

Exhibit 2 Item 3-A

Housing & Building Code Hearing & Appeals Commission

June 4 2025

Exhibit A



**City of Alameda . California
Code Enforcement . Building Division**

Notice of Violation

DATE: 10/16/24

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

SECTION 1. Case Narrative and Violations Determined.

The Code Enforcement Division was informed of substandard conditions found at 2440 Monarch Street Suite 100. Alameda, CA 94501. During a review of the available records, landlord inspection notes and web public photographic evidence the following partial list of code violations were determined.

- 1) Evidence was observed of wine barrels stored on racks without the issuance of a permit and the required inspections.
- 2) It's unknown if large quantities of wine are being stored without the proper permits and inspections. The amount and type of storage shall be evaluated to determine the risk and the preventive measures since it may be considered a hazardous occupancy.
- 3) A portion of the exterior corridor that may be part of an exit path is currently blocked off due to an erected fence that appears that was added recently.
- 4) Only one interior single user bathroom is available, and it has been designated for "Women Only" and the tenant space is using porta potties outside to provide the minimum plumbing fixtures which is not code compliant and not accessible for people with disabilities.

- 5) An electrical outlet in the restroom is missing the required faceplate.
- 6) Cords were observed being used as means of permanent wiring.
- 7) The equipment mezzanine is being utilized as a public amenity for gathering use which is not permitted by code as is.
- 8) The stairway and guard railing for the mezzanine was not designed for the current use. The stairs, mezzanine and guard railing were designed for equipment access and possibly some light storage but not for human use and occupancy.
- 9) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.
- 10) No records were found of a tenant improvement to accommodate the current use and occupancy. Although a certificate of occupancy was issued under permit number B14-0082, the permit for this case clearly describes the work as: PRE-INSPECTION FOR FUTURE WINERY CELLAR AND TASTING ROOM. No plans, permit or inspection records were found indicating that the space was modified to accommodate a safe and code compliant tenant space.
- 11) The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.
- 12) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.
- 13) This is only a partial list of code violations; more items may follow after the full inspection is performed.

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116
- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

SECTION 3. REQUIRED ACTIONS

Required Actions Effective Immediately:

- 1) Cease using the mezzanine area for public use immediately.
- 2) Eliminate the current fence obstructions that are hindering the exit path of travel
- 3) Install a faceplate to the exposed electrical outlet in the restroom.
- 4) Stop using cords as means of permanent wiring.
- 5) Update all fire extinguishers as required by the Fire Department.

Required Actions by 10/21/24:

- 1) Provide access to conduct a thorough inspection of the entire building.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Oscar Dávalos

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820

Exhibit B



**City of Alameda • California
Code Enforcement • Building Division**

Affidavit of Posting/Mailing

DATE: 10/16/24

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

I, Oscar Davalos, declare that:

1. I serve as the Chief Building Official for the City of Alameda, located in the County of Alameda, State of California. I have personal knowledge of the laws and regulations of the City of Alameda with respect to code compliance issues and property nuisances.
2. I have personally posted the Notice of Violation dated October 16, 2024, for case number **X24-0467**.
3. This Affidavit is submitted in accordance with the requirements of the California Building Code.

4. Posting Address: 2440 MONARCH Date: 10/16/24 Time: 9:22 AM

5. Posting location on the building: FRONT DOOR Photo taken: YES

Posted by:

Oscar Davalos

Chief Building Official, CBO, CFM

Witnessed by:

Jose Luis Larios
Senior Code Enforcement Officer

Exhibit C



**City of Alameda . California
Code Enforcement . Building Division**

Notice of Violation

DATE: 10/21/24

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

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- 1) Evidence was observed of wine barrels stored on racks without the issuance of a permit and the required inspections.
- 2) It's unknown if large quantities of wine are being stored without the proper permits and inspections. The amount and type of storage shall be evaluated to determine the risk and the preventive measures since it may be considered a hazardous occupancy.
- 3) A portion of the exterior corridor that may be part of an exit path is currently blocked off due to an erected fence that appears that was added recently.
- 4) Only one interior single user bathroom is available, and it has been designated for "Women Only" and the tenant space is using porta potties outside to provide the minimum plumbing fixtures which is not code compliant and not accessible for people with disabilities.

- 5) An electrical outlet in the restroom is missing the required faceplate.
- 6) Cords were observed being used as means of permanent wiring.
- 7) The equipment mezzanine is being utilized as a public amenity for gathering use which is not permitted by code as is.
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- 9) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.
- 10) No records were found of a tenant improvement to accommodate the current use and occupancy. Although a certificate of occupancy was issued under permit number B14-0082, the permit for this case clearly describes the work as: PRE-INSPECTION FOR FUTURE WINERY CELLAR AND TASTING ROOM. No plans, permit or inspection records were found indicating that the space was modified to accommodate a safe and code compliant tenant space.
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- 12) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.
- 13) This is only a partial list of code violations; more items may follow after the full inspection is performed.

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116
- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

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- 4) Stop using cords as means of permanent wiring.
- 5) Update all fire extinguishers as required by the Fire Department.

Required Actions by 10/23/24:

- 1) Provide access to conduct a thorough inspection of the entire building.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Oscar Dávalos

Posted on the front door of the business on 10/21/2024 at 11:25 AM

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820

Exhibit D



**City of Alameda • California
Code Enforcement • Building Division**

Affidavit of Posting/Mailing

DATE: 10/16/24

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

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2. I have personally posted the Notice of Violation dated October 16, 2024, for case number **X24-0467**.
3. This Affidavit is submitted in accordance with the requirements of the California Building Code.

10/21/2025

4. Posting Address: 2440 MONARCH Date: 11:25 Time: 11:25

5. Posting location on the building: Front Door Photo taken: Yes

Posted by: Oscar Davalos

Oscar Davalos

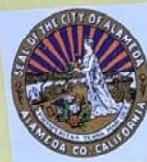
Chief Building Official, CBO, CFM

Witnessed by: Jose Luis Larios

Jose Luis Larios
Senior Code Enforcement Officer

Exhibit E

CASE NUMBER: X24-0967



City Of Alameda
Code Enforcement Division
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501
(510) 747-6845

NOTICE OF VIOLATION

Inspection Notice

2440 MONARCH
PROPERTY LOCATION

<input type="checkbox"/> Weeds/Overgrown Vegetation	<input type="checkbox"/> Graffiti
<input type="checkbox"/> Gas Powered Leaf Blower	<input type="checkbox"/> Inoperable Vehicles
<input type="checkbox"/> Smoking Tobacco Ordinance	<input type="checkbox"/> Junk/ Debris (Private/Public)
<input type="checkbox"/> Fence Height Violation	<input checked="" type="checkbox"/> Other:

ADDITIONAL VIOLATION(S):

NO ACCESS

An inspection was performed by the Code Enforcement Officer listed below. Violation(s) of the Alameda Municipal Code noted above have been observed. Please respond to this notification within _____ days. If you have any questions, please contact Code Enforcement Division at (510) 747-6845.

6. Davares
INSPECTOR NAME
(510) 747-6845
INSPECTOR PHONE NUMBER
10/23/2024
DATE
INSPECTOR EMAIL

Exhibit F

EXHIBIT F

October 29, 2024

Today at approximately 2:30 pm, I Jose Luis Larios Senior Code Enforcement Officer, accompanied the City of Alameda Building Official Oscar Davalos to Building 43 Winery that is located at 2440 Monarch Street in the City of Alameda. We attempted to conduct an internal inspection of Building 43. Upon arrival we observed a vehicle exiting the building. I also witness a separate male individual come out of the main door of the building. I observed our Building Official engage with the individual. Oscar identified himself by providing a business card with his name on it. The male individual made the remarks, "Oh you are the person who has been harassing us." He then stated, "Don't you know that I can sue you? This statement was directed towards my Building Official Oscar Davalos. His tone began to get aggressive. He made some comments about the City of Alameda which I was unable to hear clearly. He then demanded that we (Oscar and I), "get a court order and get out of here." At that point my Building Official and I made out exits towards our city vehicles and left.



Jose Luis Larios
Senior Code Enforcement Officer
City of Alameda
jlarios@alamedaca.gov
(510) 747-6846

Exhibit G

ORIGINAL

YIBIN SHEN (SBN 233545)
DOUGLAS W. MCMANAWAY (SBN 317067)
CITY OF ALAMEDA
2263 Santa Clara Avenue, Room 280
Alameda, CA 94501
Telephone: (510) 747-4750
Facsimile: (510) 865-4028

Attorneys for Applicant,
CITY OF ALAMEDA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

**IN RE REAL PROPERTY LOCATED AT
2440 MONARCH STREET, SUITE 100,
ALAMEDA, CALIFORNIA**

APN: 074-1367-039-02

Case No.

INSPECTION WARRANT
[Code of Civil Procedure §§ 1822.50]

**EXEMPT FROM FILING FEES
GOV'T CODE § 6103**

THE PEOPLE OF THE STATE OF CALIFORNIA, TO THE CITY ATTORNEY FOR THE
CITY OF ALAMEDA and duly authorized representatives:

Upon good cause shown to the Court:

YOU ARE HEREBY COMMANDED TO enter onto real property as described below located at 2440 Monarch Street, Suite 100, Alameda, California Assessor's Parcel Number ("APN") # 074-1367-039-02 ("Property"), pursuant to Code of Civil Procedure sections 1822.50 et seq. and for the purpose of conducting an inspection pursuant to *Leppo v. City of Petaluma* (1971) 20 Cal. App. 3d 711, 718.

Proof, by declaration having been made this day before me by declarant Oscar Davalos, that there is cause to believe that conditions of nonconformity with the Alameda Municipal Code exist with respect to the particular place, dwelling, structure, premises, or vehicle to be inspected.

Proof, by declaration having been made this day before me by Oscar Davalos, Chief Building Official for the City of Alameda, that entry and inspection may be necessary in order to effect the regulatory

1 provisions of the Alameda Municipal Code and *Leppo v. City of Petaluma* (1971) 20 Cal. App. 3d 711, 718
2 based on a reasonable suspicion of a violation of state and local law or regulation relating to fire, safety, and
3 plumbing which, if such violation existed, would be an immediate threat to health or safety.

4 Proof, by declaration having been made this day before me by Oscar Davalos, that all reasonable
5 efforts to receive consent for inspection from Mr. Tod Hickman, Tenant of the Property, have been
6 unsuccessful and inspection of said premises will occur in the presence of the Tenant and with 24 hours'
7 notice.

8 This warrant may not be executed by means of forcible entry by authority of Code of Civil
9 Procedure section 1822.56.

10 The inspection shall be conducted by means of observation of physical conditions or processes and
11 may be recorded through photographs, videotape, or other means. The inspection shall be conducted for the
12 duration necessary to ascertain compliance with Alameda Municipal Code provisions relating to health and
13 safety. The area(s) to be inspected shall include all exterior and interior parts of the residence at the Property.

14 This Warrant is effective from the date hereof for a period not to exceed fourteen (14) days and
15 shall be returned to the Judge whose signature appears below following execution.

16 The Warrant shall be executed by the City of Alameda through its agents or authorized
17 representatives whose duties and responsibilities include the investigation, enforcement, and abatement of
18 violations of provisions of the Alameda Municipal Code relating to public nuisance, health, and safety
19 violations, including building, housing and zoning violations, and may be accompanied by such sworn
20 members of the Alameda Police Department as are reasonably necessary to protect the safety of such agents
21 or authorized representatives. Such employees may include without limitation the following individuals: (a)
22 Alameda Code Enforcement Officers, (b) Alameda Fire Prevention Inspectors, and (c) the Alameda
23 Building Official (or his/her designee), and (d) all duly designated agents and contractors of the City of
24 Alameda ("Authorized Individuals").

25 Animal Control Officers of the City of Alameda may accompany Authorized Individuals onto the
26 Property in the event there are animals, which pose a threat to individuals entering the Property. Any
27 Animal Control Officers may take reasonable steps to secure animals on the Property in order to allow
28 Authorized Individuals to execute this Warrant.

1 Any person who willfully refuses to permit this lawfully authorized inspection work to be
2 performed at this location is guilty of a misdemeanor pursuant to Code of Civil Procedure Section
3 **1822.57.**

4 Date:

5 November 6, 2024
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8 JUDGE OF THE SUPERIOR COURT

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Exhibit H



**City of Alameda • California
Code Enforcement • Building Division**

Inspection Notice

DATE: 11/7/2024

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

Dear tenants,

This letter is to inform you that I will be inspecting your tenant space located at 2440 Monarch St. Suite 100 in the City of Alameda on Tuesday November 12, 2024, between the hours of 11:30 AM and 12:00 PM.

This letter serves as notification required in the Administrative Inspection Warrant signed by the Superior Court on November 6, 2024, for case number **X24-0467**.

A copy of the warrant is incorporated herein.

Posted by:

A handwritten signature in blue ink, appearing to read "Oscar Davalos", is placed over a horizontal line.

Oscar Davalos, Chief Building Official, CBO, CFM.

Exhibit I



**City of Alameda • California
Code Enforcement • Building Division**

Affidavit of Posting

DATE: 11/7/2024

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

I, Oscar Davalos, declare that:

1. I serve as the Chief Building Official for the City of Alameda, located in the County of Alameda, State of California.
2. I have personally posted an Inspection Notice and Administrative Inspection Warrant signed by the Superior Court on November 6, 2024, for case number **X24-0467**.
3. This Affidavit is submitted in accordance with the requirements of the California Building Code and Code of Civil Procedure section 1822.50.

4. Posting Address: 2440 MONARCH Date: 11/7/24 Time: 11:30 AM
ST. SUITE 100

5. Posting location on the building: FRONT DOOR Photo taken: YES!

Posted by:

Oscar Davalos, Chief Building Official, CBO, CFM.

Witnessed by:

Hilisha Hinson, Code Enforcement Officer

Exhibit J



ALAMEDA POLICE DEPARTMENT

CAD INCIDENT REPORT

2411120061

Page 1

11/13/2024

Confidential - DO NOT DUPLICATE	ALAMEDA POLICE DEPARTMENT CAD INCIDENT REPORT 2411120061								
	Location B43, 2440 MONARCH STREET			Cross Streets USN AIR STATION ALAME			City ALAMEDA		
	Incident Type CIVIL - CIVIL ISSUE/STANDBY			Call Taker GASSEN, JENNIFER			Dispatcher GASSEN, JENNIFER		
	Date 11/12/2024	Priority 2	Primary Unit 2L21	Beat 11	Fire Zone	Area 511	Map	Source TELEPHONE CALL	Channel
	Caller Name /OSCAR			Caller Address Building Dept				Caller Phone 510-414-2981	
	Dispositions Incident Card				Weapon		Alm Level	Case Number	
	Vehicles				Associated Incidents				
	Incident Times		Special Circumstances						
	Received	10:48:52	Persons Davalos, Oscar			Sex M	DOB	Race Hispanic	DL
Created	10:49:59								
Dispatched	10:59:51								
En Route									
On Scene	11:15:24								
Closed	11:35:15								
Rcvd-Closed	46:23								
Unit Times	Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Emrt-On Scene	On Scene-Clear Disp-Clear	
2L21	Adam Digiusto	10:59:51			11:00:48	N/A	N/A	N/A 00:57	
2L31	Adam Young	10:59:51		11:15:24	11:35:15	15:33	N/A	19:51 35:24	
2L21	Adam Digiusto	11:01:04			11:01:12	N/A	N/A	N/A 00:08	
4L62	Frank Petersen	11:01:49			11:04:29	N/A	N/A	N/A 02:40	
2L23	Jarred McKee	11:04:33		11:26:21	11:35:12	21:48	N/A	08:51 30:39	
Incident Comments RP NEEDS A STANDBY WHILE HE SERVES A BUILDING PERMIT OFFICERS NEED TO BE 910 BY 1115 HRS.									
TIME	#	EVENT						BY	
11:34:54	1	2L23 property. Respondent refused entry to RP. RP will generate a forced entry inspection and conduct it at a later time.						J MCKEE	
11:35:15	2								
	3	2L31 Closed - Disposition IC						J GASSEN	

Exhibit K

1 YIBIN SHEN (SBN 233545)
2 DOUGLAS W. MCMANAWAY (SBN 317067)
3 CITY OF ALAMEDA
4 2263 Santa Clara Avenue, Room 280
5 Alameda, CA 94501
6 Telephone: (510) 747-4750
7 Facsimile: (510) 865-4028
8
9 Attorneys for Applicant,
10 CITY OF ALAMEDA
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ENDORSED
FILED
ALAMEDA COUNTY

NOV 20 2024

CLERK OF THE SUPERIOR COURT
By K. Gheer Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

IN RE REAL PROPERTY LOCATED AT
2440 MONARCH STREET, SUITE 100,
ALAMEDA, CALIFORNIA

APN: 074-1367-039-02

Case No. 24CV 100800

INSPECTION WARRANT AUTHORIZING
FORCIBLE ENTRY
[Code of Civil Procedure §§ 1822.50]

EXEMPT FROM FILING FEES
GOV'T CODE § 6103

THE PEOPLE OF THE STATE OF CALIFORNIA, TO THE CITY ATTORNEY FOR THE
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Upon good cause shown to the Court:

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conducting an inspection pursuant to *Leppo v. City of Petaluma* (1971) 20 Cal. App. 3d 711, 718.

Proof, by declaration having been made this day before me by declarant Oscar Davalos, that there is
cause to believe that conditions of nonconformity with the Alameda Municipal Code exist with respect to
the particular place, dwelling, structure, premises, or vehicle to be inspected.

Proof, by declaration having been made this day before me by Oscar Davalos, Chief Building
Official for the City of Alameda, that entry and inspection may be necessary in order to effect the regulatory

1 provisions of the Alameda Municipal Code and *Leppo v. City of Petaluma* (1971) 20 Cal. App. 3d 711, 718
2 based on a reasonable suspicion of a violation of state and local law or regulation relating to fire, safety, and
3 plumbing which, if such violation existed, would be an immediate threat to health or safety.

4 Proof, by declaration having been made this day before me by Oscar Davalos, that all reasonable
5 efforts to receive consent for inspection from Mr. Tod Hickman and Ms. Estela Villagrana, members of
6 Steeltown Winery LLC, Tenant of the Property, have been unsuccessful and inspection of said premises will
7 occur in the presence of the Tenant and with 24 hours' notice.

8 Proof, by declaration having been made this day before me by Oscar Davalos, that the Tenant of the
9 Property refused to allow Mr. Davalos and law enforcement officers to execute the previous inspection
10 warrant issued by this Court on November 6, 2024, and therefore forcible entry is authorized pursuant to
11 Code of Civil Procedure 1822.56.

12 The inspection shall be conducted by means of observation of physical conditions or processes and
13 may be recorded through photographs, videotape, or other means. The inspection shall be conducted for the
14 duration necessary to ascertain compliance with Alameda Municipal Code provisions relating to health and
15 safety. The area(s) to be inspected shall include all exterior and interior parts of the residence at the Property.

16 This Warrant is effective from the date hereof for a period not to exceed fourteen (14) days and
17 shall be returned to the Judge whose signature appears below following execution.

18 The Warrant shall be executed by the City of Alameda through its agents or authorized
19 representatives whose duties and responsibilities include the investigation, enforcement, and abatement of
20 violations of provisions of the Alameda Municipal Code relating to public nuisance, health, and safety
21 violations, including building, housing and zoning violations, and may be accompanied by such sworn
22 members of the Alameda Police Department as are reasonably necessary to protect the safety of such agents
23 or authorized representatives. Such employees may include without limitation the following individuals: (a)
24 Alameda Code Enforcement Officers, (b) Alameda Fire Prevention Inspectors, and (c) the Alameda
25 Building Official (or his/her designee), and (d) all duly designated agents and contractors of the City of
26 Alameda ("Authorized Individuals").

27 Animal Control Officers of the City of Alameda may accompany Authorized Individuals onto the
28 Property in the event there are animals, which pose a threat to individuals entering the Property. Any

1 Animal Control Officers may take reasonable steps to secure animals on the Property in order to allow
2 Authorized Individuals to execute this Warrant.

3 **Any person who willfully refuses to permit this lawfully authorized inspection work to be**
4 **performed at this location is guilty of a misdemeanor pursuant to Code of Civil Procedure Section**
5 **1822.57.**

6 Date: *11/20/2024*

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10 ~~JUDGE OF THE SUPERIOR COURT~~
11 **THOMAS J. NIXON**

Exhibit L



**City of Alameda . California
Code Enforcement . Building Division**

Inspection Notice

DATE: 11/25/2024

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

Dear tenants,

This letter is to inform you that I will be inspecting your tenant space located at 2440 Monarch St. Suite 100 in the City of Alameda on Tuesday November 26, 2024, at 12:00 PM.

This letter serves as notification required in the Administrative Inspection Warrant signed by the Superior Court on November 20, 2024, for case number **X24-0467 and 24CV100300**.

A copy of the warrant is incorporated herein.

Posted by: _____

Oscar Davalos, Chief Building Official, CBO, CFM.



**City of Alameda . California
Code Enforcement . Building Division**

Affidavit of Posting

DATE: 11/25/2024

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

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2. I have personally posted an Inspection Notice and Administrative Inspection Warrant signed by the Superior Court on November 20, 2024, for case number **X24-0467 and 24CV100300**.
3. This Affidavit is submitted in accordance with the requirements of the California Building Code and Code of Civil Procedure section 1822.50.

4. Posting Address: 2440 MONARCH Date: 11/25/24 Time: 9:45 AM

5. Posting location on the building: FRONT DOOR Photo taken: Yes!

Posted by: Oscar Davalos

Oscar Davalos, Chief Building Official, CBO, CFM.

Witnessed by: Jose Luis Larios

Jose Luis Larios, Senior Code Enforcement Officer

Exhibit M

From: [Jose Larios](#)
To: [Oscar Davalos](#)
Subject: Fw: Illegal and fraudulent inspection warrant
Date: Monday, November 25, 2024 2:51:29 PM

Jose Luis Larios
Senior Code Enforcement Officer
City of Alameda
jlarios@alamedaca.gov
(510) 747-6846

From: Tod Hickman <tod@building43winery.com>
Sent: Monday, November 25, 2024 1:33:29 PM
To: Nishant Joshi <njoshi@alamedaca.gov>; City Prosecutor <cityprosecutor@alamedaca.gov>
Cc: Tracy Jensen <tjensen@alamedaca.gov>; Trish Spencer <tspencer@alamedaca.gov>; Tony Daysog <TDaysog@alamedaca.gov>; Jose Larios <jlarios@alamedaca.gov>
Subject: [EXTERNAL] Illegal and fraudulent inspection warrant

Hello Chief Joshi,

We have been the victims of an ongoing harassment and retaliation campaign. The City has escalated this campaign, despite our cease-and-desist letter, and is attempting to forcibly enter our business premises with a fraudulent inspection warrant. Under CA govt code section 26500 the prosecutor's office should handle warrant requests. This warrant came from the municipal attorney who is overstepping their authority as the landlord's legal representative. This is a violation of established procedures and my 4th Amendment rights. The warrant also violates CCP 1822.50 thru 1822.57. Deviation from these statutory requirements is a failure to comply with all established legal obligations and makes this warrant illegitimate. The City officials involved, including Yiben Shen, municipal attorneys, code enforcement officer Oscar Davalos, Jen Ott, Mayor Ashcraft, and all other employees aware of this crime have committed fraud upon the Court. Numerous criminal violations of law are involved including Penal Code Section 118, 115, 424, 532, and 802; all of which are felonies. Please consider this my police report and request for Police Department Investigation.

Please note that this is the second fraudulent inspection warrant Mr. Davalos and Mr. Shen have perpetuated against us. During this first fraudulent warrant 2 of your officers were weaponized against Ms. Villagrana, a petite Latina. What was the purpose of this?

Additionally, please have Officers here tomorrow at 1200 hours for Civil Standby to protect us. **We are refusing entry and acknowledgement of this fraudulent warrant.**

Respectfully,

Tod Hickman
Estela Villagrana

Exhibit N

Today, I Senior Code Enforcement Officer Jose Luis Larios accompanied my Building Official Oscar Davalos to execute the no knock inspection warrant at 2440 Monarch St in the City of Alameda. We were accompanied by multiple Alameda Police Officers; I believe 4 in total. The no knock warrant was to be executed around noon on today's date, November 26, 2024. The owner Tod Hickman and Estela Villagrana were there accompanied by a male and female who were recording the whole interaction on behalf of Tod and Estela. Mr. Davalos attempted to engage with the tenants of the building to execute the warrant to inspect inside the building. Mr. Hickman stated that the warrant was fraudulent, and that Mr. Davalos was committing a felony for providing false testimony. My Building Official asked if Mr. Hickman was going to provide him access to the building. Mr. Hickman answered, "You know my answer to that." Mr Hickman attempted to engage conversation with myself asking me multiple questions. Some questions that I recall asked towards me were, "Don't you feel guilty for wasting the City's resources? and "How do you feel that the City of Alameda hired Oscar Davalos instead of hiring from within? He then stated, "Oscar took your job. How does that make you feel? I did not engage with Mr. Hickman. When my Building Official exhausted his attempts to gain access into the building, he shared with Mr. Hickman that the next step of action was to RED TAG the building. I left with my Building Official without the ability to execute the no knock warrant.



Jose Luis Larios
Senior Code Enforcement Officer
City of Alameda
jlarios@alamedaca.gov
(510) 747-6846

Exhibit O

December 1, 2024

To: City of Alameda and Oscar Davalos-Building Official

From: Building 43 Winery

Re: Red Tag Threat and Continued Cooperation with Inspection by Oscar Davalos

To whom it may concern,

I would like to start by saying that we continue to be willing to cooperate in good faith with the City with a compliance inspection by Oscar Davalos. I would also like to emphasize that I am the Managing Member of Building 43 Winery.

I would also like to point out, as evidenced by multiple police body cam footage and witness cell phone footage, that Tod never told Mr. Davalos “No” to entry of Building 43. Verbalizing “No” would be a requirement to meet the definition of denying entry. Thus, we dispute that we denied entry to the City.

I would like to schedule a mutually agreeable time for the inspection. I am available this Monday, Dec. 2nd anytime, Wed. Dec. 4th 9am-Noon, and Friday Dec. 6th 1-5pm. We have a complicated business model and cannot lose control of our inventory, high-end wine. If the City were to lock us out of our Winery there would be no reclaiming of our wine for us. It would be a total loss of hundreds of thousands of dollars. Thus, it is critical that the City act in good faith and not red tag our business, as a closure of our business, even temporarily, would have serious financial implications. Additionally, December is a busy private event month, we currently have four private events scheduled and are trying to replace lost events. The City disrupting those events plus the wine not being securely managed, with chain of custody by the winemaker, would result in total financial ruin of our business.

These are some of our concerns as previously shared:

- 1) The City attorney applying for a prosecutorial warrant. It is unclear how Mr. Shen, the City Attorney, could be representing the People of California in this case, and has legal authority to issue the Inspection Warrant. Please note that Tod submitted a criminal police report for the apparent fraudulent warrant by the City Attorney who also represents the landlord. It is unclear how Mr. Shen, in good faith, without a conflict of interest, could have petitioned the Court for such a document.

- 2) The number of inspections in the last few months has been abnormal and appears to be retaliation coinciding with the two CEQA suits against the City Tod is involved in. In the past 10 years of our lease, the City has conducted one inspection annually in accordance with the lease, which just occurred on August 6, 2024 by Base Reuse Director Abby Thorne-Lyman, Base Reuse Manager Alesia Strauch, SR/WA, and the Supervisor for Alameda Point Security. Before leaving, Base Reuse Director said, “We’re good.” She didn’t notify us of any

irregularities, then or subsequently. To date, we haven't received any notification from the City regarding the City's August 6 inspection of any violations or corrections needed. Thus, it's our understanding that we passed the inspection of August 6, the same as every inspection in the past 10 years. Then Alameda Fire conducted their inspection September 18, 2024, and as previously discussed, the only concerns were that the fire extinguishers were being serviced and were then cleared with the inspector and a problematic battery for one exit sign which we are replacing.

- 3) Then on October 16, two months after the Base Reuse Director's inspection of no violations, the City posted a Notice of Violation of "substandard conditions," all of which were present at the August 6 inspection. In fact, going back to City Manager John Russo, in 2014, wine has been aged on the premises. As we host City meetings and events, every City Manager and Mayor since 2014 has been on the premises and seen the wine being aged, it is in the tasting room and visible to the public, similar to other wineries in Alameda. Other City staff has also been on the premises over the 10 years. This is the first time that this alleged "non-conformity" of wine aging has been raised by the City. The City is also aware of the fence which was there August 6 and is visible from the exterior. The porta-potties are also visible from the street, which are utilized for special events, have also been there for years, including August 6 and prior annual inspections. Again, the City has been aware of them and has never previously raised a "non-conformity" issue. Thus, it fully appears that all the "violations" listed on the Notice of Violation dated October 16, 2024 were present at the annual inspection of August 6, two months earlier, and other than the fence the other three have been present since the beginning of Spirits Alley. The City under City Manager Russo and Mayor Gilmore courted us, made promises of making Spirits Alley the main destination of Alameda Point, and had been supportive of our business. However, at some point, the City changed its position and support of Spirits Alley, resulting in the losses of key anchor tenants Rock Wall Winery and Hangar One Spirits. Then, complaints by our business of the loss of the City's support of Spirits Alley, key anchor tenants, and us, appear to be the City's motivation for this new unfounded October 16, 2024 Notice of Violation, which is fraught with inconsistencies and errors. The Notice of Violation changed from a random member of the public to a City senior manager from our first interaction to our last. It is hard to keep up with the City's ever-changing story. The one thing that hasn't changed is our operations at Building 43 over the last 10 years. That is why it is so hard to believe the interactions we are having with City staff.
- 4) The mayor's public comments misrepresented what Tod said about the Food Bank and then the mayor directly relating it to Building 43 Winery, which has caused serious losses to our business, which was her intent and part of our Claim against the City.

With all of this being said, I again would like to emphasize my continued willingness to cooperate with the City of Alameda in good faith and voluntarily allow another compliance inspection for whatever it is that the City is looking for. We have offered above dates that we're available this week and am happy to provide later dates at the City's convenience, as long as any red-tagging of our business is put on hold, and, as we believe is in bad faith as the City just did an inspection August 6, found no violations, and there have been no changes to the premises since that date and the majority of alleged "violations" have existed in public view for the past 10 years.

Thank you for your cooperation and understanding,

Estela Villagrana

Managing Member
Building 43 Winery
2440 Monarch St.
Alameda, CA 94501

Exhibit P



**City of Alameda . California
Code Enforcement . Building Division**

Investigation Inspection Report

DATE: 02/19/2025

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building and Fire Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

SECTION 1. Case Narrative and Violations Determined.

The Code Enforcement Division has completed the investigation of the substandard conditions found at 2440 Monarch Street Suite 100. Alameda, CA 94501. During a review of the available records, landlord inspection notes, web public photographic evidence and an inspection performed on December 2nd, 2024, at 1:00 PM the following code violations were confirmed:

- 1) Plumbing, mechanical, electrical and building alterations have been performed throughout the space without the required permits and inspections.
- 2) The primary entrance and only identified exit to the business was observed to be obstructed and inaccessible to individuals with disabilities. Furthermore, the roll-up door is being used as an alternative access and exit, but it is also inaccessible and not an approved exit.
- 3) Wine barrels are stored on racks without the issuance of a permit and the required inspections.

- 4) At the time of inspection, the business owners disclosed the barrels were full of wine. No permits were found for the storage to comply with the requirements of the California Fire and Building Codes for safety and fire prevention.
- 5) A portion of the exterior corridor/walkway outside that may be part of an exit path for the neighboring property was blocked off due to an erected fence.
- 6) Only one interior single user bathroom is confirmed available, and the tenant space is using porta potties outside to provide minimum plumbing fixtures which is not a code compliant solution and not accessible for people with disabilities.
- 7) Cords were observed to be used as a means of permanent wiring.
- 8) The equipment mezzanine is advertised to be utilized as a public amenity for gathering use which is not permitted by code as is.
- 9) The stairway and guard railing for the mezzanine was not designed for current use. The stairs, mezzanine and guard railing were designed for equipment access and possibly some light storage but not for human use and occupancy.
- 10) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.
- 11) No records were found of a tenant improvement to accommodate the current use and occupancy. Although a certificate of occupancy was issued under permit number B14-0082, the permit for this case clearly describes the work as: PRE-INSPECTION FOR FUTURE WINERY CELLAR AND TASTING ROOM. No plans, permit or inspection records were found indicating that the space was modified to accommodate a safe and code compliant tenant space.
- 12) The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.
- 13) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116

- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

SECTIONS 3. REQUIRED ACTIONS

Required Actions – Effective Immediately:

1. Cease the use of the mezzanine area for public access immediately.
2. Limit the facility's occupant load to a maximum of 49 individuals and keep the roll-up door open during business hours.
3. Remove all obstructions blocking the main entrance/exit.
4. Provide a temporary accessible entrance/exit to the business.
5. Remove any fence obstructions that impede the exit path.
6. Cease the use of cords as permanent wiring.

Required Actions by 03/11/2025:

1. Supply temporary sanitation facilities in accordance with the California Building and Plumbing Codes, based on the facility's occupant load. These facilities must be approved for their intended use, and their specifications should be reviewed and approved by the Building Official.
2. Submit an engineered plan for wine storage that complies with the California Fire and Building Codes for seismic restraint, mechanical ventilation, sources of ignition, spill control, etc. or relocate the wine barrels until necessary modifications are made to meet code requirements.

Required Actions by 03/26/2025:

"Note to the tenant: A reasonable time extension may be granted for submitting the required plans, provided that all items listed in the above actions have been verified and approved by the Building and Fire Officials for compliance."

1. Submit plans prepared by a licensed engineer or architect for review. These plans should detail the improvements needed to bring the business into compliance with applicable code requirements. The plans must reflect existing

conditions, identify any construction deficiencies or code violations, and outline corrective measures.

2. After the plans are approved, obtain the necessary permit and schedule the required inspections.
3. Do not commence any work that requires permits, inspections, or approval until the permit has been issued. Any work that has already been concealed will need to be exposed for inspection.
4. Non-compliance will result in deeming the space unsafe for occupancy and the issuance of an order to vacate.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Posted and sent on 02/19/2025

Oscar Dávalos

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820

Exhibit Q



**City of Alameda . California
Code Enforcement . Building Division**

Investigation Inspection Report

DATE: 04/24/2025

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building and Fire Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

SECTION 1. CASE NARRATIVE AND VIOLATIONS DETERMINED.

1.1 Case Narrative:

This information is documented to the best of my recollection.

a) Wednesday, February 19, 2025:

The Code Enforcement Division issued an investigation inspection report outlining required actions.

b) Friday, February 21, 2025:

Tenant Estela Villagrana emailed to request a meeting to discuss the violations noted in the report.

c) Monday, February 24, 2025:

I spoke with Ms. Villagrana and explained each item in the report, addressing her questions and concerns. She stated that the business was currently closed as she

was working at the vineyards, with plans to reopen in May 2025. I emphasized that all required actions in Section 3 of the report must be completed before reopening. I also informed her that any extension requests must be submitted in writing with valid reasons.

d) Wednesday, February 26, 2025:

Ms. Villagrana emailed a request for an extension, noting the business would not reopen until May.

e) Thursday, February 27, 2025:

Ms. Villagrana left a voicemail requesting additional time to ask questions. I replied that my schedule was full and, since the office is closed on Fridays, I would be available on Monday. I acknowledged her extension request but noted it lacked a specific timeline for compliance.

f) Wednesday, March 5, 2025:

I spoke with Ms. Villagrana again to further address her concerns. I asked her to submit a written extension request with all necessary details.

g) Monday, March 17, 2025:

I sent a follow-up email requesting the extension letter and provided further clarification on each required action.

h) Tuesday, March 25, 2025:

I sent another follow-up email requesting compliance. I also noted that the business had been observed open to the public on Saturday and Sunday, March 22–23, 2025, in violation of the inspection report.

i) Tuesday, March 25, 2025:

Mr. Tod Hickman responded to the email on behalf of Ms. Villagrana, stating that all items had been addressed and expressing his belief that this concluded our business, despite being informed that plans are still required to address several issues related to the current use and occupancy. He provided a few photos, and a reinspection was scheduled for April 23, 2025, at 10:00 AM.

j) Wednesday, April 23, 2025:

The reinspection was conducted. A response to each item is provided in bold, these items are the same from the original inspection report dated February 19, 2025, with the addition of item 14.

The original report is included as Exhibit 1.

1.2 Violations Determined:

The Code Enforcement Division has completed the investigation of the substandard conditions found at 2440 Monarch Street Suite 100. Alameda, CA 94501. During a review of the available records, landlord inspection notes, web public photographic evidence and an inspection performed on December 2nd, 2024, at 1:00 PM the following code violations were confirmed:

- 1) Plumbing, mechanical, electrical and building alterations have been performed throughout the space without the required permits and inspections.
 - **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**
- 2) The primary entrance and only identified exit to the business was observed to be obstructed and inaccessible to individuals with disabilities. Furthermore, the roll-up door is being used as an alternative access and exit, but it is also inaccessible and not an approved exit.
 - **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**
- 3) Wine barrels are stored on racks without the issuance of a permit and the required inspections.
 - **Most of the barrels have been relocated. The tenant stated the remaining barrels contain only small amounts of water to preserve them. Although this matter is under review by the Building Official and Plan Check Engineer, these shall be included in the requested plans.**

- 4) At the time of inspection, the business owners disclosed the barrels were full of wine. No permits were found for the storage to comply with the requirements of the California Fire and Building Codes for safety and fire prevention.
 - **Most of the barrels have been relocated. The tenant stated the remaining barrels contain only small amounts of water to preserve them. Although this matter is under review by the Building Official and Plan Check Engineer, these shall be included in the requested plans.**
- 5) A portion of the exterior corridor/walkway outside that may be part of an exit path for the neighboring property was blocked off due to an erected fence.
 - **The fence is still there but the obstruction was removed and left there on the floor, the obstruction shall be removed from the floor immediately.**
- 6) Only one interior single user bathroom is confirmed available, and the tenant space is using porta potties outside to provide minimum plumbing fixtures which is not a code compliant solution and not accessible for people with disabilities.
 - **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**
- 7) Cords were observed to be used as a means of permanent wiring.
 - **Cords observed removed. However, no permits were found for the electrical wiring, lighting and security light/camera installed on the outside of the building. Please include all these items in the requested plans.**
- 8) The equipment mezzanine is advertised to be utilized as a public amenity for gathering use which is not permitted by code as is.
 - **The sign advertising the mezzanine as a public amenity has been removed but both the mezzanine and the rooms below are still converted and furnished as public amenities. Please propose a permanent code compliant use in the requested plans.**

9) The stairway and guard railing for the mezzanine was not designed for current use. The stairs, mezzanine and guard railing were designed for equipment access and possibly some light storage but not for human use and occupancy.

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

10) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

11) No records were found of a tenant improvement to accommodate the current use and occupancy. Although a certificate of occupancy was issued under permit number B14-0082, the permit for this case clearly describes the work as: PRE-INSPECTION FOR FUTURE WINERY CELLAR AND TASTING ROOM. No plans, permit or inspection records were found indicating that the space was modified to accommodate a safe and code compliant tenant space. (Additional note to this item, the occupant load was increased by 65 people when the outdoor seating was added.)

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

12) The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

13) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.

- **This item still applies.**

14) During the inspection performed on 04/23/2025, two (2) additional items were observed in the exterior. (1) a stage/platform for performers not accessible to people with disabilities (2) a patio shade structure.

- **Please include these in the requested plans.**

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116
- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

SECTIONS 3. REQUIRED ACTIONS

3.1 Required Actions – Effective Immediately:

(04/24/2025 - All these items still apply) these options were provided to allow the business to remain open while plans proposing permanent solutions to the code violations are submitted. Requested plans shall be submitted no later than May 12, 2025.

1. Cease the use of the mezzanine area for public access immediately.
 - **(Area temporarily closed to the public)**
2. Limit the facility's occupancy load to a maximum of 49 individuals and keep the roll-up door open during business hours.
 - **(The tenant stated that the roll up door stays open during events to allow all occupants to exit in case of emergency)**
3. Remove all obstructions blocking the main entrance/exit.
 - **(Items were observed cleared at the time of inspection)**
4. Provide temporary accessible entrance/exit to the business.
 - **(not code compliant)**
5. Remove any fence obstructions that impede the exit path.
 - **(The obstruction was removed and left there on the floor, the obstruction shall be removed from the floor immediately)**

6. Cease the use of cords as permanent wiring.

- **Cords observed removed. However, no permits were found for the electrical wiring, lighting and security light/camera installed on the outside of the building. Please include all these items in the requested plans.**

3.2 Required Actions by 03/11/2025: (Items reviewed on 04/23/2025)

1. Supply temporary sanitation facilities in accordance with the California Building and Plumbing Codes, based on the facility's occupant load. These facilities must be approved for their intended use, and their specifications should be reviewed and approved by the Building Official.
 - **(Not in compliance with a long-term solution, plans are required to be submitted for plan check)**

15) Submit an engineered plan for wine storage that complies with the California Fire and Building Codes for seismic restraint, mechanical ventilation, sources of ignition, spill control, etc. or relocate the wine barrels until necessary modifications are made to meet code requirements.

- **Most of the barrels have been relocated. The tenant stated the remaining barrels contain only small amounts of water to preserve them. Although this matter is under review by the Building Official and Plan Check Engineer, these shall be included in the requested plans.**

3.3 Required Actions by 03/26/2025:

- **(04/24/2025 - Plans not provided, the requested plans shall be submitted for plan check by May 12, 2025, to avoid further enforcement action)**

1. Submit plans prepared by a licensed engineer or architect for review. These plans should detail the improvements needed to bring the business into compliance with applicable code requirements. The plans must reflect existing conditions, identify any construction deficiencies or code violations, and outline corrective measures.
2. After the plans are approved, obtain the necessary permit and schedule the required inspections.
3. Do not commence any work that requires permits, inspections, or approval until the permit has been issued. Any work that has already been concealed will need to be exposed for inspection.
4. Non-compliance will result in deeming the space unsafe for occupancy and the issuance of an order to vacate.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Served via email on 04/24/2025

Oscar Davalos

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820

Exhibit 1

Original report posted
on 02/19/2025



**City of Alameda . California
Code Enforcement . Building Division**

Investigation Inspection Report

DATE: 02/19/2025

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building and Fire Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

SECTION 1. Case Narrative and Violations Determined.

The Code Enforcement Division has completed the investigation of the substandard conditions found at 2440 Monarch Street Suite 100. Alameda, CA 94501. During a review of the available records, landlord inspection notes, web public photographic evidence and an inspection performed on December 2nd, 2024, at 1:00 PM the following code violations were confirmed:

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- 2) The primary entrance and only identified exit to the business was observed to be obstructed and inaccessible to individuals with disabilities. Furthermore, the roll-up door is being used as an alternative access and exit, but it is also inaccessible and not an approved exit.
- 3) Wine barrels are stored on racks without the issuance of a permit and the required inspections.

- 4) At the time of inspection, the business owners disclosed the barrels were full of wine. No permits were found for the storage to comply with the requirements of the California Fire and Building Codes for safety and fire prevention.
- 5) A portion of the exterior corridor/walkway outside that may be part of an exit path for the neighboring property was blocked off due to an erected fence.
- 6) Only one interior single user bathroom is confirmed available, and the tenant space is using porta potties outside to provide minimum plumbing fixtures which is not a code compliant solution and not accessible for people with disabilities.
- 7) Cords were observed to be used as a means of permanent wiring.
- 8) The equipment mezzanine is advertised to be utilized as a public amenity for gathering use which is not permitted by code as is.
- 9) The stairway and guard railing for the mezzanine was not designed for current use. The stairs, mezzanine and guard railing were designed for equipment access and possibly some light storage but not for human use and occupancy.
- 10) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.
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- 12) The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.
- 13) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116

- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

SECTIONS 3. REQUIRED ACTIONS

Required Actions – Effective Immediately:

1. Cease the use of the mezzanine area for public access immediately.
2. Limit the facility's occupant load to a maximum of 49 individuals and keep the roll-up door open during business hours.
3. Remove all obstructions blocking the main entrance/exit.
4. Provide a temporary accessible entrance/exit to the business.
5. Remove any fence obstructions that impede the exit path.
6. Cease the use of cords as permanent wiring.

Required Actions by 03/11/2025:

1. Supply temporary sanitation facilities in accordance with the California Building and Plumbing Codes, based on the facility's occupant load. These facilities must be approved for their intended use, and their specifications should be reviewed and approved by the Building Official.
2. Submit an engineered plan for wine storage that complies with the California Fire and Building Codes for seismic restraint, mechanical ventilation, sources of ignition, spill control, etc. or relocate the wine barrels until necessary modifications are made to meet code requirements.

Required Actions by 03/26/2025:

"Note to the tenant: A reasonable time extension may be granted for submitting the required plans, provided that all items listed in the above actions have been verified and approved by the Building and Fire Officials for compliance."

1. Submit plans prepared by a licensed engineer or architect for review. These plans should detail the improvements needed to bring the business into compliance with applicable code requirements. The plans must reflect existing

conditions, identify any construction deficiencies or code violations, and outline corrective measures.

2. After the plans are approved, obtain the necessary permit and schedule the required inspections.
3. Do not commence any work that requires permits, inspections, or approval until the permit has been issued. Any work that has already been concealed will need to be exposed for inspection.
4. Non-compliance will result in deeming the space unsafe for occupancy and the issuance of an order to vacate.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Posted and sent on 02/19/2025

Oscar Dávalos

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820

Exhibit R

5-1-25

TO: Oscar Davalos and The City of Alameda Building and Planning Dept.

FROM: Steeltown Winery LLC.

RE: Code Enforcement Case #X24-0467 – Inspection Report Dated 04/24/2025

Property Address: 2440 Monarch Street, Suite 100, Alameda, CA

Dear Mr. Davalos,

I returned from vacation to find your April 24, 2025 inspection report, which was unexpected given that we understood all items from your earlier correspondence had been addressed. As you noted in your own case narrative, our understanding was that these issues had been resolved. Upon reviewing your report, however, it appears that you continue to alter the stated compliance requirements, making it difficult to determine a clear and consistent path forward for Steeltown Winery LLC.

Your reports do not follow a standard or conforming format and repeatedly lack specific code citations to support the alleged violations. As you are aware, for a violation to be enforceable, it must be properly documented and supported by relevant codes. Without that, the legal sufficiency of your claims is in question.

Moreover, the repeated threat to “red tag” our business—a measure typically reserved for conditions that are immediately dangerous to life, health, or safety—is troubling and unwarranted under the circumstances. These threats appear excessive and out of proportion to the alleged conditions.

We are also concerned by the perception of retaliatory conduct. As the inspection record shows, once a concern is addressed, a new issue is raised—whether related to barrel storage, plumbing, accessibility, or electrical matters—some of which are clearly outside your jurisdiction or previously approved. This pattern undermines our trust in the process and raises due process concerns, especially in light of your continued involvement in other related matters, including a pending criminal case in

which you appear to have given a statement that conflicts with the warrant's execution history.

Nonetheless, in the interest of cooperation and timely response, below is our reply to each line item in your report.

Response to Violations Listed in Section 1.2 of the Report:

1. **Plumbing/Electrical/Mechanical** – No upgrades have been made by us. The facilities, including the bathroom and kitchen, were pre-existing Navy installations. The only change was the replacement of the original Navy sink with a winery sink.
2. **ADA Accessibility / Exits** – Fire Code governs egress, and no accessibility violations have been cited in past inspections over the last decade. The Fire Marshal raised no issue in their most recent review. We maintain ADA-compliant practices and procedures, and no complaints have ever been filed by any individual.
3. & 4. **Wine Barrel Storage** – Barrels are now stored two-high and are empty. Your office previously cleared this storage configuration based on comparable use by neighboring tenants. Plans are not required under current conditions and precedent.
4. **Obstructed Exit Path** – The fence is not ours, and the path is now unobstructed. Any temporary obstruction has been removed.
5. **Restroom Facilities** – Portable toilets have been provided as a temporary solution. These were deemed sufficient previously and are serviced professionally.
6. **Extension Cords** – All extension cords have been removed. Any issues resulting from the City's electrician apparently maliciously turning off a breaker have since been corrected. Existing outdoor power infrastructure predates our lease.

8-10. **Mezzanine Use and Accessibility** – This area has always been a private break area. It is no longer in use and will remain off-limits. No public access is permitted.

11-12. **Occupancy / Fixture Capacity** – Our operation has not changed materially since our certificate of occupancy was issued. We have hosted numerous public officials without prior citation or concern. Claims of increased occupancy have not been substantiated.

13. **Lead Paint** – If this is a concern, it is the responsibility of the property owner, and not within our control as a tenant.

14. **Stage / Shade Structure** – These are portable and belong to a third-party production company. They are not permanent installations by Steeltown Winery LLC.

Conclusion and Request for Due Process

Based on the above, we do not agree with the findings as presented in the April 24 report. No violations rise to the level of life safety concerns, nor do they warrant the threat of red-tagging. Furthermore, in the absence of properly formatted notices and specific code citations, these items cannot be enforced as violations under California law.

If the City intends to move forward, we respectfully request the involvement of a neutral third-party to review the findings, or that future inspections be handled by an independent inspector unaffiliated with prior proceedings or pending matters. We believe this is the only way to ensure a fair and transparent process moving forward.

Respectfully,

Tod Hickman

Building 43 Winery

Exhibit S

Steeltown Winery LLC
2440 Monarch Street, Suite 100
Alameda, CA 94501
Email: tod@building43winery.com

RECEIVED
MAY 05 2025
CITY OF ALAMEDA
CITY CLERK'S OFFICE

TO: Housing and Building Code Hearing and Appeals Commission

Cc: Planning Board, PBT Department Director, City manager, Council Member Jensen, Council Member Daysog, Council Member Boller, Council Member Pryor, Mayor Ashcraft

FROM: Steeltown Winery LLC dba Building 43 Winery

DATE: May 5, 2025

RE: Formal Request for Appeal Hearing - Code Enforcement Case #X24-0467

Request for Hearing and Relief

Pursuant to:

- Ordinance No. 3029 N.S. (Section 1, adopted April 5, 2011),
- Ordinance No. 3046 N.S. (Section 3, adopted June 6, 2012),
- Ordinance No. 3240 N.S. (Section 1, adopted May 7, 2019),
-and all applicable laws, codes, ordinances, and procedural rules governing this Commission, Steeltown Winery LLC respectfully requests a formal hearing.

This appeal is submitted in response to:

- Exhibit A: Inspection and Violation Notice issued by Mr. Oscar Davalos, Chief Building Official, dated April 24, 2025; and
- Exhibit B: Steeltown Winery LLC's Response dated May 1, 2025.

Grounds for Appeal

The April 24, 2025 Inspection/Violation Notice is procedurally defective and legally insufficient. The notice fails to conform to required enforcement standards, lacks consistent formatting, and omits citation to applicable codes in multiple instances. These structural and procedural failures deprive Steeltown Winery LLC of proper notice and due process.

Additionally, the record reflects a broader pattern of retaliatory and discriminatory conduct by the City of Alameda, of which this enforcement action appears to be a part. Specifically, the business owners are currently petitioners in three CEQA lawsuits against the City and have exercised First Amendment rights through public comment and opposition to City land use actions. We believe these activities have triggered a campaign of retaliation, culminating in selective enforcement and unwarranted code violations.

As detailed in our May 1 response, the alleged violations are either resolved, never applied, or fall outside the City's enforcement jurisdiction. The threat of "red tagging" our facility—a

measure reserved for conditions that are Immediately Dangerous to Life, Health, or Safety (IDLHS)—is particularly troubling and unjustified by the facts.

Relief Requested

Steeltown Winery LLC respectfully requests the following relief:

- 1. Immediate suspension of all enforcement actions** and orders issued by Mr. Davalos in connection with this case.
- 2. Reassignment of oversight:** That Mr. Davalos be removed from further involvement in matters related to our facility, and that future inspections and enforcement be conducted by a neutral third party.
- 3. Third-party monitoring:** Appointment of a qualified, impartial professional to oversee and mediate future interactions between Steeltown Winery LLC and the City of Alameda's Planning and Building Departments.

Closing

We submit this request in good faith, in the hope that this matter may be resolved through fair process and without the need for judicial intervention. However, given the ongoing pattern of treatment by the City, we remain prepared to pursue all necessary remedies to protect our business and constitutional rights.

We appreciate the Commission's attention to this urgent matter and are available to appear at the earliest possible hearing date.

Respectfully,



Tod Hickman
On behalf of Steeltown Winery LLC
tod@building43winery.com

2/20

EXHIBIT

A

5-1-25

TO: Oscar Davalos and The City of Alameda Building and Planning Dept.

FROM: Steeltown Winery LLC.

RE: Code Enforcement Case #X24-0467 – Inspection Report Dated 04/24/2025

Property Address: 2440 Monarch Street, Suite 100, Alameda, CA

Dear Mr. Davalos,

I returned from vacation to find your April 24, 2025 inspection report, which was unexpected given that we understood all items from your earlier correspondence had been addressed. As you noted in your own case narrative, our understanding was that these issues had been resolved. Upon reviewing your report, however, it appears that you continue to alter the stated compliance requirements, making it difficult to determine a clear and consistent path forward for Steeltown Winery LLC.

Your reports do not follow a standard or conforming format and repeatedly lack specific code citations to support the alleged violations. As you are aware, for a violation to be enforceable, it must be properly documented and supported by relevant codes. Without that, the legal sufficiency of your claims is in question.

Moreover, the repeated threat to “red tag” our business—a measure typically reserved for conditions that are immediately dangerous to life, health, or safety—is troubling and unwarranted under the circumstances. These threats appear excessive and out of proportion to the alleged conditions.

We are also concerned by the perception of retaliatory conduct. As the inspection record shows, once a concern is addressed, a new issue is raised—whether related to barrel storage, plumbing, accessibility, or electrical matters—some of which are clearly outside your jurisdiction or previously approved. This pattern undermines our trust in the process and raises due process concerns, especially in light of your continued involvement in other related matters, including a pending criminal case in

4/20

which you appear to have given a statement that conflicts with the warrant's execution history.

Nonetheless, in the interest of cooperation and timely response, below is our reply to each line item in your report.

Response to Violations Listed in Section 1.2 of the Report:

1. **Plumbing/Electrical/Mechanical** – No upgrades have been made by us. The facilities, including the bathroom and kitchen, were pre-existing Navy installations. The only change was the replacement of the original Navy sink with a winery sink.
2. **ADA Accessibility / Exits** – Fire Code governs egress, and no accessibility violations have been cited in past inspections over the last decade. The Fire Marshal raised no issue in their most recent review. We maintain ADA-compliant practices and procedures, and no complaints have ever been filed by any individual.
3. & 4. **Wine Barrel Storage** – Barrels are now stored two-high and are empty. Your office previously cleared this storage configuration based on comparable use by neighboring tenants. Plans are not required under current conditions and precedent.
4. **Obstructed Exit Path** – The fence is not ours, and the path is now unobstructed. Any temporary obstruction has been removed.
5. **Restroom Facilities** – Portable toilets have been provided as a temporary solution. These were deemed sufficient previously and are serviced professionally.
6. **Extension Cords** – All extension cords have been removed. Any issues resulting from the City's electrician apparently maliciously turning off a breaker have since been corrected. Existing outdoor power infrastructure predates our lease.

8-10. **Mezzanine Use and Accessibility** – This area has always been a private break area. It is no longer in use and will remain off-limits. No public access is permitted.

11-12. **Occupancy / Fixture Capacity** – Our operation has not changed materially since our certificate of occupancy was issued. We have hosted numerous public officials without prior citation or concern. Claims of increased occupancy have not been substantiated.

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14. **Stage / Shade Structure** – These are portable and belong to a third-party production company. They are not permanent installations by Steeltown Winery LLC.

Conclusion and Request for Due Process

Based on the above, we do not agree with the findings as presented in the April 24 report. No violations rise to the level of life safety concerns, nor do they warrant the threat of red-tagging. Furthermore, in the absence of properly formatted notices and specific code citations, these items cannot be enforced as violations under California law.

If the City intends to move forward, we respectfully request the involvement of a neutral third-party to review the findings, or that future inspections be handled by an independent inspector unaffiliated with prior proceedings or pending matters. We believe this is the only way to ensure a fair and transparent process moving forward.

Respectfully,

Tod Hickman

Building 43 Winery

6/20

EXHIBIT

B



**City of Alameda • California
Code Enforcement • Building Division**

Investigation Inspection Report

DATE: 04/24/2025

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building and Fire Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

SECTION 1. CASE NARRATIVE AND VIOLATIONS DETERMINED.

1.1 Case Narrative:

This information is documented to the best of my recollection.

a) Wednesday, February 19, 2025:

The Code Enforcement Division issued an investigation inspection report outlining required actions.

b) Friday, February 21, 2025:

Tenant Estela Villagrana emailed to request a meeting to discuss the violations noted in the report.

c) Monday, February 24, 2025:

I spoke with Ms. Villagrana and explained each item in the report, addressing her questions and concerns. She stated that the business was currently closed as she

was working at the vineyards, with plans to reopen in May 2025. I emphasized that all required actions in Section 3 of the report must be completed before reopening. I also informed her that any extension requests must be submitted in writing with valid reasons.

d) Wednesday, February 26, 2025:

Ms. Villagrana emailed a request for an extension, noting the business would not reopen until May.

e) Thursday, February 27, 2025:

Ms. Villagrana left a voicemail requesting additional time to ask questions. I replied that my schedule was full and, since the office is closed on Fridays, I would be available on Monday. I acknowledged her extension request but noted it lacked a specific timeline for compliance.

f) Wednesday, March 5, 2025:

I spoke with Ms. Villagrana again to further address her concerns. I asked her to submit a written extension request with all necessary details.

g) Monday, March 17, 2025:

I sent a follow-up email requesting the extension letter and provided further clarification on each required action.

h) Tuesday, March 25, 2025:

I sent another follow-up email requesting compliance. I also noted that the business had been observed open to the public on Saturday and Sunday, March 22–23, 2025, in violation of the inspection report.

i) Tuesday, March 25, 2025:

Mr. Tod Hickman responded to the email on behalf of Ms. Villagrana, stating that all items had been addressed and expressing his belief that this concluded our business, despite being informed that plans are still required to address several issues related to the current use and occupancy. He provided a few photos, and a reinspection was scheduled for April 23, 2025, at 10:00 AM.

j) Wednesday, April 23, 2025:

The reinspection was conducted. A response to each item is provided in bold, these items are the same from the original inspection report dated February 19, 2025, with the addition of item 14.

The original report is included as Exhibit 1.

1.2 Violations Determined:

The Code Enforcement Division has completed the investigation of the substandard conditions found at 2440 Monarch Street Suite 100. Alameda, CA 94501. During a review of the available records, landlord inspection notes, web public photographic evidence and an inspection performed on December 2nd, 2024, at 1:00 PM the following code violations were confirmed:

- 1) Plumbing, mechanical, electrical and building alterations have been performed throughout the space without the required permits and inspections.
 - **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**
- 2) The primary entrance and only identified exit to the business was observed to be obstructed and inaccessible to individuals with disabilities. Furthermore, the roll-up door is being used as an alternative access and exit, but it is also inaccessible and not an approved exit.
 - **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**
- 3) Wine barrels are stored on racks without the issuance of a permit and the required inspections.
 - **Most of the barrels have been relocated. The tenant stated the remaining barrels contain only small amounts of water to preserve them. Although this matter is under review by the Building Official and Plan Check Engineer, these shall be included in the requested plans.**

- 4) At the time of inspection, the business owners disclosed the barrels were full of wine. No permits were found for the storage to comply with the requirements of the California Fire and Building Codes for safety and fire prevention.
 - **Most of the barrels have been relocated. The tenant stated the remaining barrels contain only small amounts of water to preserve them. Although this matter is under review by the Building Official and Plan Check Engineer, these shall be included in the requested plans.**
- 5) A portion of the exterior corridor/walkway outside that may be part of an exit path for the neighboring property was blocked off due to an erected fence.
 - **The fence is still there but the obstruction was removed and left there on the floor, the obstruction shall be removed from the floor immediately.**
- 6) Only one interior single user bathroom is confirmed available, and the tenant space is using porta potties outside to provide minimum plumbing fixtures which is not a code compliant solution and not accessible for people with disabilities.
 - **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**
- 7) Cords were observed to be used as a means of permanent wiring.
 - **Cords observed removed. However, no permits were found for the electrical wiring, lighting and security light/camera installed on the outside of the building. Please include all these items in the requested plans.**
- 8) The equipment mezzanine is advertised to be utilized as a public amenity for gathering use which is not permitted by code as is.
 - **The sign advertising the mezzanine as a public amenity has been removed but both the mezzanine and the rooms below are still converted and furnished as public amenities. Please propose a permanent code compliant use in the requested plans.**

9) The stairway and guard railing for the mezzanine was not designed for current use. The stairs, mezzanine and guard railing were designed for equipment access and possibly some light storage but not for human use and occupancy.

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

10) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

11) No records were found of a tenant improvement to accommodate the current use and occupancy. Although a certificate of occupancy was issued under permit number B14-0082, the permit for this case clearly describes the work as: PRE-INSPECTION FOR FUTURE WINERY CELLAR AND TASTING ROOM. No plans, permit or inspection records were found indicating that the space was modified to accommodate a safe and code compliant tenant space. (Additional note to this item, the occupant load was increased by 65 people when the outdoor seating was added.)

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

12) The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.

- **This item still applies, and it requires plans prepared by a registered design professional submitted for plan check.**

13) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.

- **This item still applies.**

14) During the inspection performed on 04/23/2025, two (2) additional items were observed in the exterior. (1) a stage/platform for performers not accessible to people with disabilities (2) a patio shade structure.

- **Please include these in the requested plans.**

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116
- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

SECTION 3. REQUIRED ACTIONS

3.1 Required Actions – Effective Immediately:

(04/24/2025 - All these items still apply) these options were provided to allow the business to remain open while plans proposing permanent solutions to the code violations are submitted. Requested plans shall be submitted no later than May 12, 2025.

1. Cease the use of the mezzanine area for public access immediately.
 - **(Area temporarily closed to the public)**
2. Limit the facility's occupancy load to a maximum of 49 individuals and keep the roll-up door open during business hours.
 - **(The tenant stated that the roll up door stays open during events to allow all occupants to exit in case of emergency)**
3. Remove all obstructions blocking the main entrance/exit.
 - **(Items were observed cleared at the time of inspection)**
4. Provide temporary accessible entrance/exit to the business.
 - **(not code compliant)**
5. Remove any fence obstructions that impede the exit path.
 - **(The obstruction was removed and left there on the floor, the obstruction shall be removed from the floor immediately)**

6. Cease the use of cords as permanent wiring.

- **Cords observed removed. However, no permits were found for the electrical wiring, lighting and security light/camera installed on the outside of the building. Please include all these items in the requested plans.**

3.2 Required Actions by 03/11/2025: (Items reviewed on 04/23/2025)

1. Supply temporary sanitation facilities in accordance with the California Building and Plumbing Codes, based on the facility's occupant load. These facilities must be approved for their intended use, and their specifications should be reviewed and approved by the Building Official.
 - **(Not in compliance with a long-term solution, plans are required to be submitted for plan check)**

15) Submit an engineered plan for wine storage that complies with the California Fire and Building Codes for seismic restraint, mechanical ventilation, sources of ignition, spill control, etc. or relocate the wine barrels until necessary modifications are made to meet code requirements.

- **Most of the barrels have been relocated. The tenant stated the remaining barrels contain only small amounts of water to preserve them. Although this matter is under review by the Building Official and Plan Check Engineer, these shall be included in the requested plans.**

3.3 Required Actions by 03/26/2025:

- **(04/24/2025 - Plans not provided, the requested plans shall be submitted for plan check by May 12, 2025, to avoid further enforcement action)**

1. Submit plans prepared by a licensed engineer or architect for review. These plans should detail the improvements needed to bring the business into compliance with applicable code requirements. The plans must reflect existing conditions, identify any construction deficiencies or code violations, and outline corrective measures.
2. After the plans are approved, obtain the necessary permit and schedule the required inspections.
3. Do not commence any work that requires permits, inspections, or approval until the permit has been issued. Any work that has already been concealed will need to be exposed for inspection.
4. Non-compliance will result in deeming the space unsafe for occupancy and the issuance of an order to vacate.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Served via email on 04/24/2025

Oscar Davalos

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820

Exhibit 1

Original report posted
on 02/19/2025



**City of Alameda • California
Code Enforcement • Building Division**

Investigation Inspection Report

DATE: 02/19/2025

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

CASE DESCRIPTION: Violations of the California Building and Fire Codes and Health and Safety Code.

OWNER: Estela Villagrana & Tod Hickman

OWNERS MAILING ADDRESS: PO BOX 43 Alameda, CA 94501

CONTACT PERSON: Estela Villagrana & Tod Hickman

CONTACT TELEPHONE (510) 872-1710

E-MAIL: estela@building43winery.com & tod@building43winery.com

SECTION 1. Case Narrative and Violations Determined.

The Code Enforcement Division has completed the investigation of the substandard conditions found at 2440 Monarch Street Suite 100. Alameda, CA 94501. During a review of the available records, landlord inspection notes, web public photographic evidence and an inspection performed on December 2nd, 2024, at 1:00 PM the following code violations were confirmed:

- 1) Plumbing, mechanical, electrical and building alterations have been performed throughout the space without the required permits and inspections.
- 2) The primary entrance and only identified exit to the business was observed to be obstructed and inaccessible to individuals with disabilities. Furthermore, the roll-up door is being used as an alternative access and exit, but it is also inaccessible and not an approved exit.
- 3) Wine barrels are stored on racks without the issuance of a permit and the required inspections.

- 4) At the time of inspection, the business owners disclosed the barrels were full of wine. No permits were found for the storage to comply with the requirements of the California Fire and Building Codes for safety and fire prevention.
- 5) A portion of the exterior corridor/walkway outside that may be part of an exit path for the neighboring property was blocked off due to an erected fence.
- 6) Only one interior single user bathroom is confirmed available, and the tenant space is using porta potties outside to provide minimum plumbing fixtures which is not a code compliant solution and not accessible for people with disabilities.
- 7) Cords were observed to be used as a means of permanent wiring.
- 8) The equipment mezzanine is advertised to be utilized as a public amenity for gathering use which is not permitted by code as is.
- 9) The stairway and guard railing for the mezzanine was not designed for current use. The stairs, mezzanine and guard railing were designed for equipment access and possibly some light storage but not for human use and occupancy.
- 10) The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.
- 11) No records were found of a tenant improvement to accommodate the current use and occupancy. Although a certificate of occupancy was issued under permit number B14-0082, the permit for this case clearly describes the work as: PRE-INSPECTION FOR FUTURE WINERY CELLAR AND TASTING ROOM. No plans, permit or inspection records were found indicating that the space was modified to accommodate a safe and code compliant tenant space.
- 12) The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.
- 13) Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.

SECTION 2. Building Code & California Health and Safety Code Sections Violated:

- 1) California Building Code Section 105.1 Permits.
- 2) California Plumbing Code Section 422.1
- 3) California Building Code Section 114.1
- 4) California Building Code Section 116

- 5) California Health and Safety Code Section 17920.10 Lead Hazards.

SECTIONS 3. REQUIRED ACTIONS

Required Actions – Effective Immediately:

1. Cease the use of the mezzanine area for public access immediately.
2. Limit the facility's occupant load to a maximum of 49 individuals and keep the roll-up door open during business hours.
3. Remove all obstructions blocking the main entrance/exit.
4. Provide a temporary accessible entrance/exit to the business.
5. Remove any fence obstructions that impede the exit path.
6. Cease the use of cords as permanent wiring.

Required Actions by 03/11/2025:

1. Supply temporary sanitation facilities in accordance with the California Building and Plumbing Codes, based on the facility's occupant load. These facilities must be approved for their intended use, and their specifications should be reviewed and approved by the Building Official.
2. Submit an engineered plan for wine storage that complies with the California Fire and Building Codes for seismic restraint, mechanical ventilation, sources of ignition, spill control, etc. or relocate the wine barrels until necessary modifications are made to meet code requirements.

Required Actions by 03/26/2025:

"Note to the tenant: A reasonable time extension may be granted for submitting the required plans, provided that all items listed in the above actions have been verified and approved by the Building and Fire Officials for compliance."

1. Submit plans prepared by a licensed engineer or architect for review. These plans should detail the improvements needed to bring the business into compliance with applicable code requirements. The plans must reflect existing

conditions, identify any construction deficiencies or code violations, and outline corrective measures.

2. After the plans are approved, obtain the necessary permit and schedule the required inspections.
3. Do not commence any work that requires permits, inspections, or approval until the permit has been issued. Any work that has already been concealed will need to be exposed for inspection.
4. Non-compliance will result in deeming the space unsafe for occupancy and the issuance of an order to vacate.

Thank you for your attention to this notice, your safety is our priority. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Posted and sent on 02/19/2025

Oscar Dávalos

Chief Building Official, CBO, CFM
odavalos@alamedaca.gov
(510) 747-6820



Exhibit T



Chief Building Official
Planning Building & Transportation
2263 Santa Clara Ave., Room 190
Alameda, CA 94501 (510) 747.6800

Thursday, May 15, 2025

To:

Tod Hickman and Estela Villagrana
Building 43 Winery
PO BOX 43
Alameda, CA 94501

Subject: Revocation of Certificate of Occupancy

Property Address: 2440 Monarch Street Suite 100

Permit/Certificate Number: B14-0082

Section 1. Revocation of the Certificate of Occupancy

Dear Tod and Estella,

Pursuant to California Building Code Section [A] 111.4 – Revocation, this letter serves as formal written notice that the Certificate of Occupancy issued on February 17, 2014, for the above-referenced property is hereby revoked, effective immediately.

The revocation is based on the following findings:

- 1) The business occupant load increased by adding outdoor seating under Use Permit PLN14-0588 approved on April 7, 2015, after the issuance of the certificate of occupancy under permit number B14-0082 issued on February 17, 2014 and no building permit was obtained for the change in use and occupant load which triggered additional requirements.
- 2) The tenant space and outdoor seating do not meet minimum building codes for the following reasons:

- a) The business does not meet the minimum accessibility requirements.
- b) The business does not meet the minimum requirements for sanitation facilities.
- c) The business does not meet the minimum egress requirements.
- d) The business has alterations in use and occupancy that do not meet the minimum code requirements.
- e) No plans and no permit records were found reflecting change of use and occupancy, the minimum requirements for the maximum occupant load and safe exiting, use of the mezzanine and rooms below for public or private use, minimum plumbing fixtures for the occupant load, electrical alterations, plumbing alterations, etc.
- f) The plans requested on **Wednesday, February 19, 2025**, to bring the business into compliance were not submitted for plan check.
- g) Other violations mentioned in the special investigation inspection report issued on **Wednesday, February 19, 2025**.

This revocation is issued under the authority granted to the Building Official by California Building Code Section [A] 111.4, which recites:

“The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.”

Section 2. Declaration of the Building as an Unsafe Structure

The Building Official of the City of Alameda hereby declares the tenant space located at 2440 Monarch Street, Suite 100 in Alameda California 94501 (also known as Building 43 Winery) as an unsafe Building in accordance with Section 116 of the California Building Code. You are hereby ORDERED to abate the code violations stated in the Investigation Inspection dated 02/19/2025 and updated on 04/24/2025 for case X24-0467 by complying with all required actions as described in said report. This declaration is issued under the authority granted to the Building Official by California Building Code Section [A] 116.1, which recites:

“[A] 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official

deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe."

Section 3. Notice to Vacate

The Building Official of the City of Alameda has found this building to be unsafe and unfit for continued human occupancy. This building or structure must be vacated not later than **Friday May 16, 2025**. Occupancy beyond such date is unlawful and constitutes an infraction, authorization to enter the structure is only permitted by the Chief Building Official to qualified personnel to conduct the needed assessment to prepare the required plans or to remove personal belongings.

Section 4. Administrative Fees

Administrative fees for staff time will be assessed according to the approved fee schedule and as deemed necessary by the Building Official for all time spent on enforcement efforts.

Section 5. Appeal of Decision of the Building Official

Any person served with a notice under Section 116 of the California Building Code may appeal the decision of the Building Official to the Housing and Building Code Hearing and Appeals Board (Board) by filing a written Application for Appeal Hearing with the Secretary of the Board within ten (10) days of service of the Building Official's determination under Section 116 of the California Building Code.

Thank you for your attention to this notice. If you have any questions or concerns, please reach out to me by phone at 510-747-6820, via email at odavalos@alamedaca.gov

Respectfully,



Oscar Davalos, CBO, CFM.
Chief Building Official.
odavalos@alamedaca.gov
(510) 747-6820

Served via email and posted at the property on 05/15/2025

Exhibit U

From: Oscar Davalos
To: Tod Hickman
Cc: Estela Villagrana; Steven Buckley; Allen Tai
Subject: RE: Building 43 Winery
Date: Friday, May 16, 2025 1:49:00 PM
Attachments: [1997 uniform code for the abatement of dangerous buildings 1_18.pdf](#)
[image001.png](#)
[image002.png](#)
[1997 uniform code for the abatement of dangerous buildings 1_17.pdf](#)
[1997 uniform code for the abatement of dangerous buildings 1_15.pdf](#)
[1997 uniform code for the abatement of dangerous buildings 1_14.pdf](#)
[1997 uniform code for the abatement of dangerous buildings 1_16.pdf](#)
[1997 uniform code for the abatement of dangerous buildings 1_12.pdf](#)

Good afternoon Mr. Hickman,

The City of Alameda adopted the 1997 Edition of the **Uniform Code for the Abatement of Dangerous Buildings (the “Code”)** (see Alameda Municipal Code Section 13-9.1). The order was issued in accordance the section 404 of the Code. Section 504 of the Code states that the right to a stay of all enforcement proceedings pending an appeal **does not apply to orders to vacate issued under section 404**, for the following reasons:

1. The Certificate of Occupancy was revoked and the structure ordered vacated. A building or structure may not be occupied without a certificate of occupancy.

SECTION 111 OF THE CALIFORNIA BUILDING CODE (as adopted by AMC Section 13-2.1)

CERTIFICATE OF OCCUPANCY

[A] 111.1 Change of occupancy. A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

[A] 111.4 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

2. As the Building Official, the Code empowers me to issue orders to vacate under Section 404 for buildings deemed a Dangerous Building under Section 302. The definition of dangerous building under Code states the following: **DANGEROUS BUILDING** is any building or structure deemed to be dangerous under the provisions of **Section 302 of this code**.

SECTION 202 - ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 - VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 302 - DANGEROUS BUILDING (highlighted in pages 14 and 15, attached)

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

3. The order deems the structure unsafe to be occupied because it violates the Building Code and was ordered vacated effective today May 16,2025. (All reasons have been properly documented and conveyed in writing.)
- 4. The Code clearly states the following regarding **SECTION 504 - STAYING OF ORDER UNDER APPEAL.**
Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (included and highlighted in page 18)
5. The order to vacate is in conformance with the requirements of section 404 the Code, attached and highlighted on page 17.

SECTION 401 - GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. A statement of the action required to be taken as determined by the building official.
3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

For the foregoing reasons, the City will not stay enforcement of the order to vacate while your appeal is pending.

The City offices are closed today but I'm happy to have a meeting with you and Estella on Monday to discuss the requirements to bring the business into compliance.

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Tod Hickman <tod@building43winery.com>

Sent: Thursday, May 15, 2025 5:59 PM

To: Oscar Davalos <odavalos@alamedaca.gov>

Cc: Estela Villagrana <estela@building43winery.com>; Steven Buckley <sbuckley@alamedaca.gov>; Allen Tai <ATai@alamedaca.gov>

Subject: [EXTERNAL] Re: Building 43 Winery

Mr. Davalos,

You mentioned questions and yes, I have several. To start with; how do patio issues make the inside of our building unsafe?

It is difficult to interpret what you are attempting to say in the rest of your letter as you have changed your story so many times and continue to reference items that are no longer in use such as the "mezzanine".

You fail to reference code citations on each item and your inspection format is non-conforming. Again, it is almost impossible to decipher. And I say this as an experienced retired government agency inspector with decades of experience.

You additionally mention our right to an appeals hearing as if you are unaware we have already filed for one and have it scheduled for June 4th, 2025.

You fail to acknowledge our right to a stay of all enforcement proceedings, including red tagging, until the outcome of the appeals hearing.

Please answer my questions and remove your red tags immediately in accordance with the appeals process hearing and our rights.

Respectfully,

Tod Hickman
Building 43 Winery

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From: Oscar Davalos <odavalos@alamedaca.gov>

Sent: Thursday, May 15, 2025 2:44 PM

To: Tod Hickman <tod@building43winery.com>

Cc: Estela Villagrana <estela@building43winery.com>

Subject: RE: Building 43 Winery

Good afternoon Tod and Estella,

Attached please find the letter serving as a formal notice informing you that the Certificate of Occupancy issued on February 17, 2014, is hereby revoked effective immediately. The portion of the building occupied by Building 43 Winery shall be vacated by Friday May 16, 2025, and may not be occupied until authorized by the Building Official.

To aid in resolving this matter, I have authorized qualified personnel to enter the building to gather data to prepare the requested plans. Additionally, you as the tenants are permitted to enter the space to retrieve your belongings.

Please let me know if you have any questions or if a meeting is necessary to discuss the matter further.

Thank you!

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Tod Hickman <tod@building43winery.com>
Sent: Friday, May 2, 2025 4:31 PM
To: Oscar Davalos <odavalos@alamedaca.gov>
Cc: Estela Villagrana <estela@building43winery.com>
Subject: [EXTERNAL] Re: Building 43 Winery

Hello Oscar,

Please see attachment for Steeltown's response to your 4-24-25 inspection report.

Respectfully,

Tod Hickman
Steeltown Winery LLC

From: Oscar Davalos <odavalos@alamedaca.gov>
Sent: Thursday, April 24, 2025 1:50 PM
To: Estela Villagrana <estela@building43winery.com>
Cc: Tod Hickman <tod@building43winery.com>
Subject: RE: Building 43 Winery

Good afternoon Tod,

Thank you for providing me the opportunity to perform the follow up inspection yesterday. Attached please find the updated report reflecting yesterday's inspection. Additionally, my staff will be posting it at the property today.

I'm out of the office the rest of the day but will be available on Monday to answer any questions you may have.

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Estela Villagrana <estela@building43winery.com>

Sent: Tuesday, April 8, 2025 10:46 AM

To: Oscar Davalos <odavalos@alamedaca.gov>

Cc: Tod Hickman <tod@building43winery.com>

Subject: [EXTERNAL] Re: Building 43 Winery

Hi Oscar,

Let's do 1000 hrs on Wednesday the 23rd of April.

I'll send you some pictures later today for the interim.

Tod

From: Oscar Davalos <odavalos@alamedaca.gov>

Sent: Tuesday, April 8, 2025 10:20 AM

To: Estela Villagrana <estela@building43winery.com>

Cc: Tod Hickman <tod@building43winery.com>

Subject: RE: Building 43 Winery

Hi Tod,

My sincere apologies, I'm out of the office on training tomorrow and Thursday actually. Would you be available the week of the 21st to the 24th?

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30
Call for inspections: Mon-Thur 7:30-8:30 at 747.6830
Closed on Fridays



From: Estela Villagrana <estela@building43winery.com>
Sent: Tuesday, April 8, 2025 9:53 AM
To: Oscar Davalos <odavalos@alamedaca.gov>
Cc: Tod Hickman <tod@building43winery.com>
Subject: [EXTERNAL] Re: Building 43 Winery

Hi Oscar,

We will most likely be tending the vines all week next week and wont be in town until the weekend.

How about anytime tomorrow?

Tod

From: Oscar Davalos <odavalos@alamedaca.gov>
Sent: Tuesday, April 8, 2025 8:40 AM
To: Estela Villagrana <estela@building43winery.com>
Cc: Tod Hickman <tod@building43winery.com>
Subject: RE: Building 43 Winery

Good morning Estela,

I'm not in the office this Thursday, would you be available to meet next week? I'm available any day in the afternoon next week Monday through Thursday, please let me know what day/time works best for you next week and I'll put it in my schedule.

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Estela Villagrana <estela@building43winery.com>
Sent: Tuesday, April 8, 2025 8:17 AM
To: Oscar Davalos <odavalos@alamedaca.gov>
Cc: Tod Hickman <tod@building43winery.com>
Subject: [EXTERNAL] Re: Building 43 Winery

Hi Oscar,

We have restored power to the 1/3 of the building that had it shut off and was the cause of the extension cord use. As suspected, the City's electrician did turn off our breakers in the SW shed when they were doing the inspection last year. Not sure why they would have sabotaged us like that: No wait, it fits right in with what every other employee of the City has been doing. Whatever the case, it is fixed now.

I believe this concludes our business. Would you like to meet me here Thursday afternoon or would you just prefer I send pictures? I know we are both busy and think the pictures would be best for both of us. Let me know.

Tod

From: Estela Villagrana <estela@building43winery.com>
Sent: Tuesday, March 25, 2025 9:45 AM
To: Oscar Davalos <odavalos@alamedaca.gov>
Cc: Tod Hickman <tod@building43winery.com>
Subject: Re: Building 43 Winery

Hi Oscar,

It's Tod replying. Things have gotten a bit technical for Estela with your constant changing of requirements and technicalities. I am going to make it simple going forward. Just a quick note about my Birthday Party this last weekend with a few of my closest friends; I am not so sure that is any of your business.

So as far as all of the items: basically everything has been addressed.

1. Mezzanine is for me and my breaks only
2. Entry door is cleared
3. Gate removed from side of building for emergency access.
4. Extension cord use is almost ceased. Last issue is City's electrician killed power to 1/3 of our space when they were trying to figure out how to split the halves of the building for metering. I have traced the issue to the "south east" shed and am working with the property manager to get it resolved. Ideally it will just be a breaker needing turned on once I gain access to the shed. If there is damage or theft, then the City has the problem. After this there won't be a "permanent" extension cord in the house.
5. Roll up door is always open when we are open. This gives us unlimited egress if there is an emergency. It is 18 feet wide. The space could evacuate like a herd of cattle.
6. I have removed all wine from the barrels and taken it to our foothill's location. Again, there is no wine being stored in barrels in our facility. Remaining barrels are strictly for the show. If you want to harass us about these then I will just remove them completely. You can forget about us and your permit and engineering plan. It is not happening. Looks like you will be busy though with the email complaint I sent you earlier this am.
7. We will be having the 2 porta potti's delivered (1 handi capped) that we have used for the last 10 years before our event season begins.

I believe this concludes our business together and I know you will be busy with the real problems in Alameda going forward.

If you want to verify anything, please set an appointment with me and we can look at everything. I am jammed in the vineyards for the next few weeks and will not be able to meet. I think it best that we let this power issue resolve itself first anyway.

Oscar, In all my years as a Regulator and an Investigator preparing cases for the DA's Office, I have never seen such behavior from government employees. I have seen the story on the barrels change numerous times, even evolving to the concept that "wine can catch fire". Let me tell you Oscar, as a Hazardous Materials Specialist (for the most industrial county in CA) and a Winemaker, that concept is absurd.

Oscar, I particularly don't appreciate the threats you are constantly sending us about shutting down our business when no legitimate reasons exist. We are the second longest running business on Alameda Point and nothing has changed in our business model from day 1. I particularly don't appreciate the way you have treated our business while doing nothing to businesses that have real problems and violations. I have given you the benefit of the doubt until now, but you have made it difficult to stick with that given all of the other businesses I reported this am, that Estela already reported, and for sure you already knew about. Not to mention Natel across the street with their unpermitted monstrosity of a structure and illegal discharges to the storm drain, all the while claiming they don't need a SW permit. I will be sending you a complaint and video later today about one of their illegal 1000-gallon discharges.

Respectfully,

Tod Hickman

Combat Veteran

Retired Hazmat Specialist CC County

Alameda NAS Historic Preservationist

Building 43 Winery

510 872-1710

From: Oscar Davalos <odavalos@alamedaca.gov>
Sent: Tuesday, March 25, 2025 7:56 AM
To: Estela Villagrana <estela@building43winery.com>
Cc: Tod Hickman <tod@building43winery.com>
Subject: RE: Building 43 Winery

Good morning Estela,

I'm following up on the email I sent you on March 17th at 4:10 PM and would like to convey that considering the information you previously provided me by email in the screenshot below and the fact that the business was observed open to the public this past weekend (Saturday March 22, and Sunday 23, 2025) I will not be able to consider any extension request until we verify compliance with the first two (2) required actions. I would like to remind you that even private events are considered serving the public.

Failure to comply with this order will result in deeming the space unsafe to occupy and ordering it vacated.

[EXTERNAL] Re: February 19, 2025 Posting on building 43 Door



Estela Villagrana <estela@building43winery.com>

To Oscar Davalos

Cc Tod Hickman

[ⓘ If there are problems with how this message is displayed, click here to view it in a web browser.](#)

Good morning Oscar,

It was a placer talking to you this pass Monday and thank you for the guidance on addressing the violations from the 2/19/25 inspection report.

As we spoke about, I would like to request an extension to address the items listed on the report. Currently we are not open to the public until the summer season starts in May.

Thank you.

Best regards,

Estela Villagrana
Managing Member

Building 43 Winery

2440 Monarch St.

Alameda, CA 94501

[510-872-1701](#)

[925-421-7003](#)

Please let me know if you have any questions.

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Oscar Davalos

Sent: Monday, March 17, 2025 4:10 PM

To: Estela Villagrana <estela@building43winery.com>

Subject: RE: Building 43 Winery

Good afternoon, Estela,

Per our conversation on March 05, 2025, I'm following up on the requested written extension letter. Please describe the reason(s) of the extension request and provide specific times to comply with the required actions identified in section 3 of the issued investigation inspection report. To illustrate the information identified in the required actions, I'm providing expanded information on each of the actions below:

SECTIONS 3. REQUIRED ACTIONS

Required Actions – Effective Immediately:

This action is required prior to resuming operations to the public.

1. Cease the use of the mezzanine area for public access immediately.
2. Limit the facility's occupant load to a maximum of 49 individuals and keep the roll-up door open during business hours.
3. Remove all obstructions blocking the main entrance/exit.
4. Provide a temporary accessible entrance/exit to the business.
5. Remove any fence obstructions that impede the exit path.
6. Cease the use of cords as permanent wiring.

Required Actions by 03/11/2025:

These items were originally requested to be completed within two weeks of the initial issuance date, under the assumption that the business was already operational. However, based on our recent conversations, I understand that the business is not expected to open until May. As such, these items should now be addressed before the business resumes operations. Once operational, the business will be able to accommodate patrons both inside and outside the facility.

1. Supply temporary sanitation facilities in accordance with the California Building and Plumbing Codes, based on the facility's occupant load. These facilities must be approved for their intended use, and their specifications should be reviewed and approved by the Building Official.
2. Submit an engineered plan for wine storage that complies with the California Fire and Building Codes for seismic restraint, mechanical ventilation, sources of ignition, spill control, etc. or relocate the wine barrels until necessary modifications are made to meet code requirements.

Required Actions by 03/26/2025:

Plans will be required to ensure the business complies with all the requirements for the use, these plans shall be submitted for plan check no later than 30 days from the day the business is reopened to the public.

"Note to the tenant: A reasonable time extension may be granted for submitting the required plans, provided that all items listed in the above actions have been verified and approved by the Building and Fire Officials for compliance."

1. Submit plans prepared by a licensed engineer or architect for review. These plans should detail the improvements needed to bring the business into compliance with applicable code requirements. The plans must reflect existing conditions, identify any construction deficiencies or code violations, and outline corrective measures.
2. After the plans are approved, obtain the necessary permit and schedule the required inspections.
3. Do not commence any work that requires permits, inspections, or approval until the permit has been issued. Any work that has already been concealed will need to be exposed for inspection.
4. Non-compliance will result in deeming the space unsafe for occupancy and the issuance of an order to vacate.

Please let me know if you have any questions.

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Oscar Davalos
Sent: Wednesday, March 5, 2025 10:55 AM
To: Estela Villagrana <estela@building43winery.com>
Subject: RE: Building 43 Winery

Hi Estela,

I received your recent voicemail and returned the call but was unable to reach you.

Please call me at your earliest convenience to discuss the report, the extension request, and any other questions you may have. I'm available until 2:00 PM and after 4:00 today.

Thanks!

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



From: Oscar Davalos
Sent: Thursday, February 27, 2025 10:07 AM
To: Estela Villagrana <estela@building43winery.com>
Subject: Building 43 Winery

Good morning Estela,

I received your voicemail. I have a fully committed day today and, since we are closed tomorrow; I'm happy to answer any questions you may have on Monday. I also received your email regarding the extension, but the request does not mention the requested time to comply.

Sincerely,

Oscar Davalos

Chief Building Official

510.747.6820

odavalos@alamedaca.gov

Office Hours: Mon-Thur 8:30-12:30 and 1:30-3:30

Call for inspections: Mon-Thur 7:30-8:30 at 747.6830

Closed on Fridays



Chapter 2

ENFORCEMENT

SECTION 201 — GENERAL

201.1 Administration. The building official is hereby authorized to enforce the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 108 and 1701 of the Building Code.

SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

205.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Chapter 3

DEFINITIONS

SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

SECTION 302 — DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Chapter 4

NOTICES AND ORDERS OF BUILDING OFFICIAL

SECTION 401 — GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.
3. A statement of the action required to be taken as determined by the building official.

3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3.3 If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the

building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

SECTION 402 — RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

SECTION 403 — REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

1. Any building declared a dangerous building under this code shall be made to comply with one of the following:
 - 1.1 The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
 - 1.2 The building shall be demolished at the option of the building owner; or

- 1.3 If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
2. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

SECTION 404 — NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

..... of

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

Chapter 5

APPEAL

SECTION 501 — GENERAL

501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the of"
2. A caption reading: "Appeal of, giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 — EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 — SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

SECTION 504 — STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.