

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 Division
Phone: (408) 299-6723
CodeEnforcement@pln.sccgov.org

Certified Mail:
7018 1830 0001 6168 4345

2nd Notice of Violation

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

October 6, 2021

Responsible Person:
Zanker Road Resource Mgt., LTD
675 Los Esteros Road
San Jose, CA 95134

Subject Property:
980 State Hwy. 25
Gilroy, CA 95020

APN: 841-37-028, 841-37-029

Re: Violation Number: VIO20-0341

Inspection Date: 6/24/2021

Dear Zanker Road Resources Management LTD:

During an inspection of the Subject Property, County of Santa Clara Department of Planning and Development (“Planning Department”) staff observed violations of the County Ordinance Code, County Zoning Ordinance, and/or 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 within the time allowed in Section II, below, please contact me at the number or email listed below.

//

//

//

//

//

I. VIOLATIONS:

Code Section	Description of Violation
Zoning Violations	
Zoning Ord. § 1.20.070	Unpermitted development work and an expansion of use, including but not limited to installation and use of new conveyor belt, use of outside processing area and equipment next to conveyor belt, installation of signs, fencing, and parking; without first obtaining required Land and development permits (i.e. Planning Department approvals, including Architecture and Site Approval (ASA), Use Permit (UP) etc.
Zoning Ord. § 5.65.020	Failure to obtain required use permit.
Zoning Ord. § 2.20.020	Unpermitted use of property zoned A-40ac.
Fire Code Violations	
Ord. Code § B7-7; 2019 California Fire Code (“CFC”) §§ 3206.2, 105.7.1	Existing 20,000 sq. ft. steel building for processing Green Waste: 1. <u>High-piled storage</u> : Exceeding CFC Table 3206.2 standards for maximum pile area and volume (2,500 sq. ft. and 75,000 cu. ft.). 2. <u>Ventilation</u> : Building lacks proper ventilation to handle off-gassing combustible waste piles. Additionally, failure to comply with CFC Table 3206.2 requirement of smoke and heat removal (vents or mechanical smoke removal) system. 3. <u>Fire Sprinkler System</u> : Per original Building Permit documentation, the fire sprinkler system was to be designed for Ordinary Hazard Group 2 occupancy. The current storage use of the building exceeds the sprinkler design capabilities.
Ord. Code § B7-7; 2019 CFC § 105.6.8	Unpermitted addition of canopy/storage area: 1. <u>Hazardous materials</u> : The canopy area formerly had a containment area for storage of hazardous materials. The building section with two bays is being used for storage and repair. Three bays are currently being used with welding equipment and storage of oxygen, acetylene, and argon cylinders, creating a fire hazard. Hazardous material storage has not been reviewed by the County Fire Marshal’s Office for CFC and National Fire Protection Agency requirements. a. Oxygen and acetylene tank storage located adjacent to exit access installed without permits and must be relocated to appropriate location. 2. <u>Exiting, Fire & Life Safety</u> : There is no exterior fire access on the east side of the building.

	<p>a. Storage racks and equipment observed in the field were not shown on approved plans and installed without permits.</p> <p>b. Windscreen located to the east of the building is not shown on plans, was installed without permits, and may impact fire access.</p>
Ord. Code §§ 2019 CFC § 507.5.3	Substandard Site Fire Protection Water Supply: The fire hydrants and building sprinkler system are currently supplied by a well. The agricultural pump, which provides water pressure and flow from the well any of the fire protection water supply system components lack documentation for servicing/maintenance. The pump has a history of past failure during a fire incident several years ago.
Building, Grading, Electrical Code Violations	
Ord. Code §§ C1-67, C1-70 2019 CBC § 116	Permits Required Existing Front Office/Storage Building: <u>Egress/ Ingress, Fire and Life Safety:</u> Exiting compromised by construction of office space. Only functional exit door is located adjacent to high voltage electrical panels and therefore unsafe. Updated exiting analysis required. This exit is not clearly identified.
Ord. Code §§ C1-67, C1-70; 2019 CBC § 105.1	Permits Required-Three accessory structures and metal accessory structure housing unpermitted electrical equipment, an outdoor conveyor belt, and outdoor processing equipment adjacent to the conveyor belt all installed without permits.
Ord. Code §§ C1-67, C1-70; 2019 CBC § 105.1	Permits Required- Unpermitted equipment installation in an existing 20,000 sq. ft. steel building including a hopper and conveyor belt. <u>Egress/Ingress, Fire & Life Safety:</u> Workers are impermissibly stationed on an elevated platform behind the combustible waste piles with a single stair leading past the hopper.
Ord. Code §§ C1-67, C1-70; 2019 CBC § 105.1	Permits Required-Unpermitted equipment installation in an existing 20,000 sq. ft. steel building. Workers are impermissibly stationed on an elevated platform behind the combustible waste piles with a single stair leading past the hopper.
Ord. Code §§ C12-408	Drainage alterations at the unpermitted canopy/storage area and the metal accessory structure.
2006 ICC Electrical Code Administrative Provisions §§ 401.2, 1004	Permits Required -Unpermitted and uninspected medium voltage/low voltage electrical distribution system, including:

	<ol style="list-style-type: none"> 1. 480V to 4160V step-up transformer installed @ existing 2000A 3 phase service. 2. Underground medium voltage (4160V) distribution system installed. 3. 3 step-down transformers 4160V to 480V installed (X1, X2, X3) 4. 3 Motor control centers installed in wooden structures. 5. 3 Power distribution panelboards installed. 6. Multiple disconnects, motors and end use devices installed. 7. An elevated conveyor being installed that is approximately 1000 feet in length, terminating at the drainage ditch. <p>Failure to follow Stop Work Order posted 6/24/21.</p>
--	--

II. REQUIRED CORRECTIONS:

1. **Immediately** cease all illegal uses and unpermitted construction at the Subject Property in violation of the Ordinance Code, Zoning Ordinance, and State law including but not limited to all violations listed in Section I above.
2. **Immediately** cease the use of the new conveyor system. In addition, although the 20,000 square foot processing building was legally permitted in 2000 under (BP2000-15263-00) it was not permitted for high-piled storage of combustible waste. This use **must cease immediately**. The 4000 sq. ft. storage building includes un-permitted construction of an additional office and mezzanine. The Building is used as a break area/dining room for employees. This use is not consistent with the permitted occupancy and **must cease immediately**. All items must remain ceased until you apply for all necessary permits, obtain those permits, perform all required work, and obtain a final clearance inspection for them.
3. **Immediately** 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.***
4. **Immediately** work with the Code Enforcement Division to enter into a Compliance Agreement with the County to meet the requirements of Ordinance Code C1-71 for permit issuance.
5. **By October 29, 2021**, provide all required maintenance documentation for the fire protection water system.

6. **By November 30, 2021**, submit a complete application with acceptable plan sets to the County to legalize or demo all unpermitted construction or alterations at the property. Within 30 days of receipt of any County staff comments, the Property Owner shall respond fully to each comment in writing.
7. **By March 31, 2022**, complete construction per building permits to demolish and remove all unpermitted buildings or to legalize as allowed. For construction or demolition to be deemed complete, you must obtain the final inspection for your permits from the Building Inspection Division.
8. **By June 30, 2022**, complete abatement requirements for drainage alterations at the unpermitted canopy/storage area and the metal accessory structure. For construction or demolition to be deemed complete, you must obtain the final inspection for your permits from the Building/Land and Development Inspection Division and Contact Code Enforcement Officer, Lisa Ochoa to schedule a final clearance 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, including staff costs and attorneys' fees; and/or
2. Record notice of the violations against the Subject Property with the County Clerk-Recorder's Office; and/or
3. Impose administrative citations and/or administrative fines of up to \$1,000 per violation per day until the violations are corrected; and/or
4. Institute civil or criminal prosecution, including a temporary restraining order and/or preliminary injunction, with civil penalties of up to \$2,500 per violation per day.

Please complete the required corrections to avoid these fines, fees, and penalties, and other potential legal action. We look forward to working with you.

Sincerely,

DocuSigned by:
Lisa Ochoa 10/6/2021
A05FFA9EA0B043D...

Lisa Ochoa | Code Enforcement Officer

Department of Planning and Development, County of Santa Clara

70 W. Hedding St., East Wing, 7th Floor

San José, CA 95110

408-540-4367

lisa.ochoa@pln.sccgov.org

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