



Code Enforcement Office
Phone: (408) 299-6723
CodeEnforcement@pln.sccgov.org

Notice of Violation and Public Nuisance; Intent to Record

(Via Standard and Certified U.S. Postal Mail and Posting at Property)

February 15, 2019

Responsible Person:
Stevens Creek Quarry, Inc.

Violation Address:
12100 Stevens Creek Blvd, Cupertino 95014

Re: Planning File No.: PLN18 - 1253

Inspection Date: January 31, 2019

Dear Stevens Creek Quarry, Inc.:

Stevens Creek Quarry, located at 12100 Stevens Creek Blvd, Cupertino (Subject Property), is currently importing aggregate from Lehigh Permanente Quarry, located at 24001 Stevens Creek Blvd, Cupertino, which it is processing and reselling on the portion of the Quarry identified as "Parcel B" within the approved Reclamation Plan and 2002 Mediated Agreement.

The Mediated Conditions approved by the County for Parcel B as set forth in the 2002 Mediated Agreement do not allow for the importation and processing of aggregate for resale. (Please refer to the attached 2002 Mediated Agreement.) This activity therefore constitutes an unpermitted, unauthorized use of Parcel B. This unauthorized activity without a use permit violates the County of Santa Clara Ordinance Code and Zoning Ordinance as described below and constitutes a public nuisance.

As the Violation Address owner, you are responsible for the violations. You must correct the violations as set out in Section II. If you do not do so, the consequences are set out in Section III and include **administrative fines of up to \$1,000 per day for each of the remaining violations until corrected.**

If you have any questions or reasons why you cannot complete the required corrections, please contact me at the number or email below.

I. VIOLATIONS

Code Section	Description of Violation
Ord. Code § A1-33, <i>et seq.</i>	Public nuisance
Zoning Ord. § 4.10.370	Unauthorized expansion of operation without permit
Zoning Ord. § 5.80.030	Unauthorized land use creating public nuisance

II. REQUIRED CORRECTIONS

1. Immediately cease any importation, processing and resale of aggregate materials from offsite mined lands; and
2. By March 4, 2019, apply for a use permit to legalize the new use if you want to undertake that use.

You may not continue the above-described unauthorized use unless and/or until the County issues you a use permit authorizing that use.

III. CONSEQUENCES OF FAILURE TO CORRECT

The Planning Department requests you perform the required corrections as described above. However, if you do not, the County will:

1. Impose administrative fines of up to \$1,000 per violation per day and/or administrative citations until the violations are corrected; and/or
2. Seek civil nuisance penalties of up to \$2,500 per violation per day; and/or
3. Take further legal action against you, including civil or criminal prosecution.

III. INTENT TO RECORD NOTICE OF THE VIOLATIONS:

The Planning Department intends to record notice of the violations against the Violation Address with the County Clerk-Recorder's Office. Within 30 days of this Notice, you may request a meeting with the Code Enforcement Division Manager to challenge the existence of the violations or your responsibility for them and to present evidence that a violation does not exist. To request a meeting, please contact James Stephens at 408-299-5794 or james.stephens01@pln.sccgov.org.

If you do not request a meeting with the Code Enforcement Division Manager within 30 days of this Notice, or if after the meeting the Code Enforcement Division Manager determines the violations exist and you are responsible for them, the County will record notice of the violations. The recorded notice of the violations can be expunged after you correct the violations.

We look forward to your cooperation in this matter.

Sincerely,



Jacqueline Onciano, Director of Planning & Development
Department of Planning and Development, County of Santa Clara
70 W. Hedding St., East Wing, 7th Floor
San Jose, CA 95110

Cc: Code Enforcement File
Planning File