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Planning, Building, and Environmental Services

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David Morrison
Director

April 9, 2019

NOTICE OF NUISANCE

**THIS IS A VERY IMPORTANT NOTICE WHICH MAY AFFECT YOUR PROPERTY RIGHTS.
PLEASE READ IT CAREFULLY.**

VIA CERTIFIED AND REGULAR U.S. MAIL

Timothy J. White & Hidi R. Sobelman, TR
3435 Redwood Road
Napa, CA 94558-9545

Re: 3435 Redwood Road, Napa – APN: 035-320-002-000

Dear Property Owner:

The County of Napa has determined that a nuisance exists on the property described below. Official records indicate that you own, have a lien or encumbrance on, or have a possessory interest in the property.

The Property

The property consist of 2.45 acre parcels of land located at 3435 Redwood Road, approximately 1.4 miles northwest of the intersection with Browns Valley Road, in the unincorporated area of the County of Napa in the Agricultural Watershed zoning district at Napa County, California, Assessor's Parcel Number 035-320-002.

The Nuisance

In response to slope failure that occurred on your property on February 27, 2019, the County of Napa, Roads Department attempted to stabilize the hillside and clear debris from Redwood Road. On February 27, and March 7, 2019, County Engineering and Code Compliance staff conducted inspections of the subject property to observe and document the landslide and condition of the hillside for areas of instability that were determined to pose a threat to life and safety. During the inspections staff observed and documented removal of trees from the hillside, construction of a retaining wall backfilled with soil, expansion of existing parking pad, construction of a garage, and various items

stored outdoors in excess of what is allowed under Napa County Code. Grading and construction were completed without permits. Based on findings during the inspections it was determined that the illegal grading and construction activity substantially contributed to the slope failure.

Table 1 lists the code violations and nuisance conditions that existed on the property and recently verified as of April 3, 2019.

Table 1

Violation	Code Section	Description of Location and Required Action to Abate
Earthmoving/grading/infill without benefit of a permit.	Napa County Code Section 15.08.080	<ol style="list-style-type: none"> 1. Obtain a licensed geotechnical engineer and contractor and commence work immediately to stabilize the hillside from further landsliding. 2. Enter into a Right of Entry and Consent to Abate Agreement to allow the County to perform the abatement work, at your expense.
Construction of a retaining walls, and a garage without benefit of building and/or grading permits.	2016 California Building Code, Section 105.1	<ol style="list-style-type: none"> 1. Apply for grading permits for hillside stabilization. 2. Apply for building or demolition permit for the garage which was constructed without benefit of permit.
<ul style="list-style-type: none"> • An area exceeding one hundred square feet containing lumber and building materials not being used for construction on the premises. • Boat and trailer posing a danger to life and safety as it is located within the landslide area. 	Napa County Code Section 1.20.022 B3	<ol style="list-style-type: none"> 1. All non-building materials shall be removed from the property. 2. Building materials shall be stored in one area not more than one hundred square feet. 3. Remove/relocate boat and trailer to a stable area.
Any building or use contrary to the provisions of the Code shall be declared a public nuisance.	Napa County Code Section 18.144.040	Comply with the requirements of this Notice.

The subject property in its present condition is a public nuisance that poses a significant and imminent risk to the public, which must be abated.

It is the intent of this notice to give you an opportunity to abate the violations that exist on your property before the County takes official action to bring the property into legal compliance.

The abatement action must commence immediately upon receipt of this notice and be completed within one (1) week from the date of this notice (by April 16, 2019).

ORDER TO ABATE NUISANCE

YOU ARE HEREBY ORDERED to voluntarily abate the nuisance conditions described above on or before (April 16, 2019).

IF YOU FAIL TO ABATE THE NUISANCE

If you do not abate the nuisance by the date set forth above, the Napa County Board of Supervisors shall conduct a hearing to consider whether Napa County itself should abate the nuisance and levy an assessment against the property pursuant to Government Code section 25845 and Napa County Code Sections 1.20.100 and 1.20.120 to recover the County's costs and to collect those costs at the same time and in the same manner as ordinary County property taxes are collected. The County may also elect to recover its attorneys fees incurred in the proceedings. Notice of a hearing before the Board of Supervisors, if any, will be provided to you.

In addition, due to the imminent threat to public health and safety posed by the nuisance conditions on the property, the County may be required to summarily abate the nuisances, at your expense.

Alternatively, the matter may be referred to the District Attorney or County Counsel who may institute appropriate legal proceedings to abate the nuisance and seek applicable civil penalties and enforcement expenses.

If you have any questions regarding this Notice, please feel free to contact Patrick Ryan, Engineering Manager, at (707) 253-4892 during normal business hours.

Thank you for your attention in this matter.

Sincerely,



*David Morrison, Director
Planning, Building, and Environmental Services*

cc: Ryan Gregory, Supervisor District 2