

County of Santa Clara

Department of Planning and Development
County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org



August 11, 2021

****SENT VIA EMAIL ONLY****

Mr. Jason Voss
Stevens Creek Quarry, Inc.
12100 Stevens Canyon Road
Cupertino, CA 95014
Email: Jvoss@scqinc.com

SUBJECT: Notice of Violation

Dear Mr. Voss:

Enclosed you will find a Notice of Violation ("NOV") documenting multiple violations of County codes and ordinances discovered during the February 9, 2021 and April 20, 2021 inspections. The noted violations exceed those covered by the existing Compliance Agreement. As a result, simply amending the Compliance Agreement again is not appropriate at this time; strict deadlines and consequences for continued non-compliance are needed for the new violations observed, and these are reflected in the enclosed NOV.

Due to the continued display of disregard for the County codes and ordinances the dates to abate the listed violations will be strictly enforced., .

If you have evidence that any of the violations listed in the NOV do not exist or if you would like to extend any of compliance deadlines specified in the NOV, please me at (408) 299-5794 or by email at james.stephens01@pln.sccgov.org.

Kind regards,

James Stephens
Code Enforcement Program Manager
County of Santa Clara

Enclosure: Notice of Violation dated August 11, 2021

cc: Jacqueline R. Onciano, Director, Department of Planning and Development
Leza Mikhail, Interim Planning Services Manager
Manira Sandhir, AICP, Principal Planner

Robert Salisbury, Senior Planner
Elizabeth G. Pianca, Lead Deputy County Counsel
Michael L. Rossi, Lead Deputy County Counsel
Kristina Loquist, Chief of Staff District 5
Dan Boyle, SCQ Inc.
Patrick Mitchell, Mitchell Chadwick

County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San José, California 95110



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

Certified Mail:

7018 1830 0001 6168 4529

Notice of Violation

(Via Standard and Certified U.S. Postal Mail)

August 11, 2021

Responsible Party:

Stevens Creek Quarry, Inc.
C/O Richard A. Voss
12100 Stevens Canyon Rd.
Cupertino, CA 95014

Subject Property:

12100 Stevens Canyon Rd.
Cupertino, CA 95014

AKA: 12100 Stevens Canyon Rd.
Los Altos Hills, CA 95014

APNs: 351-10-019, 351-10-040, 351-10-044,
351-18-048

Re: Violation Number: VIO21-0009

Inspection Dates: February 9, 2021, April 20,
2021, and continuing

Dear Stevens Creek Quarry, Inc.:

During inspections of the Subject Property, County of Santa Clara (“County”) Department of Planning and Development (“Planning Department”) staff observed the following violations of the County Ordinance Code, the County Zoning Ordinance, and State law. The violations are public nuisances.

As the owner of the Subject Property, you are responsible for the violations listed below (“Violations”). You must correct the Violations as described in Section II. If you do not do so, the consequences of your failure to correct are described in Section IV and may include fines of up to \$3,500 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 by telephone or email.

The County Department of Environmental Health (“DEH”) has previously issued Official Notices of Inspection on April 4, 2016 and July 25, 2019 that identify violations for this property relating to on-site hazardous materials storage. Hazardous materials violations must be corrected by the dates listed below in accordance with instructions provided by DEH.

I. VIOLATIONS:

Code Sections	Description of Violations
Building Violations	
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area A - Construction of eleven modular structures (main offices) without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area A - Construction of modular structure and lower truck scale without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area A - Construction of retaining wall at Recycling Plant without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord. Code §§ C1-67, C1-70	<p>Hazardous/Unpermitted Electrical: Area A - Electrical added to semi-tractor trailer without permits.</p> <p><i>See 2006 ICC Electrical Code Administration Provisions § 401</i></p>
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area B - Construction of miscellaneous storage structures over 120 sq. ft. without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area B - Construction of tractor maintenance structure without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area B - Construction of modular office without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord Code § C3-3(k)	<p>Expired Building Permits: Area C - Construction of metal maintenance structure not complete (see Permit No. 1985-51851 for unfinished permit history).</p> <p><i>114.1.2. Expired or suspended permits.</i> It shall be unlawful for any person, firm, or corporation to maintain any building, structure, or equipment, or portion thereof, regulated by this code if permits required by this code are expired or suspended without final inspection approval and no application by the permittee has been made to obtain new permits to complete the work authorized under the expired permit or to reinstate the suspended permit within 180 days of the expiration or suspension.</p>
Ord. Code §§ C1-67, C1-70	<p>Unpermitted Construction: Area C - Construction of A-frame maintenance structure without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
Ord. Code §§ C1-67, C1-70	<p>Hazardous/Unpermitted Electrical: Area C - Electrical pole and system added to A-frame maintenance structure without permits.</p>

	<i>See 2006 ICC Electrical Code Administration Provisions § 401</i>
Ord. Code §§ C1-67, C1-70	Unpermitted Construction: Area C - Construction of two modular scale houses and scales without permits. <i>See 2019 California Building Code § R105</i>
Ord. Code §§ C1-67, C1-70	Unpermitted Construction: Area D - Construction of retaining walls at the Main Quarry without permits. <i>See 2019 California Building Code § R105</i>
Ord. Code §§ C1-67, C1-70	Unpermitted Construction: Area D - Construction of rock crusher structure without permits. <i>See 2019 California Building Code § R105</i>
Ord. Code §§ C1-67, C1-70	Unpermitted Construction: Area D - Construction of squeezer structure (rock wash/tanks/filter building) without permits. <i>See 2019 California Building Code § R105</i>
Ord. Code §§ C1-67, C1-70	Unpermitted Construction: Area D - Construction of squeezer conveyor belt framing on frames and piers without permits. <i>See 2019 California Building Code § R105</i>
Ord Code § C3-3(k)	Expired Building Permits: Cargo container (permit 2007-37627) was never final. Additionally, this was intended for temporary storage and not as currently utilized. <i>114.1.2. Expired or suspended permits.</i> It shall be unlawful for any person, firm, or corporation to maintain any building, structure, or equipment, or portion thereof, regulated by this code if permits required by this code are expired or suspended without final inspection approval and no application by the permittee has been made to obtain new permits to complete the work authorized under the expired permit or to reinstate the suspended permit within 180 days of the expiration or suspension.
Ord. Code §§ C1-67, C1-70	Unpermitted Construction: Area D – Addition of shipping container used for telecom purposes without permits. <i>See 2019 California Building Code § R105</i>
Ord. Code §§ C1-67, C1-70	Hazardous/Unpermitted Electrical: Area D - Trailer mounted generator and associated electrical added to telecom location without permits. <i>See 2006 ICC Electrical Code Administration Provisions § 401</i>
Ord. Code §§ C1-67, C1-70	Hazardous/Unpermitted Electrical: Area D - Electrical added to unpermitted cargo containers without permits. <i>See 2006 ICC Electrical Code Administration Provisions § 401</i>
Ord. Code §§ C1-67, C1-70	Hazardous/Unpermitted Mechanical: Area D - Air conditioning units added to unpermitted cargo containers without permits. <i>See 2019 California Mechanical Code § 104</i>

<p>Ord. Code §§ C1-67, C1-70</p>	<p>Unpermitted Alterations: Area E - Alterations to pool and pool deck without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
<p>Ord. Code §§ C1-67, C1-70</p>	<p>Unpermitted Construction: Area E - Construction of shade structure without permits.</p> <p><i>See 2019 California Building Code § R105</i></p>
<p>Ord. Code §§ C1-67, C1-70</p>	<p>Hazardous/Unpermitted Electrical: Area E - Electrical added without permits.</p> <p><i>See 2006 ICC Electrical Code Administration Provisions § 401</i></p>
<p>Ord. Code §§ C1-67, C1-70</p>	<p>Unpermitted Construction: Area F - Construction of sweeper shop without permits (includes electrical).</p> <p><i>See 2019 California Building Code § R105</i></p>
<p>DEH Violations</p>	
<p>Ord. Code § B11-76 (a)</p>	<p>Modular Offices: Holding tank installed without prior approval or determination of feasibility for use of an onsite wastewater treatment system. Holding tanks are prohibited for use in Santa Clara County, except when temporarily utilized to abate a nuisance or health hazard caused by a failing OWTS, or for use by a publicly owned non-residential facility where installation of an OWTS is determined not to be feasible.</p>
<p>Ord. Code § B11-76 (b)</p>	<p>Portable Toilet Use: Portable toilets utilized throughout property without prior approval or determination of feasibility for use of an onsite wastewater treatment system.</p>
<p>Ord. Code § B11-77</p>	<p>Modular Offices Holding Tank: Construction, build, rebuild, or remodel of any residence, place of business, or other building or place where persons reside, congregate or are employed that is connected to an approved sanitary sewer without first submitting plans of the OWTS to the director for approval and:</p> <ol style="list-style-type: none"> 1) obtaining approval of the proposed construction, building, rebuilding, or remodeling to be served by an existing OWTS, or 2) obtaining an OWTS installation permit pursuant to this chapter.
<p>SCCO B11-40, B11-286(a), B11-290(b), B11-320(b)</p>	<p>Permit to Construct or Substantially Modify: Facility failed to submit plans and/or obtain a permit prior to constructing, installing, reconstructing, or substantially modifying or repairing a hazardous materials facility, system, or area.</p> <p>Notes: Observed 250-gallon diesel fuel tank on-site with no corresponding permit information available. Tank was being stored on a metal L-frame in the middle quarry floor.</p> <p>Facility is also due to replace the 570-gallon used oil tank, per recommendations of the Professional Engineer certifying the SPCC plan. Facility must also apply for a permit to close out this tank and replace it with a new one.</p>

	See Section II (2) below for corrections.
B11-313, H&S 25404.1.2(c)(1)	Other Haz Mat Storage Violations: Facility failed to completely and accurately respond in writing to the items listed below, as noted in the Notice of Inspections issued 4/1/2016 and 7/25/2019. Violations referenced as A660, S602, S610, S660 and S662 remain open and require a response.
Fire Violations¹	
2019 California Fire Code § 404	Fire Safety, Evacuation and Lock Down Plans: Failure to include an Emergency Action Plan with all applicable items listed in CFC § 404.2.1, Fire Evacuation Plans and § 404.2.2, Fire Safety Plans. Failure to provide a site map containing assembly points, firefighting water supply locations, evacuation routes, and routes of fire department vehicle access for responding agencies. Failure to provide a list of fire or life safety hazards and their locations with the Hazardous Materials Management Plan and Inventory Statement.
2019 California Fire Code § 503	Fire Apparatus Access Roads: Recycle Area - Illegal use of a semi-trailer for control/power for associated equipment. Failure to provide fire apparatus access to the trailer within 150 feet or less. There is a steep ramp exceeding 15% grade up to the equipment without an approved means for fire apparatus to turnaround.
2019 California Fire Code § 503	Fire Apparatus Access Roads: Radio towers - No fire apparatus access meeting CFC § 503 requirements are provided. Contact the County Hazardous Materials Compliance Division for associated generator permitting requirements.
2019 California Fire Code § 507, County Standard W-2	Fire Protection Water Supplies: Failure to provide on-site hydrants or dedicated water supply for firefighting operations throughout the entire site. Failure to provide fire protection water supply for all buildings.
2019 California Fire Code § 906	Portable Fire Extinguishers: Sweeper Shop - Failure to provide fire extinguishers.
CFC § 906.9	Extinguisher Installation: Fire Extinguishers improperly stored on the floor unsecured. Failure to install fire extinguishers in accordance with CFC § 906.9.
2019 California Fire Code § 1008, 2019 California Building Code §§ 11A/11B	Means of Egress Illumination: RVT (truck shop) - Failure to provide egress lighting as required by CFC § 1008. Door hardware (doorknob) noncompliant with CBC §§ 11A and/or 11B requirements for accessibility. Unsafe location of flammable compressed gas storage adjacent to exit door.
2019 California Fire Code § 1008	Means of Egress Illumination: Sweeper Shop - Failure to provide egress lighting.
2019 California Fire Code § 1010	Doors, Gates, and Turnstiles: Sweeper Shop - Use of noncompliant slider doors as egress doors in violation of CFC § 1010.

¹ As indicated above, several buildings were constructed without permits. All modular buildings approved by the California Department of Housing and Community Development require a Fire Land Use review of firefighting site access and water supply. All unpermitted non-modular structures subject to Building Permit are subject to all current requirements of the 2019 California Fire Code with locally adopted amendments and standards.

Zoning Violations	
Zoning Ord. § 2.20.020	Non-Residential Uses in a Rural Based District: Street Sweeper Business without a use permit.
Zoning Ord. § 2.20.020	Non-Residential Uses in a Rural Based District: Cargo containers (including box truck containers) are prohibited.
Zoning Ord. § 4.20.070	Motor Vehicle Repair and Storage: Prohibited motor vehicle work performed on motor vehicles not registered to a person residing on the parcel. Illegal storage of more than 2 inoperable vehicles on a parcel. Failure to screen disabled or inoperable vehicles from public view or adjacent properties.
Zoning Ord. § 4.20.080	Outdoor Storage: Prohibited storage of materials exceeding 200 square feet and/or 6 feet in height visible from the public right-of-way or adjacent properties.
Zoning Ord. § 4.20.090	Recreational and Similar Vehicles: Illegal use of RV trailers for dwelling purposes and/or failure to register RV to a resident of the parcel on which it is located, and/or prohibited connection to utility services and/or parking or RV within the front 75 feet of a property.

II. REQUIRED CORRECTIONS:

1. **Immediately** cease and not allow any illegal uses of the Subject Property in violation of the Ordinance Code, Zoning Ordinance, and/or State law, including immediately and permanently ceasing and not allowing additions, alterations or improvements to structures, electrical, plumbing, mechanical and sanitations systems without permits, maintaining unsafe fire life/safety and hazmat conditions, operating businesses without proper Planning approvals, and the unlawful storage of cargo containers, inoperable vehicles, outdoor storage, and recreational vehicles.
2. **By September 13, 2021**, apply for permits to legalize or demolish all unpermitted alterations, installations, and construction as listed in Section I, under Building, DEH (including Hazardous Materials), and Fire Violations. If you intend to legalize unpermitted construction, you are required to enter into a compliance agreement to obtain permits to do so pursuant to Ordinance Code section C1-71. Additionally, building permits may not be issued until all required land use entitlements are granted. For matters of public health safety and welfare, temporary considerations of use must be submitted for review to the applicable departments. Contact the Code Enforcement Division at (408) 299-6723 or codeenforcement@pln.sccgov.org to schedule an appointment to discuss abatement requirements. ***You must schedule this appointment in advance, as we cannot accommodate walk-ins.***
3. **By September 13, 2011**, submit plans to address fire apparatus access and fire protection water supplies as listed under Fire Violations.
4. **By September 13, 2021**, submit a copy of the DEH Hazardous Materials Notice of Violations dated 4/1/2016 and 7/25/2019 and include a brief description of the actions taken by the facility to correct each violation. Certify that the facility has returned to compliance by signing and dating the certification statement at the end of each report.
5. **By September 13, 2021**, cease further use of and remove all sweeper equipment not directly associated to Stevens Creek Quarry operations and in the name of Stevens Creek

Quarry, Inc. No sweeper operations may occur outside Stevens Creek Quarry that is not directly associated to quarry operations or as described in the SMARA operational plans.

6. **By September 13, 2021**, cease further use of and remove all cargo containers at the Subject Property.
7. **By September 13, 2021**, cease further use of the Subject Property for the storage of vehicles that are not registered to a resident of the lot. No more than two disabled or inoperable vehicles may be stored or worked on per parcel and must be screened from public right-of-way or adjacent properties.
8. **By September 13, 2021**, cease further use of the Subject Property for the storage of recreational vehicles that are not registered to a resident of the Subject Property. Recreational vehicles may not be used for dwelling purposes, may not be connected to utilities, and must be stored 75' from the front property line.
9. **By September 13, 2021**, cease further use of the Subject Property for outdoor storage in excess of 200 square feet (of material). This material may not be visible from the public right-of-way or adjacent properties. This includes but is not limited to items unassociated with the quarry use and outside the reclamation plan boundary, such as used non-commercial tires, garbage, debris, building materials, office furniture, automotive repair equipment, and miscellaneous items.
10. **By September 14, 2021**, obtain a final clearance inspection from the Code Enforcement Division to show that all required corrective work has been properly completed. Contact me at the number or email below to schedule this inspection.

III. PROCEDURE TO CONTEST VIOLATIONS

If you disagree that some or all the violations exist, you may contact the Code Enforcement Division within 30 days of this Notice by telephone at (408) 299-6723 or by email at codeenforcement@pln.sccgov.org to request a meeting with the Code Enforcement Program Manager, Building Official, Planning Manager, and/or Grading Official, as applicable, to present evidence that the Violations do not exist.

IV. CONSEQUENCES OF FAILURE TO CORRECT

If you perform the required corrections by the deadlines above, the County will not impose fines or penalties or record notice of the violations on the Subject Property. But if you do not correct the violations by *any of* the deadlines above (or extended deadlines, if requested and granted) or challenge the violations and establish they do not exist, the County will:

1. Charge you any costs the County incurs in correcting the violations and public nuisance, including staff costs and attorneys' fees; and
2. Record notice of the violations against the Violation Address with the County Clerk-Recorder's Office; and/or
3. Impose administrative fines of up to \$1,000 per violation per day until the violations are corrected; and/or
4. Institute civil or criminal prosecution, with civil penalties of up to \$2,500 per violation per day.

Please complete the required corrections to avoid these fines, fees, and penalties.

We look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to be 'TSG' or similar initials, written in a stylized, cursive-like font.

Tyson Green | Code Enforcement Officer II
Department of Planning and Development, County of Santa Clara
70 W. Hedding St., East Wing, 7th Floor
San José, CA 95110
408-299-5793
Tyson.green@pln.sccgov.org

CC: Code Enforcement File
Planning File
Office of the County Counsel