

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



	Administration	Development Services	Fire Marshal	Planning
Phone:	(408) 299-6740	(408) 299-5700	(408) 299-5760	(408) 299-5770
Fax:	(408) 299-6757	(408) 279-8537	(408) 287-9308	(408) 288-9198

NOTICE OF VIOLATION AND ADMINISTRATIVE CITATION
DETERMINATION OF PUBLIC NUISANCE
NOTICE OF INTENT TO RECORD GRADING VIOLATION
NOTICE OF INTENT TO COLLECT ADMINISTRATIVE FINES

Via USPS, Certified Mail, and mbonino@stanford.edu

Mailing Date: October 9, 2018

Date the Violation Identified: September 14, 2018

Inspection Date (s): September 14, 2018
 September 24, 2018

Violation Priority: 3

Administrative Fine: \$250.00 per day in violation

Board of Trustees of
 Leland Stanford Jr. University
 c/o Stanford Real Estate Office
 3160 Porter Drive, Suite 200
 Palo Alto, CA 94034

Location of Violation: 35 Vista Lane
 Palo Alto, CA 94034

Assessor's Parcel No(s): 142-12-007
 File No.: 11425-05-80-18GV

Dear Trustees of Leland Stanford Jr. University:

It has come to our attention that the above-captioned property contains grading work that violates of the County of Santa Clara Ordinance Code (Ordinance Code). We notified you of the violation(s) with the attached Stop Work Notice on October 4, 2018. The violations are bounded by holes 11, 15, and 16 at the Stanford Golf Course, are shown in the attached field report, and, as based upon severity noted above, are:

Code Section	Description of Violation	Maximum Daily Administrative Fine
C12-406, C12-422	Non-exempt Grading Without Permits	\$250 per violation
C12-511	Grading Affecting Environmentally Sensitive Areas	
C12-514	Grading Creating Erosion/Sediment Problems	
A1-34, C12-536	Grading Creating a Nuisance	

As of today's date, you have failed to abate the violations and this letter informs you that:

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
 County Executive: Jeffery V. Smith

-
- The County has determined that the violation(s) is/are a public nuisance(s) pursuant to Ordinance Code sections A1-34 and C12-580;
 - This is a Notice of Public Nuisance pursuant to Ordinance Code section A1-36;
 - This is an Administrative Citation pursuant to Ordinance Code section A37-4;
 - This is a Notice of Violation pursuant to Ordinance Code section C12-528;
 - This is a Notice of Administrative Fines pursuant to Ordinance Code section A37-7 and you may be liable to pay administrative fines of up to \$250 per day per violation until you abate the violations; and
 - This grading is unsafe and detrimental to the public health, safety, and welfare. Pursuant to Ordinance Code sections C12-530, B11.5-10, and C12-807, you are hereby ordered to take immediate action to abate the violation(s).

Notice of Administrative Citation

The County issues this Administrative Citation pursuant to Ordinance Code section A37-4 regarding the above-described violation(s) because you have not timely addressed the violations identified in the Stop Work Notice.

Order:

Pursuant to County Ordinance Section A37-4, you are hereby ordered to immediately cease the above-listed violations and and/or the repeated occurrence of them. Pursuant to Section C12-530, you are hereby ordered to cease all grading until you abate all Ordinance Code violations.

Time Period for Corrective Action:

You have 25 days to abate the above-listed grading violations. You must take the actions set forth on Attachment One within 25 days from the date of this letter. Please note, however, **that you must establish erosion controls immediately.**

Administrative Fines and Fees:

The following fines may be imposed upon you pursuant to Ordinance Code Division A-37 if you do not abate the above-listed violations within the 25-day corrective period:

- Administrative fines for the work covered under the Grading and Drainage Ordinance (Section C12-534), in an amount up to \$1,000 per day beginning on the day the Notice of Grading Violation is recorded in the County Clerk-Recorder's Office until the violation is abated and the Grading Official determines compliance.

The property owner shall pay the County a total of **\$7,937** in Ordinance Code mandated fees to abate this violation:

- i. \$4,406 Grading Violation Investigation Fee,
- ii. \$3,531 Grading Abatement Application Fee.

You are further subject to civil penalties pursuant to Section B11-1/2-4 and B11-1/2-7 of the County Nonpoint Source Pollution Ordinance in a sum not less than \$1,000 or more than \$25,000 for each day the non-point source pollution violation continues unabated, if soil sediments or other prohibited materials are transported to downstream watercourses.

Payment of the fines and fees shall be in the form of cash, cashier's check, or money order to "The County of Santa Clara" at the Santa Clara County Planning and Development Services Office (70 W. Hedding Street, East Wing, 7th Floor, San Jose, CA, 95110) during regular business hours.

Determination of Ordinance Code Violation(s)/Public Nuisance(s)

Pursuant to Section A1-34, C12-520, and B11.5-13, the above-described grading violations is a public nuisance. Within 30 days of this notice, you may request a meeting with the Grading Official to present evidence that the violations/public nuisances do not exist. The meeting shall take place within 45 days from the date of this notice. After the meeting, the Grading Official will notify you in writing of his determination regarding your request. If you fail to request a meeting with the Grading Official within 30 days of this Notice and Order, or after meeting with you and reviewing evidence submitted by you, the Grading Official determines that a violation does exist, the County may record a Notice of Violation against the Property with the Clerk-Recorder's Office.

To request a meeting with the Grading Official to present evidence that no violation exists or to schedule an office appointment to review the requirements for permits, please contact Jess Tanciangco at 408-299-5734 or at Jess.Tanciangco@pln.sccgov.org. You may also visit our website at www.sccgov.org and search for Land Development Engineering for additional information.

Any person having any record title or legal interest in the property may appeal this Notice and Order and Notice of Intent to Levy Administrative Fines in writing to the County Hearing Officer within thirty (30) days from the date of this Notice and Order as provided by County Ordinance Code Division A37 within thirty (30) days from the date of this Notice and Order. Failure to appeal is a waiver of all rights to an administrative hearing and determination of the matter.

If you fail to comply as described above and/or do not appeal this Notice and Order, the County will levy administrative fines against you pursuant to Ordinance Code section A37-7 in the amount of \$1000 per day until you fully abate the violation(s). Those fines will begin to accrue 30 days from the date of this Notice and Order.

If you fail to comply with this notice, the County may take legal action against you, including but not limited to civil or criminal prosecution, and the imposition of daily administrative fines assessed while property remains in violation. You will also be liable for staff fees, abatement costs, civil penalties, and attorneys' fees.

If you have questions, please contact me at (408) 299-5735 or by email at DARRELL.WONG@PLN.SCCGOV.ORG.

We look forward to your cooperation in this matter.

Sincerely,



Darrell Wong, P.E.
Principal Civil Engineer
Land Development Engineering
Development Services Office

Attachment – Stop Work Notice
Inspection Report
Attachment 1

Cc: Planning File

