



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ▪ SUITE 2340 ▪ OAKLAND, CALIFORNIA 94612-2031

Planning and Building Department  
Bureau of Building  
Code Enforcement Services  
[www.oaklandca.gov](http://www.oaklandca.gov)

(510) 238-3381  
TDD: (510) 238-3254  
[inspectioncounter@oaklandca.gov](mailto:inspectioncounter@oaklandca.gov)

## APPEAL FORM

### Instructions:

If you have received a **Notice of Violation (NOV)** related to Building Code or Zoning violations, you have the right to appeal. Major Zoning violations must be appealed separately from Building Code, Minor Zoning, Blight and Graffiti Violations (as identified on the NOV). Please review the NOV and indicate below the violations you are appealing.

Complete this form and return it, along with the required filing fee and supporting documentation, to the Bureau of Building, at **250 Frank Ogawa Plaza, 2<sup>nd</sup> Floor, Cashiering, Oakland, CA 94612**. Appeals forms may be submitted in person or by mail but must be received by the Bureau of Building no later than the **Deadline to Respond** identified on the Notice of Violation. Appeals Forms submitted without the required Filing Fees will be rejected.

**All future correspondence pertaining to this appeal will be sent via email only unless you have indicated below that you do not agree.**

**Filing Date:**  **Complaint No.**

**Property Address:**  **APN**

**Name of Appellant:**

**Appellant Mailing Address:**

**Phone Number:**  **Email Address:**

**Property Owner: (if different)**  **Phone Number:**

**Property Owner Mailing Address:**

**Property Owner Email Address:**

**Representative/ Attorney (if any)**  **Phone Number:**

**Representative's Mailing Address:**

**Representative's Email Address:**

*NON-ATTORNEY REPRESENTATIVES MUST PROVIDE NOTARIZED AUTHORIZATION*

*I do not agree to receive future correspondence pertaining to this appeal by email.*

**Appeal Type:** (Check the appropriate box)

- Property Blight** (*trash, debris, overgrown vegetation, graffiti, etc.*)
- Building Maintenance** (*unpermitted work, no heat, water, undocumented units, landslides, drainage etc.*)
- Minor Zoning** (*e.g., unpermitted window, roofing changes; fencing height, unpermitted expansions, etc.*)
- Major Zoning** (*unpermitted activity; change of use; unpermitted units; expansion of non-conforming uses, etc.*)

### How to Appeal:

Complete and submit this form, along with all required filing fees, to the Bureau of Building no later than the **Deadline to Respond** indicated in the Notice of Violation. The **Deadline to Respond** shall be twenty-one (21) days except in cases involving danger or imminent hazard, in which case the deadline to Respond shall be seven (7) days.

You must provide all information required by this appeal form including responding to the requests at the top of page 3. If you are appealing a **Major Zoning Violation** you should explain a) why the use of your property conforms to the zoning designation for the property or b) why the activity should be approved as set forth in Planning Code, Title 17.

	<b>Appeal Type:</b>	<b>Filing Fee</b>
Category 1	Building Code, Minor Zoning, Blight and Graffiti Violations	\$110.00
Category 2	Major Zoning Violations (zoning determination)	\$473.92

If you are appealing both Category 1 and Category 2 Violations, you must pay **both** filing fees. If you are filing an appeal after the deadline to respond, explain why your appeal is past the deadline and why it should still be considered. Failure to adequately explain untimely filing may result in the appeal being summarily dismissed without a hearing.

### Category 1 Appeals Process:

Appeals of Building Code, Minor Zoning, Blight and Graffiti Violations will be reviewed administratively by staff who may grant the appeal without a hearing. If staff does not grant the appeal, a hearing will be scheduled before an Independent Hearing Officer within 60 days, unless you waive the right to the hearing following administrative review. If the Independent Hearing Officer grants your appeal, you will not be charged for the hearing. If the Hearing Officer denies your appeal, you must abate the violations and pay all administrative costs for the hearing as follows:

#### **Administrative Hearing Fees**

Actual Cost to Conduct Appeals Hearing  
\$931 Processing Fee + \$150 per hour Hearing Officer fee

Costs include:

- Review of Evidence
- Conducting the Hearing
- Final Decision Preparation
- Parking and Postage costs

-Records Management and Technology Enhancement fee (14.75%)

**Fees charged only if Appellant loses appeal**

Notice of the date, time, and place of hearing will be sent to the appellant and the property owner by email and or mail at least 14 days prior to the hearing. At the hearing, you may present evidence and testimony to support your appeal.

Decisions of the Independent Hearing Officer regarding Blight and Graffiti are final and may only be appealed in court.

Decisions of the Independent Hearing Officer regarding violations identified under the Oakland Municipal Code Chapter 15.04, 15.08 or the California Model Building Construction Code may be appealed to an Appeals Board within fourteen (14) days by following the procedures set forth in Oakland Municipal Code 15.04.1.125G. Appeals not filed in a timely manner will be rejected.

## Category 2 Appeals Process:

Appeals of Major Zoning Violations are routed to the Zoning Manager for a Major Zoning Determination.

The Zoning Manager will issue a written decision within 45 days from the end of the appeal period. The Major Zoning Determination fee is not refundable once the decision has been issued, regardless of outcome. Decisions of the Zoning Manager are final unless appealed to the Planning Commission within 10 days from the written decision. Appeals not filed in a timely manner will be rejected.

Please respond to all of the following:

- a. Briefly identify your legal interest in the property.
- b. Briefly identify which of the enforcement actions by the City you are appealing.
- c. Briefly identify how the City has erred or abused its discretion in bringing this action.
- d. Briefly identify how you want the City to resolve your appeal.

You may use this form to write your explanation and/or attach supplemental pages as needed.


**I Declare under Penalty of Perjury that the information given herewith in all respects is true and accurate to the best of my knowledge and belief.**

_____	_____	_____	_____
<b>Appellant Signature</b>	<b>Date</b>	<b>Representative Signature</b>	<b>Date</b>
_____	_____	_____	_____
<b>Print Name Clearly</b>		<b>Print Name Clearly</b>	

*Office Use Only*

**Record ID(s):** \_\_\_\_\_ **Administrative Reviewer(s):** \_\_\_\_\_  
**Receive Date:** (Stamp) \_\_\_\_\_