

Highsmith, Mariko

From: Miles, David
Sent: Tuesday, March 13, 2018 8:31 AM
To: Low, Tim
Subject: RE: 1408-1416 11th Street & Lot 6

Tim: Is the response below acceptable ?

All

The permits to construct the buildings were given final approval in error , we changed the status and directed the Builder to make the changes required . Would you rather obtain your own permits and be responsible to make the required alterations ? If that is the case let me know and we can discuss how to move forward .

David Miles
Principal Inspection Supervisor
City of Oakland Planning and Building Department
510-238-6214

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

From: Elizabeth Erhardt [mailto:Liz@erhardtlit.com]
Sent: Friday, February 23, 2018 12:56 PM
To: Vollmann, Peterson <PVollmann@oaklandnet.com>; Miles, David <DMiles@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>
Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Kristin Long <kristin@mightyminnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
Subject: RE: 1408-1416 11th Street & Lot 6

Gentleman,

As you might imagine, the co-owners of Lot 6 are anxious to learn if any applications have been filed with the City related to their property. Would you please be kind enough to advise whether or not any applications have been submitted to the city related to the development at 1408-1416 11th Street, Oakland, CA, & Lot 6 since you reversed the notices of final completion on February 9, 2018. There is no reason why any applications submitted to the city should be considered without the co-owners' prior knowledge and written consent. The owners remain confused as to why the city has not been communicating with them but rather continues to communicate exclusively with Rene Boisvert, who is neither a member, managing member or property manager of the developer and Lot 6 co-owner MGJV, LLC or MG2, LLC the ostensible entity managing member of MGJV, LLC.

On February 9, 2018 my client Mary Apprill sent an email requesting an update from the city related to the reversals of the notices of final completion. To date no one has spoken with her. My email of February 21, 2018 has also gone unanswered and no one from the city has even acknowledged receipt of my email.

Attached please find the filing made by Rene Boisvert on May 24, 2017 in state court under penalty of perjury expressly denying any ownership, membership interest, or managerial responsibilities related to either MGJV, LLC or MG2. LLC.

Effectively, by engaging with Rene Boisvert over the objections of the owners of Lot 6, the city is complicit if Rene Boisvert's fraud against the owners and the courts. If you elect not to respond to our requests for a status update, then please forward my emails and those of my client Mary Apprill to the city attorney's office so counsel for the city can address these important legal issues in a timely and forthright manner.

Thank you,

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1.844.ERHARDT toll free
1.888.202.0519 fax
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Importance: High

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I understand that you have reopened all of the permits for the development so that there is currently no final completion and certificate of occupancy for the five dwellings 1408-1416 11th Street, located on the project. I further understand that you are requesting a scope of work to be performed related to restoring the notice of final completion.

Please understand that any permits submitted to perform work on Lot 6 must be signed off on by all of the owners and all work conducted on Lot 6 must be authorized by all of the owners. To date, MGJV, LLC by and through its managing member Rene Boisvert has failed to obtain prior written approvals from the co-owners to apply for any permits or conduct any work on Lot 6. Moreover, MGJV, LLC has yet to even submit a proposal to the owners of Lot 6 related to any proposed work to address and correct the concerns of the City.

Mary Apprill made known to Mr. Vollmann that there are multiple owners of Lot 6 and that any work to be performed on Lot 6 requires the prior written approvals of the owners of Lot 6. My understanding is that Mr. Vollmann shared that information with you already. However, in an abundance of caution, I wanted to reiterate that no applications related to Lot 6 should be submitted to the city or entertained by the city without signoff by all owners of Lot 6 prior to submission.

For ease of reference, below is the contact information for the co-owners of Lot 6.

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[REDACTED]

Email -jingta@gmail.com

Owner of 1410 11Th St Oakland ca 94607

Kristin Long -

[REDACTED]

Email- kristin@mightyminnow.com

Mary Apprill

[REDACTED]

Email- mapprill@gmail.com

Kristin Long & Mary Apprill's Legal Counsel Elizabeth T. Erhardt

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Ren Buenviaje

[REDACTED]

Email - ren.buenviaje@gmail.com

Keith Chu

[REDACTED]

Email - keith.g.chu@gmail.com

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MGJV, LLC's Legal Counsel

Steven H. Herman

Pier 35, Second Floor, West Gate

San Francisco, California 94133

Telephone: 415.982.6800

Facsimile: 415.982.2701

E-Mail: shherman@hermanlaw.net

Please call or email me if you have any questions or require additional information. I would very much appreciate an update as to whether or not MGJV, LLC has submitted any proposals to the city related to Lot 6 after the city reopened the permits for the development. Any submissions by MGJV, LLC were done without the Lot 6 co-owners' knowledge or consent.

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From: Jing-ta Chow <jingta@gmail.com>
Sent: Tuesday, March 13, 2018 8:37 PM
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Cc: Elizabeth Erhardt; Vollmann, Peterson; Johnson, Steven; Kristin Long; Mary Apprill; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
Subject: Re: 1408-1416 11th Street & Lot 6

Thanks David,

Can you clarify what it means if we are each responsible vs keep the builder responsible? Based on my understanding all property owners are still required to sign off on any changes or modifications to the rear lot, and I would expect the developer to consult the larger group of owners prior to any actions on their part.

Thanks again for sending this, and I appreciate you keeping us in the loop.

Jingta

On Tue, Mar 13, 2018, 2:54 PM Miles, David <DMiles@oaklandnet.com> wrote:

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Subject: RE: 1408-1416 11th Street & Lot 6
Importance: High

Messrs. Vollman, Miles & Johnson:

It has now been eleven (11) days and no one from planning, building or the city attorney's office has extended to the nonentity owners of Lot 6 the basic courtesy of a response to their multiple inquiries. Given that my February 23, 2018 email was a follow up to Mary Apprill's February 9, 2018 email, you have had a month in which to respond.

Predictably, matters have now escalated. Rene Boisvert appeared at the property today without notice to the co-owners with the intention of making unilateral changes to Lot 6 and to Michael Bernasek's neighboring property. The owners still do not know whether or not a permit application was submitted to the city related to Lot 6, whether any permits have been issued despite the objections of the co-owners of Lot 6 or whether or not the city continues to work with MGJV, LLC related to the notices of violation to the co-owners' exclusion.

Ren Buenviaje, on behalf of all of the co-owners, approached Rene Boisvert and stated the objections of the co-owners of Lot 6 to MGJV, LLC's unilateral actions. Additionally, Ren called Mary Apprill who echoed the co-owners' objections to MGJV, LLC's unilateral actions. In typical fashion, Rene Boisvert blew off the co-owners, undoubtedly because he feels embolden by the city's tacit acquiescence to his rogue actions. The only reason Rene Boisvert did not commence the unauthorized "improvements" today was because the neighboring property owner Michael Bernase got on the phone with Rene and advised Rene that MGJV, LLC and their workers were trespassing on Michael's property, his video cameras captured the trespass and Michael was going to call the police immediately if Rene and MGJV, LLC's workers did not immediately vacate the premises.

Rene Boisvert continues to represent himself as the managing member of MGJV, LLC while filing papers with the state court under penalty of perjury stating that he has no ownership, membership or managerial responsibilities with respect to MGJV, LLC or MG2, LLC. Nonetheless, the city appears to continue to bestow upon Rene Boisvert unilateral authority over Lot 6. While you may not care that Rene Boisvert was found guilty of fraud, stripped of his real estate license and as of May 24, 2017 represented under penalty of perjury that he has no ownership, membership or managerial interest in MGJV, LLC or MG2, LLC, I suspect the city attorney might take a different view.

Neither Rene Boisvert nor MGJV, LLC has authorization or consent of the co-owners of Lot 6, who collectively own the controlling 60% ownership interest in Lot 6, to apply for permits, obtain permits or conduct improvements on Lot 6 without their prior written consent of the co-owners.

We continue to await the city's the much belated status update.

Liz

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Highsmith, Mariko

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Dear Messrs Vollman, Miles & Johnson:

Please be advised that I am the attorney representing Mary Apprill and Kristin Long, the owners of 1410 11th Street who hold a 20% ownership interest as tenants in common of Lot 6 with developer MGJV, LLC, who owns 1414 & 1416 11th Street and holds a 40% interest in Lot 6 and Jing-Ta Chow who owns 1408 11th Street and holds a 20% ownership interest in lot 6 and Ren Buenviaje & Keith Chu who own 1412 11th Street and own a 20% ownership interest in Lot 6.

I understand that you have reopened all of the permits for the development so that there is currently no final completion and certificate of occupancy for the five dwellings 1408-1416 11th Street, located on the project. I further understand that you are requesting a scope of work to be performed related to restoring the notice of final completion.

Please understand that any permits submitted to perform work on Lot 6 must be signed off on by all of the owners and all work conducted on Lot 6 must be authorized by all of the owners. To date, MGJV, LLC by and through its managing member Rene Boisvert has failed to obtain prior written approvals from the co-owners to apply for any permits or conduct any work on Lot 6. Moreover, MGJV, LLC has yet to even submit a proposal to the owners of Lot 6 related to any proposed work to address and correct the concerns of the City.

Mary Apprill made known to Mr. Vollmann that there are multiple owners of Lot 6 and that any work to be performed on Lot 6 requires the prior written approvals of the owners of Lot 6. My understanding is that Mr. Vollmann shared that information with you already. However, in an abundance of caution, I wanted to reiterate that no applications related to Lot 6 should be submitted to the city or entertained by the city without signoff by all owners of Lot 6 prior to submission.

For ease of reference, below is the contact information for the co-owners of Lot 6.

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Jing-ta Chow

[REDACTED]

Email -jingta@gmail.com

Owner of 1410 11Th St Oakland ca 94607

Kristin Long -

[REDACTED]

Email- kristin@mightyminnow.com

Mary Apprill

[REDACTED]

Email- maprill@gmail.com

Kristin Long & Mary Apprill's Legal Counsel Elizabeth T. Erhardt

100 Pine Street, Suite 1250

San Francisco, CA 94111

Liz@ErhardtLit.com

415.366.6698 main

1.844.ERHARDT toll free

1.888.202.0519 fax

415.710.9060 cell

Owner of 1412 11Th St Oakland ca 94607

Ren Buenviaje

[REDACTED]

Email - ren.buenviaje@gmail.com

Keith Chu


Email - keith.g.chu@gmail.com

Owner of 1414 & 1416 11th St. Oakland, CA 94607 MGJV, LLC Rene Boisvert, Managing Member

MGJV, LLC's Legal Counsel

Steven H. Herman

Pier 35, Second Floor, West Gate

San Francisco, California 94133

Telephone: 415.982.6800

Facsimile: 415.982.2701

E-Mail: shherman@hermanlaw.net

Please call or email me if you have any questions or require additional information. I would very much appreciate an update as to whether or not MGJV, LLC has submitted any proposals to the city related to Lot 6 after the city reopened the permits for the development. Any submissions by MGJV, LLC were done without the Lot 6 co-owners' knowledge or consent.

Thank you,

Liz

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Highsmith, Mariko

From: Miles, David
Sent: Tuesday, March 13, 2018 2:55 PM
To: Elizabeth Erhardt; Vollmann, Peterson; Johnson, Steven
Cc: Kristin Long; Mary Apprill; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
Subject: RE: 1408-1416 11th Street & Lot 6

All

The permits to construct the buildings were given final approval in error , we changed the status and directed the Builder to make the changes required . Would you rather obtain your own permits and be responsible to make the required alterations ? If that is the case let me know and we can discuss how to move forward .

David Miles
Principal Inspection Supervisor
City of Oakland Planning and Building Department
510-238-6214

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

From: Elizabeth Erhardt [mailto:Liz@erhardtlit.com]
Sent: Tuesday, March 06, 2018 3:22 PM
To: Vollmann, Peterson <PVollmann@oaklandnet.com>; Miles, David <DMiles@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>
Cc: Kristin Long <kristin@mightyminnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
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Importance: High

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Predictably, matters have now escalated. Rene Boisvert appeared at the property today without notice to the co-owners with the intention of making unilateral changes to Lot 6 and to Michael Bernasek's neighboring property. The owners still do not know whether or not a permit application was submitted to the city related to Lot 6, whether any permits have been issued despite the objections of the co-owners of Lot 6 or whether or not the city continues to work with MGJV, LLC related to the notices of violation to the co-owners' exclusion.

Ren Buenviaje, on behalf of all of the co-owners, approached Rene Boisvert and stated the objections of the co-owners of Lot 6 to MGJV, LLC's unilateral actions. Additionally, Ren called Mary Apprill who echoed the co-owners' objections to MGJV, LLC's unilateral actions. In typical fashion, Rene Boisvert blew off the co-owners, undoubtedly because he feels embolden by the city's tacit acquiescence to his rogue actions. The only reason Rene Boisvert did not commence the unauthorized "improvements" today was because the neighboring property owner Michael Bernase got on the phone with Rene and advised Rene that MGJV, LLC and their workers were trespassing on Michael's property, his video

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Neither Rene Boisvert nor MGJV, LLC has authorization or consent of the co-owners of Lot 6, who collectively own the controlling 60% ownership interest in Lot 6, to apply for permits, obtain permits or conduct improvements on Lot 6 without their prior written consent of the co-owners.

We continue to await the city's the much belated status update.

Liz

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

From: Elizabeth Erhardt

Sent: Friday, February 23, 2018 12:56 PM

To: PVollmann@oaklandnet.com; DMiles@oaklandnet.com; SEJohnson@oaklandnet.com

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Kristin Long <kristin@mightyminnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com

Subject: RE: 1408-1416 11th Street & Lot 6

Gentleman,

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On February 9, 2018 my client Mary Apprill sent an email requesting an update from the city related to the reversals of the notices of final completion. To date no one has spoken with her. My email of February 21, 2018 has also gone unanswered and no one from the city has even acknowledged receipt of my email.

Attached please find the filing made by Rene Boisvert on May 24, 2017 in state court under penalty of perjury expressly denying any ownership, membership interest, or managerial responsibilities related to either MGJV, LLC or MG2. LLC. Effectively, by engaging with Rene Boisvert over the objections of the owners of Lot 6, the city is complicit if Rene Boisvert's fraud against the owners and the courts. If you elect not to respond to our requests for a status update, then please forward my emails and those of my client Mary Apprill to the city attorney's office so counsel for the city can address these important legal issues in a timely and forthright manner.

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Sent: Wednesday, February 21, 2018 4:10 PM

To: PVollmann@oaklandnet.com; DMiles@oaklandnet.com; SEJohnson@oaklandnet.com

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>

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Importance: High

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Highsmith, Mariko

From: Miles, David
Sent: Wednesday, March 14, 2018 11:40 AM
To: Jing-ta Chow
Cc: Johnson, Steven; Vollmann, Peterson
Subject: RE: 1408-1416 11th Street & Lot 6

Jingta

We are asking the Builder to make modifications to meet what was approved originally on the plans for the project . I think as a matter of courtesy the developer should consult with all of the new owners so that they are fully informed, of what will be done and when it will be done . However ,I don't know of a mechanism that we can use to compel him to do so .

David Miles
Principal Inspection Supervisor
City of Oakland Planning and Building Department
510-238-6214

From: Jing-ta Chow [mailto:jingta@gmail.com]
Sent: Tuesday, March 13, 2018 8:37 PM
To: Miles, David <DMiles@oaklandnet.com>
Cc: Elizabeth Erhardt <liz@erhardtlit.com>; Vollmann, Peterson <PVollmann@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>; Kristin Long <kristin@mightyminnow.com>; Mary Apprill <mapprill@gmail.com>; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
Subject: Re: 1408-1416 11th Street & Lot 6

Thanks David,
Can you clarify what it means if we are each responsible vs keep the builder responsible? Based on my understanding all property owners are still required to sign off on any changes or modifications to the rear lot, and I would expect the developer to consult the larger group of owners prior to any actions on their part.

Thanks again for sending this, and I appreciate you keeping us in the loop.

Jingta

On Tue, Mar 13, 2018, 2:54 PM Miles, David <DMiles@oaklandnet.com> wrote:

All

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MGJV, LLC's Legal Counsel

Steven H. Herman

Pier 35, Second Floor, West Gate

San Francisco, California 94133

Telephone: 415.982.6800

Facsimile: 415.982.2701

E-Mail: shherman@hermanlaw.net

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Highsmith, Mariko

From: Miles, David
Sent: Thursday, March 15, 2018 12:20 PM
To: Low, Tim
Subject: FW: 1408-1416 11th Street & Lot 6

Tim
Does my response look ok to you ?

Elizabeth

Below is the email that was sent to MR Boisvert . We are not requiring new building permits for this work , we see it as completing the work that was required when the permits for the building were issued. If Mr. Boisvert chooses the option of installing fire sprinklers he will need approval from the fire prevention bureau.

Dear Mr. Boisvert

Upon review of your project at 11th and Mandela, we have determined a means of resolving the outstanding issues

With careful consideration, the final approvals for the building permits associated with the 5 residences have been reversed. This action was taken due to a failure to receive approval for the construction of the 5 carports, and for the failure to follow planning & zoning requirements for the project.

In order to resolve this issue, we will require that the carports conform to fire separation requirements. In lieu of building fire walls at the property lines and between the houses and the carports it may be possible to install fire sprinklers for the four carports near the buildings. . The carport at the corner of the lot would still be required to have fire walls built on the property lines.

I have brought this issue before the AMR board and they have indicated that they would approve fire sprinklers to satisfy this issue. You would still need to formally apply for an AMR for each carport. To resolve the planning and zoning issues, we will require that the concrete driveway be removed and replaced with permeable pavers. The artificial turf will also need to be removed and be replaced with buffalo grass as shown on the landscape plan. The landscape plan also requires planting a tree in each of the rear yards.

Thank you,

Steven Johnson

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Sent: Wednesday, March 14, 2018 6:50 PM
To: Mary Apprill <mapprill@gmail.com>; Miles, David <DMiles@oaklandnet.com>
Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Vollmann, Peterson <PVollmann@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>; Kristin Long <kristin@mightyminnow.com>; jingta@gmail.com;

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Subject: Re: 1408-1416 11th Street & Lot 6

David,

I am back east due to a family matter. I must say I was extremely disappointed by your email response a month in the making which still has not told me, post revocation of the notices of completion, if 1. any permit applications were submitted, 2. Any permits issued or 3. Any communications with the developer occurred. Sending an email suggesting each owner can obtain their own permits despite the fact that the lot in question is owned by 4 sets of owners and is governed by Easements, Covenants and Restrictions is mind blowing. **THE DEVELOPER CANNOT PULL PERMITS TO WORK ON LOT 6 WITHOUT THE AUTHORIZATION AND CONSENT OF ALL OWNERS. THE POINT WHICH HAS BEEN MADE REPEATEDLY TO THE CITY BY THE OWNERS IS THE FACT THAT THE DEVELOPER CANNOT ACT UNILATERALLY AND THE OWNERS NEED TO BE BROUGHT UP TO DATE IMMEDIATELY ON ALL MATTERS PERTAINING TO THEIR PROPERTY. YOUR PROPOSED SOLUTION IS COMPLETELY AT ODDS WITH THE INTERESTS OF THE CO-OWNERS AND THE GOVERNING DOCUMENTS.** Obviously, the developer should have done a lot merger extending the 5 front lots through lot 6. The last 14.88 ft of each of the 5 lots could be made into reciprocal easements and each owner could act independently. However the developer was too cheap and impatient to do what common sense indicates needs to be done. Instead we have a lot 6 which contains the back porch steps of all five houses and the back yards of all five houses along with the 14.88 foot driveway. Unless and until the developer and the city complete the abandoned lot merger, all improvements on what is currently lot 6 require consent of all of the co-owners. While I am sure the developer wants nothing more than to be released from liability and responsibility for obtaining notices of completion for the sold units and wants to act unilateral related to the shared lot 6 to the extent it benefits the two remaining units, the new owners are not going to surrender their rights for the developer's expediency. I reiterate yet again no permits should be issued without the express authorization and consent of all owners of lot 6. I again renew my request for a detailed update on the status of any permit applications, permits or directions or guidelines issued by the city related to the development. The owners should not be required to obtain a court order to compel the city to bring the owners up to date on what applications have been submitted or permits issued affecting their property. Furthermore the city has been on notice for well over a month that the developer has not been acting with the knowledge or consent of the property owners. Continuing to work with the developer to the exclusion of the property owners and suggesting each owner act independently completely ignores the rights and interests of the property owners and inexplicably panders to the rogue developer.

Liz Erhardt

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mary Apprill <mapprill@gmail.com>

Date: 3/14/18 4:06 PM (GMT-05:00)

To: "Miles, David" <DMiles@oaklandnet.com>

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>, "Vollmann, Peterson" <PVollmann@oaklandnet.com>, "Johnson, Steven" <SEJohnson@oaklandnet.com>, Kristin Long <kristin@mightyminnnow.com>, jingta@gmail.com, ren.buenviaje@gmail.com, keith.g.chu@gmail.com

Subject: Re: 1408-1416 11th Street & Lot 6

David-

What I want to know is exactly what has to happen to get our Certificate of Occupancies back? specific detailed construction list please, to bring the entire lot 6 to code.
What is the City of Oakland doing to hold this developer to a timeline?
What is the timeline?

The City notified the developer Nov 28th 2017, in an email which is about 3.5 months ago. I was astonished to learn that notification was never given to all the homeowners who have a 20% interest in this property.

We are basically living in a fire hazard and I personally hope my lender does not find out what has happened due to them potentially pulling our mortgage loan. Let alone the other exposures we have with no CTO. You have allowed a rogue developer who thinks the rules don't matter to impact a high level asset we purchased. This is a situation where we can not sell our homes or refinance. So I expect much faster attention to this disaster. The email Steven Johnson sent to the developer and You David, on Nov 28th was different than the notification the 3 homeowners were forwarded to me by Pete on Feb 9th 2018. Which in my opinion was a 2nd notification to the Developer. You all have also met with him on Nov 30th 2017 so that would be a 3rd conversation. Then again Pete met with him at a site visit about the dates of Jan 22-23 2018. That is 4 separate communication that I know of. Yet, you have not a timeline as to when he has to perform while I live in a fire hazard?

As you are all well aware, since I sent the ERC's to Pete. That we can not get our own individual permits to do any work on this lot 6 without us all agreeing. The fact you even suggested it blows my mind again. So I am asking that you answer my email much more quickly than you have my attorney's. As none of us needs another Ghostship happening in our mini lot Development.

On Tue, Mar 13, 2018 at 2:54 PM, Miles, David <DMiles@oaklandnet.com> wrote:

All

The permits to construct the buildings were given final approval in error , we changed the status and directed the Builder to make the changes required . Would you rather obtain your own permits and be responsible to make the required alterations ? If that is the case let me know and we can discuss how to move forward .

David Miles
Principal Inspection Supervisor
City of Oakland Planning and Building Department
[510-238-6214](tel:510-238-6214)

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

From: Elizabeth Erhardt [mailto:Liz@erhardtlit.com]

Sent: Tuesday, March 06, 2018 3:22 PM

To: Vollmann, Peterson <PVollmann@oaklandnet.com>; Miles, David <DMiles@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>

Cc: Kristin Long <kristin@mightyminnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com

Subject: RE: 1408-1416 11th Street & Lot 6

Importance: High

Messrs. Vollman, Miles & Johnson:

It has now been eleven (11) days and no one from planning, building or the city attorney's office has extended to the nonentity owners of Lot 6 the basic courtesy of a response to their multiple inquiries. Given that my February 23, 2018 email was a follow up to Mary Apprill's February 9, 2018 email, you have had a month in which to respond.

Predictably, matters have now escalated. Rene Boisvert appeared at the property today without notice to the co-owners with the intention of making unilateral changes to Lot 6 and to Michael Bernasek's neighboring property. The owners still do not know whether or not a permit application was submitted to the city related to Lot 6, whether any permits have been issued despite the objections of the co-owners of Lot 6 or whether or not the city continues to work with MGJV, LLC related to the notices of violation to the co-owners' exclusion.

Ren Buenviaje, on behalf of all of the co-owners, approached Rene Boisvert and stated the objections of the co-owners of Lot 6 to MGJV, LLC's unilateral actions. Additionally, Ren called Mary Apprill who echoed the co-owners' objections to MGJV, LLC's unilateral actions. In typical fashion, Rene Boisvert blew off the co-owners, undoubtedly because he feels embolden by the city's tacit acquiescence to his rogue actions. The only reason Rene Boisvert did not commence the unauthorized "improvements" today was because the neighboring property owner Michael Bernase got on the phone with Rene and advised Rene that MGJV, LLC and their workers were trespassing on Michael's property, his video cameras captured the trespass and Michael was going to call the police immediately if Rene and MGJV, LLC's workers did not immediately vacate the premises.

Rene Boisvert continues to represent himself as the managing member of MGJV, LLC while filing papers with the state court under penalty of perjury stating that he has no ownership, membership or managerial responsibilities with respect to MGJV, LLC or MG2, LLC. Nonetheless, the city appears to continue to bestow upon Rene Boisvert unilateral authority over Lot 6. While you may not care that Rene Boisvert was found guilty of fraud, stripped of his real estate license and as of May 24, 2017 represented under penalty of perjury that he has no ownership, membership or managerial interest in MGJV, LLC or MG2, LLC, I suspect the city attorney might take a different view.

Neither Rene Boisvert nor MGJV, LLC has authorization or consent of the co-owners of Lot 6, who collectively own the controlling 60% ownership interest in Lot 6, to apply for permits, obtain permits or conduct improvements on Lot 6 without their prior written consent of the co-owners.

We continue to await the city's the much belated status update.

Liz

Elizabeth T. Erhardt
100 Pine Street, Suite 1250
San Francisco, CA 94111
Liz@ErhardtLit.com
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1.844.ERHARDT toll free
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-----Original Message-----

From: Elizabeth Erhardt

Sent: Friday, February 23, 2018 12:56 PM

To: PVollmann@oaklandnet.com; DMiles@oaklandnet.com; SEJohnson@oaklandnet.com

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Kristin Long <kristin@mightyminnnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com

Subject: RE: 1408-1416 11th Street & Lot 6

Gentleman,

As you might imagine, the co-owners of Lot 6 are anxious to learn if any applications have been filed with the City related to their property. Would you please be kind enough to advise whether or not any applications have been submitted to the city related to the development at 1408-1416 11th Street, Oakland, CA, & Lot 6 since you reversed the notices of final completion on February 9, 2018. There is no reason why any applications submitted to the city should be considered without the co-owners' prior knowledge and written consent. The owners remain confused as to why the city has not been communicating with them but rather continues to communicate exclusively with Rene Boisvert, who is neither a member, managing member or property manager of the developer and Lot 6 co-owner MGJV, LLC or MG2, LLC the ostensible entity managing member of MGJV, LLC.

On February 9, 2018 my client Mary Apprill sent an email requesting an update from the city related to the reversals of the notices of final completion. To date no one has spoken with her. My email of February 21, 2018 has also gone unanswered and no one from the city has even acknowledged receipt of my email.

Attached please find the filing made by Rene Boisvert on May 24, 2017 in state court under penalty of perjury expressly denying any ownership, membership interest, or managerial responsibilities related to either MGJV, LLC or MG2, LLC. Effectively, by engaging with Rene Boisvert over the objections of the owners of Lot 6, the city is complicit if Rene Boisvert's fraud against the owners and the courts. If you elect not to respond to our requests for a status update, then please forward my emails and those of my client Mary Apprill to the city attorney's office so counsel for the city can address these important legal issues in a timely and forthright manner.

Thank you,

Liz

Elizabeth T. Erhardt
100 Pine Street, Suite 1250
San Francisco, CA 94111
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-----Original Message-----

From: Elizabeth Erhardt

Sent: Wednesday, February 21, 2018 4:10 PM

To: PVollmann@oaklandnet.com; DMiles@oaklandnet.com; SEJohnson@oaklandnet.com

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>

Subject: 1408-1416 11th Street & Lot 6

Importance: High

Dear Messrs Vollman, Miles & Johnson:

Please be advised that I am the attorney representing Mary Apprill and Kristin Long, the owners of 1410 11th Street who hold a 20% ownership interest as tenants in common of Lot 6 with developer MGJV, LLC, who owns 1414 & 1416 11th Street and holds a 40% interest in Lot 6 and Jing-Ta Chow who owns 1408 11th Street and holds a 20% ownership interest in lot 6 and Ren Buenviaje & Keith Chu who own 1412 11th Street and own a 20% ownership interest in Lot 6.

I understand that you have reopened all of the permits for the development so that there is currently no final completion and certificate of occupancy for the five dwellings 1408-1416 11th Street, located on the project. I further understand that you are requesting a scope of work to be performed related to restoring the notice of final completion.

Please understand that any permits submitted to perform work on Lot 6 must be signed off on by all of the owners and all work conducted on Lot 6 must be authorized by all of the owners. To date, MGJV, LLC by and through its managing member Rene Boisvert has failed to obtain prior written approvals from the co-owners to apply for any permits or conduct any work on Lot 6. Moreover, MGJV, LLC has yet to even submit a proposal to the owners of Lot 6 related to any proposed work to address and correct the concerns of the City.

Mary Apprill made known to Mr. Vollmann that there are multiple owners of Lot 6 and that any work to be performed on Lot 6 requires the prior written approvals of the owners of Lot 6. My understanding is that Mr. Vollmann shared that information with you already. However, in an abundance of caution, I wanted to reiterate that no applications related to Lot 6 should be submitted to the city or entertained by the city without signoff by all owners of Lot 6 prior to submission.

For ease of reference, below is the contact information for the co-owners of Lot 6.

Owner of 1408 11Th St Oakland ca 94607

Jing-ta Chow

Cell - [REDACTED]

Email - jingta@gmail.com

Owner of 1410 11Th St Oakland ca 94607

Kristin Long -
Cell- [REDACTED]
Email- kristin@mightyminnow.com

Mary Apprill
Cell- [REDACTED]
Email- mapprill@gmail.com

Kristin Long & Mary Apprill's Legal Counsel Elizabeth T. Erhardt
100 Pine Street, Suite 1250
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Owner of 1412 11Th St Oakland ca 94607
Ren Buenviaje
Cell [REDACTED]
Email - ren.buenviaje@gmail.com

Keith Chu
Cell - [REDACTED]
Email - keith.g.chu@gmail.com

Owner of 1414 & 1416 11th St. Oakland, CA 94607 MGJV, LLC Rene Boisvert, Managing Member

MGJV, LLC's Legal Counsel
Steven H. Herman
Pier 35, Second Floor, West Gate
San Francisco, California 94133
Telephone: 415.982.6800
Facsimile: 415.982.2701
E-Mail: shherman@hermanlaw.net

Please call or email me if you have any questions or require additional information. I would very much appreciate an update as to whether or not MGJV, LLC has submitted any proposals to the city related to Lot 6 after the city reopened the permits for the development. Any submissions by MGJV, LLC were done without the Lot 6 co-owners' knowledge or consent.

Thank you,

Liz
Elizabeth T. Erhardt
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--

Mary Apprill

Mobile: [REDACTED]

Email: mapprill@gmail.com

Highsmith, Mariko

From: Mary Apprill <mapprill@gmail.com>
Sent: Wednesday, March 14, 2018 1:06 PM
To: Miles, David
Cc: Elizabeth Erhardt; Vollmann, Peterson; Johnson, Steven; Kristin Long; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
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We are basically living in a fire hazard and I personally hope my lender does not find out what has happened due to them potentially pulling our mortgage loan. Let alone the other exposures we have with no CTO. You have allowed a rogue developer who thinks the rules don't matter to impact a high level asset we purchased. This is a situation where we can not sell our homes or refinance. So I expect much faster attention to this disaster. The email Steven Johnson sent to the developer and You David, on Nov 28th was different than the notification the 3 homeowners were forwarded to me by Pete on Feb 9th 2018. Which in my opinion was a 2nd notification to the Developer. You all have also met with him on Nov 30th 2017 so that would be a 3rd conversation. Then again Pete met with him at a site visit about the dates of Jan 22-23 2018. That is 4 separate communication that I know of. Yet, you have not a timeline as to when he has to perform while I live in a fire hazard?

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All

The permits to construct the buildings were given final approval in error , we changed the status and directed the Builder to make the changes required . Would you rather obtain your own permits and be responsible to make the required alterations ? If that is the case let me know and we can discuss how to move forward .

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Principal Inspection Supervisor
City of Oakland Planning and Building Department

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Sent: Tuesday, March 06, 2018 3:22 PM

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Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Kristin Long <kristin@mightyminnnow.com>; Mary Apprill <[maprill@gmail.com](mailto:mapprill@gmail.com)>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
Subject: RE: 1408-1416 11th Street & Lot 6

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Cc: Elizabeth Erhardt <Liz@erhardtlit.com>

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Jing-ta Chow

[REDACTED]
Email - jingta@gmail.com

Owner of 1410 11Th St Oakland ca 94607

Kristin Long -

[REDACTED]
Email- kristin@mightyminnnow.com

Mary Apprill

[REDACTED]
Email- mapprill@gmail.com

Kristin Long & Mary Apprill's Legal Counsel Elizabeth T. Erhardt

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Owner of 1412 11Th St Oakland ca 94607

Ren Buenviaje

[REDACTED]
Email - ren.buenviaje@gmail.com

Keith Chu

[REDACTED]
Email - keith.g.chu@gmail.com

Owner of 1414 & 1416 11th St. Oakland, CA 94607 MGJV, LLC Rene Boisvert, Managing Member

MGJV, LLC's Legal Counsel

Steven H. Herman

Pier 35, Second Floor, West Gate

San Francisco, California 94133

Telephone: 415.982.6800

Facsimile: 415.982.2701

E-Mail: shherman@hermanlaw.net

Please call or email me if you have any questions or require additional information. I would very much appreciate an update as to whether or not MGJV, LLC has submitted any proposals to the city related to Lot 6

after the city reopened the permits for the development. Any submissions by MGJV, LLC were done without the Lot 6 co-owners' knowledge or consent.

Thank you,

Liz
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--

Mary Apprill

Mobile: [REDACTED]

Email: mapprill@gmail.com

Highsmith, Mariko

From: Miles, David
Sent: Wednesday, March 14, 2018 1:33 PM
To: Johnson, Steven
Subject: FW: 1408-1416 11th Street & Lot 6

Steve

Can you forward the correction notice for this . Thanks

From: Mary Apprill [mailto:mapprill@gmail.com]
Sent: Wednesday, March 14, 2018 1:06 PM
To: Miles, David <DMiles@oaklandnet.com>
Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Vollmann, Peterson <PVollmann@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>; Kristin Long <kristin@mightyminnow.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
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We are basically living in a fire hazard and I personally hope my lender does not find out what has happened due to them potentially pulling our mortgage loan. Let alone the other exposures we have with no CTO. You have allowed a rogue developer who thinks the rules don't matter to impact a high level asset we purchased. This is a situation where we can not sell our homes or refinance. So I expect much faster attention to this disaster. The email Steven Johnson sent to the developer and You David, on Nov 28th was different than the notification the 3 homeowners were forwarded to me by Pete on Feb 9th 2018. Which in my opinion was a 2nd notification to the Developer. You all have also met with him on Nov 30th 2017 so that would be a 3rd conversation. Then again Pete met with him at a site visit about the dates of Jan 22-23 2018. That is 4 separate communication that I know of. Yet, you have not a timeline as to when he has to perform while I live in a fire hazard?

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David Miles
Principal Inspection Supervisor
City of Oakland Planning and Building Department
[510-238-6214](tel:510-238-6214)

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

From: Elizabeth Erhardt [mailto:Liz@erhardtlit.com]

Sent: Tuesday, March 06, 2018 3:22 PM

To: Vollmann, Peterson <PVollmann@oaklandnet.com>; Miles, David <DMiles@oaklandnet.com>; Johnson, Steven <SEJohnson@oaklandnet.com>

Cc: Kristin Long <kristin@mightyminnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com

Subject: RE: 1408-1416 11th Street & Lot 6

Importance: High

Messrs. Vollman, Miles & Johnson:

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Predictably, matters have now escalated. Rene Boisvert appeared at the property today without notice to the co-owners with the intention of making unilateral changes to Lot 6 and to Michael Bernasek's neighboring property. The owners still do not know whether or not a permit application was submitted to the city related to Lot 6, whether any permits have been issued despite the objections of the co-owners of Lot 6 or whether or not the city continues to work with MGJV, LLC related to the notices of violation to the co-owners' exclusion.

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found guilty of fraud, stripped of his real estate license and as of May 24, 2017 represented under penalty of perjury that he has no ownership, membership or managerial interest in MGJV, LLC or MG2, LLC, I suspect the city attorney might take a different view.

Neither Rene Boisvert nor MGJV, LLC has authorization or consent of the co-owners of Lot 6, who collectively own the controlling 60% ownership interest in Lot 6, to apply for permits, obtain permits or conduct improvements on Lot 6 without their prior written consent of the co-owners.

We continue to await the city's the much belated status update.

Liz

Elizabeth T. Erhardt
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-----Original Message-----

From: Elizabeth Erhardt

Sent: Friday, February 23, 2018 12:56 PM

To: PVollmann@oaklandnet.com; DMiles@oaklandnet.com; SEJohnson@oaklandnet.com

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>; Kristin Long <kristin@mightyminnnow.com>; Mary Apprill <mapprill@gmail.com>; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com

Subject: RE: 1408-1416 11th Street & Lot 6

Gentleman,

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On February 9, 2018 my client Mary Apprill sent an email requesting an update from the city related to the reversals of the notices of final completion. To date no one has spoken with her. My email of February 21,

2018 has also gone unanswered and no one from the city has even acknowledged receipt of my email.

Attached please find the filing made by Rene Boisvert on May 24, 2017 in state court under penalty of perjury expressly denying any ownership, membership interest, or managerial responsibilities related to either MGJV, LLC or MG2. LLC. Effectively, by engaging with Rene Boisvert over the objections of the owners of Lot 6, the city is complicit if Rene Boisvert's fraud against the owners and the courts. If you elect not to respond to our requests for a status update, then please forward my emails and those of my client Mary Apprill to the city attorney's office so counsel for the city can address these important legal issues in a timely and forthright manner.

Thank you,

Liz

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From: Elizabeth Erhardt
Sent: Wednesday, February 21, 2018 4:10 PM
To: PVollmann@oaklandnet.com; DMiles@oaklandnet.com; SEJohnson@oaklandnet.com
Cc: Elizabeth Erhardt <Liz@erhardtlit.com>
Subject: 1408-1416 11th Street & Lot 6
Importance: High

Dear Messrs Vollman, Miles & Johnson:

Please be advised that I am the attorney representing Mary Apprill and Kristin Long, the owners of 1410 11th Street who hold a 20% ownership interest as tenants in common of Lot 6 with developer MGJV, LLC, who owns 1414 & 1416 11th Street and holds a 40% interest in Lot 6 and Jing-Ta Chow who owns 1408 11th Street and holds a 20% ownership interest in lot 6 and Ren Buenviaje & Keith Chu who own 1412 11th Street and own a 20% ownership interest in Lot 6.

I understand that you have reopened all of the permits for the development so that there is currently no final completion and certificate of occupancy for the five dwellings 1408-1416 11th Street, located on the project. I further understand that you are requesting a scope of work to be performed related to restoring the notice of

final completion.

Please understand that any permits submitted to perform work on Lot 6 must be signed off on by all of the owners and all work conducted on Lot 6 must be authorized by all of the owners. To date, MGJV, LLC by and through its managing member Rene Boisvert has failed to obtain prior written approvals from the co-owners to apply for any permits or conduct any work on Lot 6. Moreover, MGJV, LLC has yet to even submit a proposal to the owners of Lot 6 related to any proposed work to address and correct the concerns of the City.

Mary Apprill made known to Mr. Vollmann that there are multiple owners of Lot 6 and that any work to be performed on Lot 6 requires the prior written approvals of the owners of Lot 6. My understanding is that Mr. Vollmann shared that information with you already. However, in an abundance of caution, I wanted to reiterate that no applications related to Lot 6 should be submitted to the city or entertained by the city without signoff by all owners of Lot 6 prior to submission.

For ease of reference, below is the contact information for the co-owners of Lot 6.

Owner of 1408 11Th St Oakland ca 94607

Jing-ta Chow

[REDACTED]
Email - jingta@gmail.com

Owner of 1410 11Th St Oakland ca 94607

Kristin Long -

[REDACTED]
Email- kristin@mightyminnnow.com

Mary Apprill

[REDACTED]
Email- mapprill@gmail.com

Kristin Long & Mary Apprill's Legal Counsel Elizabeth T. Erhardt

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Owner of 1412 11Th St Oakland ca 94607

Ren Buenviaje

[REDACTED]
Email - ren.buenviaje@gmail.com

Keith Chu

[REDACTED]
Email - keith.g.chu@gmail.com

Owner of 1414 & 1416 11th St. Oakland, CA 94607 MGJV, LLC Rene Boisvert, Managing Member

MGJV, LLC's Legal Counsel

Steven H. Herman
Pier 35, Second Floor, West Gate
San Francisco, California 94133
Telephone: 415.982.6800
Facsimile: 415.982.2701
E-Mail: shherman@hermanlaw.net

Please call or email me if you have any questions or require additional information. I would very much appreciate an update as to whether or not MGJV, LLC has submitted any proposals to the city related to Lot 6 after the city reopened the permits for the development. Any submissions by MGJV, LLC were done without the Lot 6 co-owners' knowledge or consent.

Thank you,

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--

Mary Apprill

Mobile: [REDACTED]
Email: mapprill@gmail.com

Highsmith, Mariko

From: Elizabeth Erhardt <Liz@erhardtlit.com>
Sent: Wednesday, March 14, 2018 6:50 PM
To: Mary Apprill; Miles, David
Cc: Elizabeth Erhardt; Vollmann, Peterson; Johnson, Steven; Kristin Long; jingta@gmail.com; ren.buenviaje@gmail.com; keith.g.chu@gmail.com
Subject: Re: 1408-1416 11th Street & Lot 6

David,

I am back east due to a family matter. I must say I was extremely disappointed by your email response a month in the making which still has not told me, post revocation of the notices of completion, if 1. any permit applications were submitted, 2. Any permits issued or 3. Any communications with the developer occurred. Sending an email suggesting each owner can obtain their own permits despite the fact that the lot in question is owned by 4 sets of owners and is governed by Easements, Covenants and Restrictions is mind blowing. **THE DEVELOPER CANNOT PULL PERMITS TO WORK ON LOT 6 WITHOUT THE AUTHORIZATION AND CONSENT OF ALL OWNERS. THE POINT WHICH HAS BEEN MADE REPEATEDLY TO THE CITY BY THE OWNERS IS THE FACT THAT THE DEVELOPER CANNOT ACT UNILATERALLY AND THE OWNERS NEED TO BE BROUGHT UP TO DATE IMMEDIATELY ON ALL MATTERS PERTAINING TO THEIR PROPERTY. YOUR PROPOSED SOLUTION IS COMPLETELY AT ODDS WITH THE INTERESTS OF THE CO-OWNERS AND THE GOVERNING DOCUMENTS.** Obviously, the developer should have done a lot merger extending the 5 front lots through lot 6. The last 14.88 ft of each of the 5 lots could be made into reciprocal easements and each owner could act independently. However the developer was to cheap and impatient to do what common sense indicates needs to be done. Instead we have a lot 6 which contains the back porch steps of all five houses and the back yards of all five houses along with the 14.88 foot driveway. Unless and until the developer and the city complete the abandoned lot merger, all improvements on what is currently lot 6 require consent of all of the co-owners. While I am sure the developer wants nothing more than to be released from liability and responsibility for obtaining notices of completion for the sold units and wants to act unilateral related to the shared lot 6 to the extent it benefits the two remaining units, the new owners are not going to surrender their rights for the developer's expediency. I reiterate yet again no permits should be issued without the express authorization and consent of all owners of lot 6. I again renew my request for a detailed update on the status of any permit applications, permits or directions or guidelines issued by the city related to the development. The owners should not be required to obtain a court order to compel the city to bring the owners up to date on what applications have been submitted or permits issued affecting their property. Furthermore the city has been on notice for well over a month that the developer has not been acting with the knowledge or consent of the property owners. Continuing to work with the developer to the exclusion of the property owners and suggesting each owner act independently completely ignores the rights and interests of the property owners and inexplicably panders to the rogue developer.

Liz Erhardt

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mary Apprill <mapprill@gmail.com>

Date: 3/14/18 4:06 PM (GMT-05:00)

To: "Miles, David" <DMiles@oaklandnet.com>

Cc: Elizabeth Erhardt <Liz@erhardtlit.com>, "Vollmann, Peterson" <PVollmann@oaklandnet.com>, "Johnson, Steven" <SEJohnson@oaklandnet.com>, Kristin Long <kristin@mightyminnow.com>, jingta@gmail.com, ren.buenviaje@gmail.com, keith.g.chu@gmail.com

Subject: Re: 1408-1416 11th Street & Lot 6

David-

What I want to know is exactly what has to happen to get our Certificate of Occupancies back? specific detailed construction list please, to bring the entire lot 6 to code.

What is the City of Oakland doing to hold this developer to a timeline?

What is the timeline?

The City notified the developer Nov 28th 2017, in an email which is about 3.5 months ago. I was astonished to learn that notification was never given to all the homeowners who have a 20% interest in this property.

We are basically living in a fire hazard and I personally hope my lender does not find out what has happened due to them potentially pulling our mortgage loan. Let alone the other exposures we have with no CTO. You have allowed a rogue developer who thinks the rules don't matter to impact a high level asset we purchased. This is a situation where we can not sell our homes or refinance. So I expect much faster attention to this disaster. The email Steven Johnson sent to the developer and You David, on Nov 28th was different than the notification the 3 homeowners were forwarded to me by Pete on Feb 9th 2018. Which in my opinion was a 2nd notification to the Developer. You all have also met with him on Nov 30th 2017 so that would be a 3rd conversation. Then again Pete met with him at a site visit about the dates of Jan 22-23 2018. That is 4 separate communication that I know of. Yet, you have not a timeline as to when he has to perform while I live in a fire hazard?

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Jing-ta Chow

[REDACTED]
Email - jingta@gmail.com

Owner of 1410 11Th St Oakland ca 94607

Kristin Long -

[REDACTED]
Email- kristin@mightyminnnow.com

Mary Apprill

[REDACTED]
Email- mapprill@gmail.com

Kristin Long & Mary Apprill's Legal Counsel Elizabeth T. Erhardt

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Owner of 1412 11Th St Oakland ca 94607

Ren Buenviaje

[REDACTED]
Email - ren.buenviaje@gmail.com

Keith Chu

[REDACTED]
Email - keith.g.chu@gmail.com

Owner of 1414 & 1416 11th St. Oakland, CA 94607 MGJV, LLC Rene Boisvert, Managing Member

MGJV, LLC's Legal Counsel

Steven H. Herman

Pier 35, Second Floor, West Gate

San Francisco, California 94133

Telephone: 415.982.6800

Facsimile: 415.982.2701

E-Mail: shherman@hermanlaw.net

Please call or email me if you have any questions or require additional information. I would very much appreciate an update as to whether or not MGJV, LLC has submitted any proposals to the city related to Lot 6 after the city reopened the permits for the development. Any submissions by MGJV, LLC were done without the Lot 6 co-owners' knowledge or consent.

Thank you,

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--

Mary Apprill

Mobile: [REDACTED]

Email: mapprill@gmail.com

MGJV LLC
6114 La Salle Avenue #205
Oakland, CA 94611
510-444-8420 t / 510-444-3030 f
rene@boulevardequity.com

April 6, 2018

TO: Pete Vollmann
FROM: Rene Boisvert
RE: Steve Johnson's Email – February 9, 2018
1408 – 1416 11th Street, Oakland

Dear Pete –

In my meeting with Dave Miles, he insisted that all topics and issues per Steve Johnson's email must be exclusively dealt with by planning. So (again) with this letter I am reaching out to you to resolve and finalize.

Since we last spoke

Plan Check has re-examined both our plans and the tract map. There had been some confusion. Long story short, fence lines and property lines were confused. And in realizing such, no fire separation or fire walls are needed for houses 1-2-3-4.

Additionally, I have forwarded all the permit receipts to Tim Low showing that car port permits were paid in full from the beginning. As well as staff signing off on the carports as they were being built.

So that leaves us with but – landscaping.

Trees – Houses 1-2-3 have trees in the rear yard. They have been there all along. Houses 4-5 share the large black walnut. (The tree the city signed off on its co-existence with surrounding structures.)

Grass – As I have tried to share, though different from the original submission, we installed artificial grass in houses 4-5. What we all missed in the original submission was that the very large black walnut tree provides shadows over almost the entire yards (thus grass could not survive) and with the grass area overlapping with the tree's root systems (the tree's root system would be compromised with the water required). Thus making artificial grass the only logical, practical, and safe choice.

Which leaves us with the – **Driveway**.

We currently have a fully functional driveway in all aspects. Including, but not limited to, drainage. As you witnessed the day you recently visited the project, it was the morning after the evening in which it had heavily rained. There were zero areas in over a hundred foot driveway that had any puddling whatsoever.

Only 5 people on the whole planet (the 5 respective homeowners) will ever see this driveway. It is not a driveway in public view. No one has ever found fault nor concern with the existing driveway.

There are no Project Specific Conditions in our July 16, 2015 approval letter that mandates a specific material to be used for the driveway.

And the quality and integrity of a concrete driveway vs. a paver driveway is really indistinguishable.

Why replace what is a fully functional and safe driveway that and meets the needs of all the owners?

> We ask to allow the existing driveway.

* * * * *

Pete, with your understanding and approval of our requests herein, we will be done with this very costly and inconvenient hiccup and we can all move on.

I have marked up the landscaping plan to reflect all the above. If that works for your files, great. If not, I can have them enlarged as needed.

TIME IS OF THE ESSENCE !! AND WAITING HAS CAUSED AND CONTINUES TO CAUSE REAL HURT !!

We cannot move forward with the sale of houses 4-5 without the city's cooperation.
Our lender and insurance company requires us to have this resolved by the end of next week – Friday, April 13th. (Friday the 13th No fooling.)

Thank you.

A handwritten signature in black ink, appearing to be 'P. S.', written in a cursive style.

