal Code (O.M.C.) and Rent Adjustment Program Regulations (Regulations).

The landlord, in response to the petition, claims that the requested payment is, in fact, not a "rent increase" but an annual billing pursuant to the terms of the tenant's lease. The landlord further contends that the tenant's unit is exempt from the Rent Ordinance on two grounds: (1) the unit is commercial, not residential; and (2) the unit was "newly constructed."

The persons listed above appeared at the hearing and were given full opportunity to present relevant evidence and argument. All persons other than the representative for the landlord testified under oath.

**THE DECISION**

The petition is granted. The tenant's unit is not exempt from the Rent Ordinance, and the tenant need not pay the "annual charge" requested by the landlord.

A Hearing Decision in this matter was issued on October 22, 2004. Thereafter, it came to the attention of the Hearing Officer that on September 20, 2004 a Memorandum was issued by the Manager of the Permit Center of the City of Oakland Community and Economic Development Agency. This Memorandum states that the Oakland Building Code requires the Building Official to issue a Certificate of Occupancy for all changes of use within existing buildings, as well as for newly constructed buildings. Upon reading this Memorandum, the Hearing Officer undertook further investigation of both State law and the O.M.C., which led to the issuance of this Corrected Hearing Decision.

This Corrected Hearing Decision is an entirely new Decision, and is certified for immediate appeal before the Board.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Background: The property consists of an apartment in a live-work building consisting of 65 units. The tenant originally moved into her present unit on November 9, 1990, at an initial rent of \$800 per month. On April 1, 2004 the tenant was served with a disputed notice in which the landlord requested payment of an annual charge in the total amount of \$381.62. The tenant petition does not otherwise dispute any rent increase.

Notice Requirements: An owner of any covered unit is required to give a tenant written notice of the existence and scope of the Rent Adjustment Program (RAP) both at the commencement of the tenancy and concurrent with any notice of rent increase. The landlord may cure the failure to provide proper notice at the commencement of the tenancy, but will be subject to a penalty. If the required notices have not been provided, any proposed notice of rent increase is invalid.

At the hearing, the landlord admitted that the tenant was never provided notice of the RAP. Therefore, if the contested payment is a "rent increase," and the tenant's unit is not exempt from the Ordinance, the request for payment is invalid.

Is the Requested Payment Considered to be "Rent"? In letters dated March 25, 2004, copies of which are attached to the Response, the landlord requested payment of a share of an increase in property taxes and insurance, pursuant to the provisions of a written lease between the parties. "Rent" means the total consideration charged or received by an Owner in exchange for the use or occupancy of a Covered Unit . . ." (O.M.C. 8.22.020). It is further noted that Paragraph 8.2 of the lease between the parties dated December 6, 1993 (Exhibit "C" of Landlord's Supplemental Filing) states in part: "the Tenant shall pay . . . **as additional rent**, a proportionate share of any increase in insurance costs . . ." (Emphasis added).

The requested payment was clearly part of the "consideration charged" to the tenant and, further, is called "rent" in the form lease signed by the parties. Therefore, the contested payment is found to be a rent increase under the Ordinance. The fact that such a payment



is authorized under the lease is irrelevant; the public policy underlying the Ordinance outweighs inconsistent agreements between the parties.

Is the Tenant's Unit a "Dwelling Unit"? The Rent Ordinance governs all dwelling units, including joint living and work spaces, which are not otherwise exempt.

On or about December 6, 1993 the parties entered into a written agreement entitled "Industrial Lease" (Exhibit "C" of the landlord's Supplemental Filing). Paragraph 1.5 of this document states that "the premises shall be used and occupied only for painting/sculpture studio and related activities." Further, the subject building is located in an area designated by the City of Oakland as a "Heavy Industrial Zone." Therefore, the landlord contends that the tenant's unit is a commercial - not a residential - rental, and is not subject to the Ordinance.

A unit is not automatically commercial in nature merely because of the wording of the written lease, which in this case was prepared by the landlord. O.M.C. Section 8.22.180 states: "Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this Chapter is waived or modified, is against public policy." The core purpose of the Rent Ordinance is the regulation of rents for residential tenants. Therefore, if the tenant's unit has always been her residence, with the actual or constructive knowledge of the landlord, it is a "covered unit," regardless of the wording of the lease.

At the hearing, the tenant credibly testified as follows: She first moved into another unit on the premises in August, 1987, in response to a newspaper advertisement for a "live/work" rental. At that time Barbara Splady, the rental agent, told the tenant that it was understood that she would be living in the unit. However, Ms. Splady also informed the tenant that she could not "legally" live in the unit and that the City of Oakland had no knowledge that the rental spaces were used as residences.

In the year 1990, when the tenant moved to her current unit, she discussed the premises with the then-current rental agent, Debra Baker, as being a "live-work" unit. Both rental agents told her at various times that if a Fire Marshall or other official should come on the premises, the tenant should hide the fact that she lives there. This testimony is found to be truthful.

The tenant has lived in these units as her sole residences for the past 17 years. The tenant and her witness credibly testified that many other tenants in the complex also live in their units. Additionally, prior to the hearing, the tenant submitted two letters sent to her by Debra Baker, dated November 14, 1994 and May 8, 1995. In both of these letters, Ms. Baker used the term "roommate" in the context of the rental of the tenant's unit.

The landlord, whose testimony was also credible, testified as follows: He has owned the subject property since 1978. Ms. Splady "could have been" his rental agent in the year 1987 and Ms. Baker was his rental agent in 1990. Debra Baker had the authority to send

the letters referred to above, and he would not commonly use the word "roommate" in the context of a commercial rental.

The landlord further testified that for the last several years he has known that the petitioning tenant and other tenants on the premises were living in their units. In a Supplemental Filing the landlord submitted, as Exhibit "E," copies of 3 building permits issued by the City of Oakland on December 12, 2001. These permits concern the conversion of a commercial building at 4701 San Leandro Street into various numbers of work/live units.

The landlord's rental agents had at least ostensible authority to make the statements attributed to them by the tenant, and the landlord is bound by these statements of his agents (Civil Code Section 2295, et seq.). It is clear that the tenant has lived in her unit for the past 14 years, with the actual and/or imputed knowledge of the landlord. Therefore, the wording of the lease notwithstanding, the tenant's unit is residential, not commercial, in nature.

Is the Unit Exempt as "New Construction"?: Dwelling units are not "covered units" under the Ordinance if such units "were newly constructed and received a certificate of occupancy on or after January 1, 1983. To qualify as a newly constructed dwelling unit the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential" [O.M.C. 8.22.030(A)(5)]. "Newly constructed units include legal conversions of uninhabited spaces not used by Tenants, such as . . . Spaces that were formerly entirely commercial." [Regulations, Section 8.22.030(B)(2)(a)(iv)].

The City of Oakland has never issued a Certificate of Occupancy for either the subject unit or for the building in which it is located. However, the landlord contends that the subject unit is nevertheless exempt from the Ordinance because it is not possible to obtain a Certificate of Occupancy.

Evidence of New Construction:

The landlord provided credible, uncontradicted documentary evidence and testimony as follows: Prior to the year 1978, when the landlord purchased the building in which the tenants' unit is located, the building had been used only for commercial purposes; it was entirely non-residential. In the year 1978 and thereafter, the landlord undertook a construction project to create 65 live-work spaces within the existing structure. A building permit was issued, the work was completed, and final inspections were performed by representatives of the appropriate City agencies.

No Certificate of Occupancy has been issued for the subject building. The landlord credibly testified that he did not apply for a Certificate because he was informed by City representatives that the City grants such certificates only for buildings that are entirely newly constructed, and not those in which the exterior structure remains essentially intact. The tenant did not dispute this testimony.

Discussion:

Both State law and the Oakland Municipal Code require the City to issue a Certificate of Occupancy if there is a change of use from non-residential to residential. California Building Code (CBC) Section 109.1 states: "No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."

CBC Section 109.2 provides that changes in the use of a building may not be made except as provided in Section 3405, which states: "The character of the occupancy of existing buildings may be changed . . . [However], [n]o change in the character of occupancy of a building shall be made without a certificate of occupancy, as required by Section 109 of this code."

This language was adopted by the City of Oakland in Section 15.04.205 of the Oakland Housing Code.

No one, whether an employee of the City of Oakland or otherwise, has either the actual or ostensible authority to legally bind the City contrary to the O.M.C. and State law. The Rent Ordinance states that a Certificate of Occupancy must be issued in order for a unit to qualify as "new construction," and the City is required to issue such a certificate when the existing occupancy classification of a building changes to become residential in nature. Therefore, the building in question is ineligible for exemption from the Rent Ordinance as "new construction."


This Decision does not preclude the landlord from obtaining a Certificate of Occupancy, which may be the basis for a future claim of exemption from the Rent Ordinance.

**ORDER**

Wherefore, all the evidence having been heard and considered, it is the order of this Hearing Officer that:

1. Petition No. T04-0163 is granted.
2. The tenant's rental unit is not exempt from the Ordinance, and the tenant need not pay the "annual charge" requested by the landlord.
3. Appeal: This decision is certified for immediate appeal to the Housing Residential Rent and Relocation Board.

Dated: November 17, 2004

  
Stephen Kasdin  
Hearing Officer  
Rent Adjustment Program

**PROOF OF SERVICE**  
**Case Number T04-0163**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Rent Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Corrected Hearing Decision Notice** in a sealed envelope in City of Oakland mail collection receptacle at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

**Chandra Garsson**  
4701 San Leandro St Unit 37  
Oakland, CA 94601

**Rebecca Robbins**  
P.O. Box 8685  
Emeryville, CA 94662

**Francis Collins**  
1301 61st St  
Emeryville, CA 946082117

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Wednesday, November 17, 2004, in Oakland, California.

---

Gloria J. Ellis  
Rent Adjustment Program

**000236**

# CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-3691  
TDD (510) 238-3254

## HEARING DECISION ON REMAND

**CASE NUMBER:** T04 -0163 (Garsson v. Collins)

**PROPERTY ADDRESS:** 4701 San Leandro St., #37  
Oakland, California

**HEARING DATE:** September 22, 2005

**APPEARANCES:** Chandra Garsson (Tenant)  
Linda Maranzana (Attorney for Tenant)  
Emily Schaeffer (Tenant Representative)  
Deborah Green (Witness for Tenant)  
Francis D. Collins (Landlord)  
Alan K. Beales (Landlord Representative)  
Pauline Deixler (Attorney for Landlord)

### INTRODUCTION

This matter involves a Petition filed on June 17, 2004 by a Tenant who contests a rent increase that she claims exceeds the Consumer Price Index (CPI) rent increase authorized by the Oakland Municipal Code (O.M.C.) Chapter 8.22 and Rent Adjustment Program Regulations (Regulations).

The Landlord filed a timely response to the Petition alleging:

- (1) The requested payment is not a "rent increase" but rather, an annual billing pursuant to the terms of the tenant's lease;
- (2) The Tenant's unit is commercial, not residential; and
- (3) The unit is exempt from the Rent Ordinance as being "newly constructed."

## **ORIGINAL DECISION**

The Hearing Officer granted the Tenant's Petition. The Hearing Officer found that the requested payment was an increase in rent and that the unit is used for residential purposes and so is covered by the Rent Adjustment Ordinance and that the tenant's rental unit is not exempt from the Rent Ordinance because the Landlord failed to obtain a Certificate of Occupancy as required by both State law and the Oakland Municipal Code. No restitution was ordered.

It was uncontested that the current rent without taking into account the disputed rent increase is \$1,231.00.

## **APPEALED DECISION**

The Appeal Hearing came before the Board on July 28, 2005. The Board affirmed the decision of the Hearing Officer except for the issue of new construction exemption. The Board remanded the case for a further hearing, at which the parties were to present further evidence and comment on the issue of the new construction exemption and the need for a Certificate of Occupancy. The Hearing Officer on remand was to issue a finding of fact as to the date on which residential use of the unit began.

### **September 22, 2005 Hearing**

On September 22, 2005 the persons listed above appeared at the Hearing and were given a full opportunity to present relevant evidence and arguments; those testifying testified under oath. These findings of fact and conclusions of law are set forth in the Order requested by the Housing, Residential, Rent and Relocation Board.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

### **(1)The date on which residential use of the unit began.**

The Landlord, Francis Collins, testified that he purchased the property in November 1978. The property consisted of 13 buildings; that he sublet the second floor of one building to Jim Alexander. The Landlord, Mr. Collins, described Mr. Alexander's involvement in the building in late 1979 or early 1980 alternately as a partner, leasee, employee and/or caretaker. Mr. Collins' testimony was clear, however, that Mr. Alexander was given the second floor of the building to occupy and to rent out portions of it as he saw fit. The second floor was divided up into five spaces by Mr. Alexander. Mr. Alexander took a space that was eventually named No. 37, the subject unit.

Mr. Collins testified that Mr. Alexander resided on the property in a capacity as caretaker, to watch over it beginning in late 1979 or early 1980.

Deborah Green, a witness for the Tenant, testified credibly that she moved into Unit 38 in 1979 or 1980, and that she was Mr. Alexander's girlfriend; that their units were across the hall from each other; that they built a bathroom/shower for use of their units and one other unit on the second floor. She testified that she was living on the premises across the hall from No. 37 in 1980 and that Mr. Alexander was living, which included sleeping, cooking, eating, in Unit 37 during that same time period. She testified that his two children would visit him at Unit No. 37. She further testified that when Mr. Alexander and she broke up he moved out of No. 37. The next tenants were Doug Ohm and Chris Baker, who, she testified, moved in sometime in 1983, although her recollection of the exact date was uncertain.

While the exact date that Mr. Alexander moved into Unit No. 37 and began to live there as a resident cannot be determined with specificity it is clear from the testimony of both Mr. Collins and Ms. Green that he was living there in 1980.

The Hearing Officer makes a finding of fact that a residential use of Unit 37 began no later than 1980.

### **(2) New Construction Exemption.**

The Ordinance<sup>1</sup> is clear that for a unit to be exempt from the application of the Ordinance for a newly constructed unit, the unit must have received a Certificate of Occupancy on or after January 1, 1983 and the dwelling unit must have been entirely new or created from space that was formerly entirely non-residential.

Both parties stipulated at the hearing that the subject premises was entirely nonresidential at some point before it was converted into live/work units. However, it is clear from the credible testimony of Mr. Collins and Ms. Green that Unit 37 was used as a residence by Jim Alexander before January 1, 1983. Consequently, Unit 37 is not a dwelling unit which was newly constructed or created from space which was formerly entirely nonresidential on or after January 1, 1983 and is, hence, not an exempt unit

### **(3) A Need for a Certificate of Occupancy.**

Pursuant to the Ordinance<sup>2</sup>, to be exempt, in addition to not being used residentially before January 1, 1983, a dwelling unit had to receive a Certificate of Occupancy on or after January 1, 1983.

---

<sup>1</sup>Ordinance 8.22.030A

<sup>2</sup>Ordinance 8.22.030A.5.

Mr. Collins testified that the City was not giving Certificates of Occupancy for live/work conversions at the time he took over the property and did not begin to do so until November of 2004. To prove that point, he produced evidence found in Landlord's Exhibits 2, 3, 4, as well as the Wood v. Collins (T04-0380) decision produced by Landlord as Landlord's Exhibit 5. The decision in Wood v. Collins, does suggest that no Certificate of Occupancy was available in the 1980's, but it does state that as of November 2004, a Certificate of Occupancy for live-work conversions became obtainable.

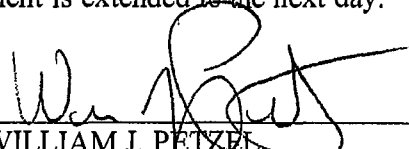
Landlord has satisfied the burden of proof on the fact that no Certificates of Occupancy were available until 2004. Landlord testified that he has not attempted to apply for a Certificate of Occupancy since late 2004 because he decided to substantially upgrade the whole complex including Tenant's unit. His reasons for not applying since November 2005 excuse compliance with the requirement of obtaining a Certificate of Occupancy and permits because, except for Tenant's unit, the complex is substantially empty.

### ORDER

Wherefore, all the evidence having been heard and considered, it is the Order of this Hearing Officer that:

1. Petition T05 -0104 is granted.
2. The subject Unit No. 37 was used as a residence as early as 1980.
3. The subject Unit No. 37 is not exempt from the Rent Ordinance.
4. The Landlord did satisfy his burden of proof to show that a Certificate of Occupancy was unavailable.
5. The current rent for the Tenant's unit is \$1,231.00.
6. The decision is the Final Decision of the Hearing Officer. Either Party may appeal this decision within Twenty (20) Days of the date of mailing of the decision shown on the attached proof of service, by filing with the Rent Adjustment Program a written appeal on the form prescribed by the Rent Adjustment Program. If the last day to file is a weekend or holiday, the period of time to file the document is extended to the next day.

Dated: October 4, 2005

  
\_\_\_\_\_  
WILLIAM J. PETZEL,  
HEARING OFFICER,  
RENT ADJUSTMENT PROGRAM



## **PROOF OF SERVICE**

**Case Number T04-0163**

I am a resident of the State of California and over eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Hearing Decision on Remand** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

**Pauline M. Deixler Esq.**  
6050 Hollis St  
Emeryville, CA 94608

**Linda Maranzana, SBN**  
**222222**  
3130 Shattuck Ave  
Berkeley, CA 94705

**Emily Schaefer, Law**  
**Clerk**  
3130 Shattuck Ave  
Berkeley, CA 94705

**Rebecca Robbins**  
P.O. Box 8685  
Emeryville, CA 94662

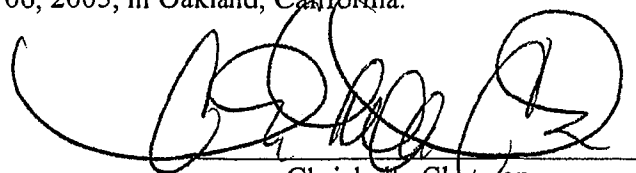
**Alan K. Beales**  
6116 Merced Ave. Unit 214  
Oakland, CA 94611

**Chandra Garsson**  
4701 San Leandro St Unit  
37  
Oakland, CA 94601

**Francis Collins**  
1301 61st St  
Emeryville, CA 94608-  
2117

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Thursday, October 06, 2005, in Oakland, California.



Chrishelle Chatman  
Oakland Rent Adjustment Program

**000241**

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-3691  
TDD (510) 238-3254

**HEARING DECISION**

**CASE NUMBER:** T04-0163 (Garsson v. Collins)  
**PROPERTY ADDRESS:** 4701 San Leandro St., #37 Oakland, CA  
**HEARING DATE:** August 20, 2004  
**PARTIES PRESENT:** Chandra Garsson (Tenant)  
Pedro Moreno (Witness for Tenant)  
Francis D. Collins (Landlord)  
Rebecca Robins (Agent for Landlord)  
Alan K. Beales (Representative for Landlord)

**INTRODUCTION**

This matter involves a petition filed on June 17, 2004 by a tenant who contests a request for payment that she contends is a rent increase which exceeds the Consumer Price Index (CPI) Rent increase authorized by the Oakland Municipal Code (O.M.C.) and Rent Adjustment Program Regulations (Regulations).

The landlord, in response to the petition, claims that the requested payment is, in fact, not a "rent increase" but an annual billing pursuant to the terms of the tenant's lease. The landlord further contends that the tenant's unit is exempt from the Rent Ordinance on two grounds: (1) the unit is commercial, not residential; and (2) the unit was "newly constructed."

The persons listed above appeared at the hearing and were given full opportunity to present relevant evidence and argument. All persons other than the representative for the landlord testified under oath.

**THE DECISION**

The petition is denied. The tenant's unit is exempt from the Rent Ordinance.

000242

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Background: The property consists of an apartment in a live-work building consisting of 65 units. The tenant originally moved into her present unit on November 9, 1990, at an initial rent of \$800 per month. On April 1, 2004 the tenant was served with a disputed notice in which the landlord requested payment of an annual charge in the total amount of \$381.62. The tenant petition does not otherwise dispute any rent increase.

Notice Requirements: An owner of any covered unit is required to give a tenant written notice of the existence and scope of the Rent Adjustment Program (RAP) both at the commencement of the tenancy and concurrent with any notice of rent increase. The landlord may cure the failure to provide proper notice at the commencement of the tenancy, but will be subject to a penalty. If the required notices have not been provided, any proposed notice of rent increase is invalid.

At the hearing, the landlord admitted that the tenant was never provided notice of the RAP. Therefore, if the contested payment is a "rent increase," and the tenant's unit is not exempt from the Ordinance, the request for payment is invalid.

Is the Requested Payment Considered to be "Rent"? In letters dated March 25, 2004, copies of which are attached to the Response, the landlord requested payment of a share of an increase in property taxes and insurance, pursuant to the provisions of a written lease between the parties. "'Rent' means the total consideration charged or received by an Owner in exchange for the use or occupancy of a Covered Unit . . ." (O.M.C. 8.22.020). It is further noted that Paragraph 8.2 of the lease between the parties dated December 6, 1993 (Exhibit "C" of Landlord's Supplemental Filing) states in part: "the Tenant shall pay . . . **as additional rent**, a proportionate share of any increase in insurance costs . . ." (Emphasis added).

The requested payment was clearly part of the "consideration charged" to the tenant and, further, is called "rent" in the form lease signed by the parties. Therefore, the contested payment is found to be a rent increase under the Ordinance. The fact that such a payment is authorized under the lease is irrelevant; the public policy underlying the Ordinance outweighs inconsistent agreements between the parties.

Is the Tenant's Unit a "Dwelling Unit"? The Rent Ordinance governs all dwelling units, including joint living and work spaces, which are not otherwise exempt.

On or about December 6, 1993 the parties entered into a written agreement entitled "Industrial Lease" (Exhibit "C" of the landlord's Supplemental Filing). Paragraph 1.5 of this document states that "the premises shall be used and occupied only for painting/sculpture studio and related activities." Further, the subject building is located in an area designated by the City of Oakland as a "Heavy Industrial Zone." Therefore, the landlord contends that the tenant's unit is a commercial – not a residential – rental, and is not subject to the Ordinance.

A unit is not automatically commercial in nature merely because of the wording of the written lease, which in this case was prepared by the landlord. O.M.C. Section 8.22.180 states: "Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this Chapter is waived or modified, is against public policy." The core purpose of the Rent Ordinance is the regulation of rents for residential tenants. Therefore, if the tenant's unit has always been her residence, with the actual or constructive knowledge of the landlord, it is a "covered unit," regardless of the wording of the lease.

At the hearing, the tenant credibly testified as follows: She first moved into another unit on the premises in August, 1987, in response to a newspaper advertisement for a "live/work" rental. At that time Barbara Splady, the rental agent, told the tenant that it was understood that she would be living in the unit. However, Ms. Splady also informed the tenant that she could not "legally" live in the unit and that the City of Oakland had no knowledge that the rental spaces were used as residences.

In the year 1990, when the tenant moved to her current unit, she discussed the premises with the then-current rental agent, Debra Baker, as being a "live-work" unit. Both rental agents told her at various times that if a Fire Marshall or other official should come on the premises, the tenant should hide the fact that she lives there. This testimony is found to be truthful.

The tenant has lived in these units as her sole residences for the past 17 years. The tenant and her witness credibly testified that many other tenants in the complex also live in their units. Additionally, prior to the hearing, the tenant submitted two letters sent to her by Debra Baker, dated November 14, 1994 and May 8, 1995. In both of these letters, Ms. Baker used the term "roommate" in the context of the rental of the tenant's unit.

The landlord, whose testimony was also credible, testified as follows: He has owned the subject property since 1978. Ms. Splady "could have been" his rental agent in the year 1987 and Ms. Baker was his rental agent in 1990. Debra Baker had the authority to send the letters referred to above, and he would not commonly use the word "roommate" in the context of a commercial rental.

The landlord further testified that for the last several years he has known that the petitioning tenant and other tenants on the premises were living in their units. In a Supplemental Filing the landlord submitted, as Exhibit "E," copies of 3 building permits issued by the City of Oakland on December 12, 2001. These permits concern the conversion of a commercial building at 4701 San Leandro Street into various numbers of work/live units.

The landlord's rental agents had at least ostensible authority to make the statements attributed to them by the tenant, and the landlord is bound by these statements of his agents (Civil Code Section 2295, et seq.). It is clear that the tenant has lived in her unit for the past 14 years, with the actual and/or imputed knowledge of the landlord.

Therefore, the wording of the lease notwithstanding, the tenant's unit is residential, not commercial, in nature.

Is the Unit Exempt as "New Construction"?: Dwelling units are not "covered units" under the Ordinance if such units "were newly constructed and received a certificate of occupancy on or after January 1, 1983. To qualify as a newly constructed dwelling unit the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential" [O.M.C. 8.22.030(A)(5)]. "Newly constructed units include legal conversions of uninhabited spaces not used by Tenants, such as . . . Spaces that were formerly entirely commercial." [Regulations, Section 8.22.030(B)(2)(a)(iv)].

The City of Oakland has never issued a Certificate of Occupancy for either the subject unit or for the building in which it is located. However, the landlord contends that the subject unit is nevertheless exempt from the Ordinance because it is not possible to obtain a Certificate of Occupancy.

Evidence of New Construction:

The landlord provided credible, uncontradicted documentary evidence and testimony as follows: Prior to the year 1978, when the landlord purchased the building in which the tenants' unit is located, the building had been used only for commercial purposes; it was entirely non-residential. In the year 1978 and thereafter, the landlord undertook a construction project to create 65 live-work spaces within the existing structure. A building permit was issued, the work was completed, and final inspections were performed by representatives of the appropriate City agencies.

However, a Certificate of Occupancy has never been issued. The landlord credibly testified that he did not apply for a Certificate because he was informed by City representatives that the City grants such certificates only for buildings that are entirely newly constructed, and not those in which the exterior structure remains essentially intact. The tenant did not dispute this testimony.

Discussion:

There is no doubt that the subject building was created from space that was formerly entirely non-residential. However, due to circumstances presumably not envisioned by the Ordinance, the landlord has not been able to obtain a Certificate of Occupancy.

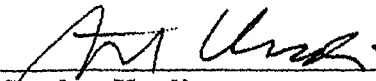
"The law respects form less than substance" [Civil Code Section 3528] and never requires impossibilities [Civil Code Section 3531]. Therefore, it is found that the tenant's unit was "newly constructed," and that it is therefore exempt from rent limitations under the Ordinance. This finding is consistent with the holding in the case of Comacchio v. Schmier, T03-0386, previously decided by this agency.

**ORDER**

Wherefore, all the evidence having been heard and considered, it is the order of this Hearing Officer that:

1. Petition No. T04-0163 is denied.
2. The tenant's rental unit is exempt from the Ordinance as being new construction.
3. Appeal: This decision is certified for immediate appeal to the Housing Residential Rent and Relocation Board.

Dated: October 22, 2004

  
\_\_\_\_\_  
Stephen Kasdin  
Hearing Officer  
Rent Adjustment Program

**PROOF OF SERVICE**

**Case Number T04-0163**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Rent Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Hearing Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

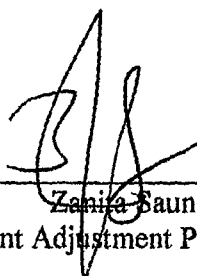
**Chandra Garsson**  
4701 San Leandro St Unit 37  
Oakland, CA 94601

**Rebecca Robbins**  
P.O. Box 8685  
Emeryville, CA 94662

**Francis Collins**  
1301 61st St  
Emeryville, CA 94608-2117

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Monday, October 25, 2004, in Oakland, California.

  
\_\_\_\_\_  
Zanika Saunders  
Rent Adjustment Program

000247

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-3691  
TDD (510) 238-3254

**APPEAL DECISION**

**CASE NUMBER:** T04-0380 (Wood v. Collins)

**PROPERTY ADDRESS:** 4701 San Leandro St., #45, Oakland, CA 94601

**APPEARANCES:** Alan Beales and Pauline Deixler for landlord/appellant  
No appearance for tenant/appellee

On July 5, 2005 the Rent Adjustment Program received letter from the tenant's attorney stating that the matter was settled and the petition was withdrawn. A stipulation for a stipulated appeal decision by the Board accompanied the letter as evidence of the settlement, essentially finding the subject unit exempt from application of the Rent Adjustment Ordinance. The Rent Adjustment Program Staff did not accept the stipulation for dismissal because it was contrary to Rent Board Regulation 8.22.100.B.8. The landlord's pending appeal was allowed to proceed and came on regularly on July 28, 2005.

At the appeal hearing, the Board agreed that the stipulation could not be given effect because it violated the Regulation cited above and also agreed that the case should be dismissed because the tenant withdrew her petition. Landlord's representatives acquiesced to this decision, but asked that the Hearing Decision not be given effect.

The Board refuses to give the stipulation effect, vacates the Hearing Decision in this case and dismisses the case.

**NOTICE TO PARTIES**

Pursuant to Ordinance No(s). 9510 C.M.S. of 1977 and 10449 C.M.S. of 1984, modified in Article 5 of Chapter 1 of the Municipal Code, the City of Oakland has adopted the ninety (90) day statute of limitations period of Code of Civil Procedures, Section 1094.6.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE NINETY (90) DAYS FROM THE DATE OF MAILING OF THIS DECISION WITHIN WHICH TO SEEK JUDICIAL REVIEW OF THE DECISION OF THIS BOARD IN YOUR CASE.**



Action taken by the following vote:

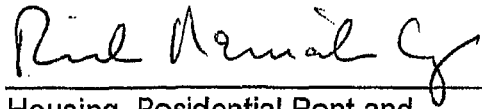
Ayes: H. Bolt Trippe, S. Sanger, S. Kennedy, D. Taylor, R. Hunter, L. Arreola

Nay: None

Abstain: None

Absent: None

Date: 9-12-05



Housing, Residential Rent and  
Relocation Board

By Rick Nemcik-Cruz, Board Designee

**PROOF OF SERVICE**

**Case Number T04-0380**

I am a resident of the State of California and over eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Appeal Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

**Zhenne Wood**

4701 San Leandro St Unit 45  
Oakland, CA 94601

**Kaplan and Sam**

601 Van Ness Ave. Unit Ste.2090  
San Francisco, CA 94102

**Zona Sage**

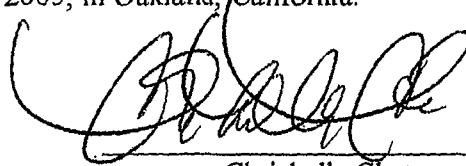
663 Jean St  
Oakland, CA 94610

**Francis Collins**

6050 Hollis St  
Emeryville, CA 94608

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Monday, September 12, 2005, in Oakland, California.



Chrishelle Chatman  
Oakland Rent Adjustment Program



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-3691  
TDD (510) 238-3254

## **HEARING DECISION**

**CASE NUMBER:** T04-0380 (Wood v. Collins)

**PROPERTY ADDRESS:** 4701 San Leandro St., Unit 45, Oakland, CA

**HEARING DATES:** February 18, 2005  
April 8, 2005

**PERSONS PRESENT:** Alan K. Beales (Landlord's Witness)  
Benjamin Elliot Kaplan (Landlord's Attorney)  
Charles de la Casa (Tenant's Witness)  
Daniel D. Buchalter (Landlord's Attorney)  
Francis Collins (Landlord)  
Greg Golino (Landlord Attorneys' Law Clerk)  
Pauline M. Deixler (Landlord's Witness)  
Zhenne Wood (Tenant)  
Zona Sage (Tenant's Attorney)

## **INTRODUCTION**

The persons listed above appeared at the hearing. The parties and their attorneys were given full opportunity to present relevant evidence and argument. Four witnesses were heard: Francis Collins, the landlord; Zhenne Wood, the tenant; Charles de la Casa, a former tenant in Unit 14 testified for the tenant; Alan Beales, a former Rent Board Member and rental housing consultant, testified for landlord. All the witnesses who testified did so under oath. Ms. Deixler did not testify. Mr. de la Casa testified on February 18. Mr. Beales, Ms. Wood and Mr. Collins testified on April 8.

The parties were allowed to submit written final argument not later than 5:00 p.m. on Thursday, April 14, 2005.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The subject property is a former paint factory consisting of 14 buildings<sup>1</sup> on approximately 3.3 acres.<sup>2</sup> The landlord purchased the property on November 28, 1978.<sup>3</sup> Over time, he converted various buildings on the property to live-work spaces.<sup>4</sup> The petitioner rented or resided in a number of different live-work units in the subject property beginning in 1986.<sup>5</sup> The parties agreed on the record<sup>6</sup> that the last unit rented by the petitioner is Unit 45, although she is temporarily occupying Unit 16 to allow the landlord to complete work in Unit 45. Unit 45 is located in the building currently identified as Building "J" on Landlord's Exhibit 3.<sup>7</sup>

### TENANCY

According to the Tenant's petition, the tenant moved into unit 45 on May 22, 1998 at an initial rent of \$400 per month. This is corroborated by a copy of the lease.<sup>8</sup> The tenant alleges increases in the monthly rent effective August 1, 2001 from \$400 to \$421 and effective July 1, 2002 from \$421 to \$505. The tenant was asked by the landlord to move to unit 16 temporarily to facilitate work on unit 45. Unit 16 was a larger unit. According to the lease, the rent being paid by the tenant is for Unit 45 although she is occupying unit 16. The tenant challenges both of these rent increases. The landlord alleges that the tenant's unit is exempt from application of the Rent Adjustment Ordinance as "New Construction" and because the tenancy is not a residential tenancy.

### LACK OF RENT PROGRAM NOTICE

A landlord is required to give a form notice of the existence and scope of the Rent Ordinance (known as a "Rent Program Notice" or "Notice to Tenants"), including the tenant's right to petition against rent increases, both on or before the commencement of the tenancy and concurrent with any notice of increase in rent. The landlord in this case admitted never having given the Rent Program's "Notice to Tenants" required by the Rent Adjustment Ordinance for all covered units at the inception of the tenancy<sup>9</sup> and with every notice in change of terms of tenancy.<sup>10</sup> It is uncontested that pursuant to the Costa-Hawkins Rental Housing Act,<sup>11</sup> the landlord had the right to set the initial rent for the tenancy. Therefore, the \$400 rent was valid. It is likewise uncontested that if the unit is not exempt from application of Rent Adjustment, the rent increases given to this tenant are invalid under the Ordinance.

<sup>1</sup> Landlord Exhibit 3.

<sup>2</sup> Testimony of Francis Collins,

<sup>3</sup> Testimony of Francis Collins, Landlord Exhibit 18.

<sup>4</sup> Testimony of Francis Collins.

<sup>5</sup> Testimony of Zhenne Wood, Tenant Petition T-04-0380.

<sup>6</sup> Recording of February 18, 2005,

<sup>7</sup> Rep. Tr. p.

<sup>8</sup> Landlord Exhibit 11, p. 1.

<sup>9</sup> OMC §8.22.060 in the current version of the Ordinance. A similar section in prior versions of the Ordinance has been in effect during all of the tenancies alleged by the petitioner.

<sup>10</sup> OMC §8.22.070.H.1.

<sup>11</sup> Civ. C. §§1954.52 and/or 1954.53

## COMMERCIAL USE

Although the landlord initially raised as a defense that the tenancy at issue here was commercial and not residential, the overwhelming weight of the evidence is that the nature of the tenancy was a live-work tenancy that contemplated residential use of the unit in combination with other commercial activities. The commercial leases notwithstanding, every witness, except the landlord, testified credibly and stated unequivocally that the unit was rented for live-work residential use and that the landlord and/or the landlord's agent knew that they were living in the unit and accepted rent with that knowledge.

The landlord testified that he could not recall who was living in the property, if anyone, on January 1, 1983, but that it was possible that "my partners may have leased to somebody without me—you know, without me knowing".<sup>12</sup> The landlord did not investigate the nature of the sublet tenancies.<sup>13</sup> The sublet tenancies were created in the same building that the petitioner now resides.<sup>14</sup> At some later point, it became clear to the landlord that the petitioning tenant was living in her unit.<sup>15</sup> The landlord took no action to stop tenant from using the premises for residential use in apparent violation of her written lease.<sup>16</sup>

In short, the landlord knew that the subject unit was being used for residential purposes, took no action to stop the activity that breached the written lease and accepted rent from this tenant after the supposed breaches. Although the written lease recites the permitted uses as commercial, a contract provision in violation of the Ordinance is void as contrary to public policy.<sup>17</sup> In the present case, the nature of the subject tenancy in question was residential and subject to the Ordinance, unless exempt for some other reason.

## NEW CONSTRUCTION

The landlord also presents the defense that the unit is exempt as new construction under the Oakland Ordinance.<sup>18</sup> OMC §8.22.030.A.5 reads in its entirety:

*[The following are exempt] Dwelling units which were newly constructed and received a certificate of occupancy on or after January 1, 1983. This exemption does not apply to any newly constructed dwelling units that replace Covered Units withdrawn from the rental market in accordance with O.M.C. 8.22.400, et*

<sup>12</sup> RT, p. 170:6-19.

<sup>13</sup> RT, p. 201:16 - p. 202:4.

<sup>14</sup> RT, p. 186; p. 202:2 - 4

<sup>15</sup> RT, p. 186; p212:22 - p. 213:3.

<sup>16</sup> RT, p. 186:22-24.

<sup>17</sup> OMC §8.22.180.

<sup>18</sup> Hearing Brief, p.7.

*seq. (Ellis Act Ordinance). To qualify as a newly constructed dwelling unit the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential.*

As applied to this case, the requirements for the new construction exemption are: (1) the subject unit was created from space that was formerly entirely non-residential on or after January 1, 1983; and, (2) the subject unit received a certificate of occupancy on or after January 1, 1983. The parties do not dispute that both unit 45 and unit 16 were created from space that was formerly entirely non-residential, part of the former Dutch Boy paint factory. However, there is substantial dispute about when the subject unit, unit 45, was created and whether it was used for residential purposes before January 1, 1983 or not.

We may dispose of the issue of the Certificate of Occupancy. The landlord presented the testimony of Alan Beales, an expert in Oakland Rent control who testified that to his personal knowledge and based on conversations with City of Oakland staff members, Certificates of Occupancy were not issued by the City of Oakland for live-work conversions during the 1980's.<sup>19</sup> Nonetheless, Certificates of Occupancy have been issued since, at least from the date of the City of Oakland memo addressing the issue from Mr. Derania, September 20, 2004. The landlord has taken all the necessary steps to secure one.<sup>20</sup> Because the law does not require an impossibility,<sup>21</sup> the lack of a Certificate of Occupancy does not disqualify the Landlord from claiming exemption as new construction, at the present time. The landlord is presently on notice that a Certificate of Occupancy has been available for all units on the Dutch Boy site since November 2004, at the latest.

Use of the subject unit on January 31, 1983. For purposes of application of the Rent Adjustment Ordinance, the subject unit is unit 45, not unit 16. Unit 45 is the unit that the tenant has a right to occupy and to which she must return when work to unit 45 is completed.<sup>22</sup> Unit 45 is located on the second floor of building C.<sup>23</sup>

The landlord has the burden of proving a right to an exemption from the application of the Rent Adjustment Ordinance.<sup>24</sup> The landlord proved that the subject unit was part of a building that was formerly used entirely for non-residential purposes in 1978. However, the landlord introduced no evidence of the use of Unit 45's space for the period from 1978 through 1982, except his testimony that he did not rent any of the space for residential purposes. However, he also testified that two partners had leased the building in which Unit 45 was located from him and were subletting parts of the building to third parties for uses unknown to him. The landlord testified that he did not investigate whether these sublet tenancies were for residential purposes.<sup>25</sup>

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<sup>19</sup> LL Exhibit 21; RT, p. 126.

<sup>20</sup> RT p. 193:6 – 194:8

<sup>21</sup> Civ. C. §3531.

<sup>22</sup> Addendum to Lease, LL Exhibit 12.

<sup>23</sup> LL Exhibit 3.

<sup>24</sup> OMC 8.22.030(B)(1)(b).

<sup>25</sup> RT, p. 201:16 - p. 202:4.

The tenant testified to conversations she had with other tenants in Buildings C and J, who had sublet units from the partners for residential purposes before January 1, 1983. However, the tenant had no personal knowledge of the use of the building prior to the commencement of her tenancy in 1986. Her knowledge is limited to hearsay.<sup>26</sup>

Hearsay is not a sufficient basis to prove that the unit was used for residential purposes prior to January 1, 1983.<sup>27</sup> Similarly, tenant's witness, de la Casa, testified to his residence in Unit 14 from December 1992 to October 2003. He also testified that during his residence he personally saw that many other tenants were living in the units with the knowledge of the on site managers, but that he did not know when the units were first rented as residences.<sup>28</sup>

Therefore, there is a lack of evidence to show to what use the space, which is now the Unit 45, was put during the period the landlord's partners sublet the property for a period extending from before January 1, 1983 through the termination of the partnerships sometime in 1986. The landlord failed to carry his burden to prove his right to the exemption for new construction.<sup>29</sup> Therefore, the unit is not exempt from, but subject to, application of the Rent Adjustment Ordinance.

#### RESTITUTION

As a non-exempt unit, both of the increases given to the tenant are invalid for failure to give any of the required Notices to Tenants. This is discussed in the section titled "Lack of Rent Program Notices." The tenant's rent payments, the proper rent and the excess rent payments are shown on the following table:

From	To	Months	Rent Paid	Proper Rent	Excess
August 1, 2001	July 1, 2002	11	\$421.00	\$400.00	\$231.00
July 1, 2002	Present	26	\$505.00	\$400.00	\$1155.00
				Total	\$1386.00

At the hearing the Landlord raised an issue with regard to back rent owed. As the matter of rent overcharges under the Oakland Rent Adjustment Ordinance is pending in a related action in Superior Court between these same parties, the hearing Officer abstains from making any order for restitution. The Court is in a better position to adjust the accounts between the parties and grant whatever remedies are appropriate.

<sup>26</sup> Hearsay is evidence of an out of hearing statement used to prove the truth of what was said outside of the hearing. It is subject to numerous exceptions, none of which apply to the testimony in this case. See. Ev. C. §§1200, et seq.

<sup>27</sup> Govt. C. §11513; Rent Board Regulations 8.22.110(E)(4).

<sup>28</sup> Testimony of Mr. de la Casa, Recording of Staff Hearing 2/18/05, Disc #2.

<sup>29</sup> On the contrary, the tenant produced a preponderance of the evidence, although insufficient, that at least one unit in the building housing unit 45 was let as live-work space before January 1, 1983.

ORDER

All the evidence and argument having been heard and considered, it is the order of this Hearing Officer that:

The tenant petition is granted, in part. Unit 45 at 4701 San Leandro Street is subject to the Rent Adjustment Ordinance. Based on the evidence, the tenant has overpaid rent in the amount of \$1,386.00.

Right to Appeal: This decision is the final decision of the Hearing Officer. The case of Garsson v. Collins, T04-0163 is before the Housing Residential Rent and Relocation Board pending an appeal hearing presently scheduled for April 28, 2005. That case shares common facts, the same respondent, for a unit in the same property and with at least one common issue of law raised in the Appeal (the requirement of a Certificate of Occupancy) with the instant case. This decision is certified for immediate appeal and consolidation with case T04-0163 for appeal hearing.

Dated: Tuesday, April 19, 2005



RICK NEMCIK-CRUZ  
Hearing Officer



**PROOF OF SERVICE**

**Case Number T04-0380**

I am a resident of the State of California and over eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Hearing Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

**Zona Sage**  
663 Jean St  
Oakland, CA 94610

**Kaplan and Sam**  
601 Van Ness Ave. Unit Ste.2090  
San Francisco, CA 94102

**Zhenne Wood**  
4701 San Leandro St Unit 45  
Oakland, CA 94601

**Francis Collins**  
6050 Hollis St  
Emeryville, CA 94608

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Tuesday, April 19, 2005, in Oakland, California.

---

Chrishelle Chatman  
Oakland Rent Adjustment Program

000257



P.O. BOX 70243, OAKLAND, CA 94612-2043

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-6181  
TDD (510) 238-3254

**Housing, Residential Rent  
and Relocation Board (HRRRB)**

**APPEAL DECISION**

**CASE NUMBER:** T12-0112, Williams v. Best Bay Apts.  
**APPEAL HEARING:** March 14, 2013  
**PROPERTY ADDRESS:** 2701 High St., #204, Oakland, CA  
**APPEARANCES:** Jeanette Williams (Tenant)  
Russ Taplan (Owner Representative)

**Procedural Background**

The petition in this case was filed by the tenant on April 12, 2012, alleging that a current rent increase exceeds the applicable annual increase permitted under the Ordinance and Regulations, and further alleging that she never received the required form Notice to Tenants (RAP Notice).

The owner filed a timely response to the petition. The response alleges that the subject building is exempt from the Rent Adjustment Ordinance as being "newly constructed."

**The Decision**

Both parties appeared at the hearing on July 11, 2012, and on July 17, 2012 a Hearing Decision was issued. The Decision states that the subject building is exempt from the Ordinance as new construction; the petition was dismissed. On August 1, 2012 the tenant filed an appeal, and a review of the file disclosed that the hearing had not been recorded. For this reason, a new hearing was held on October 31, 2012; the owner was not present at this second hearing.

A second Hearing Decision issued on November 2, 2012. The Decision found the subject building exempt as new construction, and dismissed the petition. The basis of

this Decision is that the file contained a document from the City Inspection Services Agency which states that the building permit for the subject building was "finalized," although the City could not locate a Certificate of Occupancy. The owner had submitted this document, and it was received in evidence, at the July Hearing.

Grounds for Appeal

On November 26, 2012, the tenant filed an appeal of the November Hearing Decision. The appeal asserts that the decision was incorrect in that the decision is inconsistent with decisions issued by other hearing officers and is not supported by substantial evidence. The tenant alleges that the decision is incorrect because the owner never produced a Certificate of Occupancy, as required by the Ordinance and Regulations.

Appeal Decision

After hearing all of the arguments by the parties, and considering them at length, the Board affirms the decision of the Hearing Officer.


Passed by the following vote:

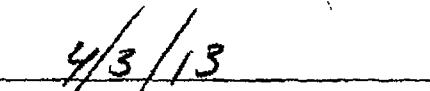
Aye: B. Williams, B. Scott, L. Lonay, N. Frigault  
Nay: None  
Abstain: M. Bowie, T. Singleton

**NOTICE TO PARTIES**

Pursuant to Ordinance No(s). 9510 C.M.S. of 1977 and 10449 C.M.S. of 1984, modified in Article 5 of Chapter 1 of the Municipal Code, the City of Oakland has adopted the ninety (90) day statute of limitations period of Code of Civil Procedure, Section 1094.6.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE NINETY (90) DAYS FROM THE DATE OF MAILING OF THIS DECISION WITHIN WHICH TO SEEK JUDICIAL REVIEW OF THE DECISION OF THIS BOARD IN YOUR CASE.

  
CONNIE TAYLOR  
BOARD DESIGNEE  
CITY OF OAKLAND  
HOUSING, RESIDENTIAL RENT AND  
RELOCATION BOARD

  
DATE

## PROOF OF SERVICE

Case Number T12-0112

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Appeal Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:


Russell Taplin  
160 Franklin Street, Ste. 300  
Oakland, CA 94607

Jeanette Williams  
2701 High Street, #204  
Oakland, CA 94619

Linden Jones  
2701 High Street, #202  
Oakland, CA 94619

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **April 4, 2013** in Oakland, California.

  
\_\_\_\_\_  
Janie Daniels  
Oakland Rent Adjustment Program

000260



P.O. BOX 70243, OAKLAND, CA 94612-2043

CITY OF OAKLAND

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-6181  
TDD (510) 238-3254

## HEARING DECISION

**CASE NUMBERS:** T12-0112, Williams v. Best Bay Apts.  
**PROPERTY ADDRESS:** 2701 High St., #204, Oakland, CA  
**DATE OF HEARING:** July 11, 2012  
**DATE OF DECISION:** July 17, 2012  
**APPEARANCES:** Jeanette Williams (Tenant, Unit #204)  
Russ Taplin (Owner Representative)

### SUMMARY OF DECISION

The tenant petition is dismissed. The subject building is exempt from the Rent Adjustment Ordinance as being newly constructed.

### CONTENTIONS OF THE PARTIES

The tenant filed a petition which alleges that a proposed rent increase from \$950 to \$1,073 per month exceeds the CPI Rent Adjustment and is unjustified and that she has never been provided with the required form notice of the existence of the Rent Adjustment Program (RAP Notice).

The owner filed a Response to the petition, alleging that the subject building is exempt from the Rent Adjustment Ordinance on the ground that it is "newly constructed." The Response does not state a justification for the challenged rent increase nor does it state when, if ever, the tenant was given the RAP Notice.

### THE ISSUES

- (1) Is the subject building exempt from the Rent Adjustment Ordinance?
- (2) If the building is not exempt from the Ordinance, when, if ever, was the tenant given the RAP Notice?

000261

## EVIDENCE

At the Hearing, Russ Taplin, the owner representative, testified that he went to the City Inspection Services and requested a copy of the Certificate of Occupancy for the subject building. He was told that such a certificate was not in the City files. Mr. Taplin then spoke with Timothy Low, P.E., whose job title is Principal Civil Engineer / Inspections Manager for the City of Oakland.

Mr. Low provided Mr. Taplin with a certified copy of a document issued by the City Inspection Services agency, entitled "Update/Query Project Information, which states that the project is a new 32-unit apartment building and that the building permit was "finalized" on September 15, 1989. Taped to this document is Mr. Low's business card. Mr. Low wrote on this document: "We can not locate the C.O. at this time. Please accept this as the final document." The statement is signed and dated June 20, 2012.<sup>1</sup>

Mr. Taplin also submitted a printout from the Alameda County Assessor's Office regarding the subject building, which states that it was built in the year 1989.<sup>2</sup> The tenant did not offer any contradictory evidence.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

New Construction: The Oakland Rent Adjustment Ordinance<sup>3</sup> states that dwelling units are not "covered units" under the Ordinance if such units "were newly constructed and received a certificate of occupancy on or after January 1, 1983." The dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential.

The owner did not provide a Certificate of Occupancy, as required under the Ordinance. However, Mr. Taplin's testimony and the documents that are in evidence are found to be credible.

Official Notice is taken of Case No. T05-0110, et al., Peacock, et al. v. Vulcan Props. LP ("Peacock"), in which tenants filed petitions contesting rent increases. The owner in that case contended that the subject building was exempt as "new construction." The facts in "Peacock" were nearly identical to the present situation. A building was constructed in the late 1980's and there was reliable evidence that the construction was inspected and approved by a City Building Inspector (the permit was "finalized"). However, the records of the Building Department did not contain a Certificate of Occupancy.

At the Hearing in "Peacock," Ray Derania, who was then the City Code Compliance Manager, testified that many records of the Building Department were lost in the 1989 earthquake. Also, at times, due to clerical oversight, paperwork leading to a Certificate of Occupancy is not typed up after a building permit is finalized.

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<sup>1</sup> Exhibit No. 1. This Exhibit, and all others to which reference is made in this Decision, were admitted into evidence without objection.

<sup>2</sup> Exhibit No. 3.

<sup>3</sup> O.M.C. Section 8.22.030(A)(5)

Mr. Derania further testified that, in the normal course of business, final approval by a City of Oakland Building Inspector would trigger the issuance of a Certificate of Occupancy. There is nothing more to be done. Therefore, a "finalized" building permit is the practical equivalent of a Certificate of Occupancy.

In "Peacock," the tenant petitions were dismissed. It was found that the subject building was exempt from the Rent Adjustment Ordinance as being "newly constructed" despite the lack of a Certificate of Occupancy. The tenants appealed, and the Hearing Decision was affirmed by both the Board and in a writ proceeding in the Alameda County Superior Court.

Conclusion: It is found that:

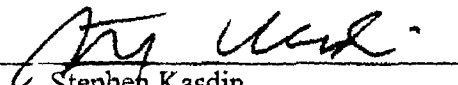
- (1) A Certificate of Occupancy for the subject building is not available;
- (2) The building was constructed in the year 1989;
- (3) The building permit was "finalized."

The owner has proven by a preponderance of the evidence that the subject building is entirely new construction and that the building either did or should have received a Certificate of Occupancy after January 1, 1983. Therefore, the tenant's unit is exempt from the Rent Adjustment Ordinance and it is not necessary to discuss any other issues in this case.

#### ORDER

1. Petition T12-0112 is dismissed.
2. The unit is exempt from the Rent Adjustment Ordinance.
3. A Certificate of Exemption for the subject building will be issued upon this Decision becoming final.
4. Right to Appeal: **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) calendar days after service of the decision. The date of service is shown on the attached Proof of Service. If the Rent Adjustment Office is closed on the last day to file, the appeal may be filed on the next business day.

Dated: July 17, 2012

  
\_\_\_\_\_  
Stephen Kasdin  
Hearing Officer  
Rent Adjustment Program

**PROOF OF SERVICE**  
**Case Number T12-0112**

I am a resident of the State of California at least eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Hearing Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:


Jeanette Williams  
2701 High Street, #204  
Oakland, CA 94619

Linden Jones  
2701 High Street, Suite 202  
Oakland, CA 94619

A. Russell Taplin  
160 Franklin Street, Suite 300  
Oakland, CA 94607

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

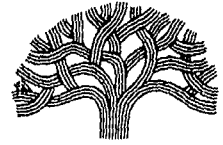
I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **July 18, 2012**, in Oakland, California.

  
\_\_\_\_\_  
Janie Daniels  
Oakland Rent Adjustment Program

000264



CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 5313 • OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency  
Rent Adjustment Program

(510) 238-3721  
FAX (510) 238-3691  
TDD (510) 238-3254

**Housing, Residential Rent  
and Relocation Board (HRRRB)**

**APPEAL DECISION**

**CASE NUMBER:** T05-0110, Peacock, et al. v. Vulcan Properties

**APPEAL HEARING:** May 25, 2006

**PROPERTY ADDRESS:** 4401 San Leandro St., Oakland, CA

Appearances

Nancy Conway, Esq. appeared for the tenants-appellants. Manuel Martinez, Esq. appeared for the landlord-appellee.

Procedural Background

The tenant filed the petition in this case on March 26, 2005, contesting a proposed rent increase as excessive under Rent Adjustment Ordinance and Regulations. The petitions also claimed decreased housing services. The landlord filed a timely response to the petitions. The response alleged that the units are exempt from the Ordinance because it was newly constructed on or after January 1, 1983.

The Decision

On November 15, 2005 a Hearing Decision was issued, denying the petition. The Decision concluded that the evidence showed that the subject units were newly constructed. The Hearing Officer based his decision on the factual finding that it was more likely than not that Certificates of Occupancy were issued for the units at issue. He also reached the legal conclusion that a "finalized" permit is the practical equivalent of a Certificate of Occupancy. The Hearing Officer wrote that the lack of finalized permits can be explained by clerical oversight or earthquake loss, and that it would be unfair to penalize the landlord for acts of nature or clerical mistakes.

000265

Grounds for Appeal

The tenant filed an appeal on December 19, 2005, asserting that the decision was incorrect because it is inconsistent with the Ordinance, Regulations, and/or prior decisions of the Board; that it raises a new policy issue that has not been decided by the Board; that it is not supported by substantial evidence; and that tenant petitioners were denied a sufficient opportunity to present their claims. At the appeal hearing, the tenant raised multiple objections to the Hearing process and decision.

In the case, the Hearing Officer re-opened the record after reviewing the evidence presented at the hearing when he felt that he did not have sufficient evidence upon which to make a fair decision. The Hearing Officer sent a letter to the co-Director of the City Community and Economic Development Agency, Ms. Claudia Cappio, asking her to designate a witness to testify to the authenticity and meaning of documents submitted by the landlord, but which the landlord could not properly authenticate after objection by the tenants. The tenants objected to the Hearing Officer in writing that the investigation was improper since it was instigated by the Hearing Officer after the record was closed, claiming that no additional evidence should be allowed after the close of the record and that the Hearing Officer cannot call witnesses.

The tenant also argued that the fact that the Hearing Officer rejected tenant's evidence and accepted landlord evidence, combined with the Officer's independent investigation, demonstrates that the Hearing Officer was biased in favor of the landlord. The tenants argued that the Hearing Officer should have allowed the tenants to withdraw their petitions, without prejudice, after the close of the hearing. Finally, the petitioner presented new evidence discovered since the Hearing, and claimed that additional evidence, which had been in landlord's possession, would be available in the future.

The landlord argued that the Hearing Officer's rejection of some of its evidence disproves claims that the Hearing Officer was biased. He asserted that the Hearing Officer was biased in favor of the tenants because he allowed the tenants too much latitude to present evidence. He also argued that the Hearing Officer properly reopened the case to receive new evidence. He finally argued that substantial evidence supported the decision.

The appeal hearing came before the Board on May 25, 2006. The Board rejected claims of Hearing Officer bias and did not propose a motion to allow appellant to withdraw the petition. The Board affirmed the authority of the Hearing Officer to call witnesses in an appropriate case. The Board declined to consider the additional evidence not presented at the Hearing.

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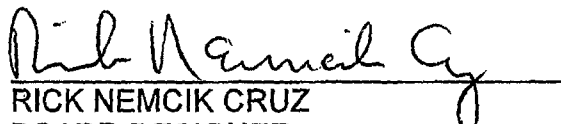
Appeal Decision

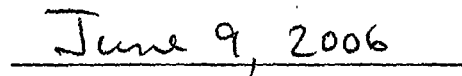
The Board affirms the decision of the Hearing Officer, finding that it was supported by substantial evidence.

**NOTICE TO PARTIES**

Pursuant to Ordinance No(s). 9510 C.M.S. of 1977 and 10449 C.M.S. of 1984, modified in Article 5 of Chapter 1 of the Municipal Code, the City of Oakland has adopted the ninety (90) day statute of limitations period of Code of Civil Procedure, Section 1094.6.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE NINETY (90) DAYS FROM THE DATE OF MAILING OF THIS DECISION WITHIN WHICH TO SEEK JUDICIAL REVIEW OF THE DECISION OF THIS BOARD IN YOUR CASE.

  
\_\_\_\_\_  
RICK NEMCIK CRUZ  
BOARD DESIGNEE  
CITY OF OAKLAND  
HOUSING, RESIDENTIAL RENT AND  
RELOCATION BOARD

  
\_\_\_\_\_  
DATE

Passed by the following vote:

Aye:	L. Arreola, A. Flatt, R. Hunter, S. Kennedy, J. Leavitt, S. Sanger, D. Taylor.
Nay:	None
Abstain:	None
Absent:	None

**PROOF OF SERVICE**

**Case Number T05-0110**

I am a resident of the State of California and over eighteen years of age. I am not a party to the Residential Rent Adjustment Program case listed above. I am employed in Alameda County, California. My business address is 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California 94612.

Today, I served the attached **Appeal Decision** by placing a true copy of it in a sealed envelope in City of Oakland mail collection receptacle for mailing on the below date at 250 Frank H. Ogawa Plaza, Suite 5313, 5<sup>th</sup> Floor, Oakland, California, addressed to:

**Dean G. Miller**  
3756 Grand Ave. Unit 306  
Oakland, CA 94610

**Nancy M. Conway**  
345 Franklin St.  
San Francisco, CA 94102

**Sandra Kablitz**  
3049 Research Dr.  
Richmond, CA 94806

**Jason Peacock**  
4401 San Leandro St. 45  
Oakland, CA 94601

**J.R. Orton, III, c/o Vulcan  
Properties, LP**  
3049 Research Dr.  
Richmond, CA 94806

**Manuel A. Martinez**  
600 Montgomery St. Unit 14th Flr.  
San Francisco, CA 94111

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice an envelope placed in the mail collection receptacle described above would be deposited in the United States mail with the U.S. Postal Service on that same day with first class postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on Friday, June 09, 2006, in Oakland, California.



CHRISHELLE CHATMAN  
Oakland Rent Adjustment Program



250 FRANK H. OGAWA PLAZA, SUITE 5313, OAKLAND, CALIFORNIA 94612-2034

Community and Economic Development Agency(510) 238-3721  
Rent Adjustment Program

FAX (510) 238-3691  
TDD (510) 238-3254

## HEARING DECISION

**CASE NUMBERS:** T05-0110; -0119; -0127 & -0146 (Peacock, Vidor, Mignaud & Cotton-Burnett v. Vulcan Props. LP)

**PROPERTY ADDRESS:** 4401 San Leandro St., #s 45, 29, 19, & 54, Oakland, CA

**HEARING DATES:** June 22, 2005 and September 29, 2005

**APPEARANCES:** Jason Peacock (Tenant)<sup>1</sup>  
Richard Vidor (Tenant)  
Philip Mignaud (Tenant)  
Rebecca Cotton-Burnett (Tenant)  
Carrie Orange (Witness for Tenants)<sup>2</sup>  
Robert Lavezzo (Witness for Tenants)<sup>3</sup>  
Janel Lavezzo (Witness for Tenants)<sup>4</sup>  
Nancy M. Conway (Attorney for Tenants)  
Sandra Kablitz (Agent & Witness for Landlord)<sup>5</sup>  
Troy Peterson (Agent for Landlord)  
Dean G. Miller (Attorney for Landlord)  
Manuel A. Martinez (Attorney for Landlord)<sup>6</sup>  
Ray Derania (Witness)<sup>7</sup>

## INTRODUCTION

This consolidated matter involves petitions filed on April 26, May 2, May 6, and May 23, 2005 by tenants who contest current and prior rent increases that they claim exceed the Consumer Price Index (CPI) Rent increase authorized by the Rent Adjustment Ordinance and Regulations. Tenant Jason Peacock also alleges decreased housing services.

<sup>1</sup> Appeared only on June 22, 2005

<sup>2</sup> Appeared only on June 22, 2005

<sup>3</sup> Appeared only on June 22, 2005

<sup>4</sup> Appeared only on June 22, 2005

<sup>5</sup> Appeared only on June 22, 2005

<sup>6</sup> Appeared only on September 29, 2005

<sup>7</sup> Appeared only on September 29, 2005

The landlord, in response to the petition, contends that the tenants' units are exempt from the Rent Ordinance because the units were "newly constructed."

The persons listed above appeared at the hearing and were given full opportunity to present relevant evidence and argument. All persons other than the attorneys testified under oath.

### THE DECISION

The petitions are dismissed. The tenants' units are exempt from the Rent Ordinance.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Background: The tenants rent live-work units in adjacent buildings owned by the landlord, consisting of a total of 59 units. The tenants moved into their units at various times and at varied rent levels.

The landlord contends that, prior to the year 1985, the property on which the tenants' units are located ("the property") was used as a metal foundry. In the year 1985, the landlord purchased the property in order to convert the buildings on the property to artist live-work units. This conversion began in 1985, pursuant to a series of building permits. The landlord contends that Certificates of Occupancy were either issued or should have been issued in the years 1987 and 1988.

The tenants contend that the property is not exempt from the Ordinance, since the legal requirements for exemption have not been met.

Are the Tenants' Units Exempt as "New Construction"?: Dwelling units are not "covered units" under the Ordinance if such units "were newly constructed and received a certificate of occupancy on or after January 1, 1983. To qualify as a newly constructed dwelling unit the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential."<sup>8</sup> "Newly constructed units include legal conversions of uninhabited spaces not used by Tenants, such as . . . Spaces that were formerly entirely commercial."<sup>9</sup> A landlord has the burden of proving that a dwelling unit is exempt.<sup>10</sup>

Notice Requirements: An owner of any covered unit is required to give a tenant written notice of the existence and scope of the Rent Adjustment Program (RAP) both at the commencement of the tenancy<sup>11</sup> and concurrent with any notice of rent increase.<sup>12</sup> If the required notices have not been provided, any proposed notice of rent increase is invalid.

<sup>8</sup> O.M.C. 8.22.030(A)(5)

<sup>9</sup> Regulations, Section 8.22.030(B)(2)(a)(iv)

<sup>10</sup> O.M.C., Section 8.22.030(B)(1)(b)

<sup>11</sup> O.M.C. 8.22.060(A)

At the hearing, the landlord's attorney admitted that the tenants were never provided notice of the RAP. Therefore, if the tenants' units are subject to the Ordinance, all contested rent increases will be disallowed.

### THE FIRST DAY OF HEARING

#### The Landlord's Evidence:

Testimony of Sandra Kablitz: Ms. Kablitz has been employed as the landlord's property manager since September, 2004, and she is the custodian of records for the property. In approximately May of 2005 she met with Gary Lim, a representative of the City Building Department, regarding building permits and Certificates of Occupancy for units on the property. The City file contained neither building permits issued during the 1980's nor Certificates of Occupancy, and only a document entitled Temporary Certificate of Occupancy for Units 1 through 26. There appeared to be a significant gap in the City records for the time during which she believes the live-work conversions occurred.

Following this meeting, Ms. Kablitz reviewed the files in her office. These files contained Landlord Exhibit No. 1, a group of 13 documents. She has no knowledge of how or when these documents came to be placed in the files. Ms. Kablitz then photocopied these 13 documents and gave them to Mr. Lim, who placed them in the City file for the subject property, where they remain to date.<sup>13</sup>

Ms. Kablitz also asked Mr. Lim if Certificates of Occupancy could now be issued. She was informed that new inspections and, if necessary, new Building Permits would first be required.

Testimony of Troy Peterson: Mr. Peterson is employed as the Project Manager for Orton Development, a legal entity that, for present purposes, is the equivalent of the landlord. Part of his job is to oversee improvements and repairs in the subject buildings, and he has met with a number of City officials, including Building Department officials and an Assistant Fire Marshall.

He has asked such officials if Certificates of Occupancy could now be issued, and was told that a new inspection by the Building Department would be required. An inspection took place in his presence in June of 2005, and several units did not pass inspection due to damage and tenant improvements that were made without permits. Mr. Peterson has since presented a compliance plan to senior officials of the Building Department.

---

<sup>12</sup> O.M.C. 8.22.070(H)

<sup>13</sup> Several of these documents were introduced into evidence as Tenant Exhibits, and all were observed by the Hearing Officer, who reviewed the file following the hearing, in accordance with a stipulation of the parties' attorneys at the hearing.

Relevant Documents:

The landlord's Exhibit "1" includes the following documents regarding the property<sup>14</sup>:

Pages 1 & 2 – Certificate of Occupancy, Bldg "A"; Units 1-16; Bldg. Permit No. D41469; dated October 12, 1987

Page 4 & 5 – Building Certificate of Occupancy; Units 17-26; Bldg. Permit No. D41760; dated October 12, 1987

Page 6 – Building Permit Application, No. D41760; Change to "R" Building "B" Artists Studios; issued 12/20/85; Final Inspection \_\_\_\_\_, 1987

Page 7 – Temporary Certificate of Occupancy; Permit No. D 43880; Building "C"; Units 28-49; signed on various dates in the year 1987

Page 8 – Temporary Certificate of Occupancy; Permit No. B 8765362; Units 51 & 52; signed on various dates in the year 1988

Page 9 – Temporary Certificate of Occupancy; Permit No. B 87 \_\_\_\_\_; Units \_\_\_\_\_; signed on various dates in the year 1988

Page 10 – Building Permit Application, No. D43880; Building "C" Artist Studios; issued 8/29/85; Final Inspection \_\_\_\_\_, 1987

Page 11 – Building Permit Application, No. B8705362; Building "B" Artist Studios; filed 10/28/87; Final Inspection \_\_\_\_\_

Both the landlord (Exhibit No. 3, p. 1 & 2) and the tenants (Exhibit No. 14, p. 1 & 2) introduced a 2-page document entitled "3<sup>rd</sup> Report Worksheet." This document, which Ms. Kablitz testified is contained in the Building Department file (but was not provided by Ms. Kablitz), lists building permits on file, spanning the years 1934 through 2003. Included in the list of permits are the following:

No. B 8765362; Issued 10/29/87; Convert 1 Commercial to 3 Units; Ex 4/15/92

No. B 8800132; Issued 1/14/88; Convert Warehouse to Live/Work; Ex 9/17/90

No. D 41469; Convert 6 Rms Bldg "A" to Artist Studios; 5/27/87

No. D 43880; Convert Bldg "C" to Artist Studios (21); 5/28/87

No. D 41760; Convert Bldg "B" to Artist Studios; 5/27/87

Pursuant to a stipulation at the hearing, the Hearing Officer reviewed, and took official notice of the file of the Oakland Permit Center with regard to the subject property. The file contained pages 1 through 11 of Landlord Exhibit No. 1, as well as Landlord Exhibit No. 3.

<sup>14</sup> Certified copies of these documents, which are generally more legible than those introduced as Landlord's Exhibit No. 1, were also submitted by the landlord on September 22, 2005.



The Tenants' Evidence: At the first hearing, the tenants introduced the following documents from the file of the Building Department concerning the subject property:

Tenant Exhibit No. 1, p. 2 – Hand-written notations on a typed letter from the landlord to Mayor Brown and Calvin Wong, the former director of Building Services, concerning the subject property. The notations say, in part: “Permits never finalized. No evidence of CO’s [Certificates of Occupancy] for any units.” It is unknown who made these hand-written notations, or when this was done.

Tenant Exhibit No. 2 – A typed document entitled “Application Review History.” Following the date 5/9/03 is the notation: “Appears that no legal conversion to live/work was ever permitted. Applications and permits have all expired w/o finals . . .”

Tenant Exhibit No. 3 – A Declaration signed by tenant Rebecca Cotton, stating that a former property manager told her in the year 1998 that the subject units were not technically legal residencies, and that she dealt with Sandra Kablitz regarding the property for at least 3 years.

Tenant Exhibit No. 4 – A form entitled “Certificate of Occupancy.” Witness Janel Lavezzo testified that during the lunch break she went to the Building Department, requested a sample Certificate of Occupancy, and was given this document. The form is significantly different from the Certificates of Occupancy introduced by the landlord.

Tenant Exhibit No. 7, p. 1 – A document entitled Update/Query Complaint Inspection History, generated by the Building Department, concerning complaints in the year 2003. This document states, in relevant part, “live/work w/o permits,” as well as citing several apparent Code violations.

Tenant Exhibit No. 12 – A Building Permit application from Peter Smith, 4401 San Leandro St., #5, filed 4/13/87 for “construction of storage loft above bathroom in existing live-work studio.” The application expired on an unknown date.

Tenant Exhibit No. 13 – A group of 4 blank printed documents, including “Application for Certificate of Occupancy” and “Temporary Certificate of Occupancy.” In the lower left-hand corner of the first document is the date “7/04,” and on the second the date “6/02.”

Tenant Exhibit No. 14 – The tenants note the hand writing on the bottom of page 1: “No CO’s issued for conversions only TCO’s. New CO’s should be applied for.” This was written by an unknown person at an unknown time.

Tenant Exhibit No. 15, page 2 – A document entitled “Update/Query Project Information,” dated 6/22/05, concerning Building Permit No. B8800132. This document states, in part: “Date filed: 1/14/88 . . . Ax Appl Expire 9/17/90 . . . Convert Warehouse to Live/Work Artist Studio.”

The Parties' Contentions at the First Day of Hearing: The position of the landlord was that the presentation of building permits, which appeared to show that the work was completed and approved on final inspection, together with documents entitled "Certificate of Occupancy" and "Temporary Certificate of Occupancy," was enough to satisfy the standard of "new construction" as required by the Ordinance. The issuance of Certificates of Occupancy was a mere formality and, in any case, the landlord should not suffer due to the City's apparent problems in maintaining its files.

The tenants' attorney argued that there was no evidence that the documents in the landlord's file were authentic, and all such documents should be excluded by the "Hearsay Rule." She further believed that the signature on many of the Building Permits, which appears to be "Harry Blow," casts further doubt upon the reliability of these documents. Therefore, the landlord had not met its burden of proof.

### THE SECOND DAY OF HEARING

Background: Following the first day of Hearing, and upon review of the evidence, it became apparent to the Hearing Officer that additional evidence was necessary in order to render a fair decision. Although many of the documents presented by the landlord appeared to be genuine, they are dated nearly 20 years ago, and there was no evidence of their authenticity or significance. Further, both the landlord and tenants presented witnesses who testified to conversations between themselves and various employees of the City.

The essence of the tenant witness testimony is that they were told by City employees that the documents presented by the landlord did not appear to be customary forms and that Certificates of Occupancy were probably never issued. The landlord witnesses related conversations to the contrary. However, neither the landlord nor the tenants offered the testimony of a single City employee. This is hardly the best evidence upon which to decide the important issues presented in this case.

Therefore, the hearing was re-opened. Claudia Cappio, the Director of Development of the Community and Economic Development Agency, was asked in writing to produce the person most knowledgeable concerning the practices of the Building Services Department in the mid- and late-1980's to testify at the continued Hearing. In response to this request, Mr. Ray Derania appeared and testified at the second day of Hearing.

The attorney for the tenants objected, both in writing and at the Hearing, to the decision to hold a continued Hearing, and particularly to the testimony of Mr. Derania. She also objected to the landlord's submission of additional documents following the first hearing, on the ground that they should have been submitted no less than 7 days prior to the first hearing, rather than 7 days prior to the second hearing.

Witness Testimony: Ray Derania is an engineer, who has been employed by the Building Department since 1990. His current job title is Code Compliance Manager. He

is familiar with the practices of the Department from 1984 through the late 1980's, and he has known Harry Blow, a retired Building Inspector with the Department, for many years. He is also familiar with Mr. Blow's signature.

At the hearing, Mr. Derania was shown the following documents and asked questions regarding their significance in the mid- and late-1980's. He testified that all of these documents appear to be forms used by the Building Department in the mid- and late-1980's. Many of them were still in use when Mr. Derania began his employment in the year 1990. Significant portions of his testimony are as follows:

Landlord Exhibit No.1, pages 1 & 2, entitled "Certificate of Occupancy" is actually a worksheet prepared by a Building Inspector prior to the issuance of a Certificate of Occupancy. The worksheet is then reviewed by a supervisor and, if approved, the Certificate is then typed. The worksheet is generally approved, although it is sometimes revised before approval. This exhibit contains the code B-2/R-1, which reflects a change of use from commercial space to multi-family residential use. The document concerns Building "A" (Units 1 through 16), and is signed by Harry Blow.

Landlord Exhibit No. 1, pages 4 & 5, is an actual Certificate of Occupancy for Units 17 through 26.

Landlord Exhibit No. 1, page 6, is a Building Permit Application / Building Permit for Building "B." The document reflects the change of use of an existing building to residential. The description of the proposed construction, in the upper right corner of the document, is supplied by the person applying for the permit. Writing in the lower right-hand corner indicates that there was a final inspection ("finalized"). Thereafter, the Certificate of Occupancy being Exhibit No. 1, pages 4 & 5 was issued.

Landlord Exhibit No. 1, pages 7, 8 & 9, are entitled Temporary Certificate of Occupancy. Page 7 covers Building "C," being Units 28 through 49; page 8 covers Units 51 and 52; page 9 appears to cover Unit 50. This document issued before a building permit is "finalized," if there are no unsafe conditions. The building can be occupied temporarily, pending completion of any remaining work. However, the fact that such a certificate was issued does not mean that either the Building Permit was finalized or that a Certificate of Occupancy was issued.

Landlord Exhibit No. 1, page 10, is a Building Permit for Building "C" that has been "finalized." The codes reflect alteration of an existing building, although there is no indication of the existing use of the building.

Landlord Exhibit No. 1, page 11, is a "finalized" building permit for the conversion of 1 commercial unit to 3 residential units. On the form, the number 59 is written on the line headed "Number of Units."

A Building Permit is a two-sided document, and many of the permit copies that are the above exhibits do not reflect the back of the permits. Therefore, Mr. Derania was also

questioned concerning exhibits attached to the Declaration of Harry J. Blow, submitted by the landlord on September 22, 2005. Mr. Derania testified that the back sides of Exhibits No. 1 (Building "A"), No.2 (Building "B") and No. 3 (Building ("C")) attached to the Blow Declaration are all signed under the heading "Final OK."

Mr. Derania explained that, if a building permit is signed off ("finalized"), this triggers the preparation and issuance of a Certificate of Occupancy for both new buildings and buildings with a change of use, such as from commercial to residential. There is nothing else to be done by the property owner.

It is "unusual" for a Certificate of Occupancy not to be approved once a permit is finalized. However, Mr. Derania has known of situations in which the paperwork leading to a Certificate of Occupancy was not typed up after a building permit was finalized, due to clerical oversight. Additionally, many Building Department documents were lost in the 1989 earthquake. In sum, it is more likely than not that Certificates of Occupancy were issued for Buildings "A," "B," and "C."

Building Department files were routinely recorded on microfilm prior to the year 1989. There has been little if any microfilming of records since that time. The witness noted that, if there had been residential use of the subject buildings prior to the issuance of the Building Permits in question, the Department file, including microfilmed records, would contain prior building permits. No such records are contained in the file, nor are any such permits listed in Tenant Exhibit No. 14 (3R Report Worksheet – an itemized listing of all building permits) prior to the year 1987.

The abbreviation "Ex" (meaning "Expired") is written on Page 1 of Tenant Exhibit No. 14 regarding the status of two of the relevant building permits. Also, hand-written on the bottom of this page is the notation "No COs [Certificates of Occupancy] issued for conversions only TCO's. New C.O.'s should be applied for." However, it is unknown when this was written, or by whom.

Mr. Derania stated that, since the Building Permits were finalized, it is likely that the Building Department employee(s) who wrote "Ex" and the hand written notation only checked the computer – which showed that the expiration date had passed – but had not checked the actual permits. Further, there is no indication on Tenant Exhibit No. 14 that permits had been issued or approved regarding residential use before the year 1985, when the present landlord purchased the property.

Finally, Mr. Derania testified that, if a microfilm record were legible, the Building Department could issue a retroactive Certificate of Occupancy. This would be accomplished by a Department representative conducting a "walk-through" of the premises. If everything were satisfactory, a Certificate would likely be issued.

The Tenants' Contentions at the Second Hearing:

(1) The landlord has the burden of proving that the tenants' units are exempt from the Rent Ordinance, and this burden was not met on the first day of hearing. Therefore, it was improper for the Hearing Officer to, in effect, give the landlord a second opportunity to prove its case.

(2) The second day of hearing should not have been continued at the request of the attorney for the landlord, since this enabled the landlord to obtain additional evidence.

(3) Only documents that were filed seven days prior to the first hearing should be considered. This is the intent of the Rent Ordinance, especially in view of the fact that all of the late-submitted evidence was available to the landlord at the time of the first hearing. Therefore, the Declarations of Harry J. Blow, Manuel A. Martinez and J. R. Orton, Jr. – and the documents attached to these Declarations – should be disregarded.

(4) If the lack of Certificates of Occupancy was merely a clerical or administrative error, the landlord should have been able to have the Certificates issued. Since the landlord has not done so, the requirements of the Ordinance have not been met and the tenants' units are covered under the Rent Ordinance.

(5) The fact that a Building Permit Application was submitted by Peter Smith in April of 1987 – which proposes work in an “existing live-work studio” – is proof that the subject premises were residential before the landlord applied for any Building Permits. Therefore, the tenants' units were not “created from space that was formerly entirely non-residential” prior to the landlord's construction activities and they are not exempt from the Rent Ordinance.

(6) Much of Mr. Derania's testimony and many of the landlord's exhibits should be excluded as “hearsay.”

DISCUSSION

Conduct of the Hearing:

One of the stated purposes of the Rent Ordinance is “encouraging investment in new residential property in the City.”<sup>15</sup> Therefore, claims of exemption based upon “new construction” must be carefully scrutinized by the Hearing Officer.

A Hearing Decision should be based upon the best available reliable evidence. If the parties do not present such evidence, it is proper for the Hearing Officer to take reasonable steps to ensure that all available evidence is considered when ruling upon a claim of exemption. All judges, including Hearing Officers, have the inherent power to call witnesses in order to determine the truth. This common law policy was codified as Evidence Code Section 775, and interpreted by reported cases.

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<sup>15</sup> O. M. C. Section 8.22.010(C)

Evidence Code Section 775 states, in part: "The court, on its own motion . . . may call witnesses and interrogate them the same the same as if they had been produced by a party to the action . . ."

Section 775 itself merely codifies traditional case law. Numerous courts . . . have recognized that it is not merely the right but the duty of a trial judge to see that the evidence is fully developed . . . and to assure that ambiguities and conflicts in the evidence are resolved insofar as possible.<sup>16</sup>

Admissible Evidence:

The rules of evidence that govern hearings of the Rent Adjustment Program are set forth in the California Administrative Procedures Act (Government Code, Section 11513).<sup>17</sup> Applicable portions of the Act state as follows:

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions . . .

Hearsay Evidence:

"'Hearsay evidence' is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. . . . (b) Except as provided by law, hearsay evidence is inadmissible."<sup>18</sup> Therefore, although a writing is "hearsay," certain writings are nonetheless admissible evidence. Such exceptions to the "hearsay rule" include a writing made in the regular course of business<sup>19</sup> and a writing made by and within the scope of duty of a public employee.<sup>20</sup>

Evidence Code Section 1280 states:

"Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered . . . to prove the act, condition, or event if all of the following applies:

(a) The writing was made by and within the scope of duty of a public employee.

<sup>16</sup> People v. Carlucci, 23 Cal.3d 249, 255 (1979)

<sup>17</sup> Regulations, Section 8.22.110(E)(4)

<sup>18</sup> Cal. Evidence Code, Section 1200

<sup>19</sup> Cal. Evidence Code, Section 1271

<sup>20</sup> Cal. Evidence Code, Section 1280

- (b) The writing was made at or near the time of the act, condition, or event.
- (c) The sources of information and method and time of preparation were such as to indicate its trustworthiness."

The Evidence:

The attorney for the tenants objects to the Declarations of Harry J. Blow, Manuel A. Martinez, and J. R. Orton, Jr., which were filed by the landlord after the first day of hearing. This objection is sustained, and these documents are excluded as being untimely filed. However, some of the documents attached to Mr. Blow's declaration, being the backs of building permits previously submitted by the landlord as Exhibit No. 1, will be considered in that Mr. Derania testified as to their significance.

Mr. Derania's testimony was based upon his personal knowledge, and the documents that he authenticated and discussed were made by public employees. Therefore, this evidence is admissible as an exception to the Hearsay Rule, under the legal standards set forth above.

The Building Permit Application of Peter Smith, submitted in the year 1987, proves nothing. The landlord had applied for all relevant building permits (Landlord Exhibits Nos. 1 thru 10) in the year 1985.

Mr. Derania credibly testified that the Building Department records that he was shown – as itemized on pages 4, 5, 7 and 8 above – contain no building permit applications, or reference to such applications, for residential use of the property prior to the year 1985. This testimony was not contradicted, and therefore the landlord has proven by a preponderance of the evidence that the tenant units were formerly entirely commercial in nature.

The uncontradicted testimony of Mr. Derania is that all building permits for the three buildings on the property were "finalized." He stated that, once a building permit is "finalized," it was the normal procedure of the Building Department for a Certificate of Occupancy to be issued. Mr. Derania further credibly testified that, in his expert opinion, it is more likely than not that the Certificates were issued.

There is no evidence to prove whether the Certificates were issued but then lost in the earthquake or otherwise or if, due to clerical oversight, some or all of these documents were never issued. However, it is clear from Mr. Derania's testimony that a "finalized" permit is the practical equivalent of a Certificate of Occupancy. Mr. Derania explained that, in the normal course of business, final approval by a Building Inspector would trigger the issuance of a Certificate of Occupancy. Under these circumstances, it would be illogical and unfair to penalize the landlord for the result of acts of nature or clerical mistakes.

Ms. Kablitz and Mr. Peterson testified that they sought to obtain Certificates of Occupancy. Once it was determined that Certificates were not in the file of the Building

Department, they requested the issuance of these documents. However, their request was denied due to the need for further permits, work, and inspections.

It is clearly in the landlord's interest for Certificates of Occupancy to be issued. If the landlord could have had the Certificates issued based upon the building permits from the 1980's, no one would question the claim of exemption. Ms. Kablitz and Mr. Peterson testified that, because the Building Department required additional permits and inspections, they were unable to obtain retroactive Certificates. This testimony is found to be credible, and is in accord with the testimony of Mr. Derania regarding the practices of the Building Department. The law does not require the impossible, and the landlord's inability to obtain these Certificates does not in itself defeat the claim of exemption.

Conclusion: The landlord has proven by a preponderance of the evidence that the tenants' units were created from space that was formerly entirely non-residential, and that the units either did or should have received Certificates of Occupancy after January 1, 1983. Therefore, the units are exempt from the Rent Ordinance.

#### POST-HEARING REQUEST

On November 2, 2005 – more than one month after the conclusion of the Hearing – the tenants FAXed Petition Withdrawal Forms to the Rent Adjustment Program, in which they sought to withdraw their petitions in this case. These requests followed two full days of hearing and the submission of numerous documents by the attorneys for the parties.

Following the second day of hearing – and particularly the testimony of Mr. Derania – it appeared that the subject buildings might be found exempt from the Ordinance as new construction. Therefore, it appears that the tenants filed requests for dismissal in anticipation of such a result. If the tenant requests were granted, they would then be able to contest rent increases in subsequent years.

The question of when a tenant should be allowed to withdraw a petition is not directly addressed in either the Rent Ordinance, Regulations or California law. However, a tenant petitioner is largely the equivalent of the plaintiff in civil litigation. Therefore, the following legal authorities are helpful in deciding this issue:

Code of Civil Procedure Section 581 states, in part:

- (c) A plaintiff may dismiss his or her complaint . . . with or without prejudice prior to the actual commencement of trial.
- (d) Except as otherwise provided in subdivision (e), the court shall dismiss the complaint . . . with prejudice, when upon the trial and before the final submission of the case, the plaintiff abandons it.



- (e) After the actual commencement of the trial, the court shall dismiss the complaint, . . . with prejudice, if the plaintiff requests a dismissal . . .

This statute is not, by its terms, applicable to an administrative hearing. However, the policy considerations upon which this statute is based, as set forth in decisions interpreting C.C.P Section 581, properly govern the result in this case.

Prior to 1947, section 581 of the Code of Civil Procedure had been interpreted to allow dismissal during trial, but prior to submission [citations]. This practice led to a number of abuses, wherein plaintiffs, learning of, or suspecting, an adverse decision, dismissed the suit after presentation of the case, thereby putting defendant to considerable expense and effort and wasting valuable court time [citations]. In 1947, the section was amended to eliminate such abuses. Gherman v. Colburn, 18 Cal. App.3d 1046, 1049 (1971)

California courts have also refused to allow plaintiffs to re-file complaints in situations other than the start of a "trial." In the case of Groth Bros. Oldsmobile, Inc. v. Gallagher, 97 Cal.App.4<sup>th</sup> 60 (2002) the trial court issued a "tentative ruling" sustaining a defendant's demurrer, which would result in a dismissal of the case. Before the actual hearing on the demurrer, the plaintiff filed a dismissal without prejudice and then essentially re-filed the same complaint.

The appeals court ordered the trial court to sustain the demurrer and dismiss the complaint with prejudice, stating: "[A]llowing a plaintiff to file a voluntary dismissal without prejudice in the face of a tentative ruling that the court will sustain the demurrer without leave to amend waste(s) the time and resources of the court and other parties and promote(s) annoying and continuous litigation . . ." (at p. 70).

The thread running through all these cases seems to be one of fairness: Once the parties commence putting forth the facts of their case before some sort of fact finder, such as an arbitrator . . . it is unfair – and perhaps a mockery of the system – to allow the plaintiff to dismiss his complaint and refile. Gray v. Superior Court (Hunter), 52 Cal. App.4<sup>th</sup> 165,173 (1977)

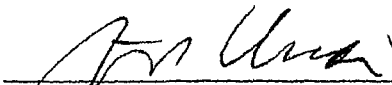
It would be an abuse of the Rent Adjustment Program, and contrary to the frequently stated policy of the courts, if the tenants were allowed to dismiss their petitions following two full days of hearing. If the petitions were dismissed, the tenants would then be free to file new petitions in later years, thereby imposing a burden upon the Rent Program and the landlord while allowing the tenants a second "bite at the apple." Therefore, the requests to withdraw the petitions are denied.

### ORDER

Wherefore, all the evidence having been heard and considered, it is the order of this Hearing Officer that:

1. Petitions No. T05-0110, -0119; -0127 and -0146 are dismissed.
2. The tenants' rental units are exempt from the Rent Ordinance.
3. **Right to Appeal:** **This decision is the final decision of the Rent Adjustment Program Staff.** Either party may appeal this decision by filing a properly completed appeal using the form provided by the Rent Adjustment Program. The appeal must be received within twenty (20) days after service of this decision. The date of service is shown on the attached Proof of Service. If the last day to file is a weekend or holiday, the appeal may be filed on the next business day.

Dated: November 15, 2005

  
\_\_\_\_\_  
**Stephen Kasdin**  
Hearing Officer  
Rent Adjustment Program

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2 PROOF OF SERVICE

3 State of California )  
4 County of Santa Clara ) XX

5 I am a citizen of the United States and an employee in the aforesaid County. I am over the  
6 age of eighteen years and not a party to the within action. My business address is 225 West Santa  
7 Clara Street, Suite 1500, San Jose, California 95113-1752. On the date mentioned below, I caused  
8 true copy(ies) of the following document(s) to be served on the party(ies) below using the  
9 method(s) checked:

8 **APPELLANT’S BRIEF IN SUPPORT OF APPEAL TO HEARING OFFICER DECISION**


9 On the Addressee(s) below named in said action by:

- 10  First Class Mail. I am familiar with the regular mail collection and processing  
11 practices of the business. Mail will be deposited with the United States Postal  
12 Service on the same day following ordinary business practices. I enclosed the  
13 above-mentioned document(s) in a sealed envelope with postage thereon fully  
14 prepaid in the United States Post Office mail box at the above address in San Jose,  
15 California.
- 16  By Personal Delivery (by Messenger Service).
- 17  By Federal Express pursuant to Code of Civil Procedure § 1005.
- 18  By Electronic Mail, to the email address(es) set forth below.

17 Addressee(s)

18 See Attached List

20 I declare under penalty of perjury, under the laws of the State of California, that the  
21 foregoing is true and correct. Executed on October 22, 2021, at San Jose, California.

22   
23 \_\_\_\_\_  
Michelle Garcia

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27 (408) 286-5100  
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Lauren Aiken  
4001 San Leandro Street # 23  
Oakland, CA 94601

Logan Shillinglaw 1V  
4001 San Leandro Street # 9  
Oakland, CA 94601



Marcus Pacheco  
4001 San Leandro Street # 24  
Oakland, CA 94601

Mark Tse  
4001 San Leandro Street # 31  
Oakland, CA 94601

Matthew Wigeland  
4001 San Leandro Street # 6  
Oakland, CA 94601

Michael Cantor  
4001 San Leandro Street # 19  
Oakland, CA 94601

Mike McCord  
4001 San Leandro Street # 16  
Oakland, CA 94601

Muhammad Yaremko  
4001 San Leandro Street # 33  
Oakland, CA 94601

Natalie Davis  
4001 San Leandro Street # 32  
Oakland, CA 94601

Patrick Hamilton  
4001 San Leandro Street # 27  
Oakland, CA 94601

Resident  
4001 San Leandro Street # 34  
Oakland, CA 94601

Sigrid Hafstrom  
4001 San Leandro Street # 8  
Oakland, CA 94601

Stephen Wagner  
4001 San Leandro Street # 2  
Oakland, CA 94601

Steven Joyner  
4001 San Leandro Street # 17  
Oakland, CA 94601

Tenant Representative  
David Hall, Centro Legal de la Raza  
3400 E. 12 Street  
Oakland, CA 94601

**000290**

1 **PAHL & McCAY**  
 A Professional Corporation  
 2 **Servando R. Sandoval, Esq.** (State Bar No. 205339)  
**Lerna Kazazic, Esq.** (State Bar No. 306207)  
 3 225 West Santa Clara Street  
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 4 San Jose, California 95113-1752  
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 5 Facsimile: (408) 286-5722  
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 6 [lkazazic@pahl-mccay.com](mailto:lkazazic@pahl-mccay.com)

7 Attorneys for Appellant  
 901 JEFFERSON, LLC.

8 **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**RENT ADJUSTMENT PROGRAM**

10 **CITY OF OAKLAND**

11 901 Jefferson, LLC,	)	APPELLANT’S BRIEF IN SUPPORT OF
	)	APPEAL TO HEARING OFFICER
12 Appellant,	)	DECISION
	)	
13 v.	)	Case No. L19-0259
	)	
14 Tenants,	)	Date: TBD
	)	Time: TBD
15 Respondents.	)	
	)	
	)	
	)	
	)	
	)	

18 Appellant 901 Jefferson, LLC. (“Appellant”) hereby submits the following Brief in  
 19 Support of its Appeal to Hearing Officer Decision in support of the Appeal to the September 20,  
 20 2021 Hearing Decision issued by Hearing Officer Linda Moroz (the “Decision”). The Decision  
 21 affects the real property located at 4001 San Leandro Street in Oakland, California (the  
 22 “Property”). Appellant submitted its appeal to the Decision on October 7, 2021 and Respondents  
 23 are hereby submitted argument and evidence in support of the Appeal.

24 **GROUND TO APPEAL**

25 Appellants are appealing the Decision on the following grounds:

26 (1) the Decision is inconsistent with OMC Chapter 8.22, Rent Board Regulations, or prior  
 27 decisions of the Board;

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 225 W. Santa Clara  
 Suite 1500  
 San Jose, CA 95113  
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- 1 (2) the Decision is inconsistent with decisions issued by other Hearing Officers;
- 2 (3) the Decision raises a new policy issue that has not been decided by the Board;
- 3 (4) the Decision violates federal, state, or local law, and;
- 4 (5) The Decision is not supported by the evidence.

5 **RELEVANT LAW**

6 The Oakland Rent Adjustment Ordinance (OMC Chapter 8.22.020) states that dwelling  
7 units are not “covered units” under the Ordinance if such units “were newly constructed and  
8 received a certificate of occupancy on or after January 1, 1983.” OMC 8.22.020(A)(5) This section  
9 goes on to clarify that the dwelling units must be entirely newly constructed or created from  
10 space that was formerly entirely non-residential.

11 Section 8.22.020(B)(1) provides that method for obtaining a certificate of exemption,  
12 which is a determination by the Rent Adjustment Program that a dwelling unit or units qualify for  
13 an exemption and, are therefore, not covered units. For units exempt as new construction, or by  
14 state law, an owner may obtain a certificate of exemption by claiming and proving an exemption  
15 in response to a tenant petition or by an owner petitioning the Rent Adjustment Program for such  
16 exemption. For purposes of obtaining a certificate of exemption, the burden of proving and  
17 producing evidence for the exemption is on the owner.

18 In Garsson v. Collins, T04-0163, the Hearing Officer found that a former warehouse,  
19 which was converted into live/work lofts, was ineligible for exemption from the Ordinance as  
20 “new construction” because there was no Certificate of Occupancy ever issued for the building.  
21 The landlord appealed to the Board on the basis that it was not possible for the landlord to have  
22 obtained a Certificate of Occupancy at the time the premises were converted to live-work units.  
23 The Board remanded the case for a further hearing, during which the parties would be able to  
24 present further evidence and comment on the issue of the new construction exemption and the  
25 need for a Certificate of Occupancy. During the remanded hearing, the landlord testified that the  
26 City was not issuing Certificates of Occupancy for live/work conversions at the time he acquired  
27 the property and did not begin to do so until November 2004.

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1 In further support, the landlord submitted the decision in Wood v. Collins (T04-0380), that  
2 suggest that no Certificate of Occupancy was available in the 1980s, but states that as of  
3 November 2004, a Certificate of Occupancy for live-work conversions become obtainable. The  
4 Hearing Officer found that the landlord satisfied the burden of proof on the fact that no  
5 Certificates of Occupancy were available until 2004.

6 In Williams v. Best Bay Apts (T12-0112), the owner did not provide a Certificate of  
7 Occupancy. The owner's representative testified that he went to the City Inspection Services and  
8 requested a copy of the Certificate of Occupancy for the subject building. The owner's  
9 representative presented a document on which the City's Inspection Manager for the City of  
10 Oakland wrote that the City could not locate the Certificate of Occupancy at that time and to  
11 accept the building permit as the final document.

12 The Hearing Officer found that the testimony and documents presented at the hearing were  
13 found to be credible. The Hearing Officer took official notice of Peacock, et al. v. Vulcan Props.,  
14 LP (T05-0110), in which a building was constructed in the late 1980s and there was reliable  
15 evidence that the construction was inspected and approved by a City Building Inspector (the  
16 permit was "finalized"); however, the records of the Building Department did not contain a  
17 Certificate of Occupancy.

18 At the hearing in Peacock, Ray Derania, who was then the City Code Compliance  
19 Manager, testified that many records of the Building Department were lost in the 1989 earthquake.  
20 He further testified that at that time, due to clerical oversight, paperwork leading to a Certificate of  
21 Occupancy was not prepared after a building permit was finalized. Mr. Derania further testified  
22 that, in the normal course of business, final approval by a City of Oakland Building Inspector  
23 would trigger the issuance of a Certificate of Occupancy and that there is nothing more to be done.  
24 The Hearing Officer in the Peacock matter held that a "finalized" building permit is the practical  
25 equivalent of a Certificate of Occupancy. The Hearing Officer specifically ruled that a Certificate  
26 of Occupancy for the subject building was not available, that it was constructed in 1989, and that a  
27 building permit was finalized. Based on this, the Hearing Officer found that the owner had proven

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1 by a preponderance of the evidence that the subject building was entirely new construction and  
2 that that the building did or should have received a Certificate of Occupancy after January 1, 1983.  
3 The tenant filed an appeal to this decision, asserting that it was incorrect on the basis that the  
4 owner never produce a Certificate of Occupancy. The Board affirmed the decision of the Hearing  
5 Officer.

### 6 SUMMARY OF DECISION

7 The Property consists of a total of thirty-three (33) residential units and has one Assessor  
8 Parcel Number. During the hearing, Appellant submitted several pages of documents that  
9 consisted of the City of Oakland building and planning records, permit applications and records  
10 relating to the Property. The Tenants submitted a packet of documents containing affidavits of past  
11 residents, public records, copies from telephone books, applications for permits, and the 3-R  
12 Reports. Upon review of all evidence and testimony presented at the hearing, the Hearing Officer  
13 found that there was no evidence of residential use before January 1, 1983 and that the evidence  
14 showed that the units were newly constructed from an entirely non-residential space (a  
15 factory/warehouse/office space) after January 1, 1983. Regardless, the Hearing Officer found that  
16 the Property is not exempt from the Ordinance and denied Appellant's Petition.

17 The Hearing Officer's determination that that Property is not exempt from the Rent  
18 Adjustment Program is based solely on the lack of a Certificate of Occupancy issued after 1983, or  
19 its equivalent, such as a 3-R Report showing a finalized building permit for residential conversion.

### 20 APPEAL ARGUMENT

21 While the evidence presented during the hearing rested heavily on demonstrating that there  
22 was no residential use prior to January 1, 1983, the Property does, in fact, have a variety of  
23 finalized permit for Units 1-23 and a Certificate of Occupancy for Units 24-33.

#### 24 Property Background

25 The Property was converted into artist lofts between 1984 and 1986, after being used as a  
26 warehouse and commercial space for nearly 60 years. The Property was issued a Building Permit,  
27 an Electrical Permit, and a Plumbing Permit between 1984 and 1986 for this conversion. In 1991,  
28

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1 an arson fire destroyed a better portion of the Property and extensive repairs had to be undertaken  
2 in order for the Property to once again be livable. Once again, a Building Permit, Electrical Permit,  
3 and Plumbing Permit were issued for these repairs to be undertaken. A true and correct copy of all  
4 available permits is attached hereto as Exhibit A. These permits were presented to the Hearing  
5 Officer during the Hearing and submitted in support of Appellant's Petition. These documents are  
6 the only available relevant permits to Appellant, that were obtained from the prior owner.  
7 Interestingly, in response to all public records requests for all permits applicable to the Property,  
8 these permits were never produced. It appears that there is a record of poor-record keeping on the  
9 part of the city, which as lead to repeated difficulty with establishing proper documentation for the  
10 Property. To demonstrate such, Appellant has obtained a copy of an Attestation of Erroneous of  
11 Unauthorized Destruction of Records demonstrating that the City is missing most planning case  
12 files for the year 1986. A true and correct copy of this Attestation of attached hereto as Exhibit B.

13 Units 1- 23

14 The Property received a Conditional Use Permit ("CUP"), No. C88-482, at some time prior  
15 to 2000 for Units 1-23 at the Property. Appellant has spent several years trying to obtain copies of  
16 this CUP from the City, but for some unknown reason, the City does not have a copy of this CUP.  
17 Appellant has been able to, however, obtain documentation confirming existence of the CUP.  
18 Attached to this Brief, as Exhibit C, is a letter from Willie Yee, Zoning Administrator, dated  
19 October 27, 2000, confirming that "[t]here are existing 23 live/work space[s] under previous  
20 Conditional Use Permit C88-482." Appellant's counsel has submitted several public records  
21 requests to attempt and obtain a copy of the CUP and the City has been unable to produce such. A  
22 true and correct copy of the public records requests and responses from the City is attached hereto  
23 as Exhibit D.

24 Units 24-33

25 Around the year 2000, the previous owner of the Property set out to permit the remaining  
26 10 units that were not covered under CUP C88-482. This process lasted several years and was  
27 finally completed in the year 2018 by Appellant. The City was heavily involved in the process as  
28

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1 several changes had to be made to the remaining 10 units and the Property in order for the City to  
2 sign off on the project. During this process, Appellant submitted a further application to document  
3 previously existing live/work units. Ultimately, as a result of these efforts, the City issued a  
4 Certificate of Occupancy on July 6, 2018. The Certificate of Occupancy describes the building use  
5 as Live/Work with 33 dwelling units. A copy of the Certificate of Occupancy is attached hereto as  
6 Exhibit E.

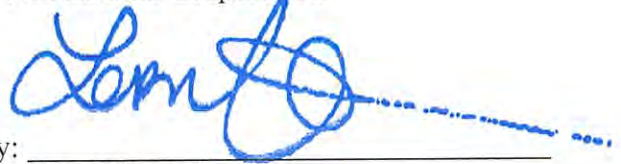
7 **CONCLUSION**

8 While the evidence presented during the hearing heavily focused on demonstrating that  
9 there was no residential use prior to 1983, the Property is exempt from the Ordinance not just on  
10 the basis that there was no residential use prior to January 1, 1983, but also that there is a  
11 Certificate of Occupancy and its functional equivalent issued after January 1, 1983. Units 1-23 had  
12 the functional equivalent of a Certificate of Occupancy (the CUP) for several years, and the  
13 remaining 10 units, 23-33, received a Certificate of Occupancy in 2018. In addition, Appellant  
14 spent several years working with the City to try and obtain copies of the CUP, but was  
15 unsuccessful through no fault of Appellant. As has been established in prior decisions issued by  
16 this Board, Certificates of Occupancy for live-work conversions were not obtainable from the City  
17 prior to 2004. This would explain why the City has no record of a Certificate of Occupancy for  
18 the first 23 units. The City simply did not issue them. However, the evidence shows that the units  
19 had the final permits approved and as such the Property is exempt and a certificate of exemption  
20 should have been granted by the Hearing Officer.

21 As a result, the Hearing Officer's Decision should either be overturned or remanded for an  
22 additional hearing.

23 DATED: October 22, 2021

PAHL & McCAY  
A Professional Corporation



By: \_\_\_\_\_  
Lerna Kazazic, Esq.  
Attorneys for Appellant  
901 Jefferson, LLC

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CITY OF OAKLAND  
INSPECTION SERVICES DEPARTMENT  
370 CITY HALL PLAZA  
OAKLAND, CALIF. 94612  
(415) 273-0443



BUILDING PERMIT APPLICATION

WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED

1. PROJECT NAME: 2241 ELL LEANDRA ST

2. OWNER: JAMES ALEXANDER

3. ADDRESS: 2241 ELL LEANDRA ST

4. CITY: OAKLAND

5. ZIP: 94612

6. PROJECT NO: 115/84

7. PERMIT NO: 115/84

8. DATE ISSUED: 11/5/84

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 2600) of Division 9 of the Building and Fire Code, and my license is in full force and effect.

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 2600) of Division 9 of the Building and Fire Code, and my license is in full force and effect.

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 2600) of Division 9 of the Building and Fire Code, and my license is in full force and effect.

1. I am the owner of the property, an authorized agent of the owner, or a duly authorized representative of the owner.

2. I am the owner of the property, an authorized agent of the owner, or a duly authorized representative of the owner.

3. I am the owner of the property, an authorized agent of the owner, or a duly authorized representative of the owner.

NOTICE TO APPLICANT: After making the Certificate of Inspection, you should display a copy of the Building Code and the Building Code Enforcement Manual in your place of business.

I hereby affirm that there is a contract binding me for the performance of the work for which this permit is issued.

I hereby affirm that I have read this application and that I, as the owner, owner's agent, or authorized representative, understand the nature and extent of the work to be done, and I understand the provisions of the Building Code and the Building Code Enforcement Manual, and I understand the provisions of the Building Code and the Building Code Enforcement Manual.

ALDC III 11.09  
HICR III 10.02  
SHIP 913 10.58  
REG III 15.13  
SUBTOTAL 5049.61

Permit No. 115/84  
Call for Inspection 273-3444

DATE ISSUED 11/5/84

NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION

DESCRIBE BRIEFLY ALL PROPOSED CONSTRUCTION WORK.

REPLACEMENT OF WATERWORK, PLUMBING, SUBSIDIARY AND FINISHES

NO DWELLING IN CITY

Plan filed 11/5/84 Survey filed 11/5/84

Area of Bldg 2241 ELL LEANDRA ST

No. of Stories 1 Number of Units 1

Height of Highest Point 12.04

Proposed Use of Bldg RESIDENTIAL

Present Use of Bldg RESIDENTIAL

Number of Bldgs. on Lot 1

Use of Lot RESIDENTIAL

Lot Size 12.04

TYPE OF BUILDING I II III IV V P.K. H.L. I.I.I.N

OCCUPANCY GROUP A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z

ZONING 115/84

Roof Covering ASPH/FLT

Exterior Wall MASONRY

Volume of Proposed Work 115/84

Includes all labor and materials, all lighting, heating, ventilation, water supply, plumbing, electrical, fire sprinkler, elevator equipment, therein and thereon.

VALUE	Appl Fee	\$ 1.00
	Bk. Tax	\$ 0.00
	Pl. Per	\$ 0.00
150,000	Checking Fee	\$ 0.00
	TOTAL	\$ 1.00
	General Fee	\$ 0.00
	Checking Fee	\$ 0.00
	Misc. Fee	\$ 0.00
	SHIP	\$ 0.00
	ADDITIONAL COST	\$ 0.00
	TOTAL	\$ 0.00
	ADJ Fee	\$ 0.00
	ADJ Ch Fee	\$ 0.00
	ADJ S Fee	\$ 0.00
	ADJ SHIP	\$ 0.00
	TOTAL	\$ 0.00

HOUSING CONSERVATION

DIRE MARSHAL

SPECIAL ACTIVITY NO.

MOVING PERMIT NO.

PORT OF OAKLAND

HEALTH DEPT.

RYA ITEM NO.

HABAR REG. NO.

ZONING & PLANNING NO.

OTHER

APPL CTRD BY 115/84

PERMIT ISSUED BY 115/84

11-2-84 (FIELD CHECK) 115/84

FINAL INSPECTION

1100 OAKLAND  
CITY OF OAKLAND  
OAKLAND, CALIF. 94612  
(415) 770-3440

ELECTRICAL PERMIT APPLICATION

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, DATED, VALIDATED & FEE PAID.

PROJECT LOCATION  
2225 MARINER ST  
CITY: BERKELEY, CAL 94702  
OWNER: JIM ALEXANDER  
ADDRESS: 2225 MARINER ST  
CITY: BERKELEY, CAL 94702

OWNER # C-10 4102028  
CITY HOUSE SS TAX #  
CONTRACTOR: ALDOUS BERTAL  
ADDRESS: 1410 54th ST  
CITY: OAKLAND, CAL 94612  
PHONE: 657-3052

I hereby affirm that I am licensed under provisions of Chapter 8 (commencing with Section 1007) of Division 8 of the Business and Professions Code, and my license is in full force and effect.

I, as owner of the property, or my authorized agent, will accept full sole responsibility for the work, and the contractor is not bonded or allowed to take title. The Contractor's license law does not apply in any case of property which title or interest is not retained or obtained by the contractor, provided that such property one year of completion, the owner is to have the benefit of priority that is not lost or waived for the purpose of title.

I, as owner of the property, am aware that the state requirements of this code do not require me to obtain a copy of the plans or specifications for the work, and I have not obtained a copy of the plans or specifications for the work, and I have not obtained a copy of the plans or specifications for the work.

I, as owner of the property, am authorized to contract with licensed contractors to contract the work (Sec. 7044, Business and Professions Code). The Contractor's license law does not apply in any case of property which title or interest is not retained or obtained by the contractor, provided that such property one year of completion, the owner is to have the benefit of priority that is not lost or waived for the purpose of title.

I hereby affirm that I have a certificate of bonded to and insure, or a certificate of Workers Compensation Insurance, or a certified copy thereof (Sec. 1007, Lab. C).

I certify that I have a copy of the plans or specifications for the work, and I have not obtained a copy of the plans or specifications for the work.

I certify that I have a copy of the plans or specifications for the work, and I have not obtained a copy of the plans or specifications for the work.

I certify that I have a copy of the plans or specifications for the work, and I have not obtained a copy of the plans or specifications for the work.

NOTICE TO APPLICANT: If, after making the Certificate of Examination, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions of this permit shall be deemed waived.

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 1007, Lab. C).

CONTRACTOR: JIM ALEXANDER  
ADDRESS: 2225 MARINER ST, BERKELEY, CAL

I HEREBY CERTIFY THAT I HAVE READ THE APPLICATION AND STATE THAT THE INFORMATION GIVEN IS TRUE AND CORRECT. I AGREE TO COMPLY WITH ALL LOCAL ORDINANCES AND STATE LAWS RELATING TO BUILDING CONSTRUCTION, AND I MAKE THIS STATEMENT UNDER PENALTY OF PERJURY. ANY FALSIFYING REPRESENTATION OF THIS CITY TO ENTER UPON THE ABOVE MENTIONED PROPERTY FOR THE PURPOSES OF THIS PERMIT SHALL BE SUBJECT TO THE PROVISIONS OF THE LABOR CODE AND THE WORKERS' COMPENSATION ACT. THE WORKER'S COMPENSATION ACT IS RECORDED ON THE PUBLIC RECORDS OF THE COUNTY OF ALAMEDA. ALL WORKERS' COMPENSATION REQUIREMENTS ARE FURNISHED ONE DAY IN ADVANCE OF THE PERMIT.

Signature: [Signature]

REC 112 581.00  
CITY 112 8.00  
11/11/85 936.00  
11/11/85 12.00  
11/11/85 12.00  
11/11/85 12.00

Call for information 273-3444  
DATE ISSUED 6/5/85 APPROVED BY [Signature]  
 NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION  
OTHER REMODEL

Description of Work: REMODEL OF BRISTOL  
BULLDOG LTD LOFT SPACE  
W/O SERVICE ON 200 AMP  
ONE 600 AMP

100/200 SYSTEM  
W/200/200 SYSTEM

10	DEW/VICE	600A		
11	W/IR	200		
12	W/IR	200		
13	W/IR	200		
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99	W/IR	200		
100	W/IR	200		

SUB-TOTAL 531.00  
GRAND TOTAL 531.00

REVISION RECORD

2/21/7

6/6/65 R. ok front 6 units Southwesterly side

6/11/65 p/a amazon side Jw

6/18/65 Non-plumbing walls ok to Rock Jw - All

6/19/65 Utilities ok

6/29/65 ~~6/27~~ Disconnect for exhaust fan & light fixture  
 2 Exhaust Fan & Bend  
 11 5' Truss brace and EX in, 1/2" bal Panel blank  
 3 in. panel  
 3 Light in. full  
 EX in facade on 2nd floor.

Final ok

Final Due of extra 2/10 00  
 40  
 40  
 40 40



ADDITIONAL FEES

Inspection for proper siting of building & how to set back a  
and distance from rear property

025712

1/24/85 CONN. T. C. ON DRAINAGE  
AND WATER PIPING  
NOTE: PERSON IN CHARGE NOTIFIED  
ON JOBSITE. R. D.

3/29/85 SAME AS ABOVE. R. D.

7/31/85 N.C. - WELLS CHECK. R. D.

6/2/85 SECTIONS OF UNDERGROUND  
DRAINAGE PIPING. R. D.

5/1/85 CONN. T. C. ON WATER  
PIPER & DRAIN PIPING  
NOTE: PERSON IN CHARGE NOTIFIED  
ON JOBSITE. R. D.

7/1/85 CONN. T. C. ON DRAINAGE  
VENT AND WATER PIPING.  
NOTE: PERSON IN CHARGE NOTIFIED  
ON JOBSITE. R. D.

5/1/85 2 WATER SERVICES AND  
185 SECTIONS OF 2" DRAINAGE  
& VENT PIPING. R. D.

5/1/85 WATERTEST OF DRAINAGE,  
VENT AND WATER PIPING. R. D.

8-27-85 INSPECTION REQUESTED  
WORK NOT READY. NOTE: COUNTY  
NOTIFIED ON JOBSITE. R. D.

\$100.25  
CHECK DELIVERED

20 - SINKS  
2 - WATER SERVICES (\$15.00 SHORT)  
1 - GAS TAP

R. D.

CITY OF OAKLAND  
DEVELOPMENT SERVICES DEPARTMENT  
ONE CITY HALL PLAZA  
OAKLAND, CALIF. 94612  
PHONE (415) 273-3443

ELECTRICAL PERMIT APPLICATION

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, CHECKS VALIDATED & FEES PAID

ADDRESS: 400 SAN LEANDEO ST  
CITY: OAKLAND  
STATE: CA  
ZIP: 94612

DATE ISSUED: 9-27-91  
APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

Call for inspection 273-3444

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: BUILDING (WAREHOUSE) STORAGE

PERMIT NO.: 273-3443

DATE ISSUED: 9-27-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

CITY OF OAKLAND  
DEVELOPMENT SERVICES DEPARTMENT  
1330 BROADWAY 3RD FLOOR  
OAKLAND, CALIF. 94612

ELECTRICAL PERMIT APPLICATION

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, CHECKS VALIDATED & FEES PAID

ADDRESS: 400 SAN LEANDEO ST  
CITY: OAKLAND  
STATE: CA  
ZIP: 94612

DATE ISSUED: 11-6-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: REPAIR DAMAGE CAUSED BY 4000V STRENGTH, REPAIRING POLE AREA BEHIND STUB UNITS, SILVER WORK, PLASTERING

PERMIT NO.: 273-3443

DATE ISSUED: 11-6-91

APPROVED BY: [Signature]

TYPE OF WORK: REPAIR

DESCRIPTION OF WORK: REPAIR DAMAGE CAUSED BY 4000V STRENGTH, REPAIRING POLE AREA BEHIND STUB UNITS, SILVER WORK, PLASTERING

PERMIT NO.: 273-3443

DATE ISSUED: 11-6-91

APPROVED BY: [Signature]

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APPROVED BY: [Signature]

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PERMIT NO.: 273-3443

DATE ISSUED: 11-6-91

APPROVED BY: [Signature]

DATE ISSUED: 11-6-91

CITY OF OAKLAND



INSPECTIONAL SERVICES DEPARTMENT  
One City Hall Plaza, Room 203  
Oakland, California 94612

CORRECTION NOTICE

Name Beca Anderson  
Address 777 54th St  
City Oakland, Ca.

4001 San Leandro  
Job Location  
22051  
Permit Number  
8/23/85  
Date

An inspection of the subject premises on the above data revealed the following corrections and/or fees are necessary, as they do not comply with the requirements of the Oakland Code.

Section \_\_\_\_\_

Panel need fuses, blanks in house  
panel & GFI need for outside recept

These corrections are required to be made within ten (10) days after receipt of this notice.

If there are any questions, please contact:

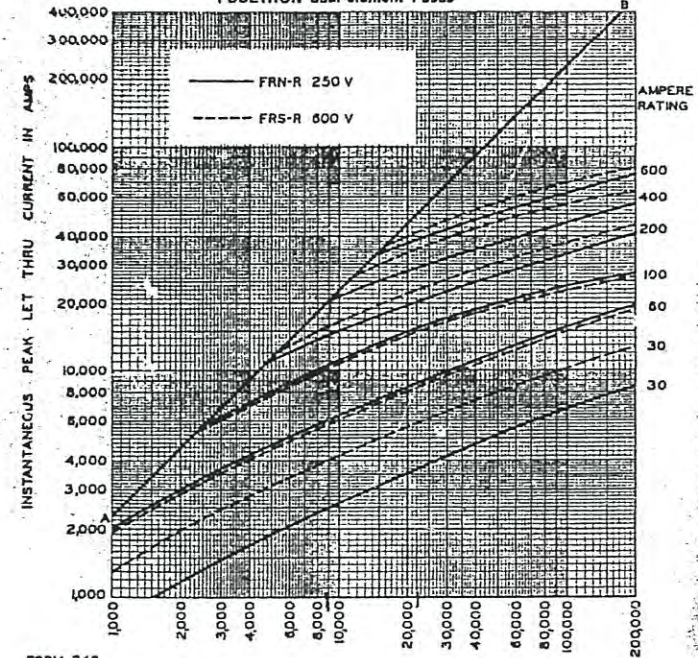
Jim Williams  
of the  
Elect Insp  
Title

PHONE: 273-3441-Building Inspection  
273-3341-Electrical Inspection  
273-3291-Plumbing Inspection  
273-3291-Mechanical Inspection

ISIP-168 2/85

600-40<sup>th</sup> ST PERMIT # 22051

CURRENT LIMITING EFFECT  
FUSETRON dual-element Fuses



FORM 248  
4-71 PROSPECTIVE SHORT CIRCUIT CURRENT - SYMMETRICAL RMS AMPS

Prospective current is the symmetrical component of short-circuit current that could flow if not limited by the opening of the fuse. The total value of prospective current consists of the short-circuit current determined for the circuit constants plus any current that motors acting as generators may be able to contribute to the fault.

Low voltage fuses have their interrupting rating expressed in terms of the symmetrical component of short-circuit current. In other words, they are given an rms symmetrical interrupting rating. This means that as long as the symmetrical component of current does not exceed the interrupting rating of the fuse, the fuse can interrupt any asymmetrical current that can accompany the symmetrical component of current.

The line A-B on the chart shows the relationship of the instantaneous peak current to the prospective short-circuit current. Although the chart shows the prospective current in symmetrical amperes, the line A-B represents the instantaneous peak current of the maximum asymmetrical rms current that could be associated with the symmetrical current. This peak current would be attained if the circuit were not protected by a fuse.

The effect of a fuse in the circuit is to limit the instantaneous peak current to a value less than that represented by line A-B.

The curves below the A-B line show the amount of current which will be let through when fuses of the size shown are used.

To illustrate: The rms value of available short-circuit current calculated from circuit constants is 100,000 amperes symmetrical. Reading this value on line A-B, it is found that the instantaneous peak value is 200,000 amperes. If a 100 ampere FRS or FRN-FUSETRON Dual-Element fuse is in the circuit, the peak let-thru current would be 22,000 amperes—or 10% of  $I_c$  current that would flow if the fuse were not protecting the circuit.





CITY OF OAKLAND  
PUBLIC WORKS DEPARTMENT  
CITY HALL, 744  
OAKLAND, CALIF.  
PHONE (415) 373-3443

ELECTRICAL PERMIT APPLICATION

THIS IS YOUR PERMIT WHEN PROPERLY FILLED OUT, SIGNED, VALIDATED & FEES PAID.

ADDRESS: 4001 SAN CALABOZ ST  
CITY: OAKLAND, CALIF.  
TRADE: HIGH STREET MODERN  
PROJECT NO: 2225 MAIN ST  
CITY: BERKELEY, CALIF 94702  
NAME: JIM ALEXANDER  
PHONE: 531-6480  
CITY: BERKELEY, CALIF 94702

1. I hereby certify that I am licensed under Article 10, Chapter 10, commencing with Section 26000 of the Business and Professions Code, and am licensed in the City and County of Oakland.

LICENSE NO: C-10 402028  
CONTRACTOR: ALONSON ELECTRIC  
PHONE: 547-5471

CITY: OAKLAND CALIF  
PROJECT NO: 652-5052  
DATE: 05/16/85

I hereby certify that I am aware that the Contractor's License Law for the following reason (Check one):  
[ ] I am aware that the Contractor's License Law for the following reason (Check one):  
[ ] I am aware that the Contractor's License Law for the following reason (Check one):

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[ ] I am aware that the Contractor's License Law for the following reason (Check one):  
[ ] I am aware that the Contractor's License Law for the following reason (Check one):

Call for inspection 273-3443  
DATE ISSUED: 6/5/85  
APPROVED BY: [Signature]  
 NEW  REPAIR  ADDITION  
 MOVE  ALTERATION  DEMOLITION

OTHER REMOVAL  
Description of Work: REMOVAL OF EXISTING BUILDING AND LOFT SPACE  
Two SERVICE ONE 200 Amp  
ONE 600 amp

PERMIT NO: 600A  
NO. 3N  
VOLTS: 120  
AMPS: 200

Table with columns: NO., DESCRIPTION, QUANTITY, UNIT, PRICE EACH, TOTAL PRICE. Includes items like SERVICE, METERS, SWITCHES, RECEPTACLES, etc.

PERMIT NO. 600A  
DISTRICT NO. 6  
ADDRESS 4001 SAN CALABOZ ST

ELECTRICAL INSPECTION RECORD

Table with columns: DATE, TIME, LOCATION, INSPECTOR, COMMENTS. Includes handwritten notes like 'R. at front 6 units...', 'Non-plumbing walls...', 'Final ok', and a fee calculation.

2/21/87

6/6/85 R. at front 6 units San Calaboz St. side

6/14/85 p/a on site job

6/18/85 Non-plumbing walls - dk to Rail Jct - A11

8/14/85 Utility ok

8/29/85 Disconnect for exhaust fan in light fix  
at 2nd exhaust fan in Blvd  
at 11 5' from back on 6x in, hotel Panel blank  
in panel  
at 3 light in Hall  
Box in Jackson 2nd floor

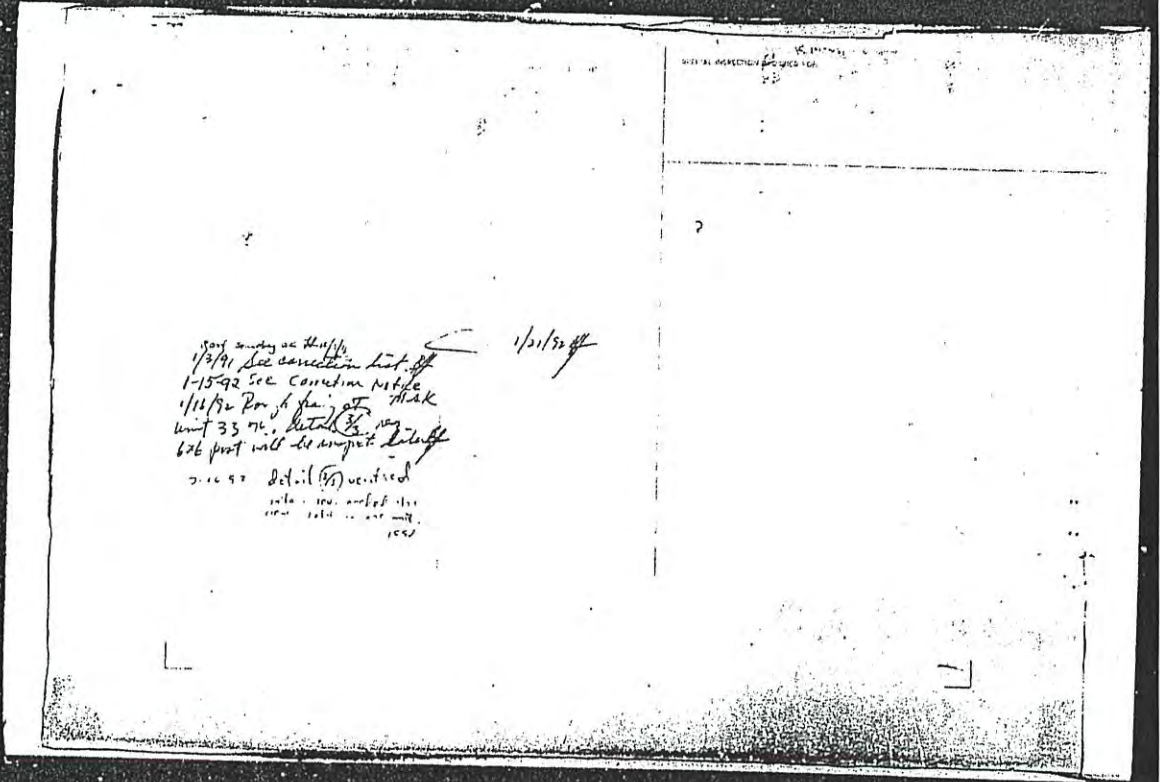
9/27 Final ok

Fees Due 4 extra @ 10.00

= 40.00

+ 17.00 = 57.00

40.00



1/21/52  
1-15-42 See Correction list off  
1/11/52 Per of [unclear] at [unclear]  
Unit 33 [unclear] [unclear] [unclear]  
626 post will be [unclear] [unclear]  
2-11-52 Det. [unclear] [unclear]  
[unclear] [unclear] [unclear] [unclear]  
1952

1/21/52



Office of Planning and Building  
Oakland Housing Code, Sec. H-206

# APPLICATION FOR REPORT OF RESIDENTIAL BUILDING RECORD (3-R Report)

FOR CITY USE ONLY

Date Completed 11/03/04

Expiration Date 2/3/05

Completed by S.M. Buggs

Address of Subject Property: 4001 SAN LEANDRO AVENUE Street Drive Avenue Way OAKLAND

Name of Applicant: MADISON PARK FINANCIAL CORP / DERMOT O'DOHERTY

Mailing Address of Applicant: 409 13TH STREET, #800 OAKLAND, CA 94612

Name and address of Owner (if different from above): HIGH ST. PROPERTIES PARTNERS, SAME ADDRESS

Total number of HABITABLE buildings on premises: 1 Total number of ACCESSORY buildings on premises: \_\_\_\_\_

Existing BASEMENT or CELLAR?  yes  no Habitable BASEMENT or CELLAR?  yes  no

Existing ATTIC?  yes  no Habitable ATTIC?  yes  no

Number of STORIES: \_\_\_\_\_ Construction Material:  Wood frame  Block  Steel  \_\_\_\_\_

Number of dwelling UNITS or APARTMENTS: 33 Number of HOUSEKEEPING units: \_\_\_\_\_ Number of HOTEL/Guest rooms: \_\_\_\_\_

Number of KITCHENS: \_\_\_\_\_ Total number of HABITABLE ROOMS (excluding bath, toilet, laundry, utility rooms and closets): \_\_\_\_\_

I certify that I am the APPLICANT named hereto, that I have familiarized myself with the residential building with respect to preparing and filing this application; that the work herein contained is in all respects true and accurate to the best of my knowledge and belief, and that they may not correlate with the City's official records as recorded below.

Signature of Applicant: [Signature] Date: 10-22-04 Telephone: 510-452-2944

## REPORT OF RESIDENTIAL BUILDING RECORD

This is NOT to be construed that said residential building complies with all applicable laws of the City and only sets forth the report as of the date completed shown above.

Zone District: \_\_\_\_\_ Date of original building construction: 1925 Building type: VN

Original OCCUPANCY or USE: 1 story office and factory building

Plans on file?  no  yes SFD?  no  yes Cert. of Occupancy issued?  no  yes; Date \_\_\_\_\_ Number \_\_\_\_\_

Total number of HABITABLE BUILDINGS: 0 Total number of ACCESSORY BUILDINGS: 0 Total number of HABITABLE ROOMS: 0 Total number of UNITS or APARTMENTS: 0

Building related PERMITS ISSUED:	Permit #	Date	CONDITIONS/VARIANCES:
Original construction permit	A7842	10/25/25	
Addition to building	A56947	8/2/35	
Addition of building for furniture factory	A57138	8/2/35	
Fire damage repairs	A64904	12/28/36	
Story factory building addition and replace fire damage portion	B14223	12/1/47	
Reconstruct 1 story warehouse building	A78977	8/9/41	

Present AUTHORIZED OCCUPANCY or USE (insofar as ascertainable from existing City records): Story factory and office buildings

This Report of Residential Building Record shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions or requirements of any laws or ordinances of the City of Oakland, nor shall such issuance thereafter prevent requiring corrections of errors, violations, or any applicable law or ordinance of the City of Oakland. This report contains information insofar as ascertainable from City records. It shall be unlawful for the owner or authorized agent of the owner, to sell this residential building without first delivering to the buyer this Report of Residential Building Record prior to the consummation of sale.

November 3, 2004

Authorized Signature: [Signature] Date: 10/22/04 Not Paid: \$132.00

By: CC Register RBE Receipt# 073906

Page 2 of 2

Report of Residential Building Record (3R)

Date: November 3, 2004

Address: 4001 San Leandro Street

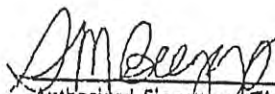
Building related PERMITS ISSUED:

	<u>Permit #</u>	<u>Permit Date</u>
Construct interior wall	B19624	2/27/48
Erect addition to shop building	B19713	7/16/46
Interior alterations for retail space no dwelling units	D35382	11/7/84
Fire damage repairs	B9105431	11/30/92-EX
Mandatory seismic mitigation	B9600513	11/3/97-EX
Complete work from B9600513	B0005291	2/08/02-EX
Alterations to roof	B0202586	3/11/03-EX
Complete work from previous seismic permits	B0205870	4/30/03

End of Report

November 3, 2004

Date

  
 Authorized Signature / City of Oakland  
 Sequonite M. Buggs

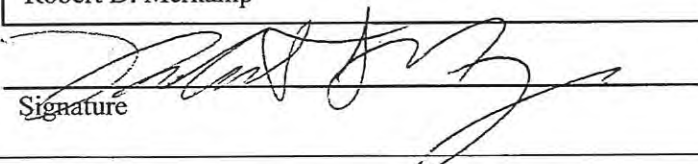
000308



### Attestation of Erroneous or Unauthorized Destruction of Records

“Erroneous Destruction of Records as defined by 36 CFR 1230 is any Unlawful or Accidental Removal, Defacing of a record which includes Alteration...; Deface...; Removal...without the permission...; Unlawful or accidental destruction (also called unauthorized destruction)...prior to the end of ... retention period.”

I accordance with guidelines of ISO 15489-1:2001, California Government Codes 34090 and 6200-6203, City Charter Section 105 the below attests to the knowledge of or witness to an Erroneous or Unauthorized Destruction of City Records:

Department Planning and Building	Unit and/or Division Development Planning
Record Number/Type Most Planning Case Files for the year 1986	Detailed Description ~ 500 Development records
Date Range (be specific) 1/86-12/86	Date of Discard (be as specific as possible) Late 1980's or early 1990's
Details of circumstances/actions surrounding the destruction Planning is missing most of the Planning Case records from 1986. Several accounts of how the records were disposed of have been provided to me but the destruction appears to be accidental.	
Details, if any, of actions taken to salvage, restore, reconstruct or locate records We have a single Banker's box of records from 1986 that managed to survive whatever happened to the bulk of this year (the surviving records appear to be a random collection of unrelated files from that time period) but have never found any others. I'm not aware of what steps city employees at the time of the incident undertook to restore or salvage records.	
Name of Person Attesting Robert D. Merkamp	Title Development Planning Manager
 Signature	June 16, 2015 Date

000309

EXHIBIT B

## CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 839-6451

October 27, 2000

Marco Garbarino  
143 3<sup>rd</sup> Street  
SanRafael, CA 94610

**RE: CASE FILE NO.: REV00-10 / C88-482 ; 4001 San Leandro Street APN.033-2166-3-3**

Dear Mr. Garbarino:

Your application for a Minor Conditional Use permit to convert ten (10) commercial units into joint live/work units. (There are existing 23 live/work space under previous Conditional Use Permit C88-482. The building contains a total of 33 live/work units) located at 4001 San Leandro Street in the Housing Business Mix General Plan Land Use Classification, and M-20 Light Industrial and the S-13 Mixed- Use Development Combining Zones. (Environmental Determination: Exempt. 15301; State CEQA Guidelines; Minor alteration to an existing has been found to comply with the Conditional Use Permit Criteria set forth in Sections 17.134.050, of the Oakland Planning Code. (see attachment A)

The proposal is hereby approved subject to the following conditions of approval. In the event of a failure to comply with any prescribed condition of approval, the Planning Commission may revoke the Conditional Use Permit:

1. The proposal shall be constructed substantially in accordance with the plans submitted on September 12, 2000; provided further, that the project incorporate the revisions listed below as conditions of approval.
2. Prior to application for a building permit, revised elevations and vertical section details shall be submitted and approved by the Planning Department. The applicant shall repair or replace all damaged exterior material such as corrugated metal, stucco, windows, broken glasses, trim, and remove all graffiti on all sides of the building, and new paint on the exterior of the building.
3. That final design, including all exterior details and exterior building materials, colors and textures shall be submitted to and approved by the Zoning Administrator prior to issuance of building permits.
4. All missing and dead landscaping along the exterior of the building and interior court yard shall be replaced with a

000310

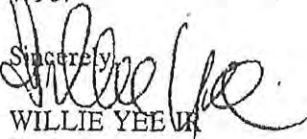
Marco Garbarino  
4001 San Leandro Boulevard  
Page 2

- combination of drought tolerant trees, shrubs and groundcover. A landscape and irrigation plan of the existing landscaping, showing sizes, quantities and specific common and botanical names of all trees, shrubs, groundcover shall be submitted to the Zoning Administrator for approval before issuance of any building permits. Landscaping shall be installed per the approved plans before final building permit inspection. Any needed irrigation system repairs shall be made and the system maintained in good working order. All planting materials shall be permanently maintained in a good growing condition and replaced with new plants whenever necessary.
5. That minor changes to approved project plans shall be submitted to and approved by the Zoning Administrator prior to the issuance of any applicable building permits and/or prior to the construction of the changes.
  6. That the applicant shall maintain 32 parking spaces on the site for the use of the live work units.
  7. The approval shall terminate one year from the effective date of its granting unless a building permit for the project has been applied for within such period or an extension has been applied for from the Community and Economic Development Office prior to the expiration of the planning permit. In the event the building permit lapses, then the planning approval will also terminate unless an extension of the planning permit has been applied for prior to expiration of the building permit. This approval may be extended for one (1) year upon written request to the Zoning Administrator (maximum of three extensions allowed) prior to the expiration date.

This decision becomes effective in ten (10) days from the date of this letter unless appealed to the City Planning Commission. An appeal is made by completing an application and paying the required fee (\$413).

In order to file a Building Permit, please submit construction drawings consistent with the present approval and pay fees at the CEDA Permit Counter, 250 Frank Ogawa Plaza administration building, 2nd Floor, Oakland.

If you have any questions, please contact Jason Madani of the Zoning Division at (510) 238-4790.

Sincerely,  
  
WILLIE YEE  
Zoning Administrator

ATTACHMENT A

000311

## EXHIBIT D

## Request #18-312

 **CLOSED**

As of October 22, 2021, 9:16am

## Details

All written and electronic records concerning APN 033216600303, commonly referred to as 4001 San Leandro Blvd, Oakland Ca. This includes, but is not limited to: letters, permits, permit applications, maps, diagrams, citations, zoning records, parcel data, planning records, or other writing under California Evidence Code 250 that concerns the above identified property.

*Received***April 4, 2018** via web*Due***April 16, 2018***Departments***Planning & Building**

## Documents

[18-312\\_CU05122.pdf](#)[18-312\\_DRX150780.pdf](#)[18-312\\_REV000010.pdf](#)[18-312 County Assessor Display.pdf](#)[18-312.pdf](#)

## Staff

*Point of Contact***Mariko Highsmith**



## EXHIBIT D

## Request #21-8677

 **CLOSED**

As of October 22, 2021, 9:15am

## Details

Please provide all issued, final, and/or signed off building permits, conditional use permits, and/or development permits issued between 1990 and today for the real property located at 4001 San Leandro Street.

*Received***October 12, 2021** via web*Due***October 22, 2021***Departments***Planning & Building**

## Documents

[4001 SAN LEANDRO ST-B0005291\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B0202586\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B1704677\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-CU05-122\(3\)\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-CU05-122\(4\)\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E9102785\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-RRR1700125-SUMMARY.pdf](#)  
[4001 SAN LEANDRO ST-ZC102166\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC132566\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-ZC162310\\_Redacted.pdf](#)  
[4001 SSAN LEANDRO ST-M1601815-SIGNED COPY\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B0205870\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B1504365-APPLICATION\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B1504365-CO.pdf](#)  
[4001 SAN LEANDRO ST-B9105431\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-B9600513\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-CU05-122\(1\)\\_Redacted.pdf](#)

## EXHIBIT D

[4001 SAN LEANDRO ST-CU05-122\(2\)\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E1500086\\_Redacted.pdf](#)  
[4001 SAN LEANDRO ST-E1603551\\_Redacted.pdf](#)  
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## Staff

*Point of Contact*

**Brian Fujihara**

## Timeline

**Request Closed**

Public

*October 18, 2021, 9:32am*

**Document(s) Released**

Public

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**CITY OF OAKLAND**  
 250 FRANK H. OGAWA PLAZA · 2ND FLOOR · OAKLAND, CA 94612

Planning and Building Department  
 www.oaklandnet.com

PH: 510-238-3891  
 FAX: 510-238-2263  
 TDD: 510-238-3254

**CERTIFICATE OF OCCUPANCY**

Finalled on 6/7/2018

Permit Number: B1504365  
 Job Site Address: 4001 SAN LEANDRO ST, Oakland, CA 94601  
 Parcel Number: 033 216600303  
 Project Description: Construction to bring live-work units 24 - 33 up to compliance. DRX150780.  
 Related Permits: E1603551, M1601815, P1602706

Owner Name and Address: 901 JEFFERSON STREET, LLC  
155 GRAND AVE, #1025, OAKLAND, CA 94612

Building Use: Live/Work Per JLWQ Occupancy: R-7 Live / Work  
 Number of Stories: 3 JLWQ  
 Type of Construction: VB - Combustible Construction; No Fire Rating  
 Number of Dwelling Units: 33  
 Fire Sprinklers Provided: Yes: X No:      Reason for Fire Sprinklers: Building Code Requirement  
 Design Occupant Load: 131 (Chapter 9)  
 Total Number of Parking Spaces                     


CBC Edition: 2013 Ordinance: 13252  
 Building code Variances:                      Zone: HBX-1

**SEE ATTACHED FLOOR PLAN**

BUILDING OFFICIAL: Deborah Sandercock

*THIS BUILDING HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE REFERENCED CODES AND ORDINANCES FOR THE OCCUPANCIES AND THE USES DESCRIBED ABOVE, AND OCCUPANCY OF THE PREMISES ONLY FOR SAID PURPOSES IS HEREBY AUTHORIZED.*

*THIS CERTIFICATE SHALL NOT BE CONSTRUED AS AUTHORITY TO VIOLATE, CANCEL, ALTER, OR SET ASIDE ANY OF THE PROVISIONS OR REQUIREMENTS OF ANY LAWS OR CITY OF OAKLAND ORDINANCES NOR SHALL SUCH ISSUANCE THEREAFTER PREVENT REQUIRING CORRECTIONS OF ERRORS OR OF VIOLATIONS OF SAID REGULATIONS, THIS CERTIFICATE IS NOT A LICENSE.*

By:  Date Issued: 7/6/18  
 INSPECTION SERVICES MANAGER

Copies:  Owner  Assessor  Microfilm  \*Business License



**MEMORANDUM**

**Date:** February 4, 2022  
**To:** Members of the Housing, Rent Residential & Relocation Board (HRRRB)  
**From:** Kent Qian, Deputy City Attorney  
**Re:** Appeal Summary in T21-0092, Cordova v. Infinite Glow, LLC  
**Appeal Hearing Date:** February 10, 2022

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**Property Address:** 2912 14th Avenue, Unit 208, Oakland, CA  
**Appellant/Owner:** Infinite Glow, LLC  
**Respondent/Tenant:** Ann Cordova

**BACKGROUND**

On June 1, 2021, the Tenant filed a petition. The petition contested a rent increase received on December 20, 2019, effective March 1, 2020, from \$881.83 to \$1,022.65, and a rent increase received on April 28, 2021, effective June 1, 2021, from \$881.83 to \$1,088.00. The Owner filed a Property Owner Response indicating that the Tenant was first served the RAP Notice on December 20, 2019, and claiming that the petition against the first increase was untimely and that Increased Housing Service Costs justified the rent increases.

**RULING ON THE CASE**

The hearing officer issued a decision granting the tenant petition. The decision concluded that the rent increase served in December 2019 was invalid because it was served less than 6 months after when the owner first served the RAP notice in December 2019. The 2021 rent increase was invalid because (1) the City Council's rent increase and eviction moratorium first adopted in March 2020 voided rent increases that exceeded the CPI adjustment and (2) owners must first petition for any rent increases other than CPI or banking.

## **GROUND FOR APPEAL**

The owner appealed the decision, contending that:

1. The petition against the first rent increase should have been dismissed as untimely because it was filed more than one year from the rent increase;
2. The rent increase was justified by CPI, increased housing services costs, and RAP service fee passthrough.

## **ISSUES**

1. Did the tenant timely appeal against the first rent increase?
2. Did the hearing officer correctly rule that the rent increases were invalid?

## **APPLICABLE LAW AND PAST BOARD DECISIONS**

### Applicable Law

#### **a. Deadline to Petition**

O.M.C. § 8.22.090.B:

2. For a petition contesting a rent increase, the petition must be filed as follows:
  - a. If the owner provided written notice of the existence and scope of this Chapter as required by Section 8.22.060 at the inception of tenancy:
    - i. The petition must be filed within ninety (90) days of the date the owner serves the rent increase notice if the owner provided the RAP notice with the rent increase; or
    - ii. The petition must be filed within one hundred twenty (120) days of the date the owner serves the rent increase if the owner did not provide the RAP notice with the rent increase.
  - b. If the owner did not provide written notice of the existence and scope of this Chapter as required by Section 8.22.060 at the inception of tenancy, within ninety (90) days of the date the tenant first receives written notice of the existence and scope of this Chapter as required by Section 8.22.060.

[City Administrator Emergency Order](#) (March 2020)

5. All time-limits and deadlines associated with Rent Adjustment Program petitions, appeals, and other matters set forth Chapter 8.22 Article I (Residential Rent Adjustment Program) of the OMC and related

administrative instructions, regulations and policies are suspended for the duration of the local emergency or until such time as this order is rescinded or the City Council terminates the emergency, whichever is earlier.

**b. Rent increase moratorium**

Ordinance No. 13589 C.M.S., § 4

For rental units regulated by Oakland Municipal Code 8.22.010 et seq, any notice of rent increase in excess of the CPI Rent Adjustment, as defined in Oakland Municipal Code Section 8.22.020, shall be void and unenforceable if the notice is served or has an effective date during the Local Emergency.

**c. Rent increase other than CPI or banking void without pre-petition**

O.M.C. § 8.22.065

A. Notwithstanding any other provision of this Chapter, owners may increase rents only for increases based on the CPI Rent Adjustment or Banking, or by filing a petition to increase rent in excess of that amount. Any rent increase not based on the CPI Rent Adjustment or Banking that is not first approved by the Rent Adjustment Program is void and unenforceable.

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**MEMORANDUM**

**Date:** February 4, 2022  
**To:** Members of the Housing, Rent Residential & Relocation Board (HRRRB)  
**From:** Kent Qian, Deputy City Attorney  
**Re:** Appeal Summary in L19-0259, 901 Jefferson LLC v Tenants  
**Appeal Hearing Date:** February 10, 2022

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Property Address: 4001 San Leandro Street, Oakland, CA

**BACKGROUND**

On November 8, 2018, the owner filed a petition for Certificate of Exemption on the allegation that the subject property was exempt from the Rent Adjustment Ordinance as newly constructed. Tenants in eighteen units (Units #1, 3, 7, 8, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 30, 31, and 32) filed responses contesting the exemption.

**EVIDENCE**

The owner submitted evidence consisting of City of Oakland building and planning records, permit application and records relating to the subject property. As stated in the hearing decision,

The permit history show that the subject property was a factory built in 1925, and a warehouse and offices were added in the 1940s. On November 7, 1984, a Building Permit D35382 was issued for “construction of interior alteration for retail and service space – no dwelling units.” The Electrical Permit 21217 and the Plumbing Permit 025712 were both issued at the same time for the “remodel of building into lofts space” and were finalized on June 29, 1985 and February 5, 1986, respectively.

The hearing officer also admitted into evidence the Report of Residential Building Record (3-R Report), completed and signed on November 3, 2004, that shows a “1

story office and factory building” originally constructed in 1925. The report also shows a construction permit for a one-story warehouse in 1941. Page 2 of the report shows a permit for interior alterations of retail space and “no dwelling units” issued on November 7, 1984.

In addition to property records, tenants submitted evidence that include testimony from a former tenant who lived in Unit 8 from 1985 to 1991. He testified that he only remembers a couple of architecture students who lived at the property at the same time, and that he did not know if anyone resided there prior to January 1, 1983.

### **RULING ON THE CASE**

The hearing officer issued a decision denying the petition. The hearing decision ruled that the property did not qualify for an exemption as new construction because there was no evidence of a Certificate of Occupancy or its equivalent such as a finalized building permit for residential use. In addition, the 3-R Report states that the building permit was issued for interior alterations of retail space and no dwelling units.

### **GROUND FOR APPEAL**

The owner appealed the decision, contending that the building qualifies for a new construction exemption on the following grounds:

1. New evidence of a conditional use permit that units 1-23 were existing live-work spaces, which the owner argues are the functionally equivalent of a Certificate of Occupancy;
2. New evidence shows that remaining units were legalized and received a certificate of occupancy from the city.
3. Certificates of occupancy for live-work conversions were not obtainable from the city prior to 2004.

### **ISSUES**

1. Did the hearing officer correctly rule that the property was not exempt as newly constructed?
2. Should the board consider, or remand to the hearing officer to consider, the evidence that the owner proffers on appeal?



## APPLICABLE LAW AND PAST BOARD DECISIONS

### Applicable Law

#### a. New Construction Exemption

O.M.C. § 8.22.030.A:

“Types of Dwelling Units Exempt. The following dwelling units are not covered units for purposes of this Chapter, Article I only (the Just Cause for Eviction Ordinance (Chapter 8.22, Article II) and the Ellis Act Ordinance (Chapter 8.22, Article II)) have different exemptions):”

Subsection (5):

“Dwelling units which were newly constructed and received a certificate of occupancy on or after January 1, 1983. This exemption does not apply to any newly constructed dwelling units that replace covered units withdrawn from the rental market in accordance with O.M.C. 8.22.400, et seq. (Ellis Act Ordinance). To qualify as a newly constructed dwelling unit, the dwelling unit must be entirely newly constructed or created from space that was formerly entirely non-residential.”

#### b. New Construction Exemption Regulation

Regulation Section 8.22.030.B. (“Types of Dwelling Units Exempt”), subsection 2 (“Newly constructed dwelling units (receiving a certificate of occupancy after January 1, 1983).”):

“a. Newly constructed units include legal conversions of uninhabited spaces not used by Tenants, such as:

- i. Garages
- ii. Attics;
- iii. Basements;
- iv. Spaces that were formerly entirely commercial.”

b. Any dwelling unit that is exempt as newly constructed under applicable interpretations of the new construction exemption pursuant to Costa-Hawkins (California Civil Code Section 1954.52).

c. Dwelling units not eligible for the new construction exemption include:

- i. Live/workspace where the work portion of the space was converted into a separate dwelling unit;
- ii. Common area converted to a separate dwelling unit.”

c. New Evidence on Appeal

O.M.C. § 8.22.120- Appeal Procedures.

C. Appeal Hearings. The following procedures shall apply to all appeal hearings:

...

4. Appeals shall be based on the record as presented to the Hearing Officer unless the Appeal Body determines that an evidentiary hearing is required. If the Appeal Body deems an evidentiary hearing necessary, the case will be continued and the Appeal Body shall issue a written order setting forth the issues on which the parties may present evidence. All evidence submitted to the Appeal Body must be submitted under oath.

Past Board Decisions

a. New construction exemption

T04-0163 Garsson v. Collins

Board remanded Hearing Decision granting tenant's petition challenging rent increase where owner claimed tenant's unit was commercial (not residential) and that it was exempt from the Ordinance as new construction. Board found unit was residential, but remanded case to Hearing Officer to determine if it was exempt based as new construction. On remand, Hearing Officer found that it was not exempt and granted tenant's petition because unit had been used for residential purposes since 1980, although owner was excused from obtaining a certificate of occupancy because those were not available for live-work conversions until 2004.

T12-0112 Williams v. Best Bay Apartments

Board affirmed Hearing Decision that found building exempt as new construction based on finalized permits, even though certificate of occupancy was unavailable due to Oakland Building Department records being lost in 1989 earthquake (decision took official notice of decision in T05-0110 Peacock et al v. Vulcan Props. LP).

**b. New evidence**

T15-0368 Bivens v. Ali

At the Appeal Hearing, Board affirmed Hearing Decision granting tenant rent decrease and restitution and declined to accept new evidence proffered by owner at appeal (which consisted of copies of prior RAP notices signed by the tenant) even though this evidence contradicted tenant's assertion in her petition that she never received the RAP notice, because owner failed to appear at original hearing.

T06-0059 Martinez & Newsom v. Wu  
T06-0060

Board affirmed Hearing Decision granting tenant petitions challenging rent increases served without RAP notice (as well as restitution for decreased services) when owner filed a response but failed to appear for 1st day of hearing and appeared for 2nd day of hearing, rejecting new evidence that both parties attempted to introduce at appeal hearing.

T05-0292 English v. Nero

Board affirmed Hearing Decision granting tenant petition challenging rent increases on the basis that no RAP notice was served when owner did not respond to tenant petition nor appear at hearing and rejected new evidence owner attempted to introduce for the first time at appeal hearing.

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