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Notice of Violation

Amended November 12, 2019



A Tradition of Stewardship
A Commitment to Service

Form 1 – Information Sheet
Planning, Building & Environmental Services

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

David Morrison
Director

**AMENDED INFORMATION AND NOTICE
REGARDING APPARENT CODE VIOLATION**

November 12, 2019

Caldwell Vineyard, LLC.
169 Kreuzer Lane
Napa, CA. 94559

Via Certified and Regular USPS Mail

LOCATION: 270 Kreuzer Lane, Napa, CA; APN 045-310-055-000 CE19-00992

Dear Property Owner:

The Napa County Department of Planning, Building, & Environmental Services has received information and/or observed that a Code violation exists or has occurred at the above-referenced Property. We have received complaints that you recently held an annual marketing event at the winery that did not adhere to the conditions of approval outlined in approved Use Permit #03318. The report stated that the event was held over two days on September 13 and 14th in areas outdoors with amplified music. Additionally, neighboring property owners were not informed of the event 60 days prior to the event as required by Use Permit #03318. This notice amends the previous notice of September 19, 2019.

Furthermore, additional information has been received indicating that additional conditions of approval as approved by Use Permit #03318 have not been implemented or are not being adhered to as required.

Please refer to the attached notice and informational sheet that describes in more detail the reported or apparent Code violation(s) and the references to the provisions that appear to have been violated.

Please contact us within ten (10) calendar days of the date of this Notice. We look forward to discussing this situation with you and resolving the apparent violation promptly. You may reach me at (707) 265-2325.

If you do not address the above-described violations by November 22, 2019, the County will take additional code compliance actions, including Citation, Notice of Nuisance, Order to Abate, and/or Filing of Enforcement Proceedings.

Sincerely,

A handwritten signature in blue ink that reads "Kelli Cahill".

Kelli Cahill,
Code Compliance Officer
Planning, Building & Environmental Services

Cc: File, Admin.



A Tradition of Stewardship
A Commitment to Service

DATE:
November 12, 2019

REPORTED OR APPARENT CODE VIOLATION

IMPORTANT ENFORCEMENT INFORMATION

This letter is a courtesy notice to advise you that a code violation exists on the property identified below. An annual marketing event was held at the winery that did not adhere to the conditions of approval outlined in Use Permit #03318. The report stated that the vent was held over two days on September 13 and 14th in areas outdoors with amplified music. Neighboring property owners were not informed of the event 60 days prior to the event as required. Furthermore, information has been received indicating that additional conditions of approval under Use Permit #03318 have not been implemented or adhered to as required. This notice amends the previous notice of September 19, 2019. Our Department encourages voluntary compliance and you are being given the opportunity to correct the violation identified in this notice before further enforcement action is taken.

NAME OF PERSON/ENTITY	ADDRESS OF VIOLATION:	MAILING ADDRESS:
Caldwell Vineyard, LLC.	270 Kreuzer Lane, Napa APN# 045-310-055-000	169 Kreuzer Lane Napa, CA. 94559

CODE SECTION(S) VIOLATED:	VIOLATION DESCRIPTION:
<p>Use Permit No. 03318, Condition of Approval</p> <ul style="list-style-type: none"> • No. 1 – Scope <ul style="list-style-type: none"> - No Outdoor winery activities - Marketing events shall be limited to 13 events per year. Each event requires a minimum 60 days notice to the neighbors at parcel nos. 045-310-045 and 045-310-047. - Tours and tastings are limited to 8 people per day or 40 people per week - No tasks are authorized outside the caves • No. 2 – Tours and Tastings <ul style="list-style-type: none"> - Tours and tasting shall be complete by 4:00pm. - All wine sales shall be complete by 4:30pm • No. 5 – Signs <ul style="list-style-type: none"> - At least one sign shall inform the public that "Tours and Tastings are by Prior Appointment Only" • No. 9 – Outdoor Storage / Screening <ul style="list-style-type: none"> - Outdoor storage of winery equipment shall be screened from view of adjacent properties by 	<ul style="list-style-type: none"> • Winery equipment related to crush have been observed outside the cave, with signs stating "Slow Work Zone Ahead". Use Permit No. 03318 does not permit winery related activities outside the caves. • Any of the 13 allowed marketing events require a minimum of 60 days prior notice to owners of assessor parcel nos. 045-310-045 and 045-310-047. • Other than marketing events, reports have indicated that the maximum number of visitors to the site on any day (whether visiting or for retail sales or for tours and/or tastings) shall not exceed eight (8) people per day or forty (40) people per week has been exceeded with some regularity. • We have received a report that visitors to the winery stay beyond 4:00pm, to as late as 6:30pm. • There are currently five (5) winery signs on and offsite that do not state that the winery is open to the public with prior appointment only. Additionally, there is no record of permit for any signs. • Review of aerial photographs indicate that outdoor storage winery equipment on an adjacent parcel have

<p>a visual barrier consisting of fencing or dense landscaping.</p> <ul style="list-style-type: none"> - Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance. <ul style="list-style-type: none"> • No. 14 - Noise 	<p>not been adequately screened as required by Use Permit No. 03318 Condition of Approval No. 9.</p> <ul style="list-style-type: none"> • Exterior winery equipment is not enclosed or muffled to prevent noise disturbance to neighbor properties. • There shall be no amplified music sound system or amplified music utilized outside of approved, enclosed winery buildings unless a special permit to that effect has been secured through the County.
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CORRECTION(S) REQUIRED AND DEADLINE TO CORRECT:

1. Please contact me within ten (10) calendar days of the date of this letter (November 22, 2019) to confirm your receipt of this correspondence and to discuss your options to comply with the code.
2. Please provide a total number of marketing events held at the winery to-date for the year 2019, including the total number of guests/visitors per event.
3. Please provide complete visitation logs for the winery to-date for the year 2019.
4. Please ensure that all tour and tastings be complete by 4pm, and all wine sales complete by 4:30pm as outlined in Condition of Approval No. 2.
5. To date, this department has not received a permit for any offsite or onsite winery signs, of which there are 5. Please submit a complete site plan map identifying the location of all winery signs, including photographs, size, dimension, and heights.
6. Please provide a detailed plan for screening storage of equipment on adjacent parcel 045-310-055, as to create a visual barrier consisting of fencing or dense landscaping as required under Condition of Approval No. 9.
7. Prior to any event, including those with amplified music or amplified sound system that will take place outdoors, you will need to apply for a Temporary Event Permit a minimum of 60 days prior to the event. Please note that only upon issuance of that permit will outdoor events be permitted on site. Furthermore, any event currently scheduled on or before January 11, 2020 will need to be cancelled as they do not meet the minimum 60 days required to obtain the necessary permits.

This division is aware that a Use Permit Modification is pending within this office, and will likely be heard before the Napa County Planning Commission soon. It is in your best interest to respond to this notice, and work to comply with all items listed above in order to bring your current operations into compliance with Approved Use Permit No. 03318 prior to the hearing.

NAME OF CODE ENFORCEMENT OFFICER: DEPT. PHONE NUMBER & EMAIL CONTACT:

Kelli Cahill	(707) 265-2325
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District Supervisor:

Belia Ramos	District #5
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YOU FACE THE MEASURES ON THE BACK OF THIS NOTICE UNLESS YOU PROMPTLY CONTACT AND WORK WITH COUNTY STAFF TO ADDRESS THE ABOVE DESCRIBED REPORTED OR APPARENT CODE VIOLATION(S)

Unless you promptly contact County staff and work with staff to address the above-described reported and/or apparent Code violations by the date specified above, one or more of the following code compliance measures will be implemented by the County:

1. Issuance of a Citation pursuant to Napa County Code Chapter 1.28.

Under Chapter 1.28 of the Napa County Code, Code Enforcement staff may issue a Citation. The issuance of a Citation for a violation of the Code shall, unless the violation is corrected prior to the deadline stated in the Citation, result in the imposition of administrative penalties. Such penalties may vary with the type of violation, but currently the lowest penalties that may be levied are as follows:

- \$100 for the first violation
 - \$200 for the second violation of the same Code provision within 1 year
 - \$500 for the third violation and for each additional violation of the same Code provision within 1 year.
- For violations that pertain to real property, the Citation will be recorded with the Napa County Recorder's office and constitute a lien on the property if you fail to correct the violation by the deadline stated in the Citation.
 - You will be given an opportunity to request a hearing before a hearing officer to contest the Citation and/or to contest the administrative penalties or recordation of the Citation.
 - If you fail to pay an administrative penalty and/or fail to correct the Code violation after a Citation is issued, the matter will then be referred to County Counsel or the District Attorney for further enforcement through civil litigation proceedings.

2. Issuance of Notice of Nuisance pursuant to Napa County Code Chapter 1.20

- a. Alternatively, the Enforcement Officer shall (unless circumstances dictate otherwise) issue a Notice of Nuisance pursuant to Napa County Code Section 1.20.040, which will be copied to all lienholders of record of the property.
- b. This Notice will include an Order to abate the nuisance by a specified, reasonable time.
- c. If the violation is not corrected by the stated deadline, an abatement hearing may be held before the Napa County Board of Supervisors.
- d. The Board may, if it finds a nuisance exists, order the violator to pay all administrative costs incurred in the course of abatement proceedings and investigation.
- e. Recordation of the notice of nuisance and imposition of administrative penalties under Chapter 1.28 may also occur.
- f. Depending on the nature of the violation and whether it poses a threat to health and safety, County Code Enforcement may choose to engage in summary (immediate) abatement steps to eliminate the nuisance without an administrative hearing before the Board of Supervisors.

3. Issuance, if applicable, of a Notice of Violation and Order to Repair or Abate Substandard Housing Conditions pursuant to Health and Safety Code Sections 17980 and 17980.6.

- a. The Notice of Violation as to substandard housing conditions will include an order to remedy the violation(s) within a reasonable period of time.
- b. Administrative penalties under Chapter 1.28 may also be imposed if the conditions are not corrected by the deadline stated in the Notice.
- c. If the violations are not corrected by the deadline, the Notice of Violation will be recorded with the Napa County Recorder's office and constitute a lien on the property.
- d. Failure to correct substandard housing conditions may also result in appointment of a receiver for the property affected by the violation.

4. Referral to County Counsel or the District Attorney for Filing of Enforcement Proceedings in Court

Depending on the circumstances and severity of the violation, direct referral of a violation to County Counsel or to the District Attorney for filing of enforcement proceedings may occur at the outset, without the issuance of a Citation or the other Notices described below. Pursuant to Napa County Code Section 1.20.155, in the course of such litigation, the County may seek civil penalties up to \$1,000.00 for each day that the violation continues to exist.

The County's remedies and procedural steps for enforcement of the County Code and other statutes and regulations enforced by the County, as described herein, are cumulative, alternative, and subject to the County's discretion depending on the circumstances presented. The County, in enforcing the County Code and other statutes and regulations, has prosecutorial discretion to select -- based on the particular circumstances -- the appropriate enforcement measures to be taken, as permitted by the County Code and other laws.