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

Brian Bordona
Interim Director

INFORMATION AND NOTICE REGARDING APPARENT CODE VIOLATION

April 26, 2023

Blue Note Napa
Attn: Ken Tessler, Managing Director
1030 Main St.
Napa, CA 94559

Heather Seney
STR Entertainment, INC
4558 Stillson St.
Napa, Ca 94558

Via Certified and Regular USPS Mail, E-mail

LOCATION: 1600 Atlas Peak Rd., Napa, CA; APN 060-010-001-000 CE23-00107

Dear Ken Tessler:

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 information that you are selling tickets for the Blue Note Summer Sessions and the Blue Note Jazz Festival which are a series of thirty events without first obtaining a temporary event permit which is a violation of Napa County Code Chapter 5.36.020 (c) – All Other Temporary Events Prohibited. Each of the thirty events constitutes a separate violation.

On March 30, 2023, representatives of the Blue Note Napa submitted temporary event applications P23-00079 and P23-00080 which requested approval to host twenty-nine events. On April 6, 2023, Supervising Planner Charlene Gallina sent you a letter informing you that they cannot proceed with processing your applications nor recommend approval of your applications as requested because they do not comply with the standards contained in the County's Temporary Events ordinance (County Code Chapter 5.36). As of the date of this Notice, the Blue Note Napa and their representatives continue to sell tickets to the unauthorized events. 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 seven (7) 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 akenya.robinson-webb@countyofnapa.org.

Sincerely,

Akenya Robinson-Webb,
Code Compliance Supervisor
Planning, Building & Environmental Services

Cc: Sharepoint, Silverado Country Club, Will Obeid, Michael Petherbridge

DATE:
April 26, 2023

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. We have information that you are selling tickets for the Blue Note Summer Sessions and the Blue Note Jazz Festival which are a series of thirty events without first obtaining a temporary event permit which is a violation of Napa County Code Chapter 5.36.020 (c) – All Other Temporary Events Prohibited. Each of the thirty events constitutes a separate violation. 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:
Blue Note Napa Ken Tessler	1600 Atlas Peak Rd. Napa, CA APN# 060-010-001-000	1030 Main St. Napa, CA 94559

CODE SECTION(S) VIOLATED:	VIOLATION DESCRIPTION:
• Napa County Code Section 5.36.020 C. – All Other Temporary Events Prohibited. It is unlawful for any individual, partnership, association, limited liability company, local public agency or corporation to operate, maintain, conduct, sell or furnish tickets to an event unless the event meets all of the criteria for a Category 1, 1A, 1B, 2A, 2B, 3, 4, 5 or Subsequent Category 1, 1A, 1B, 2A, 2B, 3, 4 or 5 event as defined in Section 5.36.015 and is authorized in accordance with the requirements of this chapter.	• Selling tickets to the Blue Note Summer Sessions and the Blue Note Jazz Festival which are a series of thirty events without first obtaining a temporary event permit.

CORRECTION(S) REQUIRED AND DEADLINE TO CORRECT:

1. Immediately cease all ticket sales upon receipt of this notice. Refrain from selling any tickets until you receive approval from this Department.
2. The thirty Blue Note Summer Sessions and the Blue Note Jazz Festival events do not meet the criteria for a Category 1, 1A, 1B, 2A, 2B, 3, 4, or 5 event and are therefore prohibited. Hosting any of the events without prior approval from this department will be considered a violation and will result in further enforcement action from this department.

NAME OF CODE ENFORCEMENT OFFICER:	DEPT. PHONE NUMBER & EMAIL CONTACT:
Akenya Robinson-Webb	707-253-4336; akenya.robinson-webb@countyofnapa.org
District Supervisor:	
Alfredo Pedroza	District #4

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.

Updated 10/20/22

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Planning, Building & Environmental Services

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Brian Bordona
Interim Director

April 6, 2023

Ken Tesler, Managing Director
Blue Note Napa | JaM Cellars Ballroom
1030 Main Street
Napa, CA 94559

Delivered Via Email

RE: P23-00079 and P23-00080; Blue Note Summer Sessions Part I & II
1600 Atlas Peak Rd., Napa; APN 060-010-001-000

Dear Mr. Tesler,

Thank you for your March 30, 2023, submittal of the referenced Temporary Event permits applications. Our initial review of the subject applications has been conducted. After confirming with County Counsel, the Planning, Building and Environmental Services Department cannot proceed with processing your applications nor recommend approval of your applications as requested because they do not comply with the standards contained in the County's Temporary Events ordinance (County Code Chapter 5.36). Per County Code Section 5.36.015 (G)(3) no more than three (3) Category 4 events may occur per calendar year on the same parcel. Your applications request 29 number of events in calendar year 2023. Also, per Section 5.36.015 (G)(2), your applications do not meet the minimum required days of separation between events on the subject property.

Staff is requesting that you modify your request to propose only three (3) total events instead of the 29 separate events or 16 series grouping under Part 1 and Part 2, as well as, the proposed Blue Note Jazz Festival concert event to be held on July 28, 29, and 30, in which we would still consider this proposal as one (1) event to meet our Temporary Event requirements. Please note that we cannot deviate from the requirements in the code including the days of separation between events or maximum number of events per year.

If you have any questions regarding this matter, please contact me, by telephone at (707) 299-1355 or email at charlene.gallina@countyofnapa.org

Sincerely,

Charlene Gallina

Charlene Gallina
Supervising Planner