



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

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October 4, 2021

DAVID HOUSE
13340 OLD OAK WAY
SARATOGA, CA 95070

Subject: **NOTICE OF VIOLATION – Planning & Building Permits Required**
APN: 503-15-079, 503-15-080, Case # CE20-0185

Dear Mr. House,

The City of Saratoga's Code Enforcement Division received a complaint concerning the operation of a wine tasting room without the benefit of a permit for that use. On July 7, 2021, City of Saratoga Planning and Building staff along with Santa Clara County Fire staff were invited to the property to evaluate the site, access and a structure (tasting deck, restrooms, office) which was built without permits. As-built plans were subsequently submitted to the City.

Based on the as-built drawings submitted, the structure and site are deficient with regards to accessibility and compliance with Chapter 7A which concerns projects constructed in the Wildland-Urban Interface (WUI). The plans are also noncompliant with regards to compliance with the Plumbing, Mechanical, Electrical, Energy and Green building codes. The plans were not approved by Santa Clara County Fire citing access, fire sprinkler and Chapter 7A deficiencies. Santa Clara County Fire stated that "it is the opinion of the fire Department that the un-permitted building should not be used for any purpose until such time as it has been subject to plan review, permit and inspection approval process"

VIOLATIONS:

SMC Section 16-05.010 – COMPLIANCE WITH CHAPTER

It shall be unlawful and a misdemeanor for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any permanent, temporary or portable building or structure in the City, or cause the same to be done, or to engage in any excavating or grading, or cause the same to be done, except as provided in this Chapter and the codes adopted by this Chapter.

SMC Section 16-05.050(a) – VIOLATIONS AND PENALTIES

Every person, as principal, agent or otherwise, who violates, or fails, neglects or refuses to comply with any provision of this Chapter, or any code adopted by this Chapter, shall be deemed guilty of a misdemeanor and shall be subject to all of the penalty and enforcement provisions as set forth in Chapter 3 of this Code.

CALIFORNIA BUILDING CODE – SECTION 115
STOP WORK ORDER

115.1 Authority. Where the building official finds any work regulated by this code performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work shall be permitted to resume.

115.3 Unlawful Continuance

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

ORDER TO CORRECT VIOLATIONS

- 1) **Until such time that a conditional use permit is approved**, the structure should be secured and made inaccessible by patrons, staff, or owners. Once secured, an inspection and approval shall be obtained by Santa Clara County Fire Staff and the Saratoga Building Official approving the securing method.
- 2) **If a conditional use permit is granted**, approvals shall be required from Santa Clara County Fire and Saratoga Planning and Building departments and a permit issued to bring the structure into full compliance with all applicable codes.
- 3) **If a conditional use permit is not granted** a permit must be obtained from the Saratoga Building Department to abate the structure and restore the area to its original condition.

Please contact me directly if you have any questions at 408-868-1228 or via email at kweiner@saratoga.ca.us.

Sincerely,

Keith Weiner
Building Official



SARATOGA

California

Community Development Department

13777 Fruitvale Avenue

Saratoga, CA 95070

408.868.1222

October 5, 2021

David House
13340 Old Oak Way
Saratoga, CA 95070

RE: House Family Vineyards (APNs 503-15-079 & 503-15-080)

Dear Mr. House:

Thank you for submitting plans on August 10, 2021, in response to the letter sent by the City on July 30, 2021, which requested "as built" information of the tasting deck on the subject property. This information was requested because staff was developing a Temporary Code Compliance Plan.

After reviewing the plans, the Santa Clara County Fire Department and the Building Department have determined that the un-permitted structure should not be used for any purpose as it does not meet current fire code or building code requirements. In addition, the proposed additional site work shown on the plans needed for the tasting area adjacent to the un-permitted structure requires approval from the City, which cannot happen until final approval of the Conditional Use Permit, Design Review, and environmental review. Therefore, all public winery operations including wine tastings and events on parcels 503-15-079 and 503-15-080 must cease immediately. In the event these activities do not cease, the City may avail itself of enforcement procedures pursuant to Chapter 3 of the Saratoga City Code.

Thank you for your attention to this matter. If you have any questions, please contact project planner Nicole Johnson at njohnson@saratoga.ca.us.

Sincerely,

Debbie Pedro
Community Development Director

Enclosure: Santa Clara County Fire comments dated 9/15/21
Building plan check comments dated 8/23/21
Notice of Violation dated 10/4/21



SANTA CLARA COUNTY FIRE DEPARTMENT

14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 375-4010 | www.sccfd.org

PLAN REVIEW No. **21 3699**

BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

Re: APN 503-15-079 & 503-15-080

This project shall comply with the following:

1. The 2019 edition of the California Fire, Building, Mechanical, and Electrical Codes (CFC/CBC/CMC/CEC), as adopted by the City of Saratoga
2. Santa Clara County Fire Department's (SCCFD) Specifications

The scope of this project includes the following:

This submittal includes minimal information regarding a Type VB, 1,200 s.f. covered structure and 106 s.f. restroom constructed without required building permits. The structure is equipped with fire sprinklers that have been installed without review or approval by Santa Clara County Fire Department. The submitted documents have been reviewed at the request of Saratoga Community Development Department, Planning Division (CDD). This review is preliminary in nature as the CDD does not intend to issue permits as result of this review.

The following drawing sheets (date) were received for review. No other documentation was received: A-1 (8/3/21), C-1 (June 2021), C-2 (December 2020), G0.1 (none), S0.1 (4/2/13), S0.2 94/2/13), S1.1 (4/2/13), S1.2 (4/2/13), S5.1 (4/2/13), S8.1 (4/2/13), S8.2 (4/2/13), A-12/FP-1/1 (10/8/19), A-13 (8/3/21), A-14 (8/3/21)

Plan Status:

Plans are NOT **APPROVED**. Comments below are provided at the request of City of Saratoga staff for consideration of future process regarding the unpermitted construction.

Plan Review Comments:

1. The documents submitted are insufficient for thorough review of fire and life safety provisions of the 2019 California Fire and Building Codes. Comments herein are preliminary, broad in scope, and pertain to the primary fire department concerns applicable to the illegal structure. Any future review of revised or supplemental documentation may result in additional comment.

City	PLANS	SPECS	NEW	RMDL	AS	OCCUPANCY	CONST. TYPE	ApplicantName	DATE	PAGE
STG	☐	☐	☐	☐	☐			Mv Architect	9/15/2021	1 OF 7
SEC/FLOOR	AREA	LOAD	PROJECT DESCRIPTION				PROJECT TYPE OR SYSTEM			
			Commercial Development				Design Review			
NAME OF PROJECT							LOCATION			
HOUSE FAMILY VINEYARD TASTING DECK							Old Oak Way Saratoga			
TABULAR FIRE FLOW			REDUCTION FOR FIRE SPRINKLERS		REQUIRED FIRE FLOW @ 20 PSI			BY		
1,500					1,500			Campbell, Rob		

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.



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2. The subject property is located within the Very High Fire Hazard Severity Zone (VHFHSZ) of the Local Responsibility Area (LRA). As of 7/1/2021 and pursuant to California Public Resources Code (PRC) 4290, the California Board of Forestry and Fire Protection is required to "...adopt regulations implementing minimum fire safety standards related to defensible space" applicable to "the perimeters and access to all residential, commercial, and industrial building construction." In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone. All comments below that result from PRC 4290 are identified by **. Where a conflict exists between local & 4290 requirements, the more stringent requirement shall apply.

The following content reflects a 6/24/21 email from Rob Campbell, PE to Jim Cargil and Dave House, regarding proposed temporary use of the tasting structure. This content is provided for purpose of formal documentation. Any temporary use consideration for the illegal structure shall specifically address these requirements at a minimum:

Regarding your numbered questions:

1. The engineered turnaround drawing is necessary to evaluate access mitigations being proposed - any grading work (for road or turnaround) will be subject to the City's permit requirements, as applicable.
2. Deputy Chief Estrada will accept nothing less than 14 feet clear access road width for a temporary condition. The temporary use duration must be constrained by absolute dates.
3. Yes - Installation of any fire protection water storage or distribution shall be submitted to County Fire directly for permit review and approval.
4. Please check with Mount Eden Water Mutual as Jan Garrod has previously raised concern with such systems and their impact to the overall fire protection water storage during wildfire emergency. At this time these systems are considered unregulated, as we have no direct Fire Code authority to regulate them. However, given we considering mitigated compliance, County Fire will scrutinize any such system regarding impact to overall fire protection concerns.
5. At this time, County Fire objects to use of the structure for any purpose. Official Acknowledgement of the sprinkler system by us implies tacit approval of the building, which has no permits. You're welcome to propose your desire for third party certification of the sprinklers. Just know it conflicts with County Fire objection to use of the building.
- 6/7. Installation of the EWAS requires a permit review and approval from our office. Again, we're hampered in this regard by the lack of a building permit, to which system installation permits are supplemental.

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Additional concerns below result from my discussion with Chief Estrada, and follow in-line with the numbering you've added.

8. The roadway from Old Oak Way to the tasting room exceeds 500 feet, so a minimum of one turnout shall be provided. The graphic below is from our D-1 standard https://www.sccfd.org/images/documents/fire_prevention/standards/SDS_D-1_DrivewaysTurnaroundsTurnOuts_04272021_1.pdf

9. Clear vertical height along the roadway shall be confirmed to be minimum 13'6" for the full 14 foot road width, length & turnaround.

10. The access road shall be shown in engineering plans to identify all existing conditions and proposed, mitigating improvements. Existing conditions and proposed mitigations shall be shown on separate sheets, and include the proposed turnaround.

11. Defensible space shall be prepared in accordance with Cal Fire guidelines <https://www.fire.ca.gov/programs/communications/defensible-space-prc-4291/> including consideration for slope adjustments.

12. As discussed during my field visit, the un-permitted building is subject to the requirements of California Building Code Chapter 7A - Construction Methods for Exterior Wildfire Exposure. My limited field observation indicates the building does not comply with several Chapter 7A provisions. These requirements are typically evaluated by the Building Department during plan review.

13. In reviewing photographs, it appears some of the storage containers are being used for other than storage purposes, as evidenced by exterior water heater, propane tank and mechanical equipment consistent with building use/occupancy. We did not discuss these concerns previously, but shall be specifically addressed by any compliance plan.

14. We briefly discussed the patio heaters present on the site. I want to bring your attention to the linked standard that applies to use of such equipment. https://www.sccfd.org/images/documents/fire_prevention/standards/SDS_SI-8_StandardsStorageUse_PortableLiquGasElectricalOutdoor_Heaters_112320.pdf

15. Portable fire extinguishers were noted on site, but not validated as to size, servicing or placement. Review all portable fire extinguishers to ensure they meet the minimum requirements of the CFC, with respect to size, location, rating and mounting.

16. Several LP (propane) containers were noted in photographs from my site visit. All LP containers are required to be stored/used in accordance with Chapter 61 of the California Fire Code. Please review your storage of full and empty LP containers and show how they are to be stored in an approved fashion.

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It is the opinion of the Fire Department that the un-permitted building should not be used for any purpose, until such time as it has been subject to plan review, permit and inspection approval process. The concerns above must be addressed even for limited use of the tasting area, as is being considered by the City of Saratoga. If the City does not approve limited use of the tasting area, reasonable fire department access and water supply still must be provided for the building that has been constructed without permits.

The following comments apply to specific content of plans submitted for review:

3. A-1 Building design plans shall include an egress analysis for the structure sufficient to represent compliance with all applicable provisions of CBC Chapter 10. Building design shall be sufficient to demonstrate compliance with all associated requirements.
4. C-1 / C-2 – Provide all dimensions and details sufficient to validate fire department access requirements, as previously stated, and indicated below.
5. A-12 – Fire sprinkler plans have not been reviewed for compliance, and are insufficient for review. Fire sprinkler design shall be supported by an approved underground fire service main, and hydraulic calculations to support the system design. No fire sprinkler system installation permit may be issued prior to approval of a building permit for the structure.

The following comments include general requirements applicable to the proposed construction. Plans subject to review shall be sufficient to confirm compliance, as applicable:

6. **Wildland-Urban Interface:** This project is located within the designated Wildland- Urban Interface Fire Area. The building construction shall comply with the provisions of California Building Code (CBC) Chapter 7A. Note that vegetation clearance shall be in compliance with CBC Section 701A.3.2.4 prior to project final approval. Check with the Planning Department for related landscape plan requirements.
7. **Fire Apparatus Access Required:** Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet D-1. CFC Sec. 503. See below for PRC 4290 requirements which may supersede these criteria.

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8. **Fire Hydrant Systems Required:** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, onsite fire hydrants and mains shall be provided. Fire hydrant shall support a fireflow of 1,500 gallons per minute at 20 psi residual pressure for 2 hours. Show means of providing required fireflow from an approved fire hydrant.

Provide documentation from a local water purveyor confirming the required fire flow of 1000 GPM @ 20 psi residual from a fire hydrant located within 400' of the farthest exterior corner of the structure is required. Fireflow letter shall be provided before building permit approval.

9. **Address identification.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec 505.1

The following comments result from California legislation, per California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08:

10. **** Width:** (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250. (c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6"). California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Articles 1-5, § 1273.01.

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11. **** Road Surfaces:** (a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. (c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.02.
12. **** Grades:** (a) At no point shall the grade for all roads and driveways exceed 16 percent. (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.03
13. **** Radius:** (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet. (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet. California Code of California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.04.
14. **** Turnaround:** (a) Turnarounds are required on driveways and dead-end roads. (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length. (c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building. (d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320-foot intervals. (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes. California Code of California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.05.

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15. **** Dead-end Roads:** (a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served: parcels zoned for less than one acre - 800 feet. Parcels zoned for 1 acre to 4.99 acres - 1,320 feet. Parcels zoned for 5 acres to 19.99 acres - 2,640 feet. Parcels zoned for 20 acres or larger - 5,280 feet. All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply. (b) See 14 CCR § 1273.05 for dead-end road turnaround requirements. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Articles 1-5, § 1273.08.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

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August 23, 2021

City of Saratoga
Community Development Department
13777 Fruitvale Avenue
Saratoga, CA 95070

Email: dpedro@saratoga.ca.us; jstyczynski@saratoga.ca.us; building@saratoga.ca.us

Project: House Family Vineyard
Address: 13336 (13340) Old Oak Way
Application #: 21-1743

4LEAF, INC. has completed the first plan review of the below listed documents on behalf of the City of Saratoga's Community Development Department:

1. Plans: One (1) set Total Number of Sheets in Set (14)

Architectural Sheets dated 08.03.21 by MV Architect

Structural Sheets dated 04.02.13 by AKC Engineering

The basis of the review is the following 2019 California Building Code (CBC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code (CEnC) (2019 Building Energy Efficiency Standards), 2019 California Green Building Standards Code (CALGreen) and City of Saratoga Ordinances.

Please note that 4LEAF, INC.'s plan review is limited only to the provisions regulated and enforced by the Building Inspection Division. **Please contact all Divisions/Departments for their review comments. Please do not return plans until all comments from all applicable divisions/departments have been addressed.**

The building plan review comments are attached.

Respectfully Submitted,

David J. Rashé
Plans Examiner, CASp 213

Re: The following shall be verified by the architect.

Occupancy:	A-2, B
Type of Construction:	VB
Sprinklers:	Yes
Stories:	1
Floor Area (s.f.):	A-2=1,200; B=125
WUI:	Yes

INSTRUCTIONS:

- A. Please resubmit **two (2) complete** sets (Note: provide (3) sets if the project requires a separate review of the grading and drainage plans by the City) of revised plans and/or documents to –
- City of Saratoga Building Department
ATTN: Permit Technician
13777 Fruitvale Avenue
Saratoga, CA 95070
- B. All new plans shall have a **wet signature** of the designer or the **registration number, expiration date and wet signature** of the responsible professional (architect, engineer, etc.) on all sheets. (Electronic signatures are acceptable only when pre-approved by the building official, typically only for revisions to approved plans.)
- C. Provide an **itemized list** which clearly indicates how each review comment(s) is addressed and the specific location on the plans, specifications or calculations where the correction(s) is provided. Include on the **itemized list** any changes to the plans or previously submitted documents that are not the result of the plan check correction process. Changes made to the plans not a result of responses to the plan review comments may result in additional comments on future rounds.

GENERAL COMMENTS:

- G1. Upon resubmittal, if any changes have been made to the plan documents unrelated to those items identified in the comment lists, please list the changes on a separate sheet and include in your submittal documentation.
- G2. Please provide contact information for engineer of record on plans.
- G3. Site Management:
- Construction site shall be enclosed by 6' opaque fence at all times during construction.
 - No Construction material, equipment, portable toilets, trash containers, or debris shall be placed in the public right-of-way.
 - A trash container shall be maintained on site at all times and debris on site which could otherwise blow away, shall be regularly collected and placed in container.

- d. All construction debris (wood scraps and other debris, which cannot blow away) shall be piled within the property lines of the project in a neat and safe manner.
 - e. The project shall have a signage viewable from the public street that indicates the hours of construction as: Mon- Fri, from 7:30 am to 6 pm, Saturdays from 9am to 5 pm.
- G4. Provide the following:
- Incorporate a complete and valid (signed) Planning Commission Design Review Resolution into the submitted plan sets.
 - Incorporate a complete and valid Planning Department Design Review Approval Resolution into the submitted plan sets. A resolution is valid only when it includes all the required signatures. *Comply with all Conditions Of Approval.
 - Prior to issuance of the Building Permit a sanitary sewer hookup permit (or clearance letter) must be obtained and a copy of the permit must be submitted to the Building Department.
 - Submit a storm water retention/management plan as requested in DR Resolution. The City of Saratoga recommends the reference “Start at the Source” as a guideline for residential site planning. The Bay Area Stormwater Management Agencies Association (BASMAA) (510-622-2465) produces this reference and it is available online at: <http://www.scvurppp.org/>
 - Provide a Best Management Practices (BMP) sheet, to manage storm water drainage during construction, into the plan set.
 - Include the complete arborist’s report in the plans as separate plan sheet(s). Also, show all recommended tree protection at the site plan and grading plan.
- G4. Note on the site plan or cover sheet: “Prior to any grading, scraping or trenching within/under the canopy of a protected tree, a certified arborist shall be retained to provide supervision and recommendations to minimize possible damage to the tree. The proposed trenching shall then be approved by the City of Saratoga Planning Department prior to commencing digging. The City of Saratoga Arborist is: Kate Bear, (408) 868-1276.”
- G5. Show all utilities (new and existing) on site plan, including sanitary sewer. Indicate the locations of all trenching that will be required at the site.
- G6. Show locations of existing and new AC units at electrical/mechanical plan and site plan. (New units are not to be located in minimum setback side yards.)
- G7. Note on the site plan: “All electric lines, communication lines and appurtenances, including all public utility, CATV and telegraph systems, shall be located and installed underground.”
- G8. Height being a critical issue in Saratoga, the following note shall be included on plans: “Registered Civil Engineer or Licensed Land Surveyor shall certify height of building does not exceed 26 feet. The written certification shall be submitted to the Building Official prior to roof sheathing inspection and shall take into account the added height with the installation of the roofing materials and underlayment.

- G9. The project site is located within the Wildland-Urban Interface (WUI) zone. All new construction must comply with the CA Building Code (CBC) Chapter 7A. Complete the provided WUI checklist and include in the plan sets as a separate plan sheet. Include any Fire Protection Comments on the same sheet. Include a listing for the sheet at the sheet Index, on the cover sheet, for “Fire Protection Requirements”. Specifications and details throughout the plans must show compliance to CBC Chapter 7A (WUI Code).
<https://www.google.com/maps/d/viewer?mid=1N4pwm9kxm27zdxO7axKcGmGAV48&ll=37.25425536294755%2C-121.9870785&z=11>).
- G10. Include the following note on the site plan and the foundation plan: Excavation cuts exceeding 5 feet typically require a DOSH permit. All excavations must conform to applicable OSHA and CAL-OSHA requirements. Contact California Department of Occupational Safety and Health (DOSH) for information about required permits. DOSH's local office: (510) 794-2521
- G11. Cover sheet to indicate the soil report title, date, address, telephone number and consultant's name/firm.
- G12. Geotechnical engineer to review grading/drainage and storm water management plan. Submit a letter (two wet-signed and stamped copies) from the Geotechnical Engineer or Civil Engineer who prepared the soil investigation stating that the grading, drainage and storm water retention plan conforms to the recommendations made in the geotechnical report
- G13. Prior to final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, and associated site work substantially conform to the approved plans, specifications, and investigation.

ARCHITECTURAL COMMENTS:

Note: As an undocumented existing structure constructed without permits, the code requires legalization to comply with the current adopted edition of the California Building Codes. The subsequent plan review has been performed for new construction.

- A1. According to sheet G0.1, this project has been designed to the 2010 California Building Codes. Revise the Code references on the cover sheet to include the following missing codes: 2019 California Building Code (CBC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code (CEnc), and 2019 California Green Building Standards Code (CALGreen).
- A2. Update all plans to meet the current 2019 California Building Codes.
- A3. This project has been identified to be in the “Very High” Fire Hazard Severity Zone. Special attention is needed in the application of 2019 California Building Code (2019 CBC), Chapter 7A-Material and Construction Methods for Exterior Wildfire Exposure. All

elevations, construction details, text, callouts, etc. should indicate compliance with **[2019 CBC, Chapter 7A]**. Reconcile plans. See General Comments G9.

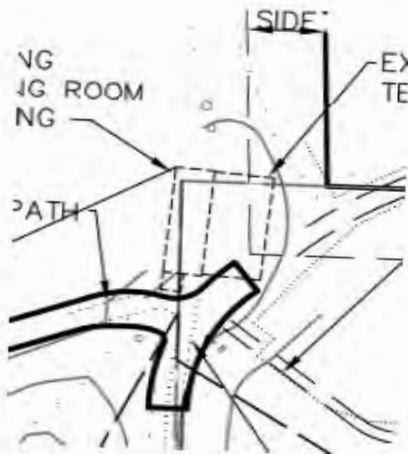
- CBC 707A.9, "Underside of appendages" is amended to always apply, rather than only apply when required by the enforcing agency. **[SMC 16-15.050]**
- Accessory structures shall be constructed of noncombustible or ignition-resistant materials as described in California Building Code Section 704A.2. (The exceptions allowing non-combustible construction were deleted.) **[SMC 16-15.055]**

A4. Please provide a cover sheet with the following:

- Project Description/Scope of Work
- Code analysis to include:
 - Occupancy Classification(s). **[2019 CBC, Chapter 3]**.
 - Allowable Height and Area Calculations. **[2019 CBC, Chapter 5]**.
 - Type of Construction Analysis. **[2019 CBC, Chapter 6]**.
 - Fire and Smoke Protection Analysis. **[2019 CBC, Chapter 7 and 7A]**.
 - Exiting Distance, Number of Exits, Exit Width Requirement Calculations. **[2019 CBC, Chapter 10]**. Please provide an exiting plan.
 - Plumbing Fixture Analysis and Calculations. **[2019 CPC, Chapter 4]**.

A5. The wine tasting deck and the office appear to be separate structures. In the analysis requested in the above comment, please provide plans and details showing required fire separation or the justification that the structures are to be considered a single building.

A6. On the site plan; sheet C-1, please correct the plan as it shows the location of the turnaround under the structure. It is also different than the enlarged site plan on sheet C-2. Please coordinate plans.



A7. See comment P1 for redesign of restrooms.

A8. Please provide an architectural detail of the guard(s) as the structural detail does not show the height of the guard. The structural details are mostly generic in nature, please provide architectural details.

- A9. Please fully dimension the floor plan and elevations.
- A10. At the open side of the deck, what the exterior element it serves.
- A11. Provide pipe and electrical fire rated floor and wall penetration details.
- A12. Ensure all plans are properly sealed and signed per instruction B.

ACCESS COMMENTS:

- AC1. Please show the following access elements in planview and detail.
- Parking
 - Pedestrian Access from the public way. If there is no pedestrian access from the public right of way then please provide/show accessible drop off.
 - Path of travel from accessible parking and drop off to the facility, office, and restrooms adjacent to the office.
 - All doors and thresholds.
 - Sales/Service counter
 - Signage
 - Ramps
 - Restrooms and provide interior elevations
 - Reach ranges.
 - Toe and knee clearance. (Sales and service Counter, restroom sinks.
 - Clear floor space at sales and service counter and plumbing fixtures.
 - Hazardous warnings
- AC2. The two restrooms adjacent to the office are not accessible. Please provide a redesign showing fully accessible, gendered restrooms. See comment P1.

ENERGY COMMENTS:

- En1. Newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable; and shall be an Electrically Heated Building as defined in Section 100.1(b). **[SMC 16-51.015]** Electrically Heated Building: is a building that uses an electric heat pump(s) for space heating and an electric heat pump water heater(s), and that does not use natural gas for either space or water heating. The cooking appliances, fireplaces, and clothes drying appliances may utilize natural gas but the locations of these appliances must additionally be wired for future use of electric appliances pursuant to section 100.0(c)(2)(F). Electrically Heated Buildings may include thermal solar pool heating.
- En2. For all Other Gas Equipment, the location of the appliance shall be pre-wired for future electric equipment. **[SMC 16-51.015.4]** Exception to 100.0(e)(2)(F)(4): if gas or propane plumbing is not installed for other gas equipment, these requirements do not apply.
- En3. Energy calculations have not been provided. Using Climate Zone 4, provide and reproduce Energy Calculations into the plan set.

GREEN BUILDING COMMENTS:

- GB1. Please provide the CGBSC checklist for non-residential buildings. References to specific sheets are not required.

MECHANICAL COMMENTS:

- M1. Provide mechanical plans for the office and restrooms. If the open air deck has HVAC then please provide also.

PLUMBING COMMENTS:

- P1. Because a code analysis has not been provided, it cannot be determined what the occupant load is for the A-2 and B occupancy. According to [2019 CPC, 422.2], the use of a unisex or single restroom is limited to occupancies with 10 or less. A conservative (15sf/occ), rough calculation indicates the A-2 occupancy has an occupant load of around 80. **[2019 CBC, Table 1004.5]**. Unisex restrooms cannot be utilized unless in excess of the required separately gendered restrooms. A redesign is necessary.
- P2. Provide plumbing and gas plans. Water and gas pipe sizing & schematics are required. Be sure and include hose-bibbs and drinking fountains.
- P3. If the water heater under the deck in the elevation plan is open air, please provide details showing pad, seismic tie downs, how it is insulated and protected from weather and pests, water pipe into structure, etc.

ELECTRICAL COMMENTS:

- E1. No electrical plans have been provided. Provide electrical plans to include Electrical load calculations and panel schedules. Show location of main or subpanels and service disconnect.
- E2. If the electrical service located under the deck in the elevation is pedestal mounted then please show in the elevation.

STRUCTURAL COMMENTS:

- S1. Please complete the City of Saratoga Special Inspection and Testing Agreement. Ensure all signatures are provided and include two (2) copies of the Special Inspection Form with resubmittal package. The form is available here:
<https://www.saratoga.ca.us/DocumentCenter/View/1424/Special-Inspection-Testing-and-Agreement>
- S2. Please specify on plan the design loads and other information pertinent to the structural design **[CBC 1603.1]**
- a) Floor and roof live loads **[CBC 1603.1.1 and CBC 1603.1.2]**.
 - b) Wind design data **[CBC 1603.1.4]**.
 - c) Earthquake design data **[CBC 1603.1.5]**.

d) Geotechnical information **[CBC 1603.1.46]**.

- S3. Sheets A-1: Please submit a soils report and must address the soil lateral movement, slope stability and lateral capacity of drilled piers. The report must be stamped, wet” signed by a California registered Professional Engineer, with registration number and expiration date.
- S4. Sheet G0.1: Please revise the code references on the cover sheet to the following:
2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code (CEnC), and 2019 California Green Building Standards Code (CALGreen).
- S5. Sheets S0.1: Please specify on plan the lateral resisting force structural system below the first level from for wind and seismic forces in both directions. Provide calculations.
- S6. Sheets S0.1: Please add foundation notes and specify the geotechnical parameter used to resist sliding forces in both directions.

Structural Calculations

No Calculations:

No structural calculations were submitted. Please expect extensive comments on the next check due to the delayed provision of the necessary calculations.

- SC1. Please provide a full set of structural calculations, including lateral system for seismic and wind loads, based on CBC 2019. Calculations must be stamped, wet” signed by a California registered Professional Engineer, with registration number and expiration date.

If you need clarification or have any questions regarding the above Architectural, Access, and EMP plan review comments, please contact **David J. Rashé** (drashe@4LEAFINC.com) of 4LEAF, Inc. at (925) 462-5959.

If you need clarification or have any questions regarding the above Structural plan review comments, please contact **Beng Low** (bhlow@4LEAFINC.com) of 4LEAF, Inc. at (925) 462-5959

[END]



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

Mary-Lynne Bernald

Kookie Fitzsimmons

Rishi Kumar

Tina Walia

Yan Zhao

October 4, 2021

DAVID HOUSE
13340 OLD OAK WAY
SARATOGA, CA 95070

Subject: **NOTICE OF VIOLATION – Planning & Building Permits Required**
APN: 503-15-079, 503-15-080, Case # CE20-0185

Dear Mr. House,

The City of Saratoga's Code Enforcement Division received a complaint concerning the operation of a wine tasting room without the benefit of a permit for that use. On July 7, 2021, City of Saratoga Planning and Building staff along with Santa Clara County Fire staff were invited to the property to evaluate the site, access and a structure (tasting deck, restrooms, office) which was built without permits. As-built plans were subsequently submitted to the City.

Based on the as-built drawings submitted, the structure and site are deficient with regards to accessibility and compliance with Chapter 7A which concerns projects constructed in the Wildland-Urban Interface (WUI). The plans are also noncompliant with regards to compliance with the Plumbing, Mechanical, Electrical, Energy and Green building codes. The plans were not approved by Santa Clara County Fire citing access, fire sprinkler and Chapter 7A deficiencies. Santa Clara County Fire stated that "it is the opinion of the fire Department that the un-permitted building should not be used for any purpose until such time as it has been subject to plan review, permit and inspection approval process"

VIOLATIONS:

SMC Section 16-05.010 – COMPLIANCE WITH CHAPTER

It shall be unlawful and a misdemeanor for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any permanent, temporary or portable building or structure in the City, or cause the same to be done, or to engage in any excavating or grading, or cause the same to be done, except as provided in this Chapter and the codes adopted by this Chapter.

SMC Section 16-05.050(a) – VIOLATIONS AND PENALTIES

Every person, as principal, agent or otherwise, who violates, or fails, neglects or refuses to comply with any provision of this Chapter, or any code adopted by this Chapter, shall be deemed guilty of a misdemeanor and shall be subject to all of the penalty and enforcement provisions as set forth in Chapter 3 of this Code.

CALIFORNIA BUILDING CODE – SECTION 115

STOP WORK ORDER

115.1 Authority. Where the building official finds any work regulated by this code performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work shall be permitted to resume.

115.3 Unlawful Continuance

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

ORDER TO CORRECT VIOLATIONS

- 1) **Until such time that a conditional use permit is approved,** the structure should be secured and made inaccessible by patrons, staff, or owners. Once secured, an inspection and approval shall be obtained by Santa Clara County Fire Staff and the Saratoga Building Official approving the securing method.
- 2) **If a conditional use permit is granted,** approvals shall be required from Santa Clara County Fire and Saratoga Planning and Building departments and a permit issued to bring the structure into full compliance with all applicable codes.
- 3) **If a conditional use permit is not granted** a permit must be obtained from the Saratoga Building Department to abate the structure and restore the area to its original condition.

Please contact me directly if you have any questions at 408-868-1228 or via email at kweiner@saratoga.ca.us.

Sincerely,

Keith Weiner
Building Official



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

Mary-Lynne Bernald

Kookie Fitzsimmons

Rishi Kumar

Tina Walia

Yan Zhao

March 31, 2022

DAVID HOUSE
13340 OLD OAK WAY
SARATOGA, CA 95070

Subject: **WARNING NOTICE – Planning and Building Permits Required**

APN: 503-15-079 & 503-15-080

Case # CE20-0185

Dear Mr. House,

Code Enforcement has received several complaints regarding the ongoing unpermitted commercial winery business, the unpermitted construction of a structure (tasting deck, restrooms, office) and a prohibited fence installed on the hillside north of Old Oak Way on the properties of assessor's parcel numbers 503-15-079 & 503-15-080 in the City of Saratoga.

In addition, on October 4, 2021 Building Official Keith Weiner, mailed a Notice of Violation letter, that stated and required "the unpermitted structure be secured and made inaccessible by patrons, staff or owners. Once secured, an inspection and approval shall be obtained by the Santa Clara County Fire Staff and the Saratoga Building Official". To date, the inspection of the secured unpermitted structure has not occurred.

On the following day of October 5, 2022 Community Development Director Debbie Pedro also mailed a letter that advised the unpermitted structure was not safe to occupy and that all public winery operations must cease immediately until a Conditional Use Permit has been approved. To date, public winery operations have continued in violation of the Saratoga Municipal Code.

As a result, this Warning Letter shall serve as a reminder that all public winery operations must cease immediately. The unpermitted structure must be secured to prevent access and an inspection must be conducted to ensure the structure is not accessible or occupied.

VIOLATIONS:

SMC Section 3-05.010(a) – Violations as Misdemeanors or Infractions

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code, or any other ordinance of the City, or any rule, regulation or order promulgated or issued pursuant to this Code, or the provisions of any code adopted by reference by this Code, or any condition of an approval, permit or license granted pursuant to this Code. Any person violating any of such provisions or failing to comply with any of such requirements shall be guilty of a misdemeanor or an infraction if so specified. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by such person, and shall be punishable accordingly.

SMC Section 15-05.040 – COMPLIANCE WITH REGULATIONS

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved, or used in any district as shown on the zoning map except in conformity with the regulations for such district as established in this Chapter.

SMC 15-20.030 (i) Conditional Uses

The following conditional uses may be allowed in the R-OS district, upon the granting of a use permit pursuant to Article 15-55 or Article 15-56 of this Chapter:

Wineries which may include conference facilities designed to accommodate no more than fifty guests with no overnight accommodation.

SMC 15-29.020 (b) Fencing Within Hillside Districts.

In addition to the regulations set forth in Section 15-29.010 of this Article, fences located within an HR or R-OS district shall comply with the following regulations:

Fencing outside area of enclosure. Except for fencing which constitutes part of a corral or fencing required by the Building Code for swimming pools, fencing outside the area of enclosure shall not exceed three feet in height, and shall be split rail fencing, stone wall, or stucco.

SMC Section 16-05.010 – Compliance with Chapter

It shall be unlawful and a misdemeanor for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any permanent, temporary or portable building or structure in the City, or cause the same to be done, or to engage in any excavating or grading, or cause the same to be done, except as provided in this Chapter and the codes adopted by this Chapter.

VIOLATIONS CONT:

SMC 16-05.050 Violations and Penalties.

- (a) Every person, as principal, agent or otherwise, who violates, or fails, neglects or refuses to comply with any provision of this Chapter, or any code adopted by this Chapter, shall be deemed guilty of a misdemeanor and shall be subject to all of the penalty and enforcement provisions as set forth in Chapter 3 of this Code.
- (b) In addition to other penalties for the violation of any provision of this Chapter, or any code adopted by this Chapter, any building or other structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied, or maintained contrary to the provisions of this Chapter, or any use of any land, building or structure conducted, operated or maintained contrary to the provisions of this Chapter, or any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and may be summarily abated as such. In addition, the City Attorney shall, upon order of the City Council, immediately commence action or proceeding for the abatement and removal or enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary or appropriate to abate and remove any such building, structure, condition or use constituting a public nuisance and to restrain and enjoin any person from erecting, constructing, enlarging, altering, repairing, moving, maintaining or using such building or structure, or using any property in the City, contrary to the provisions of this Chapter.
- (c) The remedies provided for in this Section shall be cumulative and not exclusive.

SMC Section 16-15.010 (a) Adoption of 2019 California Building Code

The 2019 California Building Code, Title 24, Part 2, Volume 1 and 2, including appendices F and I, referred to throughout this Chapter as the "Building Code," is hereby referred to and, except as to additions, deletions and amendments hereinafter described, such code is hereby adopted and made a part hereof, the same as if fully set forth in this Article, and shall be the Building Code of the City. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the Building Code are reasonably necessary because of local climatic, geological, or topographical conditions are either already on file with the California Building Standards Commission or will be filed prior to the effective date of the ordinance codified in this Article.

2019 California Residential Code

R105.1 Permits Required

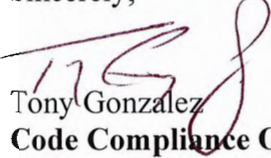
Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

ORDER TO CORRECT VIOLATIONS

- 1) Immediately cease all public winery operations including wine tastings and events until a Conditional Use Permit has been issued and approved, AND**
- 2) Immediately cease use of the unpermitted structure (tasting deck, restrooms, office) and secure to prevent access, AND**
- 3) On or before April 16, 2022, contact the Building Official Keith Weiner at 408-868-1228 or at kweiner@saratoga.ca.us to schedule an inspection of the secured unpermitted structure, AND**
- 4) On or before April 30, 2022, remove the prohibited fence on the hillside.**

Please contact me directly if you have any questions at 408-868-1230 or via email at tgonzalez@saratoga.ca.us.

Sincerely,



Tony Gonzalez
Code Compliance Officer



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

Mary-Lynne Bernald

Kookie Fitzsimmons

Rishi Kumar

Tina Walia

Yan Zhao

April 11, 2022

CERTIFIED & FIRST-CLASS MAIL
EMAIL
POSTED ON PROPERTY

DAVID HOUSE
13340 OLD OAK WAY
SARATOGA, CA 95070
dave@davehouse.com

Subject: **House Family Vineyards Second Notice of Violation and
Notice & Order to Abate Public Nuisance**

Subject Property Address: **13336 Old Oak Way** APN: **503-15-079 & 503-15-80**

Dear Mr. House,

The City of Saratoga's Code Enforcement Division has received numerous and on-going complaints regarding the nuisance conditions at the subject property. Investigation of the complaints in 2021 and 2022 confirmed that the public winery operation and the use of the unpermitted structure (tasting deck, restrooms, office) on the subject property meet the definitions of a public nuisance and a dangerous building as defined in Saratoga Municipal Code Sections 3-01.020 – Definitions Public Nuisance and Article 16-45- Abatement of Dangerous Buildings Code.

This letter shall serve as a Notice of Violation and as a Notice and Order to Abate a Public Nuisance.

CONDITIONS OBSERVED

The subject property is located in a Hillside Residential Zoning District. The subject property is currently being used as an unpermitted commercial winery, open to the public, that includes wine tasting and the hosting of special events without the required approval of a Conditional Use Permit. The unpermitted winery has an active website that allows the public to obtain information regarding upcoming events and to make reservations to visit the subject property.

In addition, on July 7, 2021, City staff, along with Santa Clara County Fire staff inspected the unpermitted structure that included a tasting deck, restrooms, and an office. On this same day, the Santa Clara County Fire staff stated, "it is the opinion of the Fire Department that the unpermitted building should not be used for any purpose until such time as it has been subject to plan review, permit and inspection approval process." This statement was made based on the fact the site and

the structure are deficient with regards, to the accessibility and compliance with Chapter 7A which regulates projects constructed in the Wild-Urban Interface (WUI), property access, and the lack of approved fire sprinklers. Similarly, Building Division staff concurred that the unpermitted building should be secured to prevent access or use. Building Division staff based their concerns on the fact that the unpermitted structure does not comply with the current adopted California Building Codes.

On October 4, 2021, the City of Saratoga Building Official Keith Weiner issued a Notice of Violation letter detailing the Santa Clara County Fire Department's and Building Division's concerns on the subject property. The letter also required you to secure the unpermitted structure to prevent access and to schedule an inspection to confirm the unpermitted structure cannot be accessed.

On October 5, 2021, the City of Saratoga Community Development Director mailed you a letter advising the unpermitted structure was not safe to occupy and that all public winery operations must cease immediately until a Conditional Use Permit has been approved.

On March 31, 2022, the City of Saratoga Code Compliance Officer mailed a letter reiterating the order to correct the violations, that all public winery operations must cease immediately, and provided a deadline of April 16, 2022 for you to contact the Building Official to schedule an inspection of the secured unpermitted structure. Since the March 31, 2022 letter, the City has received additional complaints that wine tasting and events continue despite the City's demand to cease public winery operations and use of the unpermitted structure which is not to code and is unsafe.

On April 9, 2022, Code Enforcement received a complaint that the unpermitted winery was currently open for business and allowing a large number of patrons to enter the premises. On this same day, I responded to the subject property. Upon arrival, I observed two unidentified individuals directing incoming vehicles where to park and patrons to the entrance of the unpermitted winery and approximately, 20-30 vehicles parked along the road leading to the winery. Inside the winery, I observed approximately 40-50 patrons consuming food and drinking wine. The patrons observed were inside the unpermitted structures and on the exterior deck in front of the unpermitted structures. In addition, I also observed approximately five to seven uniformed employees attending the patrons and pouring wine.

All above-described conditions render the property and unpermitted structure unsafe and a hazard to the life, health, property, and safety of the public. The building official has determined all structures described above meet the definition of "dangerous buildings," as further defined, below.

DETERMINATION OF PUBLIC NUISANCE & VIOLATIONS OF CITY CODE

As defined by Saratoga Municipal Code Section 3-01.020, 'Nuisance' means any violation of any provisions of the Code. Any such violation shall constitute and is declared to be a public nuisance.

ABATEMENT OF DANGEROUS BUILDINGS CODE (amended and adopted by the City of Saratoga Municipal Code section 16-45.010)

Saratoga Municipal Code Section 16-45 contains procedures and standards by which the City may determine a structure warrants nuisance abatement. According to these provisions, "It shall be unlawful for any person . . . to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish equip, use, occupy or maintain any building or

structure or cause to permit the same to be done in violation of Article 16-45 of the City Code.” (Uniform Code for the Abatement of Dangerous Buildings (1997 Ed.), as amended and adopted by the City of Saratoga [“Abatement of Dangerous Buildings Code”] § 203.) City Code section 16-45.030 further provides:

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified Section 401 of the Abatement of Dangerous Buildings Code. As an alternative or in addition to such procedure, the building official or other employee or official of this jurisdiction may institute any other appropriate action to prevent, restrain, correct or abate the public nuisance.

According to Section 302 of the Abatement of Dangerous Buildings Code:

any building or structure which has any or all of the conditions or defects [described in the Abatement of Dangerous Buildings Code] shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent the life, health, property or safety of the public or its occupants are endangered.

The building official may determine a building is a dangerous building according to the conditions set forth in Section 302, including, but not limited to, the following:

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) **faulty construction**; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. **Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.**
13. Whenever the building or structure has been constructed, exists or **is maintained in violation of any specific requirement** or prohibition applicable to such building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code or Housing Code, or any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) **fire-resisting qualities or characteristics**, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, **lack of sufficient fire-resistive construction**, faulty electric wiring, gas connections or heating apparatus, or other cause, **is determined by the fire marshal to be a fire hazard.**
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

In addition, per Section 302(13) of the Abatement of Dangerous Buildings Code, your violation of Saratoga Municipal Code Section 15-20.030(i) regarding Conditional Uses states that a Conditional Use Permit is required for the operation of a winery. This information was conveyed to you in an October 5, 2021 letter from the City of Saratoga Community Development Director Debbie Pedro. This second letter also stated specifically that “all public winery operations, including wine tasting and events on parcels 503-15-079 and 513-15-080 must cease immediately.”

ORDER TO CORRECT VIOLATIONS AND ABATE PUBLIC NUISANCE

For the reasons described, above, the building official has determined the conditions of the structures described, above, render these buildings dangerous and a public nuisance under the provisions of the City Code, including Article 16-45, the Abatement of Dangerous Buildings Code, such that maintaining these structures in their current state endangers the life, health, property and safety of the public and any occupants of these structures. Per Section 401.2(3) and at the direction of the building official, you are hereby directed to correct all violations and abate the public nuisances occurring on your property by:

- 1) **Immediately cease** all public winery operations, wine tasting and events on the subject property until an approved Conditional Use Permit and proper Building permits have been issued.
- 2) **Immediately secure** the unpermitted building that includes the tasting deck, restrooms and office until approved Building Permits have been issued and a Final has been obtained. Provide access to the building official and Santa Clara County Fire Department to ensure that the building is adequately secured.
- 3) Remove the prohibited fence on the hillside located east of the entrance to 13330 Old Oak Way.

You shall be responsible to obtain all required permits.

ADMINISTRATIVE CITATION & PUBLIC NUISANCE ABATEMENT

If any of the required abatement action deadlines listed above are not met, you may be subject to Administrative Citations, pursuant to Article 3-30 in the City Code, or any other remedy available to the City for each of the violations described above.

Administrative Citation	
First Violation:	\$100 fine per day and per violation
Second Violation:	\$200 fine per day for violation of the same ordinance within one year from the date of first violation
Subsequent Violations:	\$500 fine per day for each additional violation of the same ordinance within one year from the date of the first violation
Late Payment Penalties:	Within 30 days after due date - 10% of the amount due Exceeding 30 days after due date - Additional 10% of amount due for each month thereafter, with penalty not to exceed 100% of amount due
<i>Separate fines apply for each separate violation. Fines shall be made payable to the City of Saratoga, 13777 Fruitvale Avenue, Saratoga CA 95070</i>	

NOTICE RECORDED ON TITLE

Your failure to comply with all requirements and deadlines established in the Notice of Violation, will cause the City to record a Notice of Violation on the title of the subject property. This action would be in addition to any other rights, remedies or actions available to the City through the City Code and/or state laws.

APPEAL

You or any person with any record title or legal interest in the property may appeal this notice and order or any action of the City Manager to the City's Hearing Officer provided that the appeal fee is paid and the appeal is made in writing and filed with the City Manager's Office **no later than Wednesday, May 11, 2022, thirty (30) days from the date of service of the notice being appealed.** If an appeal is successfully filed with the City, the City shall notify the appellant(s) of the date, time, and location of the hearing on the appeal. If no appeal is filed, all rights to an administrative hearing and determination of the matter will be waived and the order and determinations of the building official described herein will become final. After any order of the building official or Hearing Officer becomes final, no person to whom any such order is directed shall fail, neglect, or refuse to obey such an order, and the building official may institute any appropriate action to abate such building as a public nuisance.

FAILURE TO COMPLY WITH THIS NOTICE AND ORDER

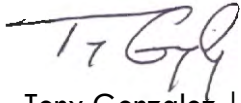
Failure to comply with this Notice and Order, or with any of the deadlines established within this Notice and Order may result in enforcement actions, including, but not limited to, administrative nuisance abatement, civil penalties, revocation of permits, withholding of future municipal permits, or the filing of a judicial action. Per Saratoga City Code Article 3-15- Administrative Nuisance Abatement Procedure, the City may proceed to cause any work ordered to be performed herein to be completed and charge the costs thereof against the owner(s) of the property. **Such work may include, but is not limited to, securing the unpermitted building(s) to prevent public use and entry.**

COLLECTION OF COSTS BY THE CITY

Any costs of abatement work commenced by City Manager to address the violations may be charged against the parcel or its owner as a lien against the parcel and/or as a special assessment and that such property may be sold after three years by the tax collector for unpaid delinquent assessments and the City Manager may record the lien and/or special assessment against the property in the office of the County Recorder and such remedy shall be in addition to any other rights, remedies or actions available to the City by reason of the same violation as described in the notice and order.

Your anticipated cooperation and compliance are greatly appreciated. Please feel free to contact the Building Official with any questions at 408.868.1228 or by email at kweiner@saratoga.ca.us

Sincerely,

A handwritten signature in dark ink, appearing to read 'T. Gonzalez', with a stylized flourish at the end.

Tony Gonzalez | Code Compliance Officer
408.868.1230 | tgonzalez@saratoga.ca.us



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

Mary-Lynne Bernald

Kookie Fitzsimmons

Rishi Kumar

Tina Walia

Yan Zhao

April 19, 2022

CERTIFIED & FIRST-CLASS MAIL
POSTED ON PROPERTY

DAVID HOUSE
13340 OLD OAK WAY
SARATOGA, CA 95070
dave@davehouse.com

Subject: **House Family Vineyards Third Notice of Violation and
Notice & Order to Abate Public Nuisance Regarding Unpermitted
Kitchen Structure**

Subject Property Address: **13336 Old Oak Way** APN: **503-15-079 & 503-15-80**

Dear Mr. House,

This Notice of Violation addresses new information and new violations not included in the Second Notice of Violation and Notice and Order to Abate Public Nuisance issued April 11, 2022. As explained in that notice, the City of Saratoga's Code Enforcement Division has received numerous and on-going complaints regarding the nuisance conditions at the subject property. Investigation of the complaints in 2021 and 2022 confirmed that the property use and the use of the unpermitted structures on the subject property meet the definitions of a public nuisance and a dangerous building as defined in Saratoga Municipal Code Sections 3-01.020 – Definitions Public Nuisance and 16-45- Abatement of Dangerous Buildings Code. This Notice of Violation concerns (1) failure to properly secure the tasting deck as directed in the March 31, 2022 Warning Notice and the April 11, 2022 Second Notice of Violation and Notice and Order to Abate Public Nuisance, and (2) the existence of an unpermitted and unsafe kitchen structure as described in more detail below.

This letter shall serve as a Third Notice of Violation and as a Notice and Order to Abate a Public Nuisance.

CONDITIONS OBSERVED

On April 16, 2022 Rob Campbell, the Santa Clara County Fire Department's Assistant Fire Marshall, and I, the City's Chief Building Official, inspected the unpermitted structure that included a tasting deck, restrooms, and an office to verify that it was secured as per the Warning Notice sent to you by the Code Compliance Officer, Tony Gonzalez. I determined that the tasting deck was not adequately secured as required. I discussed this issue further with James Cargill, and he

agreed that the tasting deck, restroom and office will be permanently secured and that electrical power will be disconnected via an electrical circuit breaker lock out device. The City will conduct a further inspection on April 22, 2022 to verify that the building has been adequately secured.

While on site we requested and were granted permission to enter and inspect a steel (shipping) container with an exhaust hood and air conditioning unit that appeared to be set up as a kitchen. I asked if this was a kitchen, and I was told that it was and that it was used by caterers. Permission was granted to enter the container and it was verified that this was a complete portable kitchen that had gas, electric and sanitary connections. We verified that the container had been converted into a fully equipped kitchen connected to electrical power, propane gas, hot and cold running water, and a sanitary drain. There was a fire suppression (Ansel) system that was past its certification date. There are no fire sprinklers (the Ansel system is for the cooking area only). There was no seismic restraint for the building. The connections to gas, electrical and sanitary were not code compliant and unpermitted. There was no Department of Environmental Health approval placard. This container/building/kitchen requires approval from the City Planning Department, the Santa Clara County Fire Department, the Santa Clara County Health Department and the City Building Department.

All above-described conditions render the property and structures unsafe and a hazard to the life, health, property, and safety of the public. The building official has determined that the shipping container converted into a kitchen described above meets the definition of “dangerous building,” as further defined, below.

DETERMINATION OF PUBLIC NUISANCE & VIOLATIONS OF CITY CODE

As defined by Saratoga Municipal Code Section 3-01.020, ‘Nuisance’ means any violation of any provisions of the Code. Any such violation shall constitute and is declared to be a public nuisance.

ABATEMENT OF DANGEROUS BUILDINGS CODE (amended and adopted by the City of Saratoga Municipal Code section 16-45.010)

Saratoga Municipal Code Section 16-45 contains procedures and standards by which the City may determine a structure warrants nuisance abatement. According to these provisions, “It shall be unlawful for any person . . . to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of Article 16-45 of the City Code.” (Uniform Code for the Abatement of Dangerous Buildings (1997 Ed.), as amended and adopted by the City of Saratoga [“Abatement of Dangerous Buildings Code”] § 203.) City Code section 16-45.030 further provides:

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified Section 401 of the Abatement of Dangerous Buildings Code. As an alternative or in addition to such procedure, the building official or other employee or official of this jurisdiction may institute any other appropriate action to prevent, restrain, correct or abate the public nuisance.

According to Saratoga Municipal Code Section 302 of the Abatement of Dangerous Buildings Code:

any building or structure which has any or all of the conditions or defects [described in the Abatement of Dangerous Buildings Code] shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent the life, health, property or safety of the public or its occupants are endangered.

The building official may determine a building is a dangerous building according to the conditions set forth in Article 16-45, including, but not limited to, the following:

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) **faulty construction**; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay **or inadequacy of its foundation**; or (v) any other cause, is likely to partially or completely collapse.
9. **Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.**
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. **Whenever the building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code or Housing Code, or any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.**
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) **fire-resisting qualities or characteristics**, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
16. Wherever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, **lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshall to be a fire hazard.**
17. **Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.**
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
19. Whenever the construction of any building or structure is not fully completed within twenty-four months, or such longer period of time as may be allowed by the building official, from the date on which the building permit for such building or structure is first issued.

In addition, per Section 302(13) of the Abatement of Dangerous Buildings Code, your violation of Saratoga Municipal Code Section 15-20.030(i) Conditional Uses states that a Conditional Use Permit is required for the operation of a winery. This information was conveyed to you in an October 5, 2021 letter from the City of Saratoga Community Development Director Debbie Pedro. This second letter also stated specifically that "all public winery operations, including wine tasting and events on parcels 503-15-079 and 513-15-080 must cease immediately."

ORDER TO CORRECT VIOLATIONS AND ABATE PUBLIC NUISANCE

For the reasons described, above, the building official has determined the condition of the kitchen structure described, above, render this building dangerous and a public nuisance under the provisions of the City Code, including Article 16-45, the Abatement of Dangerous Buildings Code, such that maintaining this structure in its current state endangers the life, health, property and safety of the public and any occupants of this structure. Per Section 401.2(3) and at the direction of the building official, you are hereby directed to correct all violations and abate the public nuisances occurring on your property by **immediately removing the kitchen/converted storage container from the property and abating and disconnecting the utilities for the kitchen at their source.**

ADMINISTRATIVE CITATION & PUBLIC NUISANCE ABATEMENT

If any of the required abatement action deadlines listed above are not met, you may be subject to Administrative Citations, pursuant to Article 3-30 in the City Code, or any other remedy available to the City for each of the violations described above.

Administrative Citation	
First Violation:	\$100 fine per day and per violation
Second Violation:	\$200 fine per day for violation of the same ordinance within one year from the date of first violation
Subsequent Violations:	\$500 fine per day for each additional violation of the same ordinance within one year from the date of the first violation
Late Payment Penalties:	Within 30 days after due date - 10% of the amount due Exceeding 30 days after due date - Additional 10% of amount due for each month thereafter, with penalty not to exceed 100% of amount due
<i>Separate fines apply for each separate violation. Fines shall be made payable to the City of Saratoga, 13777 Fruitvale Avenue, Saratoga CA 95070</i>	

NOTICE RECORDED ON TITLE

Your failure to comply with all requirements and deadlines established in this Notice of Violation, will cause the City to record a Notice of Violation on the title of the subject property. This action was in addition to any other rights, remedies or actions available to the City through the City Code and/or state laws.

APPEAL

You or any person with any record title or legal interest in the property may appeal this notice and order or any action of the City Manager to the City's Hearing Officer provided that the appeal fee is paid and the appeal is made in writing and filed with the City Manager's Office **no**

later than Thursday, May 19, 2022, thirty (30) days from the date of service of the notice being appealed. If an appeal is successfully filed with the City, the City shall notify the appellant(s) of the date, time, and location of the hearing on the appeal. If no appeal is filed, all rights to an administrative hearing and determination of the matter will be waived and the order and determinations of the building official described herein will become final. After any order of the building official or Hearing Officer becomes final, no person to whom any such order is directed shall fail, neglect, or refuse to obey such an order, and the building official may institute any appropriate action to abate such building as a public nuisance.

FAILURE TO COMPLY WITH THIS NOTICE AND ORDER

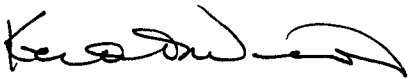
Failure to comply with this Notice and Order, or with any of the deadlines established within this Notice and Order may result in enforcement actions, including, but not limited to, administrative nuisance abatement, civil penalties, revocation of permits, withholding of future municipal permits, or the filing of a judicial action. Per Saratoga City Code Article 3-15- Administrative Nuisance Abatement Procedure, the City may proceed to cause any work ordered to be performed herein to be completed and charge the costs thereof against the owner(s) of the property. **Such work may include repair to the extent necessary to correct the conditions that render the building dangerous, removal of the dangerous building, or demolition of the dangerous building.**

COLLECTION OF COSTS BY THE CITY

Any costs of abatement work commenced by City Manager to address the violations may be charged against the parcel or its owner as a lien against the parcel and/or as a special assessment and that such property may be sold after three years by the tax collector for unpaid delinquent assessments and the City Manager may record the lien and/or special assessment against the property in the office of the County Recorder and such remedy shall be in addition to any other rights, remedies or actions available to the City by reason of the same violation as described in the notice and order.

Your anticipated cooperation and compliance are greatly appreciated. Please feel free to contact the building official with any questions at 408.868.1228 or by email at kweiner@saratoga.ca.us.

Sincerely,



Keith Weiner | Building Official
408.868.1228 | kweiner@saratoga.ca.us



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

Mary-Lynne Bernald

Kookie Fitzsimmons

Rishi Kumar

Tina Walia

Yan Zhao

November 2, 2022

CERTIFIED & FIRST-CLASS MAIL
EMAIL
POSTED ON PROPERTY

DAVID HOUSE
13340 OLD OAK WAY
SARATOGA, CA 95070
dave@davehouse.com

Subject: **House Family Vineyards Notice of Violation and
Notice & Order to Abate Public Nuisance**

Subject Property Address: **13336 Old Oak Way** APN: **503-15-079 & 503-15-80**

Dear Mr. House,

The City of Saratoga's Code Enforcement Division has received complaints regarding eleven (11) storage containers that have been placed on the subject property. Investigation of the complaint confirmed that the unpermitted storage containers meet the definitions of a public nuisance and a dangerous building as defined in Saratoga Municipal Code Sections 3-01.020 – Definitions Public Nuisance and Article 16-45- Abatement of Dangerous Buildings Code.

This letter shall serve as a Notice of Violation and as a Notice and Order to Abate a Public Nuisance.

CONDITIONS OBSERVED

On September 12, 2022 and September 30, 2022 Code Enforcement received complaints regarding un-permitted energized storage containers being used to store wine on the subject property.

On October 19, 2022, Building Official Keith Weiner, and Senior Fire Protection Engineer Rob Campbell inspected the site and found 11 storage containers, 3 of which were energized to power refrigeration equipment. It is confirmed that Building Permits were not obtained for the installation and use of the storage containers.

Unpermitted structures more than 120 square feet placed without an approved foundation in a seismic hazard zone constitute a life safety hazard. Electrical installations that have not had the benefit of inspection for code compliance constitute a life safety and fire safety hazard.

DETERMINATION OF PUBLIC NUISANCE & VIOLATIONS OF CITY CODE

As defined by Saratoga Municipal Code Section 3-01.020, 'Nuisance' means any violation of any provisions of the Code. Any such violation shall constitute and is declared to be a public nuisance.

ABATEMENT OF DANGEROUS BUILDINGS CODE (amended and adopted by the City of Saratoga Municipal Code section 16-45.010)

Saratoga Municipal Code Section 16-45 contains procedures and standards by which the City may determine a structure warrants nuisance abatement. According to these provisions, "It shall be unlawful for any person . . . to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of Article 16-45 of the City Code." (Uniform Code for the Abatement of Dangerous Buildings (1997 Ed.), as amended and adopted by the City of Saratoga ["Abatement of Dangerous Buildings Code"] § 203.) City Code section 16-45.030 further provides:

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified Section 401 of the Abatement of Dangerous Buildings Code. As an alternative or in addition to such procedure, the building official or other employee or official of this jurisdiction may institute any other appropriate action to prevent, restrain, correct or abate the public nuisance.

The containers and electrical connections thereto required permits. According to Section 105 of the Uniform Building Code:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

The building official may determine a building is a dangerous building according to the conditions set forth in Section 302, including, but not limited to, the following:

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) **faulty construction**; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. ***Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.***

13. Whenever the building or structure has been constructed, exists or ***is maintained in violation of any specific requirement*** or prohibition applicable to such building or structure provided by the building regulations of the jurisdiction, as specified in the Building Code or Housing Code, or any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) ***fire-resisting qualities or characteristics***, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, ***lack of sufficient fire-resistive construction***, faulty electric wiring, gas connections or heating apparatus, or other cause, ***is determined by the fire marshal to be a fire hazard***.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

ORDER TO CORRECT VIOLATIONS AND ABATE PUBLIC NUISANCE

For the reasons described, above, the building official has determined the conditions of the structures described, above, render these buildings dangerous and a public nuisance under the provisions of the City Code, including Article 16-45, the Abatement of Dangerous Buildings Code, such that maintaining these structures in their current state endangers the life, health, property and safety of the public and any occupants of these structures. Per Section 401.2(3) and at the direction of the building official, you are hereby directed to correct all violations and abate the public nuisances occurring on your property by:

On or before December 5, 2022, vacate the containers, obtain a Demolition Permit to remove the storage containers and to terminate all electrical connections to the containers.

ADMINISTRATIVE CITATION & PUBLIC NUISANCE ABATEMENT

If any of the required abatement action deadlines listed above are not met, you may be subject to Administrative Citations, pursuant to Article 3-30 in the City Code, or any other remedy available to the City for each of the violations described above.

Administrative Citation	
First Violation:	\$100 fine per day and per violation
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<i>Separate fines apply for each separate violation. Fines shall be made payable to the City of Saratoga, 13777 Fruitvale Avenue, Saratoga CA 95070</i>	

NOTICE RECORDED ON TITLE

Your failure to comply with all requirements and deadlines established in the Notice of Violation, will cause the City to record a Notice of Violation on the title of the subject property. This action would be in addition to any other rights, remedies or actions available to the City through the City Code and/or state laws.

APPEAL

You or any person with any record title or legal interest in the property may appeal this notice and order or any action of the City Manager to the City's Hearing Officer provided that the appeal fee is paid and the appeal is made in writing and filed with the City Manager's Office **no later than Wednesday, November 17, 2022, fifteen (15) days from the date of service of the notice being appealed.** If an appeal is successfully filed with the City, the City shall notify the appellant(s) of the date, time, and location of the hearing on the appeal. If no appeal is filed, all rights to an administrative hearing and determination of the matter will be waived and the order and determinations of the building official described herein will become final. After any order of the building official or Hearing Officer becomes final, no person to whom any such order is directed shall fail, neglect, or refuse to obey such an order, and the building official may institute any appropriate action to abate such building as a public nuisance.

FAILURE TO COMPLY WITH THIS NOTICE AND ORDER

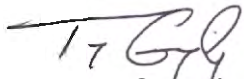
Failure to comply with this Notice and Order, or with any of the deadlines established within this Notice and Order may result in enforcement actions, including, but not limited to, administrative nuisance abatement, civil penalties, revocation of permits, withholding of future municipal permits, or the filing of a judicial action. Per Saratoga City Code Article 3-15- Administrative Nuisance Abatement Procedure, the City may proceed to cause any work ordered to be performed herein to be completed and charge the costs thereof against the owner(s) of the property. **Such work may include, but is not limited to, securing the unpermitted building(s) to prevent public use and entry.**

COLLECTION OF COSTS BY THE CITY

Any costs of abatement work commenced by City Manager to address the violations may be charged against the parcel or its owner as a lien against the parcel and/or as a special assessment and that such property may be sold after three years by the tax collector for unpaid delinquent assessments and the City Manager may record the lien and/or special assessment against the property in the office of the County Recorder and such remedy shall be in addition to any other rights, remedies or actions available to the City by reason of the same violation as described in the notice and order.

Your anticipated cooperation and compliance are greatly appreciated. Please feel free to contact the Building Official with any questions at 408.868.1228 or by email at kweiner@saratoga.ca.us

Sincerely,

A handwritten signature in purple ink, appearing to read 'T. Gonzalez', is written over the printed name.

Tony Gonzalez

Code Compliance Officer