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## Notice of Violation

O'Brien Winery P18-00175-MOD & Conservation Regulations  
Exception P18-00305  
Planning Commission Hearing March 20, 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

**INFORMATION AND NOTICE  
REGARDING APPARENT CODE VIOLATION**

July 17, 2018

O'Brien Family Vineyard LLC  
DBA O'Brien Family Vineyard  
PO Box 6020  
Napa, CA 94581

**Via Certified and Regular USPS Mail**

**LOCATION: 1200 Orchard Ave., Napa, CA. APN: 035-041-015-000**

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. It appears that an existing and previously approved winery production space has been converted to a tasting room and tours, tastings, and retail sales are held.

Please see below and 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.

We received a referral from the Planning Division for the modification to the winery use permit. We reviewed the original document issued to O'Brien Family Vineyards which is a Small Winery Use Permit Exemption Application, approved administratively on May 6, 1982. The Application for Exemption did not include tours or tastings nor was there Planning or Building approval for a tasting room in the winery building.

We understand that the recently submitted application includes a request to add visitation, modify the existing structures and improve the existing driveway. The approval and final occupancy of this submittal would serve to rectify these violations.

We look forward to discussing this situation with you and resolving the apparent violation promptly. Please reach out to me at (707) 299-1348 within ten days (by July 26, 2018) to indicate your willingness to complete the use permit and building permit process.

Sincerely,

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

Linda St. Claire  
Code Compliance Officer  
Planning, Building & Environmental Services

Cc: Chron, File



A Tradition of Stewardship  
A Commitment to Service

<b>DATE:</b>
July 17, 2018

## REPORTED OR APPARENT CODE VIOLATION

### IMPORTANT ENFORCEMENT INFORMATION

This letter is a courtesy notice to advise you that an apparent code violation exists on the property identified below. A review of our records indicate that O'Brien Family Vineyards has expanded the use of the winery structure to include a hospitality room which is being used for tours, tastings, and retail sales.

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	PROPERTY ADDRESS:	MAILING ADDRESS:
	1200 Orchard Avenue, Napa, CA. APN# 035-041-015-000	P.O. Box 6020 Napa, CA 94581

CODE SECTION(S):	DESCRIPTION:
2016 California Building Code, Section 105.1 – Permits Required.  Small Winery Exemption – allowed uses.  Napa County Code Section 18.144.040 Nuisance	Alteration of winery production room to tasting room without benefit of permit(s) and a final occupancy approval.  Allowed uses do not include tours or tastings.  Any building or use contrary to the provisions of the Code shall be and is declared to be a public nuisance.

**ACTION REQUIRED:**

- Please reach out to me via phone or email to indicate your willingness to complete the use permit and building permit processes; or,**
- Cease all tastings and tours and return the structure to winery production only.**

NAME OF CODE ENFORCEMENT OFFICER:	DEPT. PHONE NUMBER & EMAIL CONTACT:
Linda St. Claire	(707) 299.1348 <a href="mailto:linda.stclaire@countyofnapa.org">linda.stclaire@countyofnapa.org</a>
District Supervisor:	
Diane Dillon	District #3

**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.