

California Hearing Officers, LLP  
P.O. Box 279560  
Sacramento, CA 95827  
Telephone: 916.306.0980

**COUNTY OF SAN BENITO  
CODE ENFORCEMENT**

<b>In the matter of:</b>	)	
2050 Chittenden Road	)	Case Number ENF18-00014
Aromas, California 95004	)	
	)	<b>STIPULATION FOR ENTRY OF</b>
(APN: 011-030-003)	)	<b>ADMINISTRATIVE ORDER</b>
	)	<b>AND ADMINISTRATIVE ORDER</b>
Property of:	)	<b>THEREON</b>
Arturo Mendoza	)	
(Property Owner)	)	
	)	

**I. INTRODUCTION**

This matter was heard on June 21, 2019, in Hollister, California, before Kimberly Buchholz, Hearing Officer for California Hearing Officers, LLP.<sup>1</sup> The purpose of this hearing was to decide whether to uphold the Notice of Violation and Proposed Administrative Penalty (Notice of Violation) issued by the County of San Benito (County) on May 7, 2019, that states conditions at 2050 Chittenden Road, Aromas, California (Property), constitute a public nuisance, orders the nuisance conditions be abated, and warns that daily administrative penalties will accrue if the conditions are not abated by May 17, 2019 (Exhibit A).

**II. APPEARANCES**

David Prentice, outside counsel for San Benito County, Duane Dauphinee, San Benito County Code Enforcement Building Inspector, Gary Lepori, San Benito County Chief Building Inspector, and Anita Gutierrez, San Benito County Permit Technician, appeared on behalf of the County. Arturo Mendoza (Property Owner) appeared with his partner, Brenda Blake. The Hearing Officer received documentary evidence from the County. The County offered Exhibits A and B, which were admitted as evidence. After receiving documentary evidence and testimony, the record was closed and the matter submitted for decision.

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<sup>1</sup> California Government Code section 27724, "[a]ny county hearing officer, or any deputy or assistant hearing officer, appointed pursuant to this chapter, shall be an attorney at law having been admitted to practice before the courts of this state for at least five years prior to his or her appointment."

### **III. FACTUAL BACKGROUND**

At the hearing, the County and the Property Owner entered into a Stipulated Agreement regarding an order they desired the Hearing Officer to enter in the record.

### **IV. STIPULATED FACTS AND FINDINGS**

The Property Owner is ordered to abide by the terms and conditions as stated in the stipulated agreement as follows:

WHEREAS, the San Benito County Enforcing Officer commenced a nuisance abatement action pursuant to San Benito County Code section 1.06 to remedy violations existing on the Property located at 2050 Chittenden Road, Aromas, California, APN: 011-030-003 ( Property);

WHEREAS, Arturo Mendoza is the Property Owner (Property Owner); and

WHEREAS, the parties desire to resolve this matter without further administrative proceedings;

PROPERTY OWNER STIPULATED that there is a factual basis for the violations as set forth below, and that the Hearing Officer may enter this STIPULATION FOR ENTRY OF ADMINISTRATIVE ORDER AND ADMINISTRATIVE ORDER THEREON.

IT IS HEREBY FOUND THAT, the acts or conditions specified in the County of San Benito's Notice to Abate dated May 7, 2019, that is attached and incorporated by reference, exist as follows:

<b>Violation Number</b>	<b>Code Violated</b>	<b>Violation Description</b>
No. 1	SBCC § 19.17.008	Grading without a permit
No. 2	CA Fire Code § 506.1	Key box required
No. 3	SBCC § 25.09.001	Unpermitted use of Towing / Salvage / Recycling business in an R Zone
No. 4	CA Streets and Highways Code § 670.1	Unpermitted encroachment
No. 5	SBCC § 25.01.152	Unpermitted buildings

No. 6	SBCC § 17.01.020	Storage of inoperative and abandoned vehicles
No. 7	SBCC § 15.01.026	Accumulation of litter
No. 8	SBCC § 21.01.021	Continuation of use or activity after issuance of Stop Work Order

## V. ORDER

Based on the stipulated facts and findings contained herein,

IT IS HEREBY ORDERED that the Property Owner shall abate the nuisance conditions found to exist on the Property, as found above in section IV. Stipulated Facts and Findings, within the timelines set forth below and according to the Corrective Action directions stated in the May 7, 2019, Notice of Violation. The time for compliance begins June 21, 2019, the date of the hearing, unless ordered otherwise.

1. Violation No. 1:

- a) Not later than October 21, 2019, the Property Owner shall obtain a grading permit from the County, complete a soil certificate and soil testing, and plant native plants.
- b) Not later than January 15, 2020, the Property Owner shall obtain and finalize a winter grading permit in coordination with the Property Owner's active case with the California Department of Fish and Wildlife.

2. Violation No. 2:

- a) Not later than July 21, 2019, the Property Owner shall obtain and install a lock/key box accessible by a fire code official.
- b) Not later than September 21, 2019, the Property Owner shall submit the lock/key box plans to a local fire code official.

3. Violation No. 3:

The Property Owner shall immediately cease operating a Towing/Salvage/Recycling business on the Property. The County shall inspect the Property on July 8, 2019, to verify that business operations have ceased and to advise the Property Owner about how to properly store the business-related materials on the Property.

4. Violation No. 4

Not later than September 21, 2019, the Property Owner obtain and finalize all required encroachment and gate permits, including permits for two new driveways, gates, and access. After obtaining and finalizing those permits, the Property Owner shall then contact Ignacia Saverda, or his designee, at Caltrans to submit a civil plan. The Property Owner shall then submit the civil plan to the County for verification not later than October 21, 2019.

5. Violation No. 5

Not later than September 21, 2019, the Property Owner shall obtain and finalize permits for existing unpermitted structures on the Property that are larger than 120 square feet, including the construction trailer and container used for storage. Furthermore, any structure on the Property, regardless of square footage, must meet all SBCC property line and setback requirements.

6. Violation No. 6

Not later than September 21, 2019, the Property Owner shall properly store, register, and or remove all abandoned, wrecked, dismantled, or inoperative travel trailers, RVs, and vehicles on the Property. The County shall inspect the Property on July 8, 2019, to advise the Property Owner on any vehicles that may need further abatement.

7. Violation No. 7

Not later than July 8, 2019, the Property Owner shall cease dumping and accumulating garbage on the Property. All litter, including, but not limited to, garbage, waste, refuse, junk, trash, debris, scrap metal, wood, rubbish, packing materials, and miscellaneous debris, on the Property and in the Caltrans right of way shall be placed in containers and or dumpsters for collection or removal from the Property. The County shall inspect the Property on July 8, 2019, to advise the Property Owner on how to properly store axels and other vehicle parts.


8. Violation No. 8

The Property Owner shall immediately cease all work in compliance with the Stop Work Notice issued by the County on November 8, 2017. The Property Owner shall not resume work unless permitted by the County. Not later than September 21, 2019, the Property Owner shall obtain and finalize permits for work he wishes to engage in on the Property.

9. The County may extend the ordered deadlines at its own discretion.

10. If the Property Owner complies with orders 1-8 above within the stated timeframes, fines will be waived.
11. If the Property Owner fails to comply with orders 1-8 above by the ordered timelines, the Property Owner shall pay to the County administrative penalties of \$100 per day, for each violation, beginning on May 7, 2019, the date of the Notice of Violation.
12. If the Property Owner does not comply with the terms of this Order, a hearing may be held on a future date to determine the existence of any continuing violations, establish the requirement of all corrective actions, and assess the appropriateness of any further administrative penalties, administrative fines, and/or administrative costs.

Dated: June 28, 2019

  
\_\_\_\_\_  
Kimberly Buchholz, Hearing Officer  
California Hearing Officers, LLP





## COUNTY OF SAN BENITO - CODE ENFORCEMENT

### Notice of Violation and Proposed Administrative Penalty

#### Public Nuisance (San Benito County Code Chapter 1.06)

### NOV

Reource Mgt Agency  
2301 Technology Parkway  
Hollister, CA 95023-2513

P: 831-637-5313  
F: 831-637-5334  
E: sbcplan@cosb.us

**DATE OF NOTICE: 5/7/2019**

Property Owner Name and Last Known Address:  
**Arturo Mendoza**  
**35 West St**  
**Watsonville, CA 95076**

Occupant:  
**Same**

Site Address:  
**2050 Chittenden Rd Aromas, CA 95004**

Assessor's Parcel Number:  
**011-030-003**

Enforcing Officer:  
**D. Dauphinee**

Inspection Date:  
**1/31/2018**

**TO ALL PROPERTY OWNERS, TENANTS, OR OTHERS IN POSSESSION OF THE PREMISES IDENTIFIED AS:**  
**2050 Chittenden Rd**

**YOU ARE HEREBY NOTIFIED** that the condition(s) existing on the above-described premises was inspected by the San Benito County enforcing officer and determined to constitute a public nuisance under Chapter 1.06 of the San Benito County Code ("SBCC"). Such condition(s) violate(s) the following specific provision(s) of SBCC §1.06:

- ☒ A condition, act, or omission declared by any California statute or SBCC provision to be a public nuisance.
- ☐ A public nuisance known or recognized in common law or equity.
- ☐ A condition that constitutes a nuisance as defined in Section 3479 of the California Civil Code.
- ☐ Use or condition of property that is dangerous, unsafe or detrimental to public health, safety, or welfare.
- ☒ Use of the premises established, operated, or maintained contrary to any provisions of State law or SBCC.
- ☒ Premises is a situs for nuisance activity and/or violations of federal law, State law, or SBCC.
- ☒ The accumulation on the premises, including intermingled personal property, constitutes visual blight.
- ☒ A condition constituting an attractive nuisance exists on the premises.
- ☒ Use or activity continued after a Stop Work Notice was issued by an enforcing officer at the premises.

#### **ATTENTION!**

**YOU ARE REQUIRED TO ABATE THE NUISANCE WITHIN TEN (10) CALENDAR DAYS AFTER SERVICE OF THIS NOTICE BY: 5/17/2019. YOU MUST CONTACT CODE ENFORCEMENT AT 831-637-5313 TO REPORT THE ABATEMENT AND PHOTOGRAPHIC PROOF SHALL BE PROVIDED TO CODE ENFORCEMENT.**

#### **ATTENTION!**

**DAILY ADMINISTRATIVE PENALTIES OF \$100.00 PER DAY, FOR EACH VIOLATION, WILL BEGIN ACCRUING ON THE ELEVENTH (11th) CALENDAR DAY AFTER SERVICE OF THIS NOTICE, ON: 5/18/2019. DAILY ADMINISTRATIVE PENALTIES WILL CONTINUE TO ACCRUE UNTIL THE NUISANCE IS ABATED AND THE ABATEMENT IS CONFIRMED BY THE ENFORCING OFFICER. SCHEDULED HEARINGS DO NOT STOP ADMINISTRATIVE PENALTIES FROM ACCRUING.**

#### **ATTENTION!**

**IF YOU FAIL TO CONTEST THE AMOUNT OF THE PROPOSED PENALTY OR TO APPEAR AT THE HEARING SET, YOU WILL FORFEIT YOUR FUTURE RIGHT TO OPPOSE THE PENALTY.**

#### **ATTENTION!**

**YOU ARE HERBY NOTIFIED THE ENFORCING OFFICER INTENDS TO RECORD A NOTICE OF PENDING NUISANCE ABATEMENT PROCEEDING WITH THE SAN BENITO COUNTY RECORDER IN ACCORDANCE WITH SECTION 1.06.100.**



**ATTENTION!**

**YOU MUST CONTACT CODE ENFORCEMENT AT 831-637-5313 TO REPORT THE ABATEMENT. YOU ARE RESPONSIBLE FOR TIMELY REPORTING THE ABATEMENT OF THE NUISANCE. ADMINISTRATIVE PENALTIES WILL CONTINUE TO ACCRUE UNTIL THE ABATEMENT IS REPORTED BY YOU AND CONFIRMED BY THE ENFORCING OFFICER.**

**NOTICE IS FURTHER GIVEN:**

**Administrative Penalty:**

Unless you abate the aforementioned conditions within **ten (10) calendar days** after service of this notice, by **5/17/2019**, an administrative penalty of **\$100.00** per day will accrue each day for each violation beginning on the eleventh (11th) calendar day after service of this notice, on **5/18/2019**. Daily administrative penalties will continue to accrue until abatement is confirmed.

**In order to avoid any administrative penalty you must abate the nuisance within ten (10) calendar days after service of this notice and contact Code Enforcement at 831-637-5313 so that the abatement may be confirmed.**

In determining the amount of the administrative penalty, the enforcing officer has considered the nature, circumstance, extent, and gravity of the violation or violations, any prior history of the violations, the degree of culpability, economic saving, if any resulting from the violation, and any other matters justice may require.

**NOTICE IS FURTHER GIVEN:**

**Administrative Hearing:**

If you wish to (i) contest the enforcing officer's determination that a violation exists, (ii) identify the responsible person(s), (iii) request additional time to correct the violation(s), (iv) contest the proposed administrative penalty as set forth in this Notice, and or (v) contest the recordation of this Notice, YOU MAY REQUEST A HEARING before the County Hearing Officer by filing a written request with the Resources Management Agency (2301 Technology Parkway, Hollister, CA 95023) within **ten (10) calendar days** of the date of this Notice by: **5/17/2019**. **FAILURE TO TIMELY REQUEST A HEARING SHALL CONSTITUTE FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.** Consequently, the administrative penalty shall become final and conclusive, and you shall immediately make payment of the administrative penalty and accrued interest as of the date of the administrative penalty order to San Benito County, unless successfully challenged by a writ of mandate.

**FURTHERMORE, FAILURE TO ATTEND AND PRESENT EVIDENCE AT A SCHEDULED HEARING SHALL CONSTITUTE FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES** and will result in the Hearing Officer's Recommended Decision ("Recommended Decision") based solely upon the evidence submitted by the enforcing officer. Consequently, the amount of administrative penalty shall become final and conclusive, and you shall, within **twenty (20) calendar days**, make payment of the administrative penalty amount and accrued interest, as of the date of the administrative penalty order, to San Benito County.

**San Benito County Board of Supervisors Action:**

The Recommended Decision shall be promptly transmitted to the Board of Supervisors to adopt without further notice of hearing, or to set for a *de novo* hearing. The Board of Supervisors' Decision shall be mailed to, or personally served upon, all parties appearing at the Administrative Hearing before the County Hearing Officer and all parties who are served this Notice. The Board of Supervisors' Decision shall be final and conclusive.

**NOTICE IS FURTHER GIVEN:**

**THAT THE CONDITION(S) ON THE PREMISES VIOLATE(S) THE FOLLOWING SPECIFIC PROVISION(S) OF THE SAN BENITO COUNTY CODE AND MUST BE ABATED IN THE FOLLOWING MANNER:**

- ☒ Any condition, act, or omission declared by any statute of the State of California or any provision of this code to be a public nuisance. (§1.06.030, subd. (A).)

**Violation 1:** Under **San Benito County Code §19.17.008**, "[e]xcept as otherwise exempted by this chapter, no person shall do any grading without first obtaining a grading permit from the Resource Management Agency. A separate permit shall be required for each site and may cover both excavation and fills. Grading permits are not transferable."

Presently, there exists in excess of **2000** cubic yards of graded and/or imported soil within approximately **50** feet of a stream and/or on a streambank. The unpermitted grading work,



earth movement and soil importation has occurred in a sensitive habitat, in a known flood zone, and is in an archeological sensitive area. The County has neither received any permit application for said grading work, nor issued any such grading permit to allow commencement of said grading on the premises.

The above-mentioned conditions existing on the premises do not fall within any of the listed exemptions to the permit requirement as stated in San Benito County Code §19.17.004, and therefore constitute unpermitted grading. Under **San Benito Code §19.17.018**, "[a]ny grading conducted or operated contrary to the provisions of this chapter shall be, and the same is declared to be a public nuisance and shall be abated . . ."

**Corrective  
Action:**

**You must immediately STOP WORK, submit plans, reports and documentation consistent with Department of Fish and Wildlife's recommendations, as found in the Streambed Alteration Agreement # 1600-2018-0099-R4. Additionally you must also obtain the proper grading permit(s) from County of San Benito Resource Management Agency and any other jurisdictions as required by listed agencies. The Grading Plan shall consist of but not be limited to the property boundary lines, the grading limits, the pre-site conditions, the proposed site conditions, any earth movement quantities (cut/fill) and a soil quality report for any imported soil. Any soil already placed without the benefit of a quality test will be subject to random test as directed by the San Benito County Resource Management Agency's staff recommendations. Future development will require a separate geotechnical investigation.**

- ☒ Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of any provision of this code or State law. (§1.06.030, subd. (E).)

**Violation 2:** According to **CA Fire Code 506.1** Key Boxes are required. 506.1 - Where access to or within a structure or an area is restricted because of secured opening or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

Here you have constructed 2 large entry gates in an unpermitted access/encroachment without Fire, Cal Trans or Building Department Approvals. This property is located in a "High" fire severity zone based on CA Fire mapping and requires the fire department to have access.

**Corrective  
Action:** **You must provide a site plan, survey and building plan clearly indicating the property lines, the location of the gates, cross section or elevation of gates, fence line, driveways and access/encroachment.**

**Violation 3:** Pursuant to **San Benito County Code 25.09.001** The intent of this district is to provide for areas within the county that are not primarily suited for agricultural uses, and lack services needed for higher density development. The R zone is intended to provide areas for mixtures of housing and small scale agricultural uses. The following regulations, except to the extent that they may be modified by this title or a combining or overlay district, shall apply to every lot and building in an R district.

Presently the operation of a Towing/Salvage/Recycling business appears to exist and is not consistent with the use in an R district. This type of business is permissible in an M-2 district (25.17.062) and may be permissible as a conditional use determined by the Planning Commission and permitted with a Use Permit. Currently we have no record indicating the proper Use Permit exists or the application for said permit has been received.

**Corrective  
Action:** **You must stop all unpermitted business activities and apply for the proper Use Permits to conduct business of this nature on site.**

**Violation 4:** Under Street and Highways Codes – **SHC 660 Encroachments** and **SHC 670.1** **Permits** an encroachment Permit is required.



**SHC 660 Encroachments** - (a) "Highway" includes all, or any part, of the entire width of the right-of-way of a state highway, whether or not the entire area is actually used for highway purposes.

(b) "Encroachment" includes any tower, pole, pole line, pipe, pipe line, fence, billboard, stand or building, or any structure, object of any kind or character not particularly mentioned in this section, or special event, which is in, under, or over any portion of the highway. "Special event" means any street festival, sidewalk sale, community-sponsored activity, or community-approved activity.

**SHC 670.1 Permits Required** (a) The department may issue a permit to the owner or developer of property adjacent to or near a state highway to construct, alter, repair, or improve any portion of the highway for the purpose of improving local traffic access, if the improvements to the highway are required as part of, or as a condition to, the development of property and the improvements are accepted by the department.

(b) The permit may be issued only if the work within the highway right-of-way is to be performed in accordance with plans and specifications approved by the department and the department reserves the right to inspect and accept the work as complying with the approved plans and specifications.

(c) All road, bridge, street lighting, or installation of signal work performed under a permit issued pursuant to this section for acceptance into the state highway system, except work performed solely to allow private encroachments onto the state highway or for utility or drainage encroachments within the state highway, are public works for purposes of Part 7 (commencing with Section 1720) of Division 2 of the Labor Code

Presently construction of 2 new driveways, gates and access have been created without proper Encroachment Permit approval from Cal Trans which is contrary to Permits Required SHC 670.1 (a) above.

**Corrective  
Action:**

**You must submit plans, apply for the proper Cal Trans Encroachment Permit and complete work as per the approved plans. Contact: Cal Trans Ignacio Saverda 831-601-1585.**

**Violation 5:**

Pursuant to **San Benito County Code 25.01.152** and **CBC 105** permits are required for accessory structures larger than 120 square feet, gates and fences exceeding local height limitation guidelines.

Under San Benito County Code §21.01.152, "[a]ny violation of this chapter is unlawful and a public nuisance and shall be abated, eliminated and enjoined. . ."

Presently, there exist **3** buildings (apparently used for operating a salvage/recycle business or other) and **3** accessory buildings larger than 120 ft.<sup>2</sup> that have been constructed without permits. Under San Benito County Code §21.01.003, "[n]o person shall erect, construct, enlarge, alter, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the unincorporated area of the county or cause the same to be done contrary to or in violation of this chapter or in violation of any of the provisions of the codes adopted by this chapter." (See also, SBCC §21.01.021 [adopting the California Building Code]; California Building Code §105.2 [exempting one-story detached accessory structures 120 ft.<sup>2</sup> or less from permit requirements]; SBCC §21.01.005 [permit application shall be filed and permit issued before any work may be commenced].)

Here, you have failed to obtain any such required permit and therefore the above-mentioned unpermitted buildings existing on the premises violate Chapter 21.01, thereby constituting a public nuisance. . . Currently the trailers are being used as storage structures requiring a building permit, a scenic corridor review and a property line survey to determine their exact location on the lot and the set-back requirements and fence height limitations.

**Corrective  
Action:**

**You must submit a site plan; survey and building plans to show where the trailers, fencing and gates have been placed in relation to the property line, their intended use and obtain planning approval for their use/location in the scenic corridor.**



- ☒ Any condition, including intermingled personal property, which constitutes a visual blight. (§1.06.030, subds. (G)(1) - (5).)

**Violation 6:** "The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be **injurious to the health, safety and general welfare**. Therefore the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article." (**SBCC §17.01.020.**)

**Corrective Action:** You must register or certify all travel trailers, RVs, and/or vehicles pursuant to §4604 of the California Vehicle Code. You must store any RV's, trailers and/or vehicles in an approved location/manner based on a required Development Design Review for the scenic corridor. You must remove all travel trailers, RVs, and/or vehicles from the premises if all of the above-listed requirements cannot be met.

You must remove all abandoned, dismantled or inoperative automotive parts.

**Violation 7:** The accumulation of litter (including, but not limited to, garbage, waste, refuse, junk, trash, debris, scrap metal, wood, rubbish, packing materials, and/or other solid waste) existing on the premises. (§§15.01.026 and 1.06.030, subd. (G)(1).)

Presently, there exists approximately **20+** cubic yards of Litter, including intermingled personal property, e.g. scrap/unused materials, miscellaneous debris, on the upper portion of the premises and in the Cal Trans right of way which contains (i) putrescible garbage, (ii) presents as a rodent and/or other vermin harborage, and (iii) poses a danger to the public health, safety and/or welfare.

**Corrective Action:** You must remove all litter, including, but not limited to, tires, car parts, garbage, miscellaneous debris, junked trailers etc. from the premises or properly store the litter in an authorized private receptacle for collection or remove from the premises. (See, SBCC §15.01.026.)

- ☒ Continuation of any use or activity on any property after a Stop Work Notice has been issued by an enforcing officer. (§1.06.030, subd. (I).)

**Violation 8:** Under **San Benito County Code §21.01.021**, subd. (N)(7), "Section 111.4 is amended to read as follows: 111.4 Failure to comply. Any person who shall continue any work 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 guilty of an infraction as specified in Section 109.3 of this code." and under **San Benito County Code 1.03.002** may be subject to **Criminal Penalties**.

On or about 11/8/17, the San Benito County enforcing officer issued a Stop Work Notice which was posted on the illegal gate (used for entering the property) which has undergone construction without permits.

Following the issuance of each Stop Work Notice, the owner(s) and/or occupant(s) of the premises failed to obey the enforcing officer's order to STOP ALL WORK; the owner(s) and/or occupant(s) of the premises continued to conduct unpermitted work (i.e., construction and grading activities) to the property in violation of the Stop Work Notice(s) and SBCC.

Here, you have failed to comply with the Stop Work Notice issued by the enforcing officer; you continued unpermitted construction and grading work activities to the property after issuance of the Stop Work Notice(s) and without direction from the enforcing officer to remove a violation or unsafe condition.

Such action(s) violate(s) SBCC section 1.06.030, subd. (I).)



**Corrective  
Action:**

The construction and grading on the Property is subject to San Benito County Code Chapter 21.01 and therefore appropriate permits for the construction and grading work must be obtained prior to commencement of any work.

You must immediately **STOP ALL WORK** and immediately discontinue use of any and all unpermitted structures or uses of the property until "finaled" by the Building Official.

You must contact the San Benito County Resources Management Agency - Building Department (Phone: (831) 637-5313, Address: 2301 Technology Parkway, Hollister, CA 95023) and secure all appropriate permits for the unpermitted grading, construction/alteration work, including, but not limited, to the illegal fencing, illegal gates, illegal conversion of trailers to storage structures, and illegal entryway, as well as, for any additional installed/alterd structures, water tanks or services without permits. The required permits must be secured prior to commencement of any work. Please provide building plans to include details from a qualified design professional and or surveyor. Once the proper permit(s) is/are obtained an inspection of the work will be required.

If you are unable or unwilling to comply with the foregoing, you must immediately **STOP ALL WORK** and obtain a demolition permit to remove all unpermitted construction/alteration to the buildings/structures, including:

- illegal fencing/gates
- illegal storage structures
- illegal entryway/encroachment

Once the proper permit(s) is/are obtained an inspection of the work will be required. You must contact the San Benito County Resources Management Agency - Building Department (Phone: (831) 637-5313, Address: 2301 Technology Parkway, Hollister, CA 95023) and secure all appropriate permits to remove all unpermitted construction/alteration to the buildings/structures (e.g., demolition permit).

**Additionally** under San Benito County Code **1.03.002 CRIMINAL PENALTIES.**

(A) *Misdemeanors.* Every violation of a county ordinance determined to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six months or by fine not exceeding \$1,000, or by both the fine and imprisonment.

(B) *Infractions.* Every violation of a county ordinance determined to be an infraction is punishable by a fine not exceeding \$100 for a first violation; a fine not exceeding \$200 for a second violation of the same ordinance within one year; and a fine not exceeding \$500 for each additional violation of the same ordinance within one year.

(C) *Continuing violation.* Each separate day or portion thereof that any person violates or continues to violate a county ordinance shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punished as provided herein.

(D) *Citations.* Those county employees designated as "Enforcing Officers" are authorized pursuant to Cal. Penal Code § 836.5 and Cal. Penal Code Chapter 5C (commencing with § 853.5) of Title 3 of Part 2 to issue citations for violations of any county ordinance. The following employees are designated "Enforcing Officers": Code Enforcement Officer, Building Official, Building Inspector, Health Officer or designate

**Presently** work has continued after a stop work notice was posted 10/25/16 and administrative citation was issued on 1/30/17, by officer Watson. Additional Stop Work Notice had been posted on 11/8/17 by inspector Dauphinee. This is contrary to (C) listed above.

You must **STOP ALL WORK**, present the RMA with a plan addressing all corrective work and apply for proper permits and clearances. Your plan should address how to restore the subject property back to an empty vacant lot until all required land-use, environmental reviews, building permits and grants of entitlements have been obtained from all agencies with jurisdictional authority for land-use development. Please contact the RMA Code Enforcement to schedule a meeting in the event you should need assistance preparing your plan.



**Contact: Duane Dauphinee 2301 Technology Parkway Hollister, CA 95023 or 831-637-5313.**

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Date of Service of Notice

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**D. Dauphinee**, Enforcing Officer

### **Proof of Service**

I, Lynette McPherson, am over 18 years of age and not a party to this action. I am employed in the county where the mailing took place.

My business address is P.O. Box 279560, Sacramento, California, 95827, which is located in the County of Sacramento.

On **June 28, 2019**, I served the following document(s) by email and via USPS by enclosing it in an envelope and depositing the sealed envelope with the United States Postal Service with the first-class postage fully prepaid:

**STIPULATION FOR ENTRY OF ADMINISTRATIVE ORDER AND  
ADMINISTRATIVE ORDER THEREON**

**Property Owner: Arturo Mendoza**

**Property Address: 2050 Chittenden Road, Aromas, California**

**Case No.: ENF18-00014**

**APN: 011-030-003**

**Addressed to:**

Resource Management Agency  
Gary Lupori, Chief Building Inspector  
2301 Technology Parkway  
Hollister, CA 95923

Arturo Mendoza  
35 West Street  
Watsonville, CA 95076

**And via Email to:**

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



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