



ATTACHMENT A

February 5, 2002

**CERTIFIED AND REGULAR MAIL**  
**HAND DELIVERED TO SITE**

Oscar Braun  
1589 Higgins Canyon Road  
Half Moon Bay, CA 94019

**ENVIRONMENTAL  
SERVICES  
AGENCY**

Dear Mr. Braun:

**SUBJECT: NOTICE OF BUILDING CODE VIOLATIONS**  
**1589 Higgins Canyon Road, Half Moon Bay**

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

You are the owner of record for the property identified as 1589 Higgins Canyon Road, Half Moon Bay, Assessor's Parcel No. 064-370-240. On March 4, 1998, an inspection of this property was conducted by Gary Warren, Code Enforcement Officer for San Mateo County. During the course of that inspection, several violations of the San Mateo County Building Regulations were found to exist.

Animal Control

Cooperative Extension

Specifically, the violations which were confirmed to exist include a 1,440 sq. ft. stable, a 1,200 sq. ft. mobile home, a 2,460 sq. ft. tractor shed, a 200 sq. ft. agricultural barn, and two 5,000-gallon water tanks.

Fire Protection

Although you have applied for the required Planning permits, to date, you have not paid the necessary fees associated with those permits and have not filed for any building permits or paid the fees for those.

LAFCo

Each of these unpermitted structures constitute a violation of the San Mateo County Building Regulations and must have permits issued to either legalize or demolish the structures.

Library

The specific violations of the Building Regulations are, Division VII, Chapter 2, Article 3, Section 9025 [Permit Requirement], Section 9027 [Application Procedure], Section 9029 [Plans and other data], Article 4, Section 9040 [Fee Requirement], Article 5, Section 9050 [Inspection requirement], and Article 6, Section 9065 [Requirement of Certificate of Occupancy].

Parks & Recreation

Planning & Building

By way of this letter, you are officially advised that the Building Inspection Section will be initiating administrative procedures which can result in a recordation of these violations against the title of this property. If recorded,

**PLANNING AND BUILDING**

455 County Center, 2<sup>nd</sup> Floor • Redwood City, CA 94063 • Phone (650) 363-4161 • FAX (650) 363-4849

Oscar Braun  
February 5, 2002  
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these violations will remain until all violations have been resolved by either legalization or demolition.

You are further advised that if you fail, neglect or refuse to resolve these outstanding violations, this office will request that legal action from County Counsel or the District Attorney be initiated to obtain compliance.

Sincerely,



William Cameron  
Building Inspection Manager

WJC:kcd - WJCM0206\_WKN.DOC

cc: Marcia Raines, Director, Environmental Services Agency  
Terry Burnes, Planning Administrator  
Jim Eggemeyer, Development Review Services Manager  
Miroo Brewer, Project Planner  
Miruni Soosaipillai, Deputy County Counsel



BY FACSIMILE, REGULAR MAIL AND CERTIFIED MAIL

February 11, 2002

**ENVIRONMENTAL  
SERVICES  
AGENCY**

Oscar Braun  
1589 Higgins Canyon Road  
Half Moon Bay, CA 94019

Dear Mr. Braun:

**SUBJECT: NOTICE OF REQUEST FOR INSPECTION  
1589 Higgins Canyon Road, Half Moon Bay**

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

I trust you are in receipt of our letter dated January 16, 2002, stating the Board of Supervisors' decision to continue the item for 90 days. (A copy is attached for your review). As indicated in the letter, the Board continued the matter to allow time for four issues to be addressed. One of the issues involves investigation and clarification of sewage disposal and water supply by Environmental Health staff. The second issue involves verification by the Planning and Building staff that the main house complies with the approved plans dated December 11, 1991. In order to address these two issues, we hereby request permission to access your property for the necessary inspections by the Environmental Health and the Planning and Building staff.

Please contact me as soon as possible but no later than February 20, 2002, to schedule this inspection. Failure to respond by February 20, 2002, shall be construed as refusal to grant permission for inspection. Your refusal to grant permission for inspection would compel the County to seek an Inspection Warrant in order for staff to follow the Board of Supervisors' expressed directions.

The third issue that the Board of Supervisors requested be addressed and resolved prior to making a decision on your permit applications is the payment of all fees due for planning, building and environmental health permits, including all applicable investigation fees and penalties due for construction without permits. Please see table below for accrual of total amount of fees due.

**PLANNING AND BUILDING**

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Type of Fees	Permit Fee	Investigation Fee	Totals
<b>Building Permit Fees</b>			
<i>For Stable</i>			
Filing Fee	12.50	N/A	12.50
Building Permit Fee	475.20	(4,750) 3,000.00 <sup>1</sup>	3,475.20
Electrical Fee	36.00	360.00	396.00
Plumbing Fee	36.00	360.00	396.00
<i>For Mobile Home</i>			
Filing Fee	12.50	N/A	12.50
Building Permit Fee	500.00	N/A	500.00
Electrical Fee	36.00	N/A	36.00
Plumbing Fee	36.00	N/A	36.00
<i>For Tractor Shed</i>			
Filing Fee	12.50	N/A	12.50
Building Permit Fee	811.80	(8,118) 3,000.00 <sup>1</sup>	3,811.80
Electrical Fee	36.00	360.00	396.00
<i>For Agricultural Barn</i>			
Filing Fee	12.50	N/A	12.50
Building Permit Fee	66.00	660.00	726.00
<i>For Water Tanks</i>			
Filing Fee	12.50	N/A	12.50
Building Permit Fee	198.00	1980.00	2,178.00
Plumbing Fee	36.00	360.00	396.00
<b>Planning Fees</b>			
Coastal Development Permit - Public Hearing	1,300.00	2,600.00 <sup>2</sup>	2,600.00
Resource Management Permit	214.00	428.00 <sup>2</sup>	428.00
Stable Permit	1,323.00	2,646.00 <sup>2</sup>	2,646.00
Initial Study and Negative Declaration	833.00	1,666.00 <sup>2</sup>	1,666.00
Public Noticing	52.00	100.00 <sup>2</sup>	100.00
<b>Environmental Health Fees</b>			
Site Exam	333.00	999.00 <sup>3</sup>	999.00
Soil Percolation Test	607.00	1821.00 <sup>3</sup>	1821.00
Septic Permit for Mobile Home	607.00	1821.00 <sup>3</sup>	1821.00
Well Construction Permit	455.00	1365.00 <sup>3</sup>	1365.00
Well Certification Permit	461.00	1383.00 <sup>3</sup>	1383.00
<b>GRAND TOTAL</b>			<b>\$27,238.50</b>

<sup>1</sup>Investigation fees equal ten times building permit fee, plumbing fee and electrical fee but not to exceed \$3000 per trade. Per Section 9041, total fees for building violations are investigation fees in addition to the permit fees.

<sup>2</sup>All planning permit fees to be assessed two times the permit fee amount.

<sup>3</sup>All Environmental Health fees to be assessed three times the amount.

We request that you file applications for the building permits and pay \$27,238.50 at the Planning and Building Division. We are due to report back to the Board of Supervisors on April 16, 2002. Therefore, payment of fees should be made 30 days in advance, i.e., by March 16, 2002. We accept payment both by check as well as by credit card (Visa or MasterCard). Please note that additional inspection fees may be due as you make progress towards finalization of your building permits.

We seek your cooperation in order to process all your permits and to bring the matter of legalization of the structures on your property to final resolution. If you have any questions, please do not hesitate to contact me at 650/363-1853.

Sincerely,




Marcia Raines  
Director of Environmental Services

MR:MDB:fc - MDBM0199\_WFN.DOC

Attachment

cc: Terry Burnes, Planning Administrator  
Jim Eggemeyer, Development Review Services Manager  
Bill Cameron, Building Inspection Manager  
Miruni Soosaipillai, Deputy County Counsel  
Miroo Desai Brewer, Project Planner

<p>Recorded at the Request of, and When Recorded Return to: William Cameron, Building Inspection Manager San Mateo County Building Inspection Section Mail Drop PLN122 455 County Center Redwood City, CA 94063</p> <p>(To be recorded sans fee as per Government Code 6103)</p>	<p>For Clerk Use Only <b>DOC # 2002-046741</b> 03/13/2002 08:06A VN Fee:NC Page 1 of 1 Recorded in Official Records County of San Mateo Warren Slocum Assessor-County Clerk-Recorder Recorded By SAN MATEO COUNTY PLANNING AND</p> 
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County of San Mateo  
Environmental Services Agency  
Planning and Building Division

**NOTICE OF VIOLATION(S) OF BUILDING CODE**

Notice is hereby given that the following described real property, situated in the County of San Mateo, State of California, is in violation of the following San Mateo County Construction Codes.

VIOLATION(S): San Mateo County Ordinance Code, Division VII, Chapter 2, Article 3, Sections 9025, 9027, 9029, Article 4, Section 9040, Article 5, Section 9050, and Article 6, Section 9065

NAME OF OWNER OR FEE INTEREST IN PROPERTY:

Oscar A. Braun Tr.  
1589 Higgins Canyon Road  
Half Moon Bay, CA 94019

DESCRIPTION OF PROPERTY:

Address: 1589 Higgins Canyon Road  
Half Moon Bay, CA 94019

Assessor's Parcel Number: 064-370-240

Area: Unincorporated Half Moon Bay

Dated: March 13, 2002

  
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William J. Cameron, Building Inspection Manager  
County of San Mateo

Notice of Vio of Bldg Code.dot  
(firm00398.bld.doc)  
(9/13/1999)

Ted J. Hannig, JD, MBA  
Managing Partner

DIRECT DIAL:  
650/482-3020

E-MAIL  
tjh@hanniglaw.com



CORNER OF SELBY LANE/ATHERTON  
AND EL CAMINO REAL/REDWOOD CITY

[www.hanniglaw.com](http://www.hanniglaw.com)

2991 EL CAMINO REAL  
REDWOOD CITY, CA 94061-4003

TELEPHONE (650) 482-3040

FACSIMILE (650) 482-2820

February 20, 2002

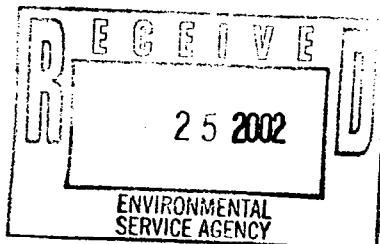
PARTNERS:  
TED J. HANNIG  
H. ANN LIROFF

OF COUNSEL:  
JOHN H. BLAKE  
WILLIAM R. WARHURST\*

ASSOCIATES:  
TERESA E. CICHUCKI\*\*  
ELLEN B. HAAS  
GERALD T. LAU

\*ADMITTED IN NEVADA &  
CALIFORNIA

\*\*ADMITTED IN  
CONNECTICUT ONLY



Ms. Marcia Raines  
Director of Environmental Services  
County of San Mateo  
455 County Center, 2nd Floor  
Redwood City, CA 94063

Re: 1589 Higgins Canyon Road, Half Moon Bay  
Request for Inspection and Pending Hearing;  
Denial of Agricultural Status

Dear Ms. Raines:

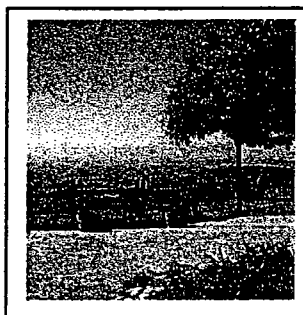
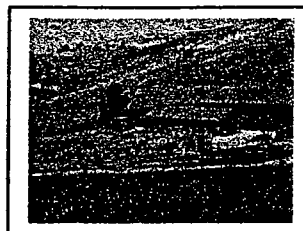
Our firm has been retained by the Oscar Braun Family with respect to their ranch property at 1589 Higgins Canyon Road, Half Moon Bay, California. Please copy all future correspondence regarding this matter to the undersigned.

We are in receipt of your Notice of Request for Inspection with respect to the subject property.

With respect to the proposed fees and fines totaling \$27,238.50, we believe that the calculation and the application and timing are inappropriate and the treatment of our client by the County in this regard is discriminatory.

While numerous Federal and State agencies, including the Internal Revenue Service and the Franchise Tax Board (including auditors for each of these), continue to treat our client's operations as agricultural, and while numerous Federal and State agencies utilize our client and his foundation to assist in agriculturally-orientated matters, the County has improperly denied his agricultural status, while at the same time granted agricultural status to a business which historically has dedicated very little, if any, of its resources to true agricultural purposes. We are greatly troubled by this inconsistent treatment.

We also find the sequencing of the demand for payment with approval to be akin to placing the cart before the horse.





Marcia Raines  
February 20, 2002  
Page Two

For these and many other reasons, the applicant has lost faith in fair treatment and therefore will not voluntarily assist in any witch hunt directed against him. He will, of course, comply with all lawful means of investigation. In fact, we welcome it.

Given that we will be appealing this matter to the California Coastal Commission, I would appreciate your keeping me apprised of the status of this matter at the County level so that we may perfect our record for appeal.

Very truly yours,

HANNIG LAW FIRM LLP

A handwritten signature in black ink, appearing to read "Ted J. Hannig", written over the typed name. The signature is stylized and cursive.

Ted J. Hannig

TJH/drm

cc: Client