



City of Alameda • California Code Enforcement • Building Division

Exhibit 1 Item 3-A
Housing & Building Code Hearing & Appeals Commission
June 4 2025

CASE SUMMARY REPORT

DATE: 05/17/2025

Code Enforcement Case # X24-0467

ADDRESS: 2440 Monarch Street Suite 100

APN: 074-1367-039-02

Property Owner: City of Alameda

Business Name: Building 43 Winery

Business Owner: STEELTOWN WINERY LLC

Prepared by: Oscar Davalos, Chief Building Official, CBO, CFM.

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SECTION 1 – PURPOSE

This report is submitted to provide a comprehensive code analysis and accompanying photographic documentation in response to the appellant's challenge pertaining to Section 1.2 of the Inspection Report, originally issued on February 19, 2025, and subsequently revised on April 24, 2025. Additionally, this report includes pertinent case history intended for review by the Housing and Building Code Hearing and Appeals Commission (the Commission) in relation to Code Enforcement Case No. X24-0467.

SECTION 2 - BUSINESS HISTORY AND OPERATIONS

Building 43 Winery, established in 2015, offers a variety of services including wine tastings and sales, on-site beer sales, and food from local food trucks. The winery also hosts private events, features outdoor seating, and offers live music and salsa classes.

SECTION 2.1 - BUILDING PERMIT HISTORY

On January 30, 2014, the Building Division received an application to inspect a facility to establish a new business. Based on records maintained by the Building Division, the application included the following description of work:

(First Floor): Pre-inspection for future winery cellar and tasting room (Type II-A construction; Occupancy Group F), scheduled for Wednesday, February 5, 2014, at 10:30 AM.

Subsequently, a building inspection was approved on January 15, 2015, and a fire inspection was approved on January 22, 2015, both associated with Permit Case No. B14-0082, as documented in the official record.

A Certificate of Occupancy for the project, under Case No. B14-0082, was issued following final approvals. The final signature was recorded on February 17, 2015, establishing that date as the effective date of issuance. It is worth mentioning that no plans were submitted for plan check and no additional permits were found on the records.

SECTION 2.2 - PLANNING DIVISION PERMIT HISTORY

On June 9, 2014, the Planning Division approved a Zoning Clearance for a Business License Application. Subsequently, the Planning Division received Application No. PLN14-0588, submitted with the following applicant description:

“Use Permit for Winery Operations. We will also have a tasting bar offering DTC (direct-to-consumer) sales of tastings, wine by the glass, or bottle purchases. Outdoor seating with approximately 60-person capacity.”

The official project description for the Use Permit was documented as follows:

“A public hearing to consider a Use Permit to allow outdoor seating and extended business hours for an existing winery at Alameda Point. The outdoor seating will occupy the paved area in front of the building. The proposed extended hours are from 10:00 p.m. to midnight on Fridays and Saturdays, exceeding the standard permitted business hours of 7:00 a.m. to 10:00 p.m., seven days a week. The project site is located within the AP-AR (Alameda Point – Adapted Reuse) District.”

The Use Permit was approved by the Zoning Administrator on April 7, 2015.

SECTION 3 – CODE ENFORCEMENT CASE CHRONOLOGY

July 2024. I was informed by Code Enforcement staff that we have received public complaints regarding incidents of public urination possibly involving patrons of the business known as Building 43 Winery. I promptly relayed this information to the Director of Planning, Building, and Transportation and notified him of my intent to request all available Planning records related to the business’s operations and to initiate an investigation.

Subsequently, I contacted the department responsible for the leasing agreement to request any relevant information about the business, including photographs from prior inspections. I was advised that the landlord would be conducting an inspection and would share the findings with me upon completion.

August 12, 2024. I received the inspection results from the landlord, and commenced the investigation. The investigation included a review of available permits and inspection records from Planning and Building, the landlord’s inspection results, and available information from public websites.

October 16, 2024. After concluding the investigation, a notice of violation was mailed and posted at the property. The notice requested access to perform a further inspection by October 21, 2024. No response was received. The notice of violation is included herein as Exhibit A and the Affidavit of Posting as Exhibit B

October 21, 2024. Code Enforcement visited the property as duly notified to conduct the further inspection. We knocked on the door and nobody answered. Subsequently an updated notice of violation was posted and mailed to the business owners. The notice requested access to perform the further inspection on October 23, 2024. The notice of violation is included herein as Exhibit C and the Affidavit of Posting as Exhibit D

October 23, 2024. Code Enforcement visited the property as notified to conduct the further inspection. We knocked on the door and nobody answered. Subsequently, we placed a door hanger notice of violation that described the case number, date and the phrase “no access.” The notice of violation is included herein as Exhibit E.

October 29, 2024. Senior Code Enforcement Officer Jose Luis Larios and I visited the property at approximately 2:30 PM and attempted to perform the further inspection. Upon arrival, I made contact with Mr. Tod Hickman, a managing member of Steeltown Winery of LLC (the tenant of the property) and introduced myself as “Oscar Davalos from the City’s Building Division,” to which he replied, “Oh so you are the one that have been harassing me!” Mr. Hickman then said the following: “get a court order” and “get the hell out of here.” As we started walking out, he told me “I’m going to sue you personally,” and “You don’t know me and you don’t know my history.” Mr. Hickman also said, “You know if you make a mistake, you can be liable.” A statement from Senior Code Enforcement Officer Larios documenting Mr. Hickman’s statements is included herein as Exhibit F.

November 6, 2024. The City Attorney’s Office secured an Administrative Inspection Warrant signed by Judge Thomas Reardon for the property. Both I and Assistant City Attorney Douglas McManaway appeared in Judge Reardon’s chambers at Rene C. Davidson Courthouse and provided the evidence gathered up until that date to Judge Reardon for his review. A copy of the warrant is included herein as Exhibit G.

Later that same day, an Inspection Notice and a copy of the Inspection Warrant were posted at the property. A copy of the notice is included herein as Exhibit H and the Affidavit of Posting is included as Exhibit I.

November 12, 2024. At approximately 11:30 AM, Code Enforcement, accompanied by Officer Young and Officer McKee from the Alameda Police Department (“APD”), visited the property to conduct the scheduled building inspection. Ms. Estela Villagrana, managing partner of the business known as Building 43 Winery, was seated outside of the property. I approached and greeted her by her first name, introduced myself as Oscar from the Building Division, and handed her my business card. I then attempted to give her a copy of the warrant. Without taking it, Ms. Villagrana handed me a Cease-and-Desist letter stamped received November 12, 2024, by the City Clerk’s Office which was the same letter sent to me via email on November 11, 2024, at 8:40 PM.

Ms. Villagrana mentioned that I should have the letter on my email to which I responded, yes, I received it. Then, I asked her whether she would provide me access to perform the noticed inspection. Ms. Villagrana responded, “**you are not going in.**” I thanked her and told the officers that we needed to go. That was the first time we were denied the right of entry to perform the inspection authorized by the lawful warrant. The Incident Report from the Alameda Police Department is included herein as Exhibit J.

November 20, 2024. The City Attorney's Office secured an Administrative Inspection Warrant authorizing Forcible Entry signed by Judge Thomas Nixon. A copy of the warrant is included herein as Exhibit K. The application for the Warrant was filed with the Civil Clerk's desk at Rene C. Davidson Courthouse and included supporting evidence and a signed declaration by me, Oscar Davalos.

November 25, 2024. An Inspection Notice and a copy of the Inspection Warrant (Exhibit K) were posted at the property notifying the tenants that Code Enforcement would be executing the Inspection Warrant on Tuesday, November 26, 2024, at 12:00 PM. A copy of the notice and the Affidavit of Posting included herein as Exhibit L.

Later that same day, Senior Code Enforcement Officer Larios forwarded me an email from Mr. Hickman sent to the Mayor and Councilmembers of the City of Alameda. Mr. Hickman stated in the email that the posted warrant was fraudulent and requested police officers from APD for a "civil standby" to protect Mr. Hickman and Ms. Villagrana. The following is the last quote of the email included herein as Exhibit M (emphasis added).

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

November 26, 2024. Senior Code Enforcement Officer Larios and I arrived at the property to conduct the inspection. The following is a narrative of the inspection results from Tuesday November 26, 2024, at 12:00 PM:

"Inspection results: (No access)

Narrative: Upon arrival at the business known as Building 43 Winery to conduct the scheduled inspection, and shortly after I introduced myself, Mr. Hickman maintained that the warrant was fraudulent and although I asked several times if he was going to grant me access to perform the inspection, he responded that I already knew the answer because the warrant was fraudulent.

The inspection results narrative is consistent with the statement provided by Mr. Hickman in the email included herein as Exhibit M.

"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

During the rest of the interaction, Mr. Hickman made additional unfounded claims, asked the Police Officers to criminally investigate me, told me that he was going to sue me, and said that he did not know why I was hired since I lack experience. He also engaged with Senior Code Enforcement Officer Larios, whose statement regarding this incident is attached herein as Exhibit N.

After a few more minutes of Mr. Hickman expressing dissatisfaction, I asked again if I was going to be able to perform the inspection, stating that I had a court order which he had previously demanded when he denied entry to me and my team on October 29, 2024. He then made another claim about the legality of the warrant and did not answer my question regarding access. In the end, I informed Mr. Hickman that we would be leaving but that I would return at a later date to “Red Tag” the building. Mr. Hickman responded, “Oh really? You are going to use more false information to red tag the building?” Mr. Hickman then made additional unfounded claims, and I placed a copy of the warrant on a table where he and co-tenant Estela Villagrana were sitting. I reiterated that we did not want to escalate the situation, that we were going to leave and that I would come back to red tag the building.

December 1, 2024. The City received a letter notifying code enforcement that the tenants now were willing to cooperate and provided a few dates to provide access to perform the inspection. The letter also included other allegations unrelated to our Code Enforcement case. The letter is included herein as Exhibit O.

December 2, 2024. The inspection was confirmed with the tenants and conducted on December 2, 2024. Following the inspection, the tenants were verbally informed that the report would take some time to complete, as it required a thorough review of all records and photographic evidence.

February 19, 2025. The Code Enforcement Division issued an investigation inspection report outlining the violations, code sections violated and the required actions. The letter is included herein as Exhibit P.

That same day, Tenant Estela Villagrana emailed to request a meeting to discuss the violations noted in the report.

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.

February 26, 2025. Ms. Villagrana emailed a request for an extension, noting the business would not reopen until May.

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.

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.

March 17, 2025. I sent a follow-up email requesting the extension letter and provided further clarification on each required action.

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.

Later that day, 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.

April 23, 2025. I conducted a pre-scheduled inspection at Building 43 Winery, located at 2440 Monarch Street, Alameda, CA. The inspection was scheduled for 10:00 AM and was intended to verify compliance with the previously required corrective actions. I was accompanied by Code Enforcement Officer Hilisha Hinson, who documented the inspection by taking photographs.

We arrived on site at approximately 9:50 AM. Upon arrival, I approached Mr. Hickman, who greeted me in a friendly and cooperative manner. Initially, the conversation was routine; however, Mr. Hickman soon brought up a criminal case in which he is currently involved. He stated that the case stems from inspection warrants that were served on his business in 2024, and that the City is accusing him of denying Code Enforcement the right of entry.

Mr. Hickman asked if I was aware that he is facing a criminal charge related to this allegation. I responded that another tenant, Estela Villagrana, had mentioned the case during a prior phone call, and that I am not a lawyer and therefore could not comment on the matter.

Mr. Hickman then stated that the City filed charges against him for allegedly denying entry into the property, and that my testimony is primarily being used as the basis of the case. He further stated that I would be called to testify. Mr. Hickman said that during any

testimony, I should state that I was not denied entry but rather was granted access on the next business day and that my testimony to this effect will resolve the case.

April 24, 2025. An updated report was sent to the tenants and posted at the property, attached hereto as Exhibit Q. A response to each claim by Mr. Hickman was provided in the updated report in bold text. All of the items in the updated report are the same from the original inspection report dated February 19, 2025, incorporated herein as Exhibit P, with the addition of item 14. The required actions clearly stated the following on Page 6 of Exhibit Q: **“(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.”**

May 1, 2025. Mr. Hickman emailed me a response to the Inspection Report dated 04/24/2025. His response is included herein as Exhibit R.

May 5, 2025. Mr. Hickman filed an appeal. The documents were received by the City Clerk and are incorporated herein as Exhibit S.

May 12, 2025. The requested plans were not submitted for plan check.

May 15, 2025. A letter is mailed and posted to the property notifying the business owners the following:

- 1) The Certificate of Occupancy was revoked under the authority granted to the Building Official by California Building Code Section [A] 111.4
- 2) The tenant space was declared an Unsafe Building under the authority granted to the Building Official by California Building Code Section [A] 116.1
- 3) The tenant space was ordered vacated by **Friday May 16, 2025**, with authorization to enter the structure 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.

The letter is included herein as Exhibit T.

May 15, 2025. Mr. Hickman sent an email at 5:59 PM expressing dissatisfaction with the way the letters were written, stating that my inspection format is non-conforming and that I failed to acknowledge their right to a stay of all enforcement proceedings, including red tagging, until the outcome of the appeals hearing. The following is a quote from the mentioned email:

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

May 16, 2025. I responded to Mr. Hickman and informed him that 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.

My response, the applicable code pages, the complete email and additional communications with the business owners are included herein as Exhibit U.

SECTION 4 – BUILDING OFFICIAL AUTHORITY TO ENFORCE

Alameda Municipal Code (“AMC”) Section 2-44 establishes the Office of Building Official and authorizes the office to make all building inspections and to enforce all building laws and ordinances. The Building Official is also authorized to enforce other applicable codes, as incorporated by ordinance. See, e.g., California Building Code (“CBC”) Section 104.1 (adopted by AMC Section 13-2.1); California Plumbing Code (“CPC”) Section 103.1 (adopted by AMC Section 13-6.1); California Mechanical Code (“CMC”) Section 103.1 (adopted by AMC Section 13-7.1); California Electrical Code (“CEC”) Section 90.4 (adopted by AMC Section 13-5.1).

I, Oscar Davalos, have been appointed to serve as the Building Official of the City of Alameda and my first day of employment with the City was on March 18, 2024.

I am a Certified Building Official and Fire Marshal from the International Code Council, I am also certified as a Building Inspector, Plumbing Inspector, Electrical Inspector, Mechanical Inspector, Building Plans Examiner and Building Code Specialist from the International Code Council. I am familiar with the laws and regulations of the City of Alameda with respect to building, construction, substandard construction, dangerous buildings and other laws and regulations related to public health, safety and welfare as regulated by the Municipal Code. I have personal knowledge of the laws and regulations of the City of Alameda with respect to code compliance issues and property nuisances. Pursuant to Alameda Municipal Code (the “Municipal Code”) Section 1-5 (Penalty Provisions; Enforcement), I received a certification for the Penal Code 832 (PC832) Modules of Arrest from the Riverside County Sheriff’s Department in 2006 and have been active since then working for enforcing agencies, and I am authorized to issue administrative citations and seek and employ any remedy available under the Municipal Code.

My duties as the City's Chief Building Official include the administration of the Building and Code Enforcement Divisions in the Planning, Building and Transportation Department which includes the inspection of properties for compliance with the California State Housing Law, Health and Safety Code, California Building Code, Uniform Code for the Abatement of Dangerous Buildings, California Residential Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standards Code, Uniform Housing Code, and the City of Alameda's Municipal Code.

SECTION 5 – CODE ANALYSIS AND PHOTOGRAPHIC EVIDENCE

This section responds to the document submitted on May 1, 2025, by Mr. Hickman, which has been included in the appeal request as Exhibit A. It also addresses the remaining items listed in the updated inspection report dated April 23, 2025, that were not covered in Exhibit A.

SECTION 5.1 VIOLATIONS DETERMINED

(Identified in the Investigation Inspection Report as Section 1.2 and in italics font on this report for distinction)

Code Violation No. 1:

- 1. Plumbing, mechanical, electrical and building alterations have been performed throughout the space without the required permits and inspections.*

Violation observed and applicable code section:

1. Unpermitted washing sink
(CPC 104.1) (CBC [A] 114.1 Unlawful acts)
2. Unpermitted dishwashing machine
(CMC 104.1) (CBC [A] 114.1 Unlawful acts)
3. Exterior electrical connections and lighting
(CEC 89.108.4.1) (CBC [A] 114.1 Unlawful acts)
4. Interior electrical connections and lighting
(CEC 89.108.4.1) (CBC [A] 114.1 Unlawful acts)
5. Increased occupant load without approval
(CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required.) ([A] 111.1 Change of occupancy)
6. Unpermitted use of the rooms and mezzanine

(CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required.) ([A] 111.1 Change of occupancy)

7. Non-compliant mezzanine stairs and guard railing
(CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required.) ([A] 111.1 Change of occupancy)

Code Violation No. 2:

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.*

Violation observed and applicable code section:

1. The primary entrance/exiting path is in an area utilized as a kitchen or storage which is a direct violation of the code and endangers the occupants in case of an emergency.
(CBC [A] 114.1 Unlawful acts) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC 1009.1 Accessible means of egress required) (CBC 1016.2 Egress through intervening spaces. Item number 5.)
2. The area utilized as a kitchen or storage is not documented as a permitted use, if plans would have been submitted for plan check, this area would not have been approved as an entrance or exit.
(CBC [A] 114.1 Unlawful acts) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC 1009.1 Accessible means of egress required)
3. The entrance exceeds the minimum threshold height for occupants with disabilities and represents a tripping hazard.
(CBC [A] 114.1 Unlawful acts) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC 1009.1 Accessible means of egress required)
4. Since plans were not submitted for plan check adequate dimensions have not been provided to provide adequate access for occupants with disabilities.
(CBC [A] 114.1 Unlawful acts) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC 1009.1 Accessible means of address required)
5. Plans with code analysis were never submitted for the current use and occupancy therefore the maximum occupant load permitted inside the building is unknown.
(CBC [A] 114.1 Unlawful acts)
6. The occupant load is not posted.
(CBC [A] 114.1 Unlawful acts) (CBC 1004.9 Posting of occupant load.)

7. When the roll up door serves as an entrance/exit, it exceeds the minimum threshold height for occupants with disabilities and represents a tripping hazard. Additionally, the concrete ramp is not code compliant.
(CBC [A] 114.1 Unlawful acts) (CBC 1009.1 Accessible means of egress required) (CBC 11B-202.3.1 Prohibited reduction in access)
8. No egress lighting was observed.
(CBC [A] 114.1 Unlawful acts) (CBC 1008.1 Means of egress illumination)

Code Violation Nos. 3 and 4:

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.*

Violations observed and applicable code section:

1. The barrels are in the back of the space adjacent to the public. The business owner stated that the barrels are now empty and will remain 2 barrels high. However, at the time of inspection the barrels in the back were 3 barrels high and it is unknown how these are supported. Any alterations shall be included in a set of plans to ensure no changes are made that endanger the occupants.
(CBC [A] 114.1 Unlawful acts)

Code Violation No. 5:

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.*

Violation observed and applicable code section:

1. The portion of the fence obstructing the path which appeared to be a door was observed outside on the right side of the property. The door was removed but left on the floor obstructing the path.
(CBC [A] 114.1 Unlawful acts)

Code Violation No. 6:

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.*

Violation observed and applicable code section:

1. Single user bathroom inside tenant space and porta-pottie outside in the patio area.

(CBC [A] 111.1 Change of occupancy) (CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC 1604.1 General) (CBC 1604.2 Strength) (CPC 102.6 Changes in Building Occupancy) (CPC 104.1 Permits Required) (CPC 102.5 Health and Safety) (CMC 104.1 Permits Required) (CEC 89.108.4.1 Permits)

Code Violation No. 7:

7. *Cords were observed to be used as a means of permanent wiring.*

Violation observed and applicable code section:

1. Cords observed removed. However, no permits were found for the electrical wiring, lighting and security light/camera installed on the outside of the building and lighting, electrical connections to the dishwashing equipment, etc. (CEC 89.108.4.1 Permits)

Code Violation Nos. 8,9 & 10:

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.*

Violation observed and applicable code section:

1. Mezzanine and all rooms within the tenant space ([A] 111.1 Change of occupancy) (CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC1604.1 General) (1604.2 Strength) (CPC 102.6 Changes in Building Occupancy) (CPC 104.1 Permits Required) (CPC 102.5 Health and Safety) (CMC 104.1 Permits Required) (CEC 89.108.4.1 Permits)

Code Violation No. 11:

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.)

Violation observed and applicable code section:

1. Entire tenant space including all rooms and mezzanine and outdoor area.

([A] 111.1 Change of occupancy) (CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required) (CBC 11B-202.3.1 Prohibited reduction in access) (CBC1604.1 General) (1604.2 Strength) (CPC 102.6 Changes in Building Occupancy) (CPC 104.1 Permits Required) (CPC 102.5 Health and Safety) (CMC 104.1 Permits Required) (CEC 89.108.4.1 Permits) (CBC 1016.2 Egress through intervening spaces. Item number 5.)

Code Violation No. 12:

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

Violation observed and applicable code section:

1. Entire tenant space including all rooms and a mezzanine and outdoor area.

([A] 111.1 Change of occupancy) (CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required) (CBC 11B-202.3.1 Prohibited reduction in access) (CPC 102.6 Changes in Building Occupancy) (CPC 104.1 Permits Required) (CPC 102.5 Health and Safety) (CMC 104.1 Permits Required) (CEC 89.108.4.1 Permits)

Code Violation No. 13:

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

Violation observed and applicable code section:

1. Walls and ceilings throughout the space.
(California Health and Safety Code Section 17920.10 Lead Hazards.)

Code Violation No. 14:

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.

Applicable code section:

([A] 111.1 Change of occupancy) (CBC [A] 114.1 Unlawful acts) (CBC [A] 105.1 Permits Required) (CBC 11B-202.3.1 Prohibited reduction in access) (CEC 89.108.4.1 Permits)

SECTION 5.2 – PHOTOGRAPHIC EVIDENCE (attached as separate document)

Note: Some photos may have multiple ID’s to reflect all the violations noted in the space.

Violation Area	Picture Violation ID Number
Unpermitted washing sink in the kitchen/Storage area	2440-1
Unpermitted dishwashing machine	2440-2
Exterior electrical connections and lighting	2440-3
Interior electrical connections and lighting	2440-4
Increased occupant load without approval	2440-5
Unpermitted use of the rooms and mezzanine	2440-6
Non-compliant mezzanine stairs and guard railing	2440-7
The primary entrance/exiting path is in an area utilized as a kitchen or storage which is a direct violation of the code and endangers the occupants in case of an emergency.	2440-8
The area utilized as a kitchen or storage is not documented as a permitted use, if plans would have been submitted for plan check, this area would not have been approved as an entrance or exit.	2440-9
The entrance exceeds the minimum threshold height for occupants with disabilities and represents a tripping hazard.	2440-10
Since plans were not submitted for plan check adequate dimensions have not been provided to provide adequate access for occupants with disabilities.	2440-11
Plans with code analysis were never submitted for the current use and occupancy therefore the maximum occupant load permitted inside the building is unknown.	2440-12

The occupant load is not posted.	2440-13
When the roll up door serves as an entrance/exit, it exceeds the minimum threshold height for occupants with disabilities and represents a tripping hazard. Additionally, the concrete ramp is not code compliant.	2440-14
No egress lighting was observed.	2440-15
The barrels are in the back of the space adjacent to the public	2440-16
The portion of the fence obstructing the path which appeared to be a door was observed outside on the right side of the property. The door was removed but left on the floor obstructing the path.	2440-17
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.	2440-18
Cords were observed to be used as a means of permanent wiring.	2440-19
Cords observed removed. However, no permits were found for the electrical wiring, lighting and security light/camera installed on the outside of the building and lighting, electrical connections to the dishwashing equipment, etc.	2440-20
The equipment mezzanine is advertised to be utilized as a public amenity for gathering use which is not permitted by code as is.	2440-21
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.	2440-22
The mezzanine advertised for special events gathering was not designed accessible for people with disabilities.	2440-23
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.)	2440-24
The facility is not equipped with the minimum plumbing fixtures for the current use and occupancy.	2440-25
Evidence was noted of peeling paint on a pre-1978 building creating a potential lead hazard.	2440-26
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.	2440-27

SECTION 6. FULL TEXT OF APPLICABLE CODE SECTIONS VIOLATED

(Disclaimer: This list is not inclusive, the requested plans shall include all applicable codes in the design of the construction documents)

CBC [A] 105.1 Permits Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

CBC [A] 114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

CBC [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 therefor 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.

1004.1 Design occupant load. In determining means of egress requirements, the number of occupants for whom means of egress facilities are provided shall be determined in accordance with this section.

1004.2 Cumulative occupant loads. Where the path of egress travel includes intervening rooms, areas or spaces, cumulative occupant loads shall be determined in accordance with this section.

1004.2.1 Intervening spaces or accessory areas. Where occupants egress from one or more rooms, areas or spaces through others, the design occupant load shall be the combined occupant load of interconnected accessory or intervening spaces. Design of egress path capacity shall be based on the cumulative portion of occupant loads of all rooms, areas or spaces to that point along the path of egress travel.

1004.2.2 Adjacent levels for mezzanines. That portion of the occupant load of a mezzanine with required egress through a room, area or space on an adjacent level shall be added to the occupant load of that room, area or space.

CBC 1004.9 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space, for the intended configurations. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent.

CBC 1008.1 Means of egress illumination. Illumination shall be provided in the means of egress in accordance with Section 1008.2. Under emergency power, means of egress illumination shall comply with Section 1008.3.

CBC 1008.2 Illumination required. The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied.

CBC 1009.1 Accessible means of egress required. Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of egress. Where more than one means of egress is required by Section 1006.2 or 1006.3 from any accessible space, each accessible portion of the space shall be served by accessible means of egress in at least the same number as required by Sections 1006.2 or 1006.3. In addition to the requirements of this chapter, means of egress, which provide access to, or egress from, buildings for persons with disabilities, shall also comply with the requirements of Chapter 11A or 11B as applicable.

CBC 1016.2 Egress through intervening spaces. Egress through intervening spaces shall comply with this section.

5. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

CBC 11B-202.3.1 Prohibited reduction in access. An alteration that decreases or has the effect of decreasing the accessibility of a building or facility below the requirements for new construction at the time of the alteration is prohibited.

CBC1604.1 General. Building, structures and parts thereof shall be designed and constructed in accordance with strength design, load and resistance factor design, allowable stress design, empirical design or conventional construction methods, as permitted by the applicable material chapters and referenced standards.

1604.2 Strength. Buildings and other structures, and parts thereof, shall be designed and constructed to support safely the factored loads in load combinations defined in this code without exceeding the appropriate strength limit states for the materials of construction. Alternatively, buildings and other structures, and parts thereof, shall be designed and constructed to support safely the nominal loads in load combinations defined in this code without exceeding the appropriate specified allowable stresses for the materials of construction.

Loads and forces for occupancies or uses not covered in this chapter shall be subject to the approval of the building official.

CPC 104.1 Permits Required. It shall be unlawful for a person, firm, or corporation to make an installation, alteration, repair, replacement, or remodel a plumbing system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

CPC 102.5 Health and Safety. Where compliance with the provisions of this code fails to eliminate or alleviate a nuisance, or other dangerous or insanitary condition that involves health or safety hazards, the owner or the owner's agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as ordered by the Authority Having Jurisdiction.

CPC 102.6 Changes in Building Occupancy. Plumbing systems that are a part of a building or structure undergoing a change in use or occupancy, as defined in the building code, shall be in accordance with the requirements of this code that are applicable to the new use or occupancy.

CMC 104.1 Permits Required. It shall be unlawful for a person, firm, or corporation to make an installation, alteration, repair, replacement, or remodel a mechanical system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate mechanical permit for each separate building or structure.

CEC 89.108.4 Permits, Fees, Applications and Inspections.

CEC 89.108.4.1 Permits.

(a) Except as exempted in paragraphs (b) or (c) of this subsection, a written construction permit shall be obtained from the enforcing agency prior to the erection, construction, reconstruction, installation, movement, or alteration of any electrical system.

(b) Consistent with the requirements of Section 17960 of the Health and Safety Code, the local enforcing agency shall enforce the requirements of this code, but shall exempt the following activities from the requirement for a permit or inspection.

1. Listed cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles, but not the outlets.
3. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.

4. Installation or maintenance of communications wiring, devices, appliances, apparatus or equipment.

(c) Retroactive permits issued in accordance with Health and Safety Code Section 17958.12. Exemptions from permit requirements shall not be deemed to grant authorization for work to be done in any manner in violation of other provisions of law or this code.

SECTION 7. REQUIRED ACTIONS

The following are the required actions to bring the structure into 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.

Based on the foregoing, the City respectfully requests that the Commission deny Mr. Hickman's appeal.

Oscar Davalos

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