

“D”

## Notice of Violation



A Tradition of Stewardship  
A Commitment to Service

7012 1640 0002 3283 9150  
NAPA CUSTOM CRUSH LLC  
c/o RYAN WAUGH  
4290 KINGSFORD DRIVE  
NAPA CA 94558

Planning, Building & Environmental Services

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

David Morrison  
Director

**NOTICE OF VIOLATION**  
**SUSPENSION OF CERTIFICATE OF OCCUPANCY**

July 30, 2014

VIA CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED

Napa Custom Crush LLC  
C/O Ryan Waugh  
4290 Kingsford Drive  
Napa, CA 94558

Subject: 2275 Soda Canyon, APN 039-640-012, Winery Violation

Dear Mr. Waugh

It has recently come to my attention that the scope of the use of your facility has exceeded what was approved under permit B13-00372. On March 14, 2014 a Certificate of Occupancy was issued approving the use of the cave and winery facilities (Type III cave). Upon review of recent aerial maps and internet site reviews, staff determined that you are allowing the public into areas of the cave that are unfinished and conducting tastings near a unpermitted portal on the west hillside. This is a violation of Section 111.1, Use and Occupancy and 105.1 of the 2013 California Building Code. Allowing the public in these areas without a certificate of occupancy is hazardous and not in compliance with the approved use permit.

Section 111.4 allows the building official to suspend a certificate of occupancy where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation of the California Building Code. This letter suspends your current certificate of occupancy and directs you to cease and desist any further winery operations until the violations have been resolved and the proper occupancy permit has been issued by the County of Napa Planning, Building and Environmental Service department.

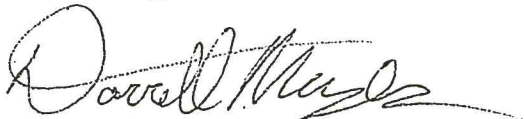
//

//

//

It is my understanding that your contractor has arranged a site visit for next Monday, August 4, 2014 with Code Enforcement staff. During that meeting they will advise you as to your next steps in resolving the violations that exist at your winery. If you have any questions please contact me at 707-259-8230.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Mayes". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Darrell Mayes, Chief Building Official

Cc: David Morrison, Director  
Dave Giudice, Code Enforcement Supervisor  
Carrie Gallagher, Deputy County Counsel



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210  
Napa, CA 94559  
www.countyofnapa.org

David Morrison  
Director

## NOTICE of VIOLATION

June 11, 2014

Mr. Ryan Waugh  
P.O. Box 3746  
Napa, CA 94558

Fidelity National Special Opportunities  
Attn: Gregory Lane  
475 Aviation Blvd, 2<sup>nd</sup> Floor  
Santa Rosa, CA 95403

**LOCATION:** 2275 Soda Canyon Road, Napa CA. APN 039-640-012

Dear Ryan:

The Napa County Department of Planning, Building, & Environmental Services received information that the following violations have been occurring at the above named address: Noise disturbance - use of a generator in violation of the winery use permit Condition of Approval Number 15, which states:

**Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code.**

**You are directed to immediately muffle the generator until the PG&E has been installed and in operation on the subject property.**

Please respond within seven (7) days of the date of this letter to inform us of your plan to alleviate the disturbance. Your cooperation is requested, however, failure to promptly comply will cause referral of this matter to the District Attorney's office.

Regards,

A handwritten signature in blue ink that reads "Linda St. Claire".

Linda St. Claire,  
Code Enforcement Officer

Cc: Chron, File

## **12. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- Department of Environmental Management as stated in their memo of July 19, 2006.
- Department of Public Works as stated in their letter of June 5, 2006.
- County Fire Department as stated in their letter of May 30, 2006.
- Building Division as stated in their letter of June 15, 2006.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

## **13. SPOILS:**

All spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

## **14. WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if it the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

## **15. NOISE:**

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.



A Tradition of Stewardship  
A Commitment to Service

February 04 2009

Conservation Development and Planning Department  
Code Enforcement

1195 Third Street, Suite 210  
Napa, CA 94559  
www.co.napa.ca.us

Main: (707) 253-4417  
Fax: (707) 253-4336

Hillary Gitelman  
Director of Conservation Development and Planning

## NOTICE AND ORDER

Gary Houck  
3375 Browns Valley Rd  
Napa Ca 94558-5434

---

**Location:** 2275 Soda Canyon Rd **APN:** 039-640-011  
**Subject:** Violation – Cave portal built without permits  
**Authority:** Napa County Code Section 15.04.070; California Building Code Section 105.1 (2007 ed.)

---

Dear Property Owner:

It is the customer service policy of this department to be responsive to citizen concerns regarding violations of land use and/or building safety regulations. With this in mind, we intend to familiarize you with said regulations and assist you in the resolution of any unsafe, substandard or unauthorized conditions at the above referenced property. **It has come to our attention that a cave portal was constructed without required documentation, agency review and permitting by this office.** This is a violation of Section 105.1 of the California Building Code – Permits Required. This is being brought to your attention to provide you the opportunity to respond and take appropriate action to correct the violation(s).

Please contact me within **seven (7) days** of the date of this letter to discuss your options for the resolution of this matter and to set up an on-site inspection. In addition, application for permits for the above referenced violation(s) must occur within **30 days** from the date of this notice. If you are not familiar with the application submittal requirements for your project you should call (707) 299-1347 or visit the County of Napa Building Department prior to submitting your application.

It is the intention of this office to provide all available means for your voluntary compliance, however, failure to respond as directed could result in further enforcement action by this department. If you have any questions, or do not fully understand any part of these proceedings, please call me at (707) 299-1343.

Sincerely,

A handwritten signature in black ink that reads "Greg Baxter".

Greg Baxter,  
Code Enforcement Officer

cc: Darrell Mayes, Chief Building Official

*Atención: Si usted necesita asistencia en Español llamar al Tel. 253-4417 y preguntar por Rosa Elena Briseño*