



CITY OF HAYWARD
DEVELOPMENT SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION

777 B Street, Hayward, CA 94541-5007
 (510)583-4143 - Fax: (510)583-4994 - www.hayward-ca.gov

3rd or SUBSEQUENT NOTICE OF VIOLATION: EGREGIOUS

October 11, 2018

S&A INVESTMENT HOLDINGS
 P.O. BOX 525
 UNION CITY, CA 94587

CASE NO: CE-16-3604
LOCATION: 24701 Clawiter Rd
APN: 439-0020-002-03
INSPECTION DATE: October 11, 2018

A recent inspection of the referenced property showed that the violations were not satisfactorily corrected in accordance with the Notice of Violation mailed to the property owner(s), and continue to be in violation of Hayward Municipal Code (HMC) Section 5-7.20, Public Nuisance, California Building Code, and/or other adopted City, State or Federal code(s) or ordinances. **An additional failed inspection and penalty fee of \$5,000 has been assessed for a total of \$59,500.**

The following corrections must be completed prior to the next compliance date of November 11, 2018 to avoid additional fees and penalties.

HMC or CODE	VIOLATION	CORRECTIVE ACTION
HMC Section 5-7.20, Public Nuisance - Unlawful	Property condition unlawful, detrimental to public health, safety, and/or general welfare.	It shall be unlawful for any responsible party owning, leasing, renting, occupying, or having charge or possession of any property in the City to maintain or to allow to be maintained such property in a condition detrimental to public health, safety, or general welfare or in a condition which violates any code or ordinance adopted by the City. Every owner of real property within the City shall manage that property in such a manner to avoid violation of this code. The property owner shall be responsible for violations thereof, regardless of any contract or agreement with any third party regarding the property. Where there are multiple property owners, the property owners shall have joint and several liability. Public nuisance is defined as, however not limited to, anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable or safe enjoyment of life or property of the community, or any portion thereof, or neighborhood therein. Corrective Action: Correct violations of

		adopted building codes as identified in this Notice of Violation. All Building permits required as a result of this Notice of Violation must be finalized no later than 120 days from the date of permit issuance.
California Building Code Section 105.1, Permits Required	Construction without the required building permit(s).	Construction without the required building permit(s). Corrective Action: Submit plans and obtain required building permit for un-permitted first and second floor office space constructed at warehouse interior. To include all electrical, plumbing, heating and ventilation, and mechanical systems installed in un-permitted office space. OR obtain demolition permit and restore warehouse section of front primary structure to original approved construction. Visit City of Hayward Permit Center located at 777 B Street, First Floor, and obtain the required approval and/or permit(s) before the next re-inspection date. Violations identified as construction/remodel projects completed without the required building permit(s) will result in a \$125 fee illegal construction and two times (2x) the required permit fees in addition to regular permit fees in accordance with the City of Hayward Master Fee Schedule.
HMC Section 10-1.180, Zoning Ordinance Violation, Conditional or Administrative Use Permit Requirements	Violation of the Zoning Ordinance, including but not limited to permitted uses and approval of a Conditional or Administrative use permit, conditions of approval, building permits or other required or approved permit.	It shall be unlawful for any person, firm, property owner, business proprietor, or corporation to cause or permit any violation to the provisions of this ordinance, or to fail to comply with any of its requirements, including plans and conditions in connection with approval of a planned development district, site plan review, conditional use permit, administrative use permit, variance, or other approved permit. Corrective Action: Concrete crushing and recycle activities not approved under last approved use permit # 10920. Obtain Planning Approval and approved use permit for Concrete crushing and recycling at site OR cease all un-permitted activities at site not approved in use permit 10920 to include: concrete recycling and crushing activity.

Failure to comply and satisfactorily eliminate all violations by the compliance date will result in **an additional failed inspection and penalty fee of \$5,000**, and/or other available legal remedies, including but not limited to abatement by the City contractor. A reinspection will be conducted on **November 11, 2018** to verify compliance.

If you have any questions regarding this notice or wish to request an alternate date, please contact the inspector at (510) 583-8542 or via email at phillip.nichols@hayward-ca.gov prior to next compliance date.

PHILLIP NICHOLS

Senior Code Enforcement Inspector

Encl: Attachment "A", Fee Inspection Schedule

Cc: OWNER: S&A INVESTMENT HOLDINGS, TRUSTEE: Agent Of Service - B.A.C.: Preet Johal,

LEGAL OWNER: Kevin Singh -S/A Investment Holdings



**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

Attachment "A"

I, Phillip Nichols, am over the age of 18 and employed by the City of Hayward, 777, "B" Street, Hayward, Alameda County, California 94541. On October 11, 2018, I served the following document(s) on the interested parties in this action by sending true copies as shown below for service as designated below:

* ERG - Notice of Violation - FAILED, APN: 439-0020-002-03, Case #: CE-16-3604; & Attachment "A"

SERVICE BY U.S. MAIL UNDER THE LAWS OF THE STATE OF CALIFORNIA

S&A INVESTMENT HOLDINGS
P.O. BOX 525
UNION CITY, CA 94587

I am familiar with this business' practice for collection and processing of correspondence for mailing, and that correspondence will be enclosed in a sealed envelope with postage fully prepaid and deposited with the U.S. Postal Service on the date herein above in the ordinary course of business at Hayward, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on October 11, 2018, at Hayward, California.

PHILLIP NICHOLS

Senior Code Enforcement Inspector

FAILURE TO COMPLY: Partial compliance or continued violations will result in additional inspection and penalty fees and/or other available legal remedies. If the violations are abated by the City, the property owner(s) will be billed for all abatement expenses, fees and penalties. Non-payment will result in a lien/special assessment against the property.

Egregious Violation Penalties: (1) Tier 1: \$1,500 for first verified violation; (2) Tier 2: \$3,000 for second verified violation; and (3) Tier 3: \$5,000 for third and subsequent verified violation(s).

Violations of California Building Code Section 105.1, and California Residential Code R105.1; Permits Required, are subject to an initial 5% code violation fee and two times (2x) the required permit fees in addition to the regular Building Division Permit Fee in accordance with the City of Hayward Master Fee Schedule.

Identified unsafe conditions resulting in posting of Placards for Condemnation will incur a posting fee of \$164/hour in accordance with the Master Fee Schedule.

Violation(s) of Hayward Municipal Code Section 10-8.10, Grading/Clearing Permit Required, are subject to A \$2,000 code enforcement investigation fee and an initial \$125 illegal project fee in addition to any applicable violation inspection and penalty fees in accordance with the Master Fee Schedule.

In accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, certain tax deductions may not be allowed in the taxable year for nuisance violations pertaining to substandard housing in the State of California.

HAYWARD MUNICIPAL CODE & OTHER CODE SECTIONS: Copies of the Hayward Municipal Code sections are available for review in the City Clerk's Office or via the internet by accessing the City's website at: www.hayward-ca.gov and searching for "Hayward Municipal Code". To view other department information, search for "Code Enforcement Division".