

Minor, Gregory

From: Flynn, Rachel
Sent: Monday, February 09, 2015 2:36 PM
To: Minor, Gregory
Cc: Labayog, Edward; Candell, Chris
Subject: URGENT -- 2836 Union Street

Hi Greg,

There is an illegal settlement of shipping containers and possibly other structures at 2836 Union Street. No planning, zoning, or building permits have been obtained for the site.

They are illegally occupying the site and structures doing some type of construction work. The property is zoned residential.

[REDACTED], has complained to many City officials over the last few weeks and is now calling the Mayor's office.

Ed and Chris are issuing NOV's for illegal use and CE violations tomorrow. They can provide you with details. However, the owners apparently have 30 days to respond.

[REDACTED] wants immediate action as he has claimed on two occasions that they are doing loud work at night – hammering, etc.

Does the City have the right to force an immediate vacation of the site? What other actions can we take.

Thanks, Rachel

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

Minor, Gregory

From: Casey, Jean
Sent: Monday, February 09, 2015 3:02 PM
To: Minor, Gregory; Flynn, Rachel
Cc: Labayog, Edward; Candell, Chris
Subject: RE: URGENT -- 2836 Union Street

This property is not subject to either of our registration programs.

Jean Casey

City of Oakland
Foreclosure Mitigation
Planning and Building Department
250 Frank H. Ogawa Plaza, 6th Floor
Oakland, CA 94612
510.238.6172 | jcasey@oaklandnet.com

Mailing Address:

*Jean Casey
City of Oakland
Planning and Building Dept.
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, CA 94612*

From: Minor, Gregory
Sent: Monday, February 09, 2015 2:49 PM
To: Flynn, Rachel
Cc: Labayog, Edward; Candell, Chris; Casey, Jean
Subject: RE: URGENT -- 2836 Union Street

If the "occupiers" are trespassing at 2836 union the police can potentially remove them from the property, especially if the property owner is available to assist the police.

Along those lines, does the property have any foreclosure history that may qualify it for the foreclosed/investor owned property registration programs? If so, the City probably has a property owner contact we can follow up with. I'm copying Jean Casey in case she can verify if this is the case.

There may be several other approaches that I cannot think of as well (a stop work order perhaps?).

Greg Minor
Assistant to the City Administrator
Nuisance Abatement/Special Activity Permits Division
1 Frank H. Ogawa Plaza, 11th Floor
Oakland, CA 94612
Phone: (510)238-6370
Fax: (510) 238-7084
gminor@oaklandnet.com

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Acting Director | Economic & Workforce Development Department
City of Oakland
510 . 238 . 2229

Minor, Gregory

From: Flynn, Rachel
Sent: Monday, February 09, 2015 3:21 PM
To: Minor, Gregory
Cc: Labayog, Edward; Candell, Chris; Casey, Jean
Subject: Re: URGENT -- 2836 Union Street

They are not trespassing. They own the land.
The issue is that they illegal led installed container units and are now occupying them.

Sent from my iPhone

On Feb 9, 2015, at 2:49 PM, "Minor, Gregory" <GMinor@oaklandnet.com> wrote:

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Acting Director | Economic & Workforce Development Department
City of Oakland
510 . 238 . 2229

Minor, Gregory

From: Labayog, Edward
Sent: Monday, February 09, 2015 3:48 PM
To: Flynn, Rachel
Cc: Candell, Chris; Casey, Jean; Minor, Gregory
Subject: RE: URGENT -- 2836 Union Street

Just to be clear, we did not verify that the containers/structures are being occupied, we asked them at our meeting if they are and they said they are not. We will have an opportunity to inspect the interior of the premises at the re-inspection date. I think that we can let the notice run its course, if we get more complaints then we can request an interior inspection sooner.

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

From: Minor, Gregory
Sent: Monday, February 09, 2015 3:26 PM
To: Flynn, Rachel
Cc: Labayog, Edward; Candell, Chris; Casey, Jean
Subject: RE: URGENT -- 2836 Union Street

Yeah just spoke with Ed, sorry for misunderstanding the initial email. In this case, I cannot think of anything that would force removal of the structures/people immediately unless these structures/occupation amount to a dangerous or hazardous condition under OMC 15.08.350, which does not appear to be the situation.

Greg

From: Flynn, Rachel
Sent: Monday, February 09, 2015 3:21 PM
To: Minor, Gregory
Cc: Labayog, Edward; Candell, Chris; Casey, Jean
Subject: Re: URGENT -- 2836 Union Street

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Minor, Gregory

From: Flynn, Rachel
Sent: Monday, February 09, 2015 4:03 PM
To: Minor, Gregory
Cc: Labayog, Edward; Candell, Chris
Subject: RE: URGENT -- 2836 Union Street

The structures were installed illegally and there apparently is electricity on site – without proper permits. There could very well be a dangerous or hazardous situation here.

People are definitely occupying the site because, 1) I have personally seen six people coming and going from the site (on Sunday, February 1st) and 2) [REDACTED] has now complained twice about night time activity that is loud enough to wake [REDACTED]

I received a complaint on February 6th from [REDACTED] and this weekend. I will forward that complaint.

How do we arrange to get on the site, based on my observations and [REDACTED] complaints?

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Cc: Labayog, Edward; Candell, Chris; Casey, Jean
Subject: RE: URGENT -- 2836 Union Street

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Minor, Gregory

From: Flynn, Rachel
Sent: Monday, February 09, 2015 6:18 PM
To: Labayog, Edward; Minor, Gregory; Candell, Chris
Cc: Taylor, Marie (Allene)
Subject: 2836 Union Street

Here is the complaint I received from [REDACTED], who lives [REDACTED]. I received a similar complaint via voicemail from [REDACTED] on February 6, 2014.

It's obvious from these complaints – and my observations on 2/1/15 – that the site is occupied. Whether they are occupying the containers is unknown, but they are definitely occupying the site.

Greg, What are our options to get an eviction notice, given that they placed the containers there illegally and have no permits for occupancy on the site? We definitely cannot wait 30 days.

Thanks, Rachel

From: [REDACTED]
Sent: Sunday, February 08, 2015 1:15 AM
To: Flynn, Rachel
Subject: Noise

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.

[REDACTED]

Minor, Gregory

From: Flynn, Rachel
Sent: Monday, February 09, 2015 7:44 PM
To: Minor, Gregory
Cc: Labayog, Edward
Subject: 2836 Union Street

Greg, Do the highlighted complaints below constitute an immediate evacuation of the site?

From: Office of the Mayor
Sent: Monday, February 09, 2015 11:36 AM
To: Nosakhare, Shereda; Flynn, Rachel
Subject: Resident Complaint at 2845 Magnolia Street, Oakland

[REDACTED] 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 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 #: [REDACTED]
[REDACTED]

Volunteer Mayor's Office Front Desk

Minor, Gregory

Subject: FW: 2836 Union Street

From: Flynn, Rachel
Sent: Tuesday, February 10, 2015 4:33 PM
To: Illgen, Richard; Labayog, Edward; Low, Tim; Minor, Gregory; Pon, Craig
Cc: DeVries, Joe; Lum, Christina
Subject: 2836 Union Street

Richard, Thanks for this information.

The owners have a website called www.boxouse.com. On this website, you will see a photo of the site (before structures were placed on it) and two people, Luke Iseman and Heather Stewart. See attachment below. I believe they are both owners of the property along with some other folks. I compared the background of the photo with the houses on Magnolia Street (where the property abuts). It is definitely the property at 2836 Union Street.

In the description on the website, they claim that they have "created a tiny home community in the heart of West Oakland". In addition, they state, "we're living in a solar-powered, sustainable home . . ." and "we hope you'll . . . join us in building sustainable housing from industrial waste."

This indicates to me that they (and possibly others) are 1) illegally living on the site, 2) that they have illegally placed structures and some utilities on the site, and 3) they are working on the site – "building" housing (from shipping containers).

This explains the noise at night that the neighbor has complained about (hammering, drilling, etc.). It appears that they are altering shipping containers into "housing" on this site.

Ed, Can you please ask the owners (who you met with last week) if they will grant you permission to enter the site for a full inspection. If they will not, then we will need to follow Richard's directive to get a warrant. I believe we have ample evidence that there are code violations in order to get such a warrant.

Chris, Did your NOV for zoning violations go out yet?

Thanks everyone for moving on this case, Rachel

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!

Here's a video our friend Kirsten Dirksen made of boxouse site #001:



Minor, Gregory

From: Lum, Christina
Sent: Tuesday, February 10, 2015 5:11 PM
To: Minor, Gregory
Subject: RE: 2836 Union Street

Hah yea I'm watching it now, he moved from the mission to here... and his life is so much better now that he only works 15 hrs a week.

From: Minor, Gregory
Sent: Tuesday, February 10, 2015 5:09 PM
To: Flynn, Rachel; Illgen, Richard; Labayog, Edward; Low, Tim; Pon, Craig
Cc: DeVries, Joe; Lum, Christina
Subject: RE: 2836 Union Street

Perhaps most egregious is between 6:30-8:00 minutes in the video (<http://www.boxouse.com/>) they discuss how they deposit their solid waste outside and admit that they lack connection to the sanitary sewer, mostly due to its cost. Not to mention the symbolism of people moving from San Francisco to West Oakland only to dump their waste on the neighborhood.

greg

From: Flynn, Rachel
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Minor, Gregory

From: Low, Tim
Sent: Wednesday, February 11, 2015 9:46 AM
To: russell.handzus@acgov.org; Chindi Peavey
Cc: Quesada, Bill; Smith, Sandra M; Minor, Gregory
Subject: FW: 2836 Union Street - Box House Colony

Can you assist us in addressing the solid human waste treatment issue at the site?

Be sure to watch the video in between 6:30-8:00 minutes into the video.

From: Minor, Gregory
Sent: Tuesday, February 10, 2015 5:09 PM
To: Flynn, Rachel; Illgen, Richard; Labayog, Edward; Low, Tim; Pon, Craig
Cc: DeVries, Joe; Lum, Christina
Subject: RE: 2836 Union Street

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Minor, Gregory

Subject: FW: 2836 Union Street - Box House Colony

From: Low, Tim
Sent: Wednesday, February 11, 2015 11:11 AM
To: Minor, Gregory
Subject: RE: 2836 Union Street - Box House Colony

Thanks. I will keep that in mind.
The County is working on it also. See below.

-----Original Message-----

From: Wilson, Daniel, Env. Health [<mailto:daniel.wilson@acgov.org>]
Sent: Wednesday, February 11, 2015 10:36 AM
To: Chindi Peavey
Cc: Low, Tim; Hui, Lucia, Env. Health
Subject: Re: 2836 Union Street - Box House Colony

Hi Chindi,

I will make a request for service, and know this is one of the continuing problems...

Dan

Sent from my iPhone

Minor, Gregory

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
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elabayog@oaklandnet.com

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To: Labayog, Edward
Cc: Candell, Chris; Minor, Gregory; Quesada, Bill; 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 and 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)
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To: Labayog, Edward
Cc: Candell, Chris; Minor, Gregory; Quesada, Bill; Low, Tim; Taylor, Marie (Allene)
Subject: RE: 2836 Union St.

Chris – Did your NOV go out yesterday as planned? Thanks, 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)
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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.

[REDACTED]

"Flynn, Rachel" <RFlynn@oaklandnet.com> wrote:

Hi [REDACTED], 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, "[REDACTED]" <[REDACTED]> 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.

[REDACTED]

Minor, Gregory

From: Flynn, Rachel
Sent: Thursday, February 12, 2015 4:42 PM
To: [REDACTED]
Cc: Minor, Gregory; Labayog, Edward; Candell, Chris; Quesada, Bill; Low, Tim; Illgen, Richard
Subject: 2836 Union Street

[REDACTED],

Our Zoning Inspector, Chris Candell, issued a Notice of Violation (NOV) to the property owners this week, notifying them of code violations. The NOV addresses the fact that they did not obtain the proper permits to install structures on their property and the fact that there is commercial activity on the site, which is not permitted in a residential zoning district. Chris can provide you with copies of the NOV's when he returns to the office. (Today is a City Holiday and so is Monday – so he may not be back in the office until Tuesday).

Our Code Enforcement Manager, Ed Labayog, has met with some of the property owners to apprise them of the code violations that he is aware of. Mr. Labayog has not been on the property to conduct a full inspection, but is going to inspect the property on Wednesday, February 18th, which is the earliest date that he and the owners are available. The owners apparently informed Mr. Labayog that they are not residing on the site or working on the site, but this contradicts your reports of noisy activity (hammering, sawing, drilling, and running heavy equipment).

Our City Attorney, Richard Illgen, has apprised us of the authority the City has to enforce the various code violations that may apply to this property. However, we must first gain access to the property to conduct a full inspection.

Our Attorney in the City Administrator's Office, Greg Minor, who handles nuisance abatement cases, is going to start working on this case next week as well. He too needs the information obtained from the site inspection. I have asked him if we can order an immediate evacuation of the property. He will explore that option.

I'm sorry that these processes take so long, but I have brought this to everyone's attention who can address the reported code violations.

Thanks for keeping us abreast of the situation. Rachel

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

From: [REDACTED]
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

Minor, Gregory

From: Candell, Chris
Sent: Wednesday, February 18, 2015 9:08 AM
To: Minor, Gregory; Labayog, Edward
Subject: RE: 2836 Union St.

That is what I know as of now. Ed is coming in late, I was not in yesterday and hoped he would have a time as I was sending emails to them to make contact but they did not go through. Thinking they were being stubborn. But over the weekend got an email I forwarded to myself from work on last Thursday arrived at my house Monday! He got my reply this AM right away. So it looks like technology is part of the problem but then also his last email they are baulking saying they don't think an inspection is needed. We may have to get a warrant so I will talk with Ed as soon as he gets in but that means probably no inspection today. I'll keep you in the loop.

From: Minor, Gregory
Sent: Tuesday, February 17, 2015 4:22 PM
To: Labayog, Edward; Candell, Chris
Subject: FW: 2836 Union St.

Checking in to see if the inspection is going forward tomorrow. I met with the complainant earlier today and he mentioned it might be postponed due to lack of consent.

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

Minor, Gregory

From: [REDACTED]
Sent: Saturday, March 07, 2015 10:17 AM
To: Inspection Counter; PWA Call Center; Minor, Gregory; Office of the Mayor; Woo, Winnie; Hom, Donna; Orologas, Alexandra; Cotton, Chantal; DeVries, Joe; Bawa, Kiran; Kek, Michael; Johnson, Bradley; Permits; Flynn, Rachel; Ranelletti, Darin; Harlan, David; Miller, Scott; Rose, Aubrey; Merkamp, Robert; Manasse, Edward; Byrd, Michele; Thompson, Norma; City Clerk; OCOP; Mayor's Schedule; Kasdin, Stephen; Perlmutter, Michael; IGarcia@oakha.org; District 3 Intern; Cook, Brigitte; Wald, Zachary; McElhaney, Lynette
Cc: [REDACTED]
Subject: Boxouse - ILLEGAL SQUATERS/PUBLIC HEALTH NUISANCE IN WEST OAKLAND

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,

[REDACTED] - 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!