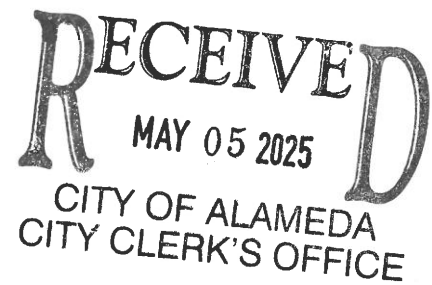


Steeltown Winery LLC

2440 Monarch Street, Suite 100

Alameda, CA 94501

Email: tod@building43winery.com

**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

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

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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

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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.**

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- 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.

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

19/20

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 Davalos

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

20/20