

**Flynn, Rachel**

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**Subject:** FW: Public Records Request, Complaint #ID15-030

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Wednesday, May 13, 2015 5:06 PM  
**To:** Flynn, Rachel  
**Subject:** Re: Public Records Request, Complaint #ID15-030

Also, please let me know an eta for a response re: composting toilets in Oakland. I'd really like to work with you on recommending safe, sensible measures to council.

-----  
Luke Iseman  
smarter gardens, container homes, etc.

On Wed, May 13, 2015 at 5:04 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, I have a bunch of e-mails, but haven't had time to get them to Amber Todd. I believe she mentioned that we'd need another week or two. Rachel

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Wednesday, May 13, 2015 4:42 PM  
**To:** Minor, Gregory  
**Cc:** Vasquez, Susan; Todd, Amber; Flynn, Rachel

**Subject:** Re: Public Records Request, Complaint #ID15-030

I have only received doc050815.pdf, 22 pages in length (attached). Please confirm whether this constitutes the entirety of the city's response to this request.

-----  
Luke Iseman  
smarter gardens, container homes, etc.

On Wed, May 13, 2015 at 4:39 PM, Minor, Gregory <[GMinor@oaklandnet.com](mailto:GMinor@oaklandnet.com)> wrote:

Hi Mr. Iseman-

Our office, Nuisance Abatement Division (where Susan Vasquez works), produced about 50 pages of documents to you last week. However, when we produced these documents we neglected to provide the legal authority for the redaction of the names and info of complainants, which is why Ms. Vasquez sent the subsequent email. Apologies for any confusion and hopefully this answers your question.

Best,  
Greg Minor  
Assistant to the City Administrator  
Nuisance Abatement/Special Activity Permits Division

1 Frank H. Ogawa Plaza, 11<sup>th</sup> Floor  
Oakland, CA 94612  
Phone: (510)238-6370  
Fax: (510) 238-7084  
[gminor@oaklandnet.com](mailto:gminor@oaklandnet.com)

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Wednesday, May 13, 2015 4:33 PM  
**To:** Vasquez, Susan  
**Cc:** Minor, Gregory; Todd, Amber; Flynn, Rachel  
**Subject:** Re: Public Records Request, Complaint #ID15-030

So, there are no documents held by your departments or any others subject to this public records request?

-----  
Luke Iseman  
[smarter gardens](#), [container homes](#), [etc.](#)

On Wed, May 13, 2015 at 8:44 AM, Vasquez, Susan <[SVasquez@oaklandnet.com](mailto:SVasquez@oaklandnet.com)> wrote:  
Dear Mr. Iseman,

On May 8, 2015 we emailed copies of documents pursuant to your letter of request for public records on the above-referenced complaint number.

Please be advised that our office has redacted some of the information contained in the records provided pursuant to California Government Code 6255 and City of San Jose v. Superior Court, 74 Cal. App. 4<sup>th</sup> 1008 (1999), as the public interest in protecting the privacy of complainants and in preventing a chilling effect on complaints clearly outweighs the public interest in disclosure of complainants' names, addresses, telephone numbers and other identifying information.

Sincerely,  
*Susan Vasquez*  
City Administrator's Office  
Nuisance Abatement Division  
1 Frank Ogawa Plaza, 11<sup>th</sup> floor  
(510) 238-7487

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**From:** Vasquez, Susan  
**Sent:** Friday, May 08, 2015 12:26 PM  
**To:** [luke@lukeiseman.com](mailto:luke@lukeiseman.com)  
**Cc:** Minor, Gregory; Todd, Amber; Flynn, Rachel  
**Subject:** Public Records Request, Complaint #ID15-030

Dear Mr. Iseman,  
In response to your public records request, please find the attached documents from the Nuisance Abatement Division. Other departments' documents to follow.  
Please call our office if you have questions.

Sincerely,  
*Susan Vasquez*  
City Administrator's Office  
Nuisance Abatement Division  
1 Frank Ogawa Plaza, 11<sup>th</sup> floor

**Flynn, Rachel**

---

**From:** Luke Iseman [mailto:luke@lukeiseman.com]  
**Sent:** Monday, April 20, 2015 12:54 AM  
**To:** Flynn, Rachel  
**Cc:** Emily Woods; <founders@postworkslc.com>  
**Subject:** Re: 2836 Union Street

Hi Rachel,

I respectfully submit that this is a local issue allowed under the California green building standards code. Here's San Francisco's 'request a composting toilet' page: <http://www.sfwater.org/index.aspx?page=835>. And, you'll find it on this checklist for 'residential voluntary measures': [http://www.ecodes.biz/ecodes\\_support/free\\_resources/2013California/13Green/PDFs/Appendix%20A4%20-%20Residential%20Voluntary%20Measures.pdf](http://www.ecodes.biz/ecodes_support/free_resources/2013California/13Green/PDFs/Appendix%20A4%20-%20Residential%20Voluntary%20Measures.pdf).

Am I mistaken, or is this something we can tackle at the local level?

Thanks, Luke  
Luke Iseman  
smarter gardens, container homes, etc.

On Mon, Apr 20, 2015 at 12:11 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Luke – This would require a change to the California Building Code (CBC). I'll check with our Building Official to see which agency in Sacramento you would need to start with. Rachel

**From:** Luke Iseman [mailto:luke@lukeiseman.com]  
**Sent:** Sunday, April 19, 2015 2:00 PM  
**To:** Flynn, Rachel  
**Cc:** Emily Woods; <founders@postworkslc.com>  
**Subject:** Re: 2836 Union Street

Rachel,

Who can I reach out to at the city on beginning the process of getting composting toilets legalized? Here's the NSF standard: <http://www.nsf.org/consumer-resources/green-living/wastewater-treatment-system-alternatives/composting-toilets/>

Colorado, Hawaii, and Florida are among a growing number of states allowing composting toilets: <http://www.weblife.org/humanure/appendix3.html> (note compiled in 1999).

**Toilets use over 26% of water in the average household: <http://www.epa.gov/WaterSense/pubs/indoor.html> . This is low-hanging fruit to reduce residential water usage dramatically.**

Regards, Luke

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Luke Iseman  
smarter gardens, container homes, etc.

On Thu, Apr 2, 2015 at 11:43 AM, Luke Iseman <[luke@lukeiseman.com](mailto:luke@lukeiseman.com)> wrote:

Rachel,

We stopped by to have a cooking fire with some spare wood to celebrate our friend's birthday. The fire was extinguished within 3 minutes of Barbara asking us to do so. The only use other than gardening for which we are spending any time on-site is our efforts to come into compliance.

On a separate note, I'd like to arrange a meeting between myself and any stakeholders you'd recommend attend to discuss changing Oakland regulations to encourage the use of NSF-approved composting toilet systems. Oakland needs to be leading the state on sustainability, and eliminating our ban on sustainable sanitation is an overdue first step.

Let me know when works, who else I should invite, and any research you'd like to see in preparation.

Thanks, Luke

On Apr 1, 2015 10:09 AM, "Flynn, Rachel" <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, Henry, and Heather – What is going on with these reported fires?

I thought we had made it clear to you in February (via the Notices of Violation and the on-site visits with Building Inspectors) that NO ONE is to be occupying this site for any uses without the proper permitting.

The Fire Chief will be sending out an inspector today to investigate. Is there any other activity going on at this site?

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

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**From:** Deloach Reed, Teresa [<mailto:TDeloachReed@oaklandnet.com>]

**Sent:** Wednesday, April 01, 2015 8:14 AM

**To:** Cook, Brigitte; Flynn, Rachel

**Subject:** RE: Late night burning on lot at 2836 Union Street

I will send our Fire Investigators out to take a look.

*Teresa Deloach Reed, MPA*

*Fire Chief*

*City of Oakland*

*510-238-4050 Office*

*510-755-5823 Cell*

*150 Frank H. Ogawa Plaza*

*Suite 3354*

*Oakland, CA 94612*

***Oakland Ranked #5 Place to Visit in the World!***

***New York Times, January 2012 <http://bit.ly/GB3s8f>***

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**From:** Cook, Brigitte

**Sent:** Tuesday, March 31, 2015 11:18 PM

**To:** Flynn, Rachel; Deloach Reed, Teresa

**Subject:** FW: Late night burning on lot at 2836 Union Street

Rachel,

It appears that the residents on Union are still engaging in illegal activities on their property. Can the residents request a visit either by OFD or Code Compliance after the fact to investigate the fire and put them on notice about future bonfire activity?

---

Brigitte Cook, Community Liaison

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**From:** wfgreen3@att.net [mailto:wfgreen3@att.net]

**Sent:** Tuesday, March 31, 2015 9:45 PM

**To:** Cook, Brigitte; happyfeeling@yahoo.com; barbra@stagebridge.org; greenwillie@sfusd.edu

**Subject:** Late night burning on lot at 2836 Union Street

Hello Brigitte,

I hope all is going well with you. Once again we find it necessary to contact you regarding our neighbors on the lot at 2836 Union Street. This morning my neighbor on Union Street came to visit me to find out if I smelled the smoke last night. I woke up and did smell smoke from inside my house around 12:00 a.m. in the morning, all the dogs were barking. I got up and looked outside in the front and back of my house the smoke was really strong but I could not figure where it was coming from.

My neighbor Ms. Johnson, who lives on Union Street, said she came home from work and the whole area near her house was lit up super bright from a huge fire, they were in that lot burning a large amount of stuff. She was really concerned about the danger of a fire, because the huge fire was next door to her house and could easily have spread to other structures not to mention the air was really heavy with smoke which would be a health problem for those with breathing problems because of the air quality.

Ms. Johnson confronted them and they tried to quickly put out the fire. She did not call OPD or OFD.

I referred her to speak to Carol, in hopes you and others would be contacted because I am not the only one concerned or affected with these irresponsible actions that could endanger the lives and property of many others.

I am really concerned just like Ms. Johnson because they are coming late in the evening in the dark again moving stuff with the fork lift, but this incident of the huge late night fire has me really worried, because the smoke was really strong and they are again using the cover of darkness to perform reckless, dangerous, illegal actions with no regard for the safety of others.

As always thank you all for your support and assistance

Ora Green

Sent from Windows Mail

**Flynn, Rachel**

---

**Subject:** FW: 2836 Union Street

**From:** Luke Iseman [mailto:luke@lukeiseman.com]  
**Sent:** Thursday, April 30, 2015 2:51 PM  
**To:** Flynn, Rachel  
**Cc:** Emily Woods; <founders@postworksllc.com>  
**Subject:** Re: 2836 Union Street

Thanks Rachel. Looking forward to hearing more soon.

-----  
Luke Iseman  
smarter gardens, container homes, etc.

**On Mon, Apr 20, 2015 at 8:58 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:**  
Hi Luke, Let me check with the Building Official to see what our options are. Thanks for sending this information. Rachel

On Apr 20, 2015, at 12:58 AM, "Luke Iseman" <luke@lukeiseman.com> wrote:

Hi Rachel,

I respectfully submit that this is a local issue allowed under the california green building standards code.

Here's San Francisco's 'request a composting toilet' page:

<http://www.sfwater.org/index.aspx?page=835> .

And, you'll find it on this checklist for 'residential voluntary measures': [http://www.ecodes.biz/ecodes\\_support/free\\_resources/2013California/13Green/PDFs/Appendix%20A4%20-%20Residential%20Voluntary%20Measures.pdf](http://www.ecodes.biz/ecodes_support/free_resources/2013California/13Green/PDFs/Appendix%20A4%20-%20Residential%20Voluntary%20Measures.pdf) .

Am I mistaken, or is this something we can tackle at the local level?

Thanks, Luke

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Luke Iseman  
smarter gardens, container homes, etc.

**On Mon, Apr 20, 2015 at 12:11 AM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:**

Luke – This would require a change to the California Building Code (CBC). I'll check with our Building Official to see which agency in Sacramento you would need to start with. Rachel

## Flynn, Rachel

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**From:** Flynn, Rachel  
**Sent:** Friday, May 22, 2015 11:23 AM  
**To:** Luke Iseman (luke@lukeiseman.com)  
**Cc:** Sandercock, Deborah  
**Subject:** Compost Toilets

Luke, Sorry for the delay in getting answers to you in regards to allowing compost toilets in the City of Oakland.

Our Building Official, Deborah Sandercock, has researched the San Francisco policies you mentioned in your e-mail. They indicate below that they are best suited in locations where there are no water and/or sewer facilities available. Also, approval must be obtained by the SF Department of Public Health.

The same holds true for Oakland. In addition, Oakland Public Works (OPW) has authority over water/sewer requirements.

If the City were to change its codes, allowing compost toilets, it would have to come through OPW and Alameda Public Health.

The contact in OPW is Mike Neary, Deputy Director of

### Where are composting toilets typically installed?

Composting toilets are well suited for rural areas or locations where water and/or sewer facilities are not available. They are installed in national parks, golf courses, and roadside facilities in both the United States and internationally and often found in regions of the world with severe water shortages. While rare, composting toilets have also been installed in urban areas as demonstration projects.

Composting toilet at Denali National Park

### How can I install a Composting Toilet in San Francisco?

If your project is in an area without water or sewer facilities, a composting toilet may be a good option. *Composting toilets must be approved by the San Francisco Department of Public Health (SFDPH).* Begin the process by completing the Application for Composting Toilet Installation and submitting it to SFDPH. You will also be required to obtain any permits required by the Department of Building Inspection or other city departments, as applicable. If you have any questions about installing a composting toilet, please contact [Nonpotable@sfgwater.org](mailto:Nonpotable@sfgwater.org).

SHARE THIS PAGE



Below is the section from the Oakland Municipal Code requiring all buildings with plumbing fixtures to be connected to the public sanitary sewer:

- **13.08.340 - Connection to public sanitary sewer required.**

Every building in which plumbing fixtures are installed and every premises having wastewater, liquid waste, or sewage piping thereon shall have connection to a public sanitary sewer or a private common sewer which has its point of discharge in a public sanitary sewer.

This section is out of Chapter 13 which is enforced by the Director of Public Works.

Public Works and Alameda County Public Health would be the departments that would consider allowing compost toilets in Oakland.

In addition, the Planning & Building Department applies the California Building Code to our local Oakland Municipal Code (OMC).

The International Association of Plumbing and Mechanical Officials (IAPMO) is responsible for developing the Model Plumbing Code which is further amended by the Building Standards Commission for the State of California.

So, the IAPMO would have to approve any allowance of compost toilets as well.



## Flynn, Rachel

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**From:** Sandercock, Deborah  
**Sent:** Thursday, May 21, 2015 1:56 PM  
**To:** Flynn, Rachel  
**Subject:** Compost Toilets

Hi Rachel,

Below is some of the language from the SF link provided by Mr. Iseman:

### **Where are composting toilets typically installed?**

Composting toilets are well suited for rural areas or locations where water and/or sewer facilities are not available. They are installed in national parks, golf courses, and roadside facilities in both the United States and internationally and often found in regions of the world with severe water shortages. While rare, composting toilets have also been installed in urban areas as demonstration projects.

Composting toilet at Denali National Park

### **How can I install a Composting Toilet in San Francisco?**

If your project is in an area without water or sewer facilities, a composting toilet may be a good option. *Composting toilets must be approved by the San Francisco Department of Public Health (SFPDH).* Begin the process by completing the Application for Composting Toilet Installation and submitting it to SFPDH. You will also be required to obtain any permits required by the Department of Building Inspection or other city departments, as applicable. If you have any questions about installing a composting toilet, please contact [Nonpotable@sfgwater.org](mailto:Nonpotable@sfgwater.org).

SHARE THIS PAGE



As stated, SF only considers these types of toilets for rural areas or locations where water and/or sewer facilities are not available such as in national parks. The use must be applied for and approved by the SF Department of Public Health.

Below is the section from the Oakland Municipal Code requiring all buildings with plumbing fixtures to be connected to the public sanitary sewer:

- **13.08.340 - Connection to public sanitary sewer required.**

Every building in which plumbing fixtures are installed and every premises having wastewater, liquid waste, or sewage piping thereon shall have connection to a public sanitary sewer or a private common sewer which has its point of discharge in a public sanitary sewer.

This section is out of Chapter 13 which is enforced by the Director of Public Works.

Public Works and Alameda County Public Health would be the departments that would consider allowing this type of fixture in Oakland.

## **Flynn, Rachel**

---

**From:** Deloach Reed, Teresa <TDeLoachReed@oaklandnet.com>  
**Sent:** Thursday, April 02, 2015 4:39 PM  
**To:** Flynn, Rachel; Cook, Brigitte  
**Subject:** FW: 2836 Union Street

FYI – see below

As requested, I am responding with information about fire activities at 2836 Union Street:

The property is a small two story structure at the front of a large lot, with a perimeter fence. The property is visible from the street and is average in appearance and upkeep. It is located within Station 5's district. None of the regular members of Station 5 on duty today are aware of any responses for fires to that location. I asked the Fire Dispatch Supervisor to research any responses to that address in 2015 and none were found.

I went to the address this afternoon and met with a property owner who was on site:

Anna Brown (415) 465-4422

Ms. Brown acknowledged she and her co-owners did have an outdoor fire recently, but extinguished it immediately upon receiving a complaint from a neighbor. I advised her that outdoor wood fires are prohibited by State and Local Ordinances. She agreed that she and her co-owners would not have any more fires. I found her to be cooperative and responsive. In my opinion there is no further action needed from the OFD.

Respectfully,

Maria Sabatini  
Fire Investigator  
Oakland Fire Department  
(510) 238-4031 office  
(510) 755-5175 cell

*Teresa Deloach Reed, MPA  
Fire Chief  
City of Oakland  
510-238-4050 Office  
510-755-5823 Cell  
150 Frank H. Ogawa Plaza  
Suite 3354  
Oakland, CA 94612*

**Oakland Ranked #5 Place to Visit in the World!  
New York Times, January 2012 <http://bit.ly/GB3s8f>**

**From:** Luke Iseman [mailto:luke@lukeiseman.com]

**Sent:** Thursday, April 02, 2015 11:43 AM

**To:** Flynn, Rachel

**Cc:** Miller, Scott; Taylor, Marie (Allene); Quesada, Bill; Ora Green; Labayog, Edward; heather stewart; Henry R; Candell, Chris; Deloach Reed, Teresa; Cook, Brigitte; <founders@postworkslc.com>

**Subject:** Re: 2836 Union Street

Rachel,

We stopped by to have a cooking fire with some spare wood to celebrate our friend's birthday. The fire was extinguished within 3 minutes of Barbara asking us to do so. The only use other than gardening for which we are spending any time on-site is our efforts to come into compliance.

On a separate note, I'd like to arrange a meeting between myself and any stakeholders you'd recommend attend to discuss changing Oakland regulations to encourage the use of NSF-approved composting toilet systems. Oakland needs to be leading the state on sustainability, and eliminating our ban on sustainable sanitation is an overdue first step.

Let me know when works, who else I should invite, and any research you'd like to see in preparation.

Thanks,

Luke

On Apr 1, 2015 10:09 AM, "Flynn, Rachel" <RFlynn@oaklandnet.com> wrote:

Luke, Henry, and Heather – What is going on with these reported fires?

I thought we had made it clear to you in February (via the Notices of Violation and the on-site visits with Building Inspectors) that NO ONE is to be occupying this site for any uses without the proper permitting.

The Fire Chief will be sending out an inspector today to investigate. Is there any other activity going on at this site?

Rachel Flynn AIA

Director | Planning & Building Department

City of Oakland

510 . 238 . 2229

---

**From:** Deloach Reed, Teresa [mailto:TDeloachReed@oaklandnet.com]

**Sent:** Wednesday, April 01, 2015 8:14 AM

**To:** Cook, Brigitte; Flynn, Rachel

**Subject:** RE: Late night burning on lot at 2836 Union Street

I will send our Fire Investigators out to take a look.

*Teresa Deloach Reed, MPA*

*Fire Chief*

*City of Oakland*

*510-238-4050 Office*

*510-755-5823 Cell*

*150 Frank H. Ogawa Plaza*

*Suite 3354*

*Oakland, CA 94612*

***Oakland Ranked #5 Place to Visit in the World!***

***New York Times, January 2012 <http://bit.ly/GB3s8f>***

---

**From:** Cook, Brigitte

**Sent:** Tuesday, March 31, 2015 11:18 PM

**To:** Flynn, Rachel; Deloach Reed, Teresa

**Subject:** FW: Late night burning on lot at 2836 Union Street

Rachel,

It appears that the residents on Union are still engaging in illegal activities on their property. Can the residents request a visit either by OFD or Code Compliance after the fact to investigate the fire and put them on notice about future bonfire activity?

---

**Brigitte Cook, Community Liaison**

---

**From:** wfgreen3@att.net [mailto:wfgreen3@att.net]

**Sent:** Tuesday, March 31, 2015 9:45 PM

**To:** Cook, Brigitte; [happyfeeling@yahoo.com](mailto:happyfeeling@yahoo.com); [barbra@stagebridge.org](mailto:barbra@stagebridge.org); [greenwillie@sfusd.edu](mailto:greenwillie@sfusd.edu)

**Subject:** Late night burning on lot at 2836 Union Street

Hello Brigitte,

I hope all is going well with you. Once again we find it necessary to contact you regarding our neighbors on the lot at 2836 Union Street. This morning my neighbor on Union Street came to visit me to find out if I smelled the smoke last night. I woke up and did smell smoke from inside my house around 12:00 a.m. in the morning, all the dogs were barking. I got up and looked outside in the front and back of my house the smoke was really strong but I could not figure where it was coming from.

My neighbor Ms. Johnson, who lives on Union Street, said she came home from work and the whole area near her house was lit up super bright from a huge fire, they were in that lot burning a large amount of stuff. She was really concerned about the danger of a fire, because the huge fire was next door to her house and could easily have spread to other structures not to mention the air was really heavy with smoke which would be a health problem for those with breathing problems because of the air quality.

Ms. Johnson confronted them and they tried to quickly put out the fire. She did not call OPD or OFD.

I referred her to speak to Carol, in hopes you and others would be contacted because I am not the only one concerned or affected with these irresponsible actions that could endanger the lives and property of many others.

I am really concerned just like Ms. Johnson because they are coming late in the evening in the dark again moving stuff with the fork lift, but this incident of the huge late night fire has me really worried, because the smoke was really strong and they are again using the cover of darkness to perform reckless, dangerous, illegal actions with no regard for the safety of others.

As always thank you all for your support and assistance

**Flynn, Rachel**

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**From:** Noah <n.arroyo02@gmail.com>  
**Sent:** Saturday, March 21, 2015 12:00 PM  
**To:** Flynn, Rachel  
**Subject:** Thank you again for your time

Hi Rachel,

Just wanted to give you a heads up that we did indeed publish an article on the Boxouse community in West Oakland. Here's the link:

<http://sfpublicpress.org/news/2015-03/shipping-container-homes-run-up-against-health-and-building-codes>

I'm sorry I didn't send you this email earlier. I've been scraping to find the free time, though that's no excuse.

Thank you for speaking with me at such great length. It was obvious that you'd made connecting with me a high priority, and your candidness was refreshing.

Have a great weekend!

--  
Noah Arroyo  
SFPublicPress.org  
@noah\_arroyo  
(415) 531-4041

## Flynn, Rachel

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**From:** Luke Iseman <luke@lukeiseman.com>  
**Sent:** Thursday, March 19, 2015 3:53 PM  
**To:** Miller, Scott  
**Cc:** Labayog, Edward; Candell, Chris; Flynn, Rachel; <founders@postworkslc.com>; Ranelletti, Darin  
**Subject:** Re: Clarification on gardening regulations

Thanks all!

-----  
Luke Iseman  
smarter gardens, container homes, etc.

On Thu, Mar 19, 2015 at 8:57 AM, Miller, Scott <[SMiller@oaklandnet.com](mailto:SMiller@oaklandnet.com)> wrote:

Hello, Luke. Community Gardens are indeed permitted activities in the RM-2 zoning district. While the step of getting a Zoning Clearance is usually a precursor to getting a Business Tax Certificate (which is not required for a Community Garden), I would advise you to get a Zoning Clearance, which is an over-the-counter approval at the zoning counter. Let me know if you have additional questions about such activities or the Zoning Clearance itself. Thanks.

Scott

**Scott Miller**, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: [smiller@oaklandnet.com](mailto:smiller@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Wednesday, March 18, 2015 3:16 PM  
**To:** Labayog, Edward; Candell, Chris; Miller, Scott; Flynn, Rachel; <[founders@postworkslc.com](mailto:founders@postworkslc.com)>  
**Subject:** Re: Clarification on gardening regulations

Hello Ed, Chris, Rachel, and Scott,

Can I get an ETA on this?

## Flynn, Rachel

---

**From:** Miller, Scott  
**Sent:** Thursday, March 19, 2015 8:58 AM  
**To:** Luke Iseman  
**Cc:** Labayog, Edward; Candell, Chris; Flynn, Rachel; <founders@postworkslc.com>; Ranelletti, Darin (DRanelletti@oaklandnet.com)  
**Subject:** RE: Clarification on gardening regulations

Hello, Luke. Community Gardens are indeed permitted activities in the RM-2 zoning district. While the step of getting a Zoning Clearance is usually a precursor to getting a Business Tax Certificate (which is not required for a Community Garden), I would advise you to get a Zoning Clearance, which is an over-the-counter approval at the zoning counter. Let me know if you have additional questions about such activities or the Zoning Clearance itself. Thanks.

Scott

**Scott Miller**, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: [smiller@oaklandnet.com](mailto:smiller@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Luke Iseman [mailto:[luke@lukeiseman.com](mailto:luke@lukeiseman.com)]  
**Sent:** Wednesday, March 18, 2015 3:16 PM  
**To:** Labayog, Edward; Candell, Chris; Miller, Scott; Flynn, Rachel; <founders@postworkslc.com>  
**Subject:** Re: Clarification on gardening regulations

Hello Ed, Chris, Rachel, and Scott,

Can I get an ETA on this?

Regards,  
Luke

-----  
Luke Iseman  
[smarter gardens](#), [container homes](#), [etc.](#)

On Thu, Mar 12, 2015 at 4:23 PM, Luke Iseman <[luke@lukeiseman.com](mailto:luke@lukeiseman.com)> wrote:  
Hello Ed, Chris, Rachel, and Scott,

Can you clarify the city's policy on community gardens on vacant lots?

From <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak050848.pdf>, which i found at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK029859>, it is my understanding that our 2 parcels on magnolia st. can be used as a community garden (growing food for our own consumption) with no permitting required (they are rm-2). Is this correct?

Thanks,  
Luke



## Flynn, Rachel

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**From:** Flynn, Rachel  
**Sent:** Tuesday, March 10, 2015 7:29 PM  
**To:** Farmer, Casey  
**Subject:** FW: Boxouse - ILLEGAL SQUATERS/PUBLIC HEALTH NUISANCE IN WEST OAKLAND

**From:** Flynn, Rachel  
**Sent:** Saturday, March 07, 2015 12:44 PM  
**To:** Joe Capley-Alfano  
**Cc:** Inspection Counter; Office of the Mayor; Woo, Winnie; Hom, Donna; Orologas, Alexandra; Cotton, Chantal; DeVries, Joe; OCOP; Kasdin, Stephen; Perlmutter, Michael; IGarcia@oakha.org; Cook, Brigitte; Wald, Zachary; McElhaney, Lynette; Joseph Capley-Alfano; Taylor, Marie (Allene); Labayog, Edward; Illgen, Richard; willie green; Luke Iseman; heather stewart; henrydavidrichardson@gmail.com; Candell, Chris; Nosakhare, Shereda  
**Subject:** Re: Boxouse - ILLEGAL SQUATERS/PUBLIC HEALTH NUISANCE IN WEST OAKLAND

Joe, Thanks for writing. We became aware last December of their first illegal settlement at a site on Peralta and 21st. The owner of the property claimed to know nothing about the illegal container installations (as well as several RV's). He informed his tenants, Luke Iseman and Heather Stewart, who are featured in the video, that they had to vacate the property. (Luke and Heather are copied on this email.)

In February, we found out (via citizen complaint) that they had relocated to 2836 Union in West Oakland. The neighboring property owner, Willie Green, complained of loud noises at night (hammering, drilling, etc.) and foul smells. He also sent us photos of the delivery of shipping containers to the site.

There are three areas of Code violations that we are addressing: 1) zoning violations (illegal land uses in a residential zoning district), 2) building code violations (I.e., lack of proper plumbing), and 3) nuisance violations (I.e., unsanitary conditions and loud noises).

Our zoning official, Chris Candell, cited them about 3 weeks ago for zoning violations. I believe they have 1 more week to abate the illegal uses.

Our inspectors who handle building code violations and nuisance abatement, Marie Taylor and Ed Labayog, gained access to the property on February 25th. They informed the owners that they had to obtain building permits (building, electrical, plumbing, etc.) for any development on the property -- and that the gray water found on site had to be removed immediately.

The owners denied our inspectors access to two of the structures on site, where we believe people are living and/or working.

Staff is issuing NOV's for the violations they observed. They are also working with the City Attorney's Office to obtain search warrants for the 2 structures that they could not access. Rich Illgen is the lead attorney on those efforts. (He is copied here.) Only the court can grant a search warrant.

I have also asked staff to explore the possibility of condemning the property and preventing any access by the owners or others -- until nuisance abatement is addressed and proper permits are obtained. I'm also checking on how the City can require removal of all illegal structures on the site -- if the owners won't remove them.

As you can see, this is a complicated case. The owners have been cordial, but the illegal structures and uses remain. We are doing our best to expeditiously address the violations -- within the confines of our City government powers.

Thanks again for writing. We will keep you updated on the case.

Rachel Flynn

Our inspectors contacted some of the property owners Luke, Heather, and Henry (apparently there are several other owners) and 2 Notices of Violation (NOV's) were sent to them for illegal uses. Property owners have 30 days to abate violations cited in NOV's. I believe their deadline is next week.

On Mar 7, 2015, at 10:20 AM, "Joe Capley-Alfano" <[maryin@thesisters.org](mailto:maryin@thesisters.org)> wrote:

Please click on the link for Boxouse and watch the video contained therein. The illegal squat that is the subject of the film is in my neighborhood, and I want something done about the situation. In support, I worked hard, lived frugally, saved my money, and eventually, I am proud to say that I managed to buy my home in West Oakland legally. I pay my taxes and support my local community. I comply with the law. In short, it infuriates me that the individuals at Boxouse are thumbing their noses at county public health regulations, California building code, local zoning laws, taxes, etc.. They are putting the health and safety of me and my neighbors in jeopardy, and they must be stopped in order to prevent the nuisance from growing, spreading, becoming more dangerous. Boxouse has no access to a sewer system to remove their waste, and they are using propane tanks that are connected to unregulated systems for cooking water heating etc. in structures that have not been approved for habitation and that use home made un-inspected potentially flawed electrical systems. The whole mess is a recipe for disaster that has been dumped on our neighborhood. Further, Boxouse has done so, because they perceive our neighborhood to be abandoned full of "worse" crime, and neglected by city government. I have contacted each of your offices in an attempt to put the Oakland City Government on notice that Boxouse exists, and that Boxouse is intentionally violating the law and inciting others to do the same. I am certain that after viewing the video, you will all agree with me. Thus, I expect that you will require Boxouse to comply with the law or vacate the location that they hold in West Oakland.

Thank you for your time and consideration,

Respectfully yet pointedly,

Joe Capley-Alfano - Homeowner West Oakland

<http://www.boxouse.com/>

## **LESS TALK, MORE BOXES**

After years of pontificating about how much we'd like to live in a shipping-container-based tiny house, we realized that we'd never be ready. Paying more than a shipping container's

cost in rent pushed us over the brink: we moved from San Francisco's Mission across the bridge and into a West Oakland lot. Living in a tent provided excellent motivation to complete our container conversion. Several months, more than a few minor disasters, and many experiments later, we've created a tiny home community in the heart of West Oakland. We're not getting rich, but we are close to breaking even. More importantly, we're living in a solar-powered, sustainable home we built for less than the cost of a car. Chickens in the yard, fast internet, occasionally-alive gardens, and providing affordable homes for our friends: it's getting harder and harder to consider our sustainability a sacrifice. We've got giant problems, but technology presents us with more power than ever to fix them. We hope you'll learn a bit from our mistakes and join us in building sexy, sustainable housing from industrial waste!

## Flynn, Rachel

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**From:** Luke Iseman <luke@lukeiseman.com>  
**Sent:** Saturday, March 07, 2015 2:11 PM  
**To:** Flynn, Rachel  
**Cc:** Joe Capley-Alfano; Inspection Counter; Office of the Mayor; Woo, Winnie; Hom, Donna; Orologas, Alexandra; Cotton, Chantal; DeVries, Joe; OCOP; Kasdin, Stephen; Perlmutter, Michael; IGarcia@oakha.org; Cook, Brigitte; Wald, Zachary; McElhaney, Lynette; Joseph Capley-Alfano; Taylor, Marie (Allene); Labayog, Edward; Illgen, Richard; willie green; heather stewart; henrydavidrichardson@gmail.com; Candell, Chris; Nosakhare, Shereda; <all@postworkslc.com>  
**Subject:** Re: Boxouse - ILLEGAL SQUATERS/PUBLIC HEALTH NUISANCE IN WEST OAKLAND

Joe et al,

I sincerely apologize for any negative impact you feel our project has had on you or the neighborhood. I love Oakland, and I believe passionately in creating a new model for development that is affordable, sustainable, and tiny. The lot you saw in the video is now vacated; in a year or so, it will be transformed into a 2-story dog day car facility. It was an affordable home for a dozen of my friends.

We're in the process of vacating our property at 2836 Union, too; the containers will be removed and placed into storage by March 11. Perhaps we'll give them to our friends in New Mexico or somewhere else with development rules that encourage sustainable, DIY solutions to affordable housing.

I do ask that you and everyone else on this email thread remember this as you see cookie-cutter condos built by giant corporations replace the art warehouses, old victorians, and chickens in vacant lots that helped make Oakland so special. Look to Emeryville for a preview of how this plays out, and don't be surprised to see a lot of your neighbors priced away.

Rachel and her coworkers have done a great job of explaining to us all the regulations around what we can do with our land. We were wrong about most of our initial assumptions, and every t will be crossed and i dotted with our development of our property.

Separate from our existing project, it's my sincere hope that the City of Oakland will work with us to change regulations to encourage DIY solutions to the lack of affordable, sustainable housing options in the bay area. We're doing research on model regulations in more progressive cities now, and we'd love to engage politically as well.

Regards,  
Luke

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Luke Iseman  
smarter gardens, container homes, etc.

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## Flynn, Rachel

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**From:** Taylor, Marie (Allene)  
**Sent:** Tuesday, February 24, 2015 1:25 PM  
**To:** Luke Iseman; Flynn, Rachel  
**Cc:** heather stewart; Labayog, Edward; Miller, Scott; Bradley, Michael; Nosakhare, Shereda; Cook, Brigitte; Candell, Chris; Ora Green; <founders@postworkslc.com>  
**Subject:** RE: FW: 2836 Union Street

Hi Luke,

Ed, Chris and I will see you at 2:30 on Thursday.

Thanks,  
Marie

**From:** Luke Iseman [mailto:luke@lukeiseman.com]  
**Sent:** Tuesday, February 24, 2015 12:37 PM  
**To:** Flynn, Rachel  
**Cc:** heather stewart; Taylor, Marie (Allene); Labayog, Edward; Miller, Scott; Bradley, Michael; Nosakhare, Shereda; Cook, Brigitte; Candell, Chris; Ora Green; <founders@postworkslc.com>  
**Subject:** Re: FW: 2836 Union Street

Thanks Rachel; this is very helpful. Marie, we can do anytime after 2pm on Thursday. When works for you?

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Luke Iseman  
smarter gardens, container homes, etc.

On Mon, Feb 23, 2015 at 7:55 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Luke – Below are the answers to your questions in RED. Please work with Marie Taylor to schedule an on-site inspection this week. Rachel

The Zoning for the subject sites (“front” and “back” lots) is RM-2 Mixed Housing Type Residential

1. Is it permissible to have an unpermitted structure on a parcel without a primary use that is used as a security officer's quarters? Is this defined per parcel, ie in our case would this mean 3 parcels and 3 security officers / structures? Can this structure be a shipping container?

Response:

It is not permissible to have an “unpermitted” structure on a parcel no matter the use of the structure. In order to have an accessory security officers quarters you must first have a principle primary activity. Thus the security officer’s quarters would not be permitted. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in

Title 17 of the Oakland Planning Code. Any proposed structure, building facility, or any activity on the site must obtain design review approval. Any activity must conform to the RM-2 residential zoning. 24 hour security is permitted.

2. Is it permissible to have a detached shipping container as a security officer's quarters on our front lot, which we now have a permit to use as an office (attached)?

Response:

Residential occupancy for the purposes of security in connection with a principal nonresidential activity on the same lot, would be allowed pursuant 17.10.040C1 . Any proposed structure or building facility must first obtain design review approval and then a building permit. Thus any use of a shipping container (or other new structure) will require design review approval from the City of Oakland Bureau of Planning and require a building permit.

3. Is it permissible to have a detached shipping container as storage on our front lot?

Response:

A detached shipping container to be used as a storage accessory structure must first receive design review approval (and then a building permit) and must be associated with a specific principal facility and activity i.e. office.

4. Is there a limit on how many sheds we can have on the front lot, as per this definition of shed?

Response:

There is no limit to how many accessory structures can be located on a lot; however the maximum lot coverage for the RM-2 Mixed Housing Type Residential Zone is 2,000 square-feet for lots under 5,000 square-feet and 40% for lots greater than 5,000 square-feet up to 12,000 square-feet. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure or building facility must obtain design review approval.

5. Is there a limit on how many sheds we can have on the back lots, as per above definition?

Response:

The two vacant parcels (back lots) must first have a principle activity before they can contain any accessory structures including sheds or containers. Any activities on those lots must conform to the RM-2 zoning (See section 17.17). There is no limit to how many accessory structures can be located on a lot; however the maximum lot coverage for the RM-2 Mixed Housing Type Residential Zone is 2,000 square-feet for lots under 5,000 square-feet. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure or building facility must obtain design review approval.

6. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the back lots?



Response:

See also response to number 5, in that a legal principle activity must first be established. It is not permissible to have living quarters in an RV or other licensed vehicle.

7. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the front lot?

Response:

No.

8. Is there a required setback from neighbor's fences for food-based compost piles?

Response:

See also response to number 5, in that a legal principle activity must first be established in the RM-2 zoning. There is not a setback specified from a property line for food-based compost piles; however all parcels must meet the Oakland Planning Code performance standards for Odor in section 17.120.090. Unpleasant odors shall not be smelled up to or beyond any lot line of the lot containing the activities. Further, waste materials or containers with waste materials shall not be visible from any public street with exception of routine pick up days.

9. Is it permissible to park normal vehicles (passenger cars, etc.) on our front lot?

Response:

Vehicles (passenger cars) associated with the business, an administrative office for real estate (employees and customers) is permitted on the site.

10. Is it permissible to park normal vehicles (passenger cars, etc.) on our back lots now that we have the permit for the front?

Response:

Off street parking as a principle activity and is not permitted in the RM-2 zone.

11. Is a permit needed to erect the screening mandated for storage of boats, building materials, etc. to be permissible?

Response:

All screening structures and/or facilities require a design review permit and, depending on the structure, a building permit might be required.

12. Is it permissible to park trailers with a GVWR < 10k lbs on our front lot?

Response:

There are no provisions in the Planning Code addressing trailer parking. Staff is still researching the Municipal Code for any applicable provisions related to this issue. Permanent parking of trailers in a residential zone is not permitted.

13. Has the city issued any waivers allowing composting toilets, and would the city consider doing so in the future for NSF-approved models?

Response:

Composting toilets are not allowed.

California Residential Code states:

R306.1 – Toilet Facilities. Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

R306.2 – Kitchen. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

R306.3 – Sewage disposal. All plumbing fixtures shall be connected to a sanitary sewer

R306.4 – Water supply to fixtures. All plumbing fixtures shall be connected to an approved water supply.

Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs, and washing machine outlets shall be provided with hot and cold water.

14. Is this an accurate interpretation of the legality of composting toilets in Oakland?

Response:

See number 13 above.

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]

**Sent:** Friday, February 20, 2015 10:19 AM

**To:** Flynn, Rachel; Candell, Chris; [henrydavidrichardson@gmail.com](mailto:henrydavidrichardson@gmail.com); heather stewart; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward

**Cc:** <[founders@postworkslc.com](mailto:founders@postworkslc.com)>

**Subject:** Re: 2836 Union Street

Thanks Rachel.

We wanted to clarify some questions to make sure we're fully complying:

1. Is it permissible to have an unpermitted structure on a parcel without a primary use that is used as a security officer's quarters? Is this defined per parcel, ie in our case would this mean 3 parcels and 3 security officers / structures? Can this structure be a shipping container?
2. Is it permissible to have a detached shipping container as a security officer's quarters on our front lot, which we now have a permit to use as an office (attached)?
3. Is it permissible to have a detached shipping container as storage on our front lot?
4. Is there a limit on how many sheds we can have on the front lot, as per this definition of shed?
5. Is there a limit on how many sheds we can have on the back lots, as per above definition?
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8. Is there a required setback from neighbor's fences for food-based compost piles?
9. Is it permissible to park normal vehicles (passenger cars, etc.) on our front lot?
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14. Is this an accurate interpretation of the legality of composting toilets in Oakland?

"Front lot" is apn 5-458-29, and "back lots" are 5-458-15 and 5-458-16 considered individually.

Thanks for your help. It'll be a process, but we'll eventually end up being a showcase property for how the city of Oakland works to support innovative, sustainable, affordable housing options (no matter how incompetent the property owners might be:)

-Luke

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Luke Iseman

smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 7:16 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, We really appreciate that. Marie Taylor will be contacting you tomorrow.

(Marie – Luke's cell is 415-623-6817)

Thanks, Rachel

**From:** Luke Iseman [mailto:[luke@lukeiseman.com](mailto:luke@lukeiseman.com)]

**Sent:** Thursday, February 19, 2015 2:09 PM

**To:** Flynn, Rachel; <[founders@postworkslc.com](mailto:founders@postworkslc.com)>

**Cc:** [henrydavidrichardson@gmail.com](mailto:henrydavidrichardson@gmail.com); heather stewart; Candell, Chris; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward

**Subject:** Re: 2836 Union Street

Thanks Rachel. We'll figure out a date that works by eod Monday. Note that we have a vegetable compost pile near Willie and Ora's fence; this is the only thing I can imagine could be generating a smell they are uncomfortable with.

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Luke Iseman

smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 12:50 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, Heather and Henry,

Yesterday our Inspectors went to your lot at 2836 Union Street with the hopes of conducting on-site inspection. Unfortunately, none of you were there to provide access onto your property. Neither were any of your other joint property owners on site to allow access.

As you know, your neighbors Willie and Ora Green have issued numerous complaints to me, the Building Inspections office, the Mayor's Office, and Councilmember McElhaney's Office. They have complained about noise, smells, and apparent raw sewage on your property. Our Zoning Inspector, Chris Candell, issued two Notices of Violation (NOV's) for *zoning* violations, but no NOV's have been issued for any *building* code or other applicable code violations.

We need to get on your property to conduct a full inspection to ensure that it is safe and is in compliance with all applicable codes. We ask that you cooperate with our Inspections staff to provide them access onto your property no later than next Friday, February 27<sup>th</sup>. If we cannot work together on scheduling this on-site inspection, then we will have to get a warrant to gain access to the property.

Thanks, in advance, for working with us to get all code issues resolved. Rachel

Rachel Flynn AIA

Director 1 Planning & Building Department

Acting Director 1 Economic & Workforce Development Department

City of Oakland

510 . 238 . 2229

## Flynn, Rachel

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**From:** Flynn, Rachel  
**Sent:** Monday, February 23, 2015 8:08 PM  
**To:** Luke Iseman (luke@lukeiseman.com); heather stewart (heather@gingeria.com); henrydavidrichardson@gmail.com  
**Cc:** Cook, Brigitte; 'willie green'; Nosakhare, Shereda; Taylor, Marie (Allene); Labayog, Edward; <founders@postworkslc.com> (founders@postworkslc.com)  
**Subject:** RE: Summary of incident regarding shipping containers and foul smell

Luke, Heather, and Henry – Please see the most recent complaints from your neighbors.

We look forward to conducting a full on-site inspection this Thursday – to address these issues and others.

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
City of Oakland  
510 . 238 . 2229

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**From:** willie green [mailto:wfgreen3@att.net]  
**Sent:** Sunday, February 22, 2015 11:06 PM  
**To:** Flynn, Rachel  
**Cc:** Cook, Brigitte  
**Subject:** Summary of incident regarding shipping containers and foul smell

It is really sad that it has to come to this. That we have had to endure over several months incidents such a Greyhound size bus being parked next to our fence less than 10 feet from our house, creating a possible carbon monoxide and fire danger from the tall uncut brush. We went to 2836 Union and spoke I believe Henry and respectfully explained our concern about the bus being parked there. He said he would move it. It took about 2 weeks before he moved it. Then we tried to deal with excessively construction noise during the evening and at night along with the sounds of several large steel shipping containers being moved and dropped on the ground in that lot. And if that wasn't enough the sewer/compost being leaked on my property within my yard and on my gate in the front creating the vilest, foul, odor of human waste I have ever smelled. Rachael you were shown the stuff coming through the fence into my yard. That's part of the reason you were called.

Everyone including our visitors and neighbors who came by complained of the strong foul odor and worried if it was toxic. I asked Heather twice to remove it off my property and off my brick and iron fence because it actually was placed on our fence with a hose sticking through the fence with this filth running out not on their side but on my side.

Nothing happened until we called the Oakland Police Department office that agreed that this was nasty and filthy and a possible contamination situation they were also there for the excess noise after 10:00pm. He suggested that other neighbors should also get involved in this situation. Heather was in the container using her laptop and saw and heard all that was said but said or did nothing. If they don't think there anything wrong, with that stuff that's discharging from the hose, why are they not discharging it in their lot instead of exposing others to this stuff?

We have the right of clean unpolluted air to breath. We are not the only ones that think this is wrong and that the city should have not allowed this to happen.

We presented a petition regarding this issue to our neighbors almost everyone of them read it and signed it, so you see Rachael it is not just Willie and Ora Green who are concerned about this situation including the origin of these shipping containers (are they certified safe because of

## Flynn, Rachel

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**From:** Flynn, Rachel  
**Sent:** Monday, February 23, 2015 7:56 PM  
**To:** Luke Iseman (luke@lukeiseman.com); heather stewart (heather@gingeria.com)  
**Cc:** Taylor, Marie (Allene); Labayog, Edward; Miller, Scott; Bradley, Michael (MBradley@oaklandnet.com); Nosakhare, Shereda; Cook, Brigitte; Candell, Chris; willie green (wfgreen3@att.net)  
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2. Is it permissible to have a detached shipping container as a security officer's quarters on our front lot, which we now have a permit to use as an office (attached)?

Response:

Residential occupancy for the purposes of security in connection with a principal nonresidential activity on the same lot, would be allowed pursuant 17.10.040C1 . Any proposed structure or building facility must first obtain design review approval and then a building permit. Thus any use of a shipping container (or other new structure) will require design review approval from the City of Oakland Bureau of Planning and require a building permit.

3. Is it permissible to have a detached shipping container as storage on our front lot?

Response:

A detached shipping container to be used as a storage accessory structure must first receive design review approval (and then a building permit) and must be associated with a specific principal facility and activity i.e. office.

4. Is there a limit on how many sheds we can have on the front lot, as per this definition of shed?

Response:

There is no limit to how many accessory structures can be located on a lot; however the maximum lot coverage for the RM-2 Mixed Housing Type Residential Zone is 2,000 square-feet for lots under 5,000 square-feet and 40% for lots greater than 5,000 square-feet up to 12,000 square-feet. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure or building facility must obtain design review approval.

5. Is there a limit on how many sheds we can have on the back lots, as per above definition?

Response:

The two vacant parcels (back lots) must first have a principle activity before they can contain any accessory structures including sheds or containers. Any activities on those lots must conform to the RM-2 zoning (See section 17.17). There is no limit to how many accessory structures can be located on a lot; however the maximum lot coverage for the RM-2 Mixed Housing Type Residential Zone is 2,000 square-feet for lots under 5,000 square-feet. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure or building facility must obtain design review approval.

6. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the back lots?

Response:

See also response to number 5, in that a legal principle activity must first be established. It is not permissible to have living quarters in an RV or other licensed vehicle.

7. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the front lot?

Response:

No.

8. Is there a required setback from neighbor's fences for food-based compost piles?

Response:

See also response to number 5, in that a legal principle activity must first be established in the RM-2 zoning. There is not a setback specified from a property line for food-based compost piles; however all parcels must meet the Oakland Planning Code performance standards for Odor in section 17.120.090. Unpleasant odors shall not be smelled up to or beyond any lot line of the lot containing the activities. Further, waste materials or containers with waste materials shall not be visible from any public street with exception of routine pick up days.



9. Is it permissible to park normal vehicles (passenger cars, etc.) on our front lot?

Response:

Vehicles (passenger cars) associated with the business, an administrative office for real estate (employees and customers) is permitted on the site.

10. Is it permissible to park normal vehicles (passenger cars, etc.) on our back lots now that we have the permit for the front?

Response:

Off street parking as a principle activity and is not permitted in the RM-2 zone.

11. Is a permit needed to erect the screening mandated for storage of boats, building materials, etc. to be permissible?

Response:

All screening structures and/or facilities require a design review permit and, depending on the structure, a building permit might be required.

12. Is it permissible to park trailers with a GVWR < 10k lbs on our front lot?

Response:

There are no provisions in the Planning Code addressing trailer parking. Staff is still researching the Municipal Code for any applicable provisions related to this issue. Permanent parking of trailers in a residential zone is not permitted.

13. Has the city issued any waivers allowing composting toilets, and would the city consider doing so in the future for NSF-approved models?

Response:

Composting toilets are not allowed.

California Residential Code states:

R306.1 – Toilet Facilities. Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

R306.2 – Kitchen. Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

R306.3 – Sewage disposal. All plumbing fixtures shall be connected to a sanitary sewer

R306.4 – Water supply to fixtures. All plumbing fixtures shall be connected to an approved water supply.

Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs, and washing machine outlets shall be provided with hot and cold water.

14. Is this an accurate interpretation of the legality of composting toilets in Oakland?

Response:

See number 13 above.

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]

**Sent:** Friday, February 20, 2015 10:19 AM

**To:** Flynn, Rachel; Candell, Chris; [henrydavidrichardson@gmail.com](mailto:henrydavidrichardson@gmail.com); heather stewart; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward

**Cc:** <[founders@postworkslc.com](mailto:founders@postworkslc.com)>

**Subject:** Re: 2836 Union Street

Thanks Rachel.

We wanted to clarify some questions to make sure we're fully complying:

1. Is it permissible to have an unpermitted structure on a parcel without a primary use that is used as a security officer's quarters? Is this defined per parcel, ie in our case would this mean 3 parcels and 3 security officers / structures? Can this structure be a shipping container?
2. Is it permissible to have a detached shipping container as a security officer's quarters on our front lot, which we now have a permit to use as an office (attached)?
3. Is it permissible to have a detached shipping container as storage on our front lot?
4. Is there a limit on how many sheds we can have on the front lot, as per this definition of shed?
5. Is there a limit on how many sheds we can have on the back lots, as per above definition?
6. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the back lots?
7. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the front lot?
8. Is there a required setback from neighbor's fences for food-based compost piles?
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12. Is it permissible to park trailers with a GVWR < 10k lbs on our front lot?
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14. Is this an accurate interpretation of the legality of composting toilets in Oakland?

"Front lot" is apn 5-458-29, and "back lots" are 5-458-15 and 5-458-16 considered individually.

Thanks for your help. It'll be a process, but we'll eventually end up being a showcase property for how the city of Oakland works to support innovative, sustainable, affordable housing options (no matter how incompetent the property owners might be:)

-Luke

-----  
Luke Iseman

smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 7:16 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Luke, We really appreciate that. Marie Taylor will be contacting you tomorrow.

(Marie – Luke's cell is 415-623-6817)

Thanks, Rachel

**From:** Luke Iseman [mailto:luke@lukeiseman.com]

**Sent:** Thursday, February 19, 2015 2:09 PM

**To:** Flynn, Rachel; <founders@postworksllc.com>

**Cc:** henrydavidrichardson@gmail.com; heather stewart; Candell, Chris; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward

**Subject:** Re: 2836 Union Street

Thanks Rachel. We'll figure out a date that works by eod Monday. Note that we have a vegetable compost pile near Willie and Ora's fence; this is the only thing I can imagine could be generating a smell they are uncomfortable with.

-----  
Luke Iseman

smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 12:50 PM, Flynn, Rachel <RFlynn@oaklandnet.com> wrote:

Luke, Heather and Henry,

Yesterday our Inspectors went to your lot at 2836 Union Street with the hopes of conducting on-site inspection. Unfortunately, none of you were there to provide access onto your property. Neither were any of your other joint property owners on site to allow access.

As you know, your neighbors Willie and Ora Green have issued numerous complaints to me, the Building Inspections office, the Mayor's Office, and Councilmember McElhaney's Office. They have complained about noise, smells, and apparent raw sewage on your property. Our Zoning Inspector, Chris Candell, issued two

Notices of Violation (NOV's) for *zoning* violations, but no NOV's have been issued for any *building* code or other applicable code violations.

We need to get on your property to conduct a full inspection to ensure that it is safe and is in compliance with all applicable codes. We ask that you cooperate with our Inspections staff to provide them access onto your property no later than next Friday, February 27<sup>th</sup>. If we cannot work together on scheduling this on-site inspection, then we will have to get a warrant to gain access to the property.

Thanks, in advance, for working with us to get all code issues resolved. Rachel

Rachel Flynn AIA

Director 1 Planning & Building Department

Acting Director 1 Economic & Workforce Development Department

City of Oakland

510 . 238 . 2229

## Flynn, Rachel

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**From:** Taylor, Marie (Allene)  
**Sent:** Monday, February 23, 2015 11:42 AM  
**To:** Miller, Scott; Flynn, Rachel  
**Cc:** Ranelletti, Darin; Bradley, Michael  
**Subject:** RE: 2836 Union Street

Good Morning,

The Codes are very clear  
California Residential Code states,  
Section R306 Sanitation

**R306.1 Toilet Facilities.** Every dwelling unit shall be provided with a water closet, lavatory, and a bathtub or shower.

**R306.2 Kitchen.** Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.

**R306.3 Sewage disposal.** All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system ( approved septic system).

**R306.4 Water supply to fixtures.** All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs, and washing machine outlets shall be provided with hot and cold water.

Composting toilets are not allowed.

Marie

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**From:** Miller, Scott  
**Sent:** Friday, February 20, 2015 4:49 PM  
**To:** Flynn, Rachel  
**Cc:** Ranelletti, Darin; Taylor, Marie (Allene); Bradley, Michael  
**Subject:** RE: 2836 Union Street

Rachel, below are the responses researched and prepared by Michael, and reviewed and edited by me. Please note that Question #12 needs further research (which Michael can do on Monday) and Questions #13 and #14 need input from Building Services (Plumbing).

Scott

**Scott Miller**, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: [smiller@oaklandnet.com](mailto:smiller@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

The Zoning for the subject sites ("front" and "back" lots) is RM-2 Mixed Housing Type Residential

1. Is it permissible to have an unpermitted structure on a parcel without a primary use that is used as a security officer's quarters? Is this defined per parcel, ie in our case would this mean 3 parcels and 3 security officers / structures? Can this structure be a shipping container?

Response:

It is not permissible to have an "unpermitted" structure on a parcel no matter the use of the structure. In order to have an accessory security officers quarters you must first have a principle primary activity. Thus the security officer's quarters would not be permitted. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure, building facility, or any activity on the site must obtain design review approval. Any activity must conform to the RM-2 residential zoning. 24 hour security is permitted.

2. Is it permissible to have a detached shipping container as a security officer's quarters on our front lot, which we now have a permit to use as an office (attached)?

Response:

Residential occupancy for the purposes of security in connection with a principal nonresidential activity on the same lot, would be allowed pursuant 17.10.040C1 . Any proposed structure or building facility must first obtain design review approval. Thus any use of a shipping container (or other new structure) will require design review approval from the City of Oakland Bureau of Planning.

3. Is it permissible to have a detached shipping container as storage on our front lot?

Response:

A detached shipping container to be used as a storage accessory structure must first receive design review approval and must be associated with a specific principal facility and activity i.e. office.

4. Is there a limit on how many sheds we can have on the front lot, as per this definition of shed?

Response:

There is no limit to how many accessory structures can be located on a lot; however the maximum lot coverage for the RM-2 Mixed Housing Type Residential Zone is 2,000 square-feet for lots under 5,000 square-feet and 40% for lots greater than 5,000 square-feet up to 12,000 square-feet. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure or building facility must obtain design review approval.

5. Is there a limit on how many sheds we can have on the back lots, as per above definition?

Response:

The two vacant parcels (back lots) must first have a principle activity before they can contain any accessory structures including sheds or containers. Any activities on those lots must conform to the RM-2 zoning (See section 17.17). There is no limit to how many accessory structures can be located on a

lot; however the maximum lot coverage for the RM-2 Mixed Housing Type Residential Zone is 2,000 square-feet for lots under 5,000 square-feet. Per Planning Code section 17.09.040 "Accessory structure" means a building or facility, other than a Sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code. Any proposed structure or building facility must obtain design review approval.

6. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the back lots?

Response:

See also response to number 5, in that a legal principle activity must first be established. It is not permissible to have living quarters in an RV or other licensed vehicle.

7. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the front lot?

Response:

No.

8. Is there a required setback from neighbor's fences for food-based compost piles?

Response:

See also response to number 5, in that a legal principle activity must first be established in the RM-2 zoning. There is not a setback specified from a property line for food-based compost piles; however all parcels must meet the Oakland Planning Code performance standards for Odor in section 17.120.090. Unpleasant odors shall not be smelled up to or beyond any lot line of the lot containing the activities. Further, waste materials or containers with waste materials shall not be visible from any public street with exception of routine pick up days.

9. Is it permissible to park normal vehicles (passenger cars, etc.) on our front lot?

Response:

Vehicles (passenger cars) associated with the business, an administrative office for real estate (employees and customers) is permitted on the site.

10. Is it permissible to park normal vehicles (passenger cars, etc.) on our back lots now that we have the permit for the front?

Off street parking as a principle activity is not permitted in the RM-2 zone.

11. Is a permit needed to erect the screening mandated for storage of boats, building materials, etc. to be permissible?

All screening structures and/or facilities require a design review permit and depending on the structure a building permit might be required.

12. Is it permissible to park trailers with a GVWR < 10k lbs on our front lot?

Response:

There are no provisions in the Planning Code addressing trailer parking. Staff is still researching the Municipal Code for any applicable provisions related to this issue. Permanent parking of trailers in a residential zone is not permitted.

13. Has the city issued any waivers allowing composting toilets, and would the city consider doing so in the future for NSF-approved models?

Response:

The Bureau of Planning does not have any knowledge of City issued permits or waivers for composting toilets. This issue needs to be researched from the Bureau of Building.

14. Is this an accurate interpretation of the legality of composting toilets in Oakland?

Response:

See number 13 above.

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**From:** Flynn, Rachel  
**Sent:** Friday, February 20, 2015 10:32 AM  
**To:** Miller, Scott  
**Cc:** Ranelletti, Darin; Taylor, Marie (Allene)  
**Subject:** 2836 Union Street

Scott – Is there any chance I could get a quick turnaround today from you on these questions?

This is from Luke Iseman, who you and I met with about a month ago. You may recall that he installed and occupied shipping containers at 2012 Peralta – and is now moving them to a site he purchased at 2836 Union Street.

We discovered this site due to complaints from the neighbors regarding noise, etc.

Marie Taylor has been out there with Ed Labayog – but hasn't been granted permission to access the property for a full inspection. However, Chris Candell has issued 2 NOV's for zoning violations.

Thanks, Rachel

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Friday, February 20, 2015 10:19 AM  
**To:** Flynn, Rachel; Candell, Chris; [henrydavidrichardson@gmail.com](mailto:henrydavidrichardson@gmail.com); heather stewart; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward  
**Cc:** <[founders@postworkslc.com](mailto:founders@postworkslc.com)>  
**Subject:** Re: 2836 Union Street

Thanks Rachel.

We wanted to clarify some questions to make sure we're fully complying:



1. Is it permissible to have an unpermitted structure on a parcel without a primary use that is used as a security officer's quarters? Is this defined per parcel, ie in our case would this mean 3 parcels and 3 security officers / structures? Can this structure be a shipping container?
2. Is it permissible to have a detached shipping container as a security officer's quarters on our front lot, which we now have a permit to use as an office (attached)?
3. Is it permissible to have a detached shipping container as storage on our front lot?
4. Is there a limit on how many sheds we can have on the front lot, as per this definition of shed?
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7. Is it permissible to have an rv or other trailer, with license plate, as a security officer's quarters on the front lot?
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13. Has the city issued any waivers allowing composting toilets, and would the city consider doing so in the future for NSF-approved models?
14. Is this an accurate interpretation of the legality of composting toilets in Oakland?

"Front lot" is apn 5-458-29, and "back lots" are 5-458-15 and 5-458-16 considered individually.

Thanks for your help. It'll be a process, but we'll eventually end up being a showcase property for how the city of Oakland works to support innovative, sustainable, affordable housing options (no matter how incompetent the property owners might be:)

-Luke

-----  
 Luke Iseman  
smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 7:16 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, We really appreciate that. Marie Taylor will be contacting you tomorrow.

(Marie – Luke's cell is 415-623-6817)

Thanks, Rachel

## Flynn, Rachel

---

**From:** Luke Iseman <luke@lukeiseman.com>  
**Sent:** Sunday, February 22, 2015 7:32 PM  
**To:** Flynn, Rachel; Candell, Chris; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Labayog, Edward  
**Cc:** <founders@postworksllc.com>  
**Subject:** Re: 2836 Union Street

Hello Rachel, Chis, Marie, Ed et al,

I wanted to make sure you received our questions. I'm going to need a response to these so that I can ensure we are in compliance as soon as possible. Provided that I receive answers by Tuesday 2pm, we'd be happy to have you inspect the property at 2pm Thursday.

Should you need more time to prepare responses, please let me know. I would like a minimum of 48 hours after your responses before inspection.

Regards,  
Luke



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Luke Iseman  
[smarter gardens](#), [container homes](#), etc.

On Fri, Feb 20, 2015 at 10:18 AM, Luke Iseman <[luke@lukeiseman.com](mailto:luke@lukeiseman.com)> wrote:  
Thanks Rachel.

We wanted to clarify some questions to make sure we're fully complying:

1. Is it permissible to have an unpermitted structure on a parcel without a primary use that is used as a security officer's quarters? Is this defined per parcel, ie in our case would this mean 3 parcels and 3 security officers / structures? Can this structure be a shipping container?
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-Luke

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Luke Iseman  
smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 7:16 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, We really appreciate that. Marie Taylor will be contacting you tomorrow.

(Marie – Luke's cell is [415-623-6817](tel:415-623-6817))

Thanks, Rachel

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Thursday, February 19, 2015 2:09 PM  
**To:** Flynn, Rachel; <[founders@postworkslc.com](mailto:founders@postworkslc.com)>  
**Cc:** [henrydavidrichardson@gmail.com](mailto:henrydavidrichardson@gmail.com); heather stewart; Candell, Chris; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward  
**Subject:** Re: 2836 Union Street

Thanks Rachel. We'll figure out a date that works by eod Monday. Note that we have a vegetable compost pile near Willie and Ora's fence; this is the only thing I can imagine could be generating a smell they are uncomfortable with.

-----  
Luke Iseman

smarter gardens, container homes, etc.

On Thu, Feb 19, 2015 at 12:50 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, Heather and Henry,

Yesterday our Inspectors went to your lot at 2836 Union Street with the hopes of conducting on-site inspection. Unfortunately, none of you were there to provide access onto your property. Neither were any of your other joint property owners on site to allow access.

As you know, your neighbors Willie and Ora Green have issued numerous complaints to me, the Building Inspections office, the Mayor's Office, and Councilmember McElhaney's Office. They have complained about noise, smells, and apparent raw sewage on your property. Our Zoning Inspector, Chris Candell, issued two Notices of Violation (NOV's) for *zoning* violations, but no NOV's have been issued for any *building* code or other applicable code violations.

We need to get on your property to conduct a full inspection to ensure that it is safe and is in compliance with all applicable codes. We ask that you cooperate with our Inspections staff to provide them access onto your property no later than next Friday, February 27<sup>th</sup>. If we cannot work together on scheduling this on-site inspection, then we will have to get a warrant to gain access to the property.

Thanks, in advance, for working with us to get all code issues resolved. Rachel

Rachel Flynn AIA

Director 1 Planning & Building Department

Acting Director 1 Economic & Workforce Development Department

City of Oakland

510 . 238 . 2229

## Flynn, Rachel

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**From:** Taylor, Marie (Allene)  
**Sent:** Friday, February 20, 2015 2:50 PM  
**To:** Flynn, Rachel; 'Luke Iseman'; '<founders@postworkslc.com>'  
**Cc:** 'henrydavidrichardson@gmai.com'; 'heather stewart'  
**Subject:** RE: 2836 Union Street

Good Afternoon Luke,

Please let me know on Monday afternoon when a convenient time would be for Ed and I to come out for a site visit next week. Looking forward to hearing from you.

Have a great weekend

Marie

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**From:** Flynn, Rachel  
**Sent:** Thursday, February 19, 2015 7:16 PM  
**To:** Luke Iseman; <founders@postworkslc.com>  
**Cc:** henrydavidrichardson@gmai.com; heather stewart; Taylor, Marie (Allene)  
**Subject:** RE: 2836 Union Street

Luke, We really appreciate that. Marie Taylor will be contacting you tomorrow.

(Marie – Luke's cell is 415-623-6817)

Thanks, Rachel

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**Sent:** Thursday, February 19, 2015 2:09 PM  
**To:** Flynn, Rachel; <founders@postworkslc.com>  
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smarter gardens, container homes, etc.

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As you know, your neighbors Willie and Ora Green have issued numerous complaints to me, the Building Inspections office, the Mayor's Office, and Councilmember McElhaney's Office. They have complained about noise, smells, and apparent raw sewage on your property. Our Zoning Inspector, Chris Candell, issued two Notices of Violation (NOV's) for *zoning* violations, but no NOV's have been issued for any *building* code or other applicable code violations.

We need to get on your property to conduct a full inspection to ensure that it is safe and is in compliance with all applicable codes. We ask that you cooperate with our Inspections staff to provide them access onto your property no later than next Friday, February 27<sup>th</sup>. If we cannot work together on scheduling this on-site inspection, then we will have to get a warrant to gain access to the property.

Thanks, in advance, for working with us to get all code issues resolved. Rachel

Rachel Flynn AIA

Director 1 Planning & Building Department

Acting Director 1 Economic & Workforce Development Department

City of Oakland

510 . 238 . 2229

## Flynn, Rachel

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**From:** Flynn, Rachel  
**Sent:** Thursday, February 19, 2015 7:10 PM  
**To:** Taylor, Marie (Allene)  
**Subject:** 2836 Union Street

Hi Marie – Would you please reach out directly to Luke Iseman to schedule the on-site inspection for next week? [Luke@Lukelseman.com](mailto:Luke@Lukelseman.com) Thanks so much, Rachel

**From:** Luke Iseman [mailto:[luke@lukeiseman.com](mailto:luke@lukeiseman.com)]  
**Sent:** Thursday, February 19, 2015 2:09 PM  
**To:** Flynn, Rachel; <[founders@postworkslc.com](mailto:founders@postworkslc.com)>  
**Cc:** henrydavidrichardson@gmail.com; heather stewart; Candell, Chris; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; Ora Green; Labayog, Edward  
**Subject:** Re: 2836 Union Street

Thanks Rachel. We'll figure out a date that works by eod Monday. Note that we have a vegetable compost pile near Willie and Ora's fence; this is the only thing I can imagine could be generating a smell they are uncomfortable with.

-----  
Luke Iseman  
[smarter gardens](#), [container homes](#), [etc.](#)

On Thu, Feb 19, 2015 at 12:50 PM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Luke, Heather and Henry,

Yesterday our Inspectors went to your lot at 2836 Union Street with the hopes of conducting on-site inspection. Unfortunately, none of you were there to provide access onto your property. Neither were any of your other joint property owners on site to allow access.

As you know, your neighbors Willie and Ora Green have issued numerous complaints to me, the Building Inspections office, the Mayor's Office, and Councilmember McElhaney's Office. They have complained about noise, smells, and apparent raw sewage on your property. Our Zoning Inspector, Chris Candell, issued two Notices of Violation (NOV's) for *zoning* violations, but no NOV's have been issued for any *building* code or other applicable code violations.

We need to get on your property to conduct a full inspection to ensure that it is safe and is in compliance with all applicable codes. We ask that you cooperate with our Inspections staff to provide them access onto your property no later than next Friday, February 27<sup>th</sup>. If we cannot work together on scheduling this on-site inspection, then we will have to get a warrant to gain access to the property.

## Flynn, Rachel

---

**From:** Flynn, Rachel  
**Sent:** Thursday, February 19, 2015 12:51 PM  
**To:** 'henrydavidrichardson@gmail.com'; Luke Iseman (luke@lukeiseman.com); heather stewart (heather@gingeria.com)  
**Cc:** Candell, Chris; Quesada, Bill; Taylor, Marie (Allene); Nosakhare, Shereda; Cook, Brigitte; willie green (wfgreen3@att.net); 'Ora Green'; Labayog, Edward  
**Subject:** 2836 Union Street

Luke, Heather and Henry,

Yesterday our Inspectors went to your lot at 2836 Union Street with the hopes of conducting on-site inspection. Unfortunately, none of you were there to provide access onto your property. Neither were any of your other joint property owners on site to allow access.

As you know, your neighbors Willie and Ora Green have issued numerous complaints to me, the Building Inspections office, the Mayor's Office, and Councilmember McElhaney's Office. They have complained about noise, smells, and apparent raw sewage on your property. Our Zoning Inspector, Chris Candell, issued two Notices of Violation (NOV's) for *zoning* violations, but no NOV's have been issued for any *building* code or other applicable code violations.

We need to get on your property to conduct a full inspection to ensure that it is safe and is in compliance with all applicable codes. We ask that you cooperate with our Inspections staff to provide them access onto your property no later than next Friday, February 27<sup>th</sup>. If we cannot work together on scheduling this on-site inspection, then we will have to get a warrant to gain access to the property.

Thanks, in advance, for working with us to get all code issues resolved. Rachel

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
City of Oakland  
510 . 238 . 2229



## Flynn, Rachel

---

**From:** Ora Green <wfgreen3@att.net>  
**Sent:** Wednesday, February 18, 2015 11:12 AM  
**To:** Flynn, Rachel  
**Subject:** Re:

It has never stopped.

"Flynn, Rachel" <RFlynn@oaklandnet.com> wrote:  
Willie, Is this going on today?

On Feb 14, 2015, at 10:34 AM, "willie green" <[wfgreen3@att.net](mailto:wfgreen3@att.net)> wrote:

See picture below of the containers that Luke and Heather are bring on the weekend to 2836 Union Street. I am requesting your assisting in filing a lien against their property for failure to meet the City Oakland ordinance that required property owner have sewer and trash pickup.

<20150201\_160930.jpg>

**Flynn, Rachel**

---

**Subject:**

FW: Resident Complaint at 2845 Magnolia Street, Oakland

On Feb 9, 2015, at 11:36 AM, "Office of the Mayor" <[OfficeoftheMayor@oaklandnet.com](mailto:OfficeoftheMayor@oaklandnet.com)> wrote:

Willie Green called to c/o problem with neighbors at 2845 Magnolia Street. States they are renters and are composting raw sewage and dumping into the streets. His children walk and play in the streets and are being affected by this problem. His Father has health issues and is also being affected by this problem. He has talked to OPD, Environmental Health and PWA. Every time OPD has shown up, the people shut everything down and won't allow the police access on the property. He feels that no one is helping resolve the problem and feels he is getting the run around from all these depts. He has been in conversation with Rachel Flynn at Zoning and Codes, but nothing has been resolved. He states he found a website [www.boxouse.com](http://www.boxouse.com) where these people are showing how they are composting raw sewage on line, and putting the remains in the streets.

His father would like to get an appointment to speak to the Mayor about this problem! He will also take this issue to an attorney to file a lawsuit and also to the media!

Contact #: 510.893.4251 (H)  
415.828.7277 (C)

Volunteer Mayor's Office Front Desk

**Flynn, Rachel**

---

**From:** willie green <wfgreen3@att.net>  
**Sent:** Saturday, February 14, 2015 10:31 AM  
**To:** Flynn, Rachel  
**Subject:** Fw:  
**Attachments:** 20150201\_160930.jpg

See picture below of the containers that Luke and Heather are bring on the weekend to 2836 Union Street. I am requesting your assisting in filing a lien against their property for failure to meet the City Oakland ordinance that required property owner have sewer and trash pickup.

## Flynn, Rachel

---

**From:** Flynn, Rachel  
**Sent:** Friday, February 13, 2015 1:51 PM  
**To:** Candell, Chris; Quesada, Bill; Labayog, Edward; Taylor, Marie (Allene)  
**Subject:** 2836 Union Street

Hello all –

I provided the names and e-mail addresses of two of the owners, Luke Iseman and Heather Stewart, to the neighbors (Willie and Ora Green) who are complaining about the illegal settlement at 2836 Union. Looks like Luke is willing to work with them directly to address certain issues.

In the meantime, we need to pursue our inspections and proper citations – in case the illegal activity, etc. continues..

Ed, Are you still on for an on-site inspection on Wednesday? Thanks, Rachel

**From:** Luke Iseman [mailto:luke@lukeiseman.com]  
**Sent:** Thursday, February 12, 2015 5:43 PM  
**To:** Flynn, Rachel; heather stewart; wfgreen3@att.net  
**Subject:** Re: 2836 Union Street

Thanks Rachel. We received our notices today, and we'll be in compliance well before the deadline. I also owe you some research on tiny home ordinances, which I'll provide by the end of the month.

Willie and Ora, nice to virtually meet you both. I apologize on behalf of all of us for any inconvenience we have caused you. We made some incorrect assumptions about what activities were permitted on our lot, and we're correcting them as quickly as we can.

Please don't hesitate to let me know any time somebody is making too much noise, parking too close to your driveway, or anything else that bothers you; my mobile number is 4156236817. Let me know a time that works, & I'll come over to introduce myself. We are also more than happy to help with any errands or pitch in time + tools to help around your property. Just let me know.

Lastly, I've started way more vegetable plants than I'm going to be able to use (lettuce, beans, etc.). I'd be happy to bring some over if you'd like; we have spare pots, too. Rachel, you're welcome to some as well:)

Thanks again for putting us in touch, and apologies for any inconvenience we've caused.

-Luke

**From:** Flynn, Rachel  
**Sent:** Thursday, February 12, 2015 5:07 PM  
**To:** 'Ora Green'; willie green (wfgreen3@att.net)  
**Cc:** Luke Iseman (luke@lukeiseman.com); heather stewart (heather@gingeria.com)  
**Subject:** 2836 Union Street

Willie and Ora, I am copying two of the property owners of 2836 Union Street on this e-mail. They are Luke Iseman and Heather Stewart. Perhaps a direct dialogue among you all will result in amicable resolution.

Luke and Heather, I hope that you will be able to address Willie and Ora Green's concerns -- and seize all activity on the site until you are able to get the required permits.

In the meantime, the City will continue with its efforts to work with all the property owners to abate the code violations. Thanks, Rachel

**From:** Ora Green [<mailto:wfgreen3@att.net>]  
**Sent:** Thursday, February 12, 2015 4:17 PM  
**To:** Flynn, Rachel  
**Subject:** Re: Noise

Hello Rachel, Thank you for your assistance. It has really been very stressful to try to deal with this situation of the illegal placement, noise as well as the stench as we tried to get ready for my wife to have surgery and rest to try to recover from the procedure. I hope this situation can be gotten under control. We have been blessed with a couple of quite days but I see them ending because they are slowly starting up again. In any case I would like to be kept abreast of what is going on. I am requesting a list of the code requirements that was presented. Because all of this situation directly affects our health and impacts our lives on a daily basis which was some thing that was totally overlooked from the beginning.

Willie and Ora Green

"Flynn, Rachel" <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Hi Willie, Our Inspectors met with the owners on Friday. They informed them of all code requirements. I'm sorry they're continuing their work illegally, but you did the right thing by calling OPD. Please continue to report any noise at night.

In the mean time, we are issuing them Notices of Violation this week.

I am also going to contact our Neighborhood Law Corp to see if we can get an eviction.

Thanks for patience Willie. I'm so sorry about all this. Rachel

On Feb 8, 2015, at 1:17 AM, "willie green" <[wfgreen3@att.net](mailto:wfgreen3@att.net)> wrote:

I am up late tonight because we can't sleep because they are loudly hammering, sawing, drilling and running heavy equipment in the dark in the lot they have the fence closed and covered so you can't talk to them I tried to yell over the fence to ask them to take the noise down, but they only got louder, this has been going on since 4:00. At 10:00pm I had enough we could not sleep. We called the Oakland Police Department twice. The police came around 12:30 and took a report examined and smelled the cesspool in the front of the lot. They have no concern for anyone in this neighborhood or the laws regarding zoning or health regarding composting human waste.

Willie Green

## Flynn, Rachel

---

**From:** Flynn, Rachel  
**Sent:** Thursday, February 12, 2015 5:07 PM  
**To:** 'Ora Green'; willie green (wfgreen3@att.net)  
**Cc:** Luke Iseman (luke@lukeiseman.com); heather stewart (heather@gingeria.com)  
**Subject:** 2836 Union Street

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Willie and Ora Green

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Willie Green

## Flynn, Rachel

---

**From:** Flynn, Rachel  
**Sent:** Wednesday, February 11, 2015 4:55 PM  
**To:** Labayog, Edward  
**Cc:** Candell, Chris; Minor, Gregory; Quesada, Bill (BQuesada@oaklandnet.com); Low, Tim; Taylor, Marie (Allene)  
**Subject:** RE: 2836 Union St.

Thanks Ed (and Chris) – The owners names that I have are Luke Iseman and Heather Stewart. Their e-mails are [luke@lukeiseman.com](mailto:luke@lukeiseman.com) and [heather@gingeria.com](mailto:heather@gingeria.com) – in case you want to contact them directly. Thanks again, Rachel

---

**From:** Labayog, Edward  
**Sent:** Wednesday, February 11, 2015 1:55 PM  
**To:** Flynn, Rachel  
**Cc:** Candell, Chris; Minor, Gregory; Quesada, Bill; Low, Tim; Taylor, Marie (Allene)  
**Subject:** 2836 Union St.

Chris and I called the owner and asked if we can go there today, he said no one is there and no one can meet us there. I'm off this Friday and Chris will be off next Tuesday so we requested to inspect on Wednesday next week. He said he will notify the other owners and will get back to us. Chris was going to send him an e-mail so he can forward it to the others.

Edward J. Labayog  
Sr. Specialty Combination Inspector  
Planning and Building Department  
Building Beureau  
(510) 238-4793  
[elabayog@oaklandnet.com](mailto:elabayog@oaklandnet.com)

**Flynn, Rachel**

---

**Subject:** FW: code enforcement

**From:** willie green [mailto:wfgreen3@att.net]

**Sent:** Saturday, January 24, 2015 10:20 PM

**To:** Flynn, Rachel

**Subject:** code enforcement

Ms. Flynn,

Per our conversation on Friday January 23, 2015 concerning the container box houses that have been brought on the adjacent property at 2836 Union Street. During our conversation you spoke of other locations that this group had tried to place these box houses without following the City of Oakland building codes. After further investigating I am not sure, I think that department is already aware of this problem after reviewing January KPIX 5 11:00PM news that broad cast Box House container as an upcoming business and someone from your Department ( Planning and Code enforcer) Stated that are find with new ideas as long as they following the building Code of Oakland Planning Department) I the interview he stated that he would continue to build regardless and take his chances with the Oakland planning department be complacent with his not having permits or following required codes. It was my understanding from his statement; and from the City Oakland Planning Department who spoke during the KPIX Channel 5 interview that your office would follow up to ensure that City Oakland building code enforcement.

Based on the Channel 5 KPIX interview City of Oakland Planning Department ,is already aware of the health and hazardous conditions that these individuals impose on my family and the community by not following city codes that are required of everyone else.  
This is a list of just a few of their problems

- No way to dispose of human waste.
- Unknown fluid being drained on my property
- No water service
- No garbage Services.
- The use of heavy equipment through day and night up to 9:00pm.
- No city permits or record of what storage container was previously use for. ( Chemical waste, radioactive waste, etc)
- No business license
- Failure to post building intent, there was no hearing on the use of the property or impact on neighboring property.
- Failure to follow the easement rules and keep 15 to 20 feet away from adjacent property line
- There maybe other codes that need to be enforce, such as the foundation in which these container sit on is not secure and may move in the event of earthquake movement.

My wife and I went down to the City of Oakland Planning to see if anyone find permits to places containers or build . the following step was taken:

- Went down to City of Oakland Planning Department not permits
- Call and report to City of Oakland Planning Department and requested an inspector to go out to investigate, after calling the City of Oakland planning I was informed the inspect couldn't find new structure or any sign of construction. This was unbelievable , I asks to speck with supervisor and name of Director. who oversees the City Planning Department.

In speaking with you I'm hoping that this problem can be resolved!!!!!!

Thanks. Please keep me posted



**Flynn, Rachel**

---

**Subject:** FW: Mandela Pkwy/2012 Peralta  
**Attachments:** AIR Lease Amendment 01262015.pdf

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Monday, February 02, 2015 3:11 PM  
**To:** Flynn, Rachel; Miller, Scott; Labayog, Edward  
**Cc:** Henry Wong; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)  
**Subject:** Mandela Pkwy/2012 Peralta

Dear Rachel, Scott, and Code Enforcement,

Please see the attached lease amendment signed by ourselves and Luke and Heather (our tenants). As you can see, they have committed to vacating the site by March 2, 2015. In consideration, we have also offered them 1 month of free rent to assist in expediting the process.

Thank you for working with us on this. We look forward to seeing a bunch of progress over the next four weeks.

Sincerely,



**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428 | Fax 510.225.3954  
DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)



**Amendment TO AIR COMMERCIAL REAL ESTATE ASSOCIATION  
STANDARD INDUSTRIAL/COMMERCIAL LAND LEASE – GROSS**

**Dated September 16, 2013**

**By and Between: Randland LLC ("Lessee")**

**and Brian Collins, Dokhanchy-Phaneuf Family Trust, and Henry Wong ("Lessor")**

Date of Amendment for reference purposes: 1/26/2015

WHEREAS, Lessee and Lessor have agreed to revise the lease for that certain real property known as Mandela @ Peralta Street, Oakland, CA 94607 .

**NOW, THEREFORE**, in consideration of the mutual covenants of the parties, plus other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessee and Lessor hereby agree as follows:

1. **Term:** This lease shall be terminated as of March 3, 2015, with no right to holdover after March 15, 2015.
2. **Condition of Property at Lease Termination:** The Premises shall be surrendered to Lessor in clean condition free of all personal property and debris, including without limitation, all storage containers, livestock, equipment, and any Lessee Owned Alteration and Utility Installation in as good as condition as received at the beginning of the initial lease term.
3. **Rent Abatement:** Rent for the period February 1 – March 3, 2015, is waived upon the condition that Lessee vacates and surrenders the premises on or before March 3, 2015 per paragraph 2 above. In the event the property is not vacated on or before March 3, 2015 per paragraph 2 above, the rent for the period of February 1 – March 3, 2015 shall become due and payable immediately after March 3, 2015. Furthermore, rent shall become due and prorated for every day after March 3, 2015 – March 15, 2015. If the property has not been vacated on or before March 15, 2015, Lessee shall be liable for holdover rent (starting March 16, 2015), and shall also be liable for damages, and costs including but not limited to: Attorneys fees, court fees, penalties assessed by the City, loss of security deposit, etc.
4. **Penalties Assessed by Governmental/Regulatory Agencies:** Lessee hereby acknowledges that they are responsible for the prompt payment of any penalties which may become due as assessed by the City of Oakland and/or any other governmental/regulatory agency, as a result of Lessee's (including any subtenant's) use of the property.

[signature page follows]

DS  
HS

DS  
[Signature]

DS  
BC

DS  
[Signature]

DS  
[Signature]

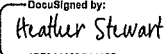


IN WITNESS WHEREOF, Lessee and Lessor have executed or have caused this Addendum to be executed as of the day and year first above written.

**LESSEE: Randland LLC**

By:   
DocuSigned by:  
510ADEB481C04BC...

Date: 2/2/2015

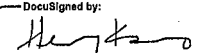
By:   
DocuSigned by:  
1B7341169C44457...

Date: 1/28/2015


**LESSOR: Brian Collins, Dokhanchy-Phaneuf Family Trust, and Henry Wong**

By:   
DocuSigned by:  
E08D8520DB0143B...

Date: 2/2/2015

By:   
DocuSigned by:  
120801025130492...

Date: 2/2/2015

By:   
DocuSigned by:  
7046080FF272745F...

Date: 2/2/2015

Collins/2010/AIRForms PDF/Chien Chen, Lessee/OAK Kitty Ln 9827/ Addendum – OAK Kitty Ln 9827.doc/

**Flynn, Rachel**

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**Subject:** FW: 2012 Peralta Street

**From:** Luke Iseman [mailto:luke@lukeiseman.com]  
**Sent:** Monday, January 19, 2015 1:22 PM  
**To:** Brian Collins  
**Cc:** Miller, Scott; heather stewart; Mehrdad Dokhanchy; Ranelletti, Darin; Flynn, Rachel  
**Subject:** RE: 2012 Peralta Street

Confirmed; see you then!

On Jan 19, 2015 12:13 PM, "Brian Collins" <[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)> wrote:

We will be there as well

---

**From:** Flynn, Rachel [mailto:[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)]  
**Sent:** Monday, January 19, 2015 12:03 PM  
**To:** Luke Iseman  
**Cc:** Brian Collins; Mehrdad Dokhanchy; heather stewart; Miller, Scott; Ranelletti, Darin  
**Subject:** Re: 2012 Peralta Street

Yes, we're still available. Our offices are located next to City Hall at 250 Frank Ogawa Plaza, suite 3315.

On Jan 18, 2015, at 1:27 PM, "Luke Iseman" <[luke@lukeiseman.com](mailto:luke@lukeiseman.com)> wrote:

Hello Rachel,  
Apologies for the delay. If you are still available, let's meet at 1pm on the 20th. Where is your office located?

Have a great weekend, Luke

-----  
Luke Iseman  
[smarter gardens](#), [container homes](#), etc.

On Wed, Jan 14, 2015 at 10:58 AM, Flynn, Rachel <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Hello all – Just checking on whether you still wanted to meet. In the meantime, I obtained further information from our Zoning Manager, Scott Miller, regarding what is required to occupy and/or construct/install structures on the site – permanently or temporarily.

The CIX-1B/S-19 zoning designation of the site requires design review approval pursuant to code section 17.73.015. As part of that process, all structures (whether placed on the property for a temporary period of time or permanently affixed), all open areas, vehicular areas, and any

and all other objects or activity areas must be shown on plans (site plan, floor plans and elevations as applicable, etc.). All activities must be identified such that an evaluation of whether each is permitted, conditionally permitted, or not permitted (prohibited) in the zone can be made. In the CIX-1B zone, residential activities are prohibited. Section 17.73.020 provides the comparison table of activities in that zone. The S-19 overlay zone also provides restrictions on certain activities.

In addition to vacating the site of all activity (residential and commercial/industrial), the site needs to be cleared of any structures that have been constructed/ installed without permits. This includes the container units that are currently located on the site – as we have no record of their permit approvals.

Brian, as owner of the property, the removal of any unpermitted activity and structures is your responsibility. Please let me know your schedule for removal.

Thanks, Rachel

---

**From:** Flynn, Rachel  
**Sent:** Monday, January 12, 2015 5:26 PM  
**To:** 'Luke Iseman'; Brian Collins; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); heather stewart  
**Subject:** RE: 2012 Peralta Street

Luke, I'm available on January 20<sup>th</sup> between 11:00 and 2:00. Let me know if that works for you. Thanks, Rachel

**From:** Luke Iseman [<mailto:luke@lukeiseman.com>]  
**Sent:** Monday, January 12, 2015 2:07 PM  
**To:** Brian Collins; Flynn, Rachel; [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); heather stewart  
**Subject:** Re: 2012 Peralta Street

Hello Rachel,  
See below for my email from 12/19, and please confirm receipt of this.  
I'd appreciate a few minutes of your time to clarify exactly what we need to do to be in compliance with 2012 Peralta as well as future projects. Heather and I are free to meet at your convenience Wednesday or Friday of this week as well as most of next; when works for you? I look forward to working with you to make sure we're complying with all legal requirements while fostering sustainable development in Oakland and beyond.  
Regards, Luke

-----  
Luke Iseman  
smarter gardens, container homes, etc.

----- Forwarded message -----

**From:** Luke Iseman <[luke@lukeiseman.com](mailto:luke@lukeiseman.com)>  
**Date:** Fri, Dec 19, 2014 at 8:34 PM  
**Subject:** Re: New Container Developments  
**To:** "Flynn, Rachel" <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)>  
**Cc:** heather stewart <[heather@gingeria.com](mailto:heather@gingeria.com)>

Hi Rachel,  
Thanks for reaching out.  
I've moved my container off the land, & we'll have signs posted on the gates reiterating that no one can live there.

Both heather and I are traveling through end of year and can meet at your convenience first week in january. When works for you?  
Happy holidays, Luke

On Dec 18, 2014 6:48 PM, "Flynn, Rachel" <[RFlynn@oaklandnet.com](mailto:RFlynn@oaklandnet.com)> wrote:

Hi Luke and Heather –

We recently learned of your innovative container houses/structures through the YouTube video you produced (see below). We are glad to know that new innovators and entrepreneurs are coming to Oakland with new ideas and products.

*At the same time*, we need to ensure that all new occupied structures meet our City regulations for everyone's health and safety. The container structures your installed at 2012 Peralta will need to be vacated immediately – as none of them went through our required permitting processes.

In addition, it's my understanding that you have purchased a parcel in West Oakland with some other folks. I don't know where the parcel is, but please be sure to come see us to get the proper permits BEFORE you install any new containers. Again, we are glad to hear of new ideas and investments in our City, but they really must comply with our City regulations.

Feel free to contact me any time to discuss our processes and how you can get started. Thanks, Rachel

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
250 F.H. Ogawa Plaza  
City of Oakland  
510 . 238 . 2229

<https://www.youtube.com/watch?v=dfqunEuw61k>  
<http://sanfrancisco.cbslocal.com/2014/11/06/couple-transforming-shipping-containers-into-tiny-homes-near-port-of-oakland-cost-of-living-housing-affordable-sustainable-zoning/>  
<http://www.boxouse.com>

On Mon, Jan 12, 2015 at 10:20 AM, Brian Collins <[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)> wrote:

Thank you Rachel.

I am not sure I understand the issue. Can the tenants not occupy the site at all? I believe they are in compliance with zoning. Are you saying they need a zoning clearance?

I thought the issue was in regards to occupancy of the container units?

As far as I know, they have not erected any permanent structures that require permits, and any of the container units that have been fabricated or are in the process of being fabricated, are not to be occupied. I thought the issue was in regards to occupancy of the container units?

Brian Collins, SIOR

Sincerely,

CALIFORNIA CAPITAL & INVESTMENT GROUP

<image001.jpg> 300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612

DRE License: 01328261

[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

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**From:** Flynn, Rachel [<mailto:RFlynn@oaklandnet.com>]  
**Sent:** Sunday, January 11, 2015 6:45 PM  
**To:** Brian Collins  
**Cc:** [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)  
**Subject:** 2012 Peralta Street

Hi Brian – I stopped by the site tonight at 2012 Peralta tonight as I was leaving the Mayor's Inaugural event at American Steel. I observed six people on the site (within the fenced-in area) around 5:30 p.m. They exited the property, through the gate, around 5:45. I also observed the light from a fluorescent bulb located in one of the container units. A sign is posted on the fence that reads "NO OCCUPANCY – FOR WORK USE ONLY – EMAIL [HEATHER@GINGERIA.COM](mailto:HEATHER@GINGERIA.COM) WITH ANY QUESTIONS"

Please know that no occupancy of the site is allowed, neither residential or commercial (work use). This is because no permits were obtained to occupy the site for any type of use.

You requested 30 days to "resolve the matter", which I have honored. That deadline is now approaching. You must vacate the site of any type of occupancy by Friday, January 16<sup>th</sup>. After that date, the City will inspect the site and issue any applicable zoning and/or building code violation notices.

Please call me at [510-238-2229](tel:510-238-2229) if you have any questions. Thanks, Rachel

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
City of Oakland  
510 . 238 . 2229

---

**From:** Brian Collins [<mailto:bcollins@californiagroup.com>]  
**Sent:** Wednesday, December 17, 2014 4:33 PM  
**To:** Flynn, Rachel  
**Cc:** [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net)  
**Subject:** RE: 2012 Peralta Street

Rachel,

Thank you for the heads up and for the phone call.

Perhaps I misunderstood you, but I really think the immediate issuance of a notice of violation is a bit overboard. You are the first person to bring this issue to my attention and we will address it. So, to issue a notice without giving us a chance to resolve the problem is unfair to us (the owners), especially when the tenants are causing the problem. Furthermore, a notice only complicates the pending sale as it clouds title as an unrecorded title matter, which in turn will only further delay the development of the site for Happy Hound.

I ask you to consider giving us at least 30 days to try and resolve the matter, as it is not our doing, and you should know that we never approved residential as a use verbally, or in writing.

I hope our tenants cooperate with us. But if they do not, we will have to take legal action, thus, I would hope you would show some leniency to us (the owners).

Brian Collins, SIOR

CALIFORNIA CAPITAL & INVESTMENT GROUP

Thank you for your  
consideration. Sincerely,

300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612

Direct [510.463.6356](tel:510.463.6356) | Mobile [510.459.7428](tel:510.459.7428) | Fax [510.225.3954](tel:510.225.3954)

<image001.jpg>

DRE License: 01328261

[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Flynn, Rachel [<mailto:RFlynn@oaklandnet.com>]

**Sent:** Wednesday, December 17, 2014 3:49 PM

**To:** Brian Collins

**Subject:** 2012 Peralta Street

Hi Brian -- Here is the information we received in regards to the lot at 2012 Peralta Street. Let me know if you have any questions. Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

Acting Director | Economic & Workforce Development Department

City of Oakland

510 . 238 . 2229

<http://sanfrancisco.cbslocal.com/2014/11/06/couple-transforming-shipping-containers-into-tiny-homes-near-port-of-oakland-cost-of-living-housing-affordable-sustainable-zoning/>

Here's the company website: <http://www.boxouse.com>

Here's a link to his YouTube video:

<https://www.youtube.com/watch?v=dfqunEuw61k>



## **Flynn, Rachel**

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**From:** Hamilton, Harry  
**Sent:** Thursday, January 08, 2015 9:12 AM  
**To:** Flynn, Rachel  
**Subject:** RE: CBS Story

Happy New Year, Rachel.

Here you go. <http://www.cbsnews.com/news/boxouses-entrepreneur-fights-rising-rent-by-thinking-inside-the-box/>

Harry Hamilton  
Public Information Officer  
City of Oakland  
1 Frank H. Ogawa Plaza, 9<sup>th</sup> Floor  
Oakland CA 94612  
510-238-2107  
510-238-6341 (fax)

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Other recent accolades at <http://www2.oaklandnet.com/News/OAK033058>

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**From:** Flynn, Rachel  
**Sent:** Wednesday, January 07, 2015 8:39 PM  
**To:** Hamilton, Harry  
**Subject:** CBS Story

Hi Harry – While I was away over Christmas break, I believe that CBS ran the story about the shipping container houses in West Oakland.

Do you happen to have a link to the story? Thanks, Rachel

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
City of Oakland  
510 . 238 . 2229

**Flynn, Rachel**

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**Subject:** FW: New Container Developments

**From:** Luke Iseman [mailto:luke@lukeiseman.com]

**Sent:** Friday, December 19, 2014 8:35 PM

**To:** Flynn, Rachel

**Cc:** heather stewart

**Subject:** Re: New Container Developments

Hi Rachel,

Thanks for reaching out.

I've moved my container off the land, & we'll have signs posted on the gates reiterating that no one can live there.

Both heather and I are traveling through end of year and can meet at your convenience first week in january.

When works for you?

Happy holidays, Luke

On Dec 18, 2014 6:48 PM, "Flynn, Rachel" <RFlynn@oaklandnet.com> wrote:

Hi Luke and Heather –

We recently learned of your innovative container houses/structures through the YouTube video you produced (see below). We are glad to know that new innovators and entrepreneurs are coming to Oakland with new ideas and products.

*At the same time*, we need to ensure that all new occupied structures meet our City regulations for everyone's health and safety. The container structures your installed at 2012 Peralta will need to be vacated immediately – as none of them went through our required permitting processes.

In addition, it's my understanding that you have purchased a parcel in West Oakland with some other folks. I don't know where the parcel is, but please be sure to come see us to get the proper permits BEFORE you install any new containers. Again, we are glad to hear of new ideas and investments in our City, but they really must comply with our City regulations.

Feel free to contact me any time to discuss our processes and how you can get started. Thanks, Rachel

Rachel Flynn AIA

Director | Planning & Building Department

Acting Director | Economic & Workforce Development Department

250 F.H. Ogawa Plaza

City of Oakland

510 . 238 . 2229

<https://www.youtube.com/watch?v=dfqunEuw61k>

<http://sanfrancisco.cbslocal.com/2014/11/06/couple-transforming-shipping-containers-into-tiny-homes-near-port-of-oakland-cost-of-living-housing-affordable-sustainable-zoning/>

<http://www.boxouse.com>

## **Flynn, Rachel**

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**From:** Flynn, Rachel  
**Sent:** Wednesday, December 17, 2014 7:16 PM  
**To:** 'Brian Collins'  
**Cc:** mehrdad.dokhanchy@comcast.net  
**Subject:** 2012 Peralta Street

Brian – Thanks for notifying Luke and Heather and for keeping me in the loop.

Just to let you all know, even though the property is zoned commercial (CIX), the tenants still need to get all required permits for installing structures on the property for occupancy. There are many requirements, such as paved parking, approved driveway entrance(s), structural drawings, mechanical/electrical/plumbing drawings, stormwater control, etc. We have no records in our files of any permits allowing these structures and/or the current uses.

Therefore, **the structures must be vacated immediately**. If the tenants/business operators want to occupy the structures, they must apply for all required permits and comply with various local and state code requirements.

I will contact you tomorrow to discuss details.

Thanks, Rachel

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
City of Oakland  
510 . 238 . 2229

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**From:** Brian Collins [mailto:bcollins@californiagroup.com]  
**Sent:** Wednesday, December 17, 2014 5:50 PM  
**To:** Luke Iseman; heather stewart  
**Cc:** mehrdad.dokhanchy@comcast.net; Flynn, Rachel  
**Subject:** RE: 2012 Peralta Street

Luke,

Thank you for returning my call. Per our conversation, you are fully aware that residential uses are prohibited on the site, and you will post notices and inform any subtenants the same.

I do believe a code compliance officer will likely visit the site soon, and thus this will be reiterated by the City as well.

Let's continue communicating on this until we have addressed the City's Concerns.

Sincerely,

**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
Direct 510.463.6356 | Mobile 510.459.7428 | Fax 510.225.3954  
DRE License: 01328261



[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Brian Collins  
**Sent:** Wednesday, December 17, 2014 5:10 PM  
**To:** 'Luke Iseman'; 'heather stewart'  
**Cc:** [mehrdad.dokhanchy@comcast.net](mailto:mehrdad.dokhanchy@comcast.net); 'Flynn, Rachel'  
**Subject:** FW: 2012 Peralta Street

Luke and Heather,

I just received a phone call from Rachel Flynn, the director of planning with the City of Oakland. She informed me that there were people living on site, and that I would be getting a notice of violation due to the residential nature of your use, which I always thought, as per the lease, was only fabrication of the units.

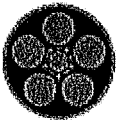
I watched a bit of one of the videos, and I enjoyed just about everything except that --- 1) It appears that there are people (subtenants and yourselves) "living" on site and, 2) I was bothered by one of your comments where you referenced that we (the Landlord) gave you permission to live on site, which is not accurate and if there is any misunderstanding, please let's clear this up, the lease clearly prohibits this.

That, being said, you have been great tenants and I really like the concept and the fabrication of the prototypes, and it seems you have some great ideas. However, as for the residential component, I do believe that work-live might be a conditionally approved use on the site, and thus, in order to comply with zoning, you would need to procure the proper zoning/building permits.

If you can obtain the proper approvals for the existing non approved use, I don't believe we would have any issues with it, but until then, you and any other subtenants must stop living on site. All other work related activities, appear to be fine.

I will call you to follow up on this as well.

Sincerely,



**Brian Collins, SIOR**  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
300 Frank H. Ogawa Plaza, Suite 340, Oakland, CA 94612  
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DRE License: 01328261  
[bcollins@californiagroup.com](mailto:bcollins@californiagroup.com)

---

**From:** Flynn, Rachel [<mailto:RFlynn@oaklandnet.com>]  
**Sent:** Wednesday, December 17, 2014 3:49 PM  
**To:** Brian Collins  
**Subject:** 2012 Peralta Street

Hi Brian -- Here is the information we received in regards to the lot at 2012 Peralta Street. Let me know if you have any questions. Thanks, Rachel

Rachel Flynn AIA  
Director | Planning & Building Department

Acting Director | Economic & Workforce Development Department  
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<http://sanfrancisco.cbslocal.com/2014/11/06/couple-transforming-shipping-containers-into-tiny-homes-near-port-of-oakland-cost-of-living-housing-affordable-sustainable-zoning/>

Here's the company website:

<http://www.boxouse.com>

Here's a link to his YouTube video:

<https://www.youtube.com/watch?v=dfqunEuw61k>

**Flynn, Rachel**

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**From:** Flynn, Rachel  
**Sent:** Wednesday, December 17, 2014 3:36 PM  
**To:** 'suzanne@happyhound.com'  
**Subject:** 2012 Peralta Street

Hi Suzanne – Here is the information we received in regards to the lot at 2012 Peralta Street. Let me know if you have any questions. Thanks, Rachel

Rachel Flynn AIA  
Director | Planning & Building Department  
Acting Director | Economic & Workforce Development Department  
City of Oakland  
510 . 238 . 2229

<http://sanfrancisco.cbslocal.com/2014/11/06/couple-transforming-shipping-containers-into-tiny-homes-near-port-of-oakland-cost-of-living-housing-affordable-sustainable-zoning/>

Here's the company website:  
<http://www.boxouse.com>

Here's a link to his YouTube video:  
<https://www.youtube.com/watch?v=dfqunEuw61k>

**Flynn, Rachel**

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**Subject:**

FW: CBS National Request

On Dec 12, 2014, at 7:41 PM, Hamilton, Harry <[HHamilton@oaklandnet.com](mailto:HHamilton@oaklandnet.com)> wrote:

Based on the angle of the American Steel building sign and billboard, it looks the original location was 2023 Peralta St. (see screen grab from Google Maps below)  
However, recent blog entries talk about a new site and recent photos show houses in the background that aren't near the Peralta location. <http://www.boxouse.com/blog/>

<image001.png>

Harry Hamilton  
Public Information Officer  
City of Oakland  
1 Frank H. Ogawa Plaza, 9<sup>th</sup> Floor  
Oakland CA 94612  
510-238-2107  
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**From:** Flynn, Rachel  
**Sent:** Friday, December 12, 2014 5:25 PM  
**To:** Maher, Sean; Byrd, Michele; Boyd, Karen  
**Cc:** Hamilton, Harry; Joshi, Holly J.; OPD Media  
**Subject:** RE: CBS National Request

I'll need the address so that I can check our records on 1) who owns the property, 2) what it is zoned for, and 3) what permits, if any, were issued. Without this information, I won't be able to speak knowledgeably.

---

**From:** Maher, Sean  
**Sent:** Friday, December 12, 2014 5:16 PM  
**To:** Flynn, Rachel; Byrd, Michele; Boyd, Karen  
**Cc:** Hamilton, Harry; Joshi, Holly J.; OPD Media  
**Subject:** RE: CBS National Request

Great, thank you Rachel!

I'm not sure of the exact address. I'm looking at their videos and trying to spot street signs but they've been careful: <http://www.boxouse.com/>

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**From:** Flynn, Rachel  
**Sent:** Friday, December 12, 2014 4:40 PM  
**To:** Maher, Sean; Byrd, Michele; Boyd, Karen  
**Cc:** Hamilton, Harry; Joshi, Holly J.; OPD Media  
**Subject:** RE: CBS National Request

Sean and Karen – I'd be glad to speak with the CBS Reporter. I'm familiar with this particular "project" – but don't have the exact address. Does anyone have it? Thanks, Rachel

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**From:** Maher, Sean  
**Sent:** Friday, December 12, 2014 4:36 PM  
**To:** Byrd, Michele; Boyd, Karen; Flynn, Rachel  
**Cc:** Hamilton, Harry; Joshi, Holly J.; OPD Media  
**Subject:** RE: CBS National Request

David from CBS just rang again hoping to figure out who's going to speak to this. Would staff prefer I ask the Councilmember to make the call? MJQ is, of course, leaving office in January, so I think it comes down to whether staff or another elected wants to take the questions.

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**From:** Begnaud, David [<mailto:david.begnaud@cbs.com>]  
**Sent:** Wednesday, December 10, 2014 10:55 AM  
**To:** Maher, Sean  
**Subject:** CBS National Request

Hi Sean,

Thank you for agreeing to help with this. Hopefully, these links will help direct us to the right person.

<http://sanfrancisco.cbslocal.com/2014/11/06/couple-transforming-shipping-containers-into-tiny-homes-near-port-of-oakland-cost-of-living-housing-affordable-sustainable-zoning/>

Here's the company website:  
<http://www.boxouse.com>

Here's a link to his YouTube video:  
<https://www.youtube.com/watch?v=dfqunEuw61k>

David Begnaud  
CBS News  
337-962-5056