



A Tradition of Stewardship
A Commitment to Service

COUNTY *of* NAPA

OFFICE OF COUNTY COUNSEL

ROBERT WESTMEYER
County Counsel

October 10, 2011

MINH C. TRAN
Assistant County Counsel

Via First-Class Mail and Certified Mail, Return-Receipt Requested

SILVA DARBINIAN
Chief Deputy

Susanna Rogers Kelham
P.O. Box 2707
Yountville, CA 94559-2707

LAURA J. ANDERSON
JACQUELINE M. GONG
ROBERT C. MARTIN
ROBERT W. PAUL
JENNIFER YASUMOTO
CARRIE R. GALLAGHER
JANICE D. KILLION
CHRIS R.Y. APALLAS
SUSAN B. ALTMAN
THOMAS S. CAPRIOLA

360 Zinfandel Lane
St. Helena, CA 94574

Re: APN 030-260-029, 360 Zinfandel Lane
County Code Violations

JAYNE HERMAN
SUSAN McGUIGAN

Dear Ms. Kelham,

Deputies

CHERI HUBER
County Privacy Officer

LINDA McSWEENEY
Office Manager

SUSAN M. INGALLS
SORA O'DOHERTY
Paralegals

This office represents the Napa County Conservation, Development & Planning Department ("Department"). The Department has requested this office take action with respect to the expired permits associated with APN 030-260-029 (the "property") in addition to uses on the property without proper permitting through the Department.

By failing to have valid building permits, you are in violation of section 105.1 of the California Building Code. (Napa County has adopted the Building Code by reference, in Chapter 15.12 of the Napa County Code.) Permits B00-00961, B01-00444, and B99-00597 have become "null and void" pursuant to Napa County Code section 15.04.070 because the permits were not properly finalized. In addition, you have not requested the final inspections associated with permits B09-00353, B10-00683 and B10-01010.

Pursuant to California Building Code section 110.5, it is the duty of the holder of a building permit to notify the Chief Building Official when work is ready for inspection. Furthermore, pursuant to section 111.1 of the California Building Code, no building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy.

1195 THIRD STREET
SUITE 301
NAPA, CALIFORNIA
94559

TELEPHONE:
707-253-4521

FAX:
707-259-8220

WWW.COUNTYOFNAPA.ORG

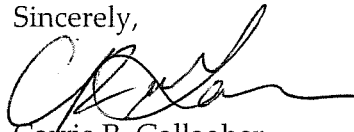
On February 23, 2010, the Department issued a Notice and Order regarding the Napa County Code violations on your property. The Department requested that you re-activate your permits within thirty (30) days from the date of the Notice and Order. Although some progress was made towards compliance with the Napa County Code, the violations were never corrected. Therefore, on May 20, 2011, the Department sent you a letter requesting that you reactivate all of your permits and finalize them within sixty (60) days from the date of reactivation and issuance. In addition, the Department notified you that tours and tastings must not occur until you receive final occupancy for the dwelling conversion and trellis tasting areas.

In order to rectify this situation, you must re-activate permits B00-00961, B01-00444, B99-00597 and obtain final inspections on B09-00353, B10-00683 and B10-01010 by **October 24, 2011**. In addition, you must cease wine tasting and tours and vacate all occupied buildings immediately. I would like to suggest that you contact the Chief Building Official, Darrell Mayes, in writing, and apply for a temporary certificate of occupancy for your wine production.

If you fail to re-activate the necessary permits, obtain final inspections, obtain a certificate of occupancy, vacate the buildings that do not have certificates of occupancy and cease wine tasting and tours, it is the intention of this office to file a civil action seeking injunctive relief from the Superior Court requiring you to do so. In addition to obtaining injunctive relief, the County is also authorized to ask the Court for civil penalties in the amount of \$1,000 per day for each day a violation exists (County Code §1.20.155.B), as well as for an award of attorney's fees (County Code §1.20.030).

Hopefully, your prompt compliance rectifying this situation will make such a civil action unnecessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie R. Gallagher', with a stylized, flowing script.

Carrie R. Gallagher
Deputy County Counsel

cc: Darrell Mayes, Chief Building Official
David Giudice, Supervising Code Enforcement Officer
Diane Dillon, Board of Supervisors

cc\D\C E\BLDG\Cases\Kelham\Demand Letter.doc