

MEIBEYER LAW GROUP



TRUSTED COUNSEL TO THE WINE INDUSTRY

May 19, 2011

ATTORNEYS

CHARLES W. MEIBEYER
meibeyerlaw@aol.com

LYNN S. SLETTO
lynn@meibeyerlaw.com

PRACTICE AREAS

Alcoholic Beverage Law
Business Transactions
Entity Formations
Estate Planning
Land Use
Real Estate Transactions
Succession Planning

ST. HELENA

Mailing address:

1236 Spring Street
St. Helena, CA 94574
707.963.7703 phone
800.788.0243 toll free
707.963.4897 fax
www.meibeyerlaw.com

HEALDSBURG

141 North Street, Ste. B
Healdsburg, CA 95448
707.431.4240 phone

Mr. Chris Cahill
Napa County Conservation, Development
and Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Re: Eden Comment Letter

Dear Chris:

We have had a chance to review the comments regarding the letter dated May 13, 2011 from Earth Defense for the Environment Now (EDEN). It appears to us that EDEN has not carefully reviewed the project, and has reached erroneous conclusions based on incorrect facts. We believe the analysis of the project establishes that neither of the issues referred to in this letter generate any significant environmental impacts.

1. EDEN asserts the project will have up to 15 twelve person dinner events per day for a total of 180 persons per day, which results in a maximum 580 persons per day on-site when added to the tours and tastings activities at the winery. First of all, the winery proposed a maximum of one dinner per night, for a maximum of fifteen dinners per month. The project modifications developed in conjunction with the neighbors now limits the number of dinners per month, one dinner per night, to Friday and Saturday nights, and a maximum of two other nights per month. More importantly, the Marketing Plan explicitly and clearly notes that all visitors to the site, whether for tours, tastings, wine and food pairings, and lunches or dinners, will be subject to a maximum 400 person per day limit.

Moreover, contrary to EDEN's assertions, the Marketing Plan has been designed in full compliance with the marketing restrictions set forth in the Zoning Ordinance. All meals will be charged for solely on a "cost recovery basis" only. Further, ALL marketing activities at this winery have the exclusive focus on wine and food and wine pairing education. At the Darioush Winery on Silverado Trail, the winery's owners are allowed to conduct the identical number of marketing events originally requested in this project (in a winery with the same production capacity). The winery's owners have never conducted corporate or similar events at Darioush. Rather, all marketing activities at that facility have been conducted focused

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MAY 20 2011

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

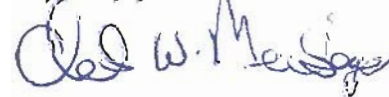
May 19, 2011

Page 2.

solely on wine education. The same elements will be included in the marketing plan at this winery.

2. We also respectfully disagree with EDEN's opinion that the proposed access improvements on SH29 will not enhance the safe access to Howard Lane. First of all, the intersection at SH29 and Howard Lane already exists, although it has a non-standard geometric configuration, a lack of designated queuing lanes, and noticeable elevation transitions across the lanes on SH29. The Carevan Serai project does not propose a new access to SH 29, but rather improves the existing conditions with a left turn lane and an upgrade to the Howard Lane connection. The proposed left turn lane and associated approach improvements will be designed and constructed in accordance to the Caltrans Highway Design Manual under an approved encroachment permit. The end result will be a modern access that serves Howard Lane, the Bistro Don Giovanni Restaurant, the La Residence Inn, and the Carevan Serai winery, in full accordance with Caltrans standards, as amply demonstrated in the project's traffic study. The proposed "right turn only" exit plan proposed by EDEN was evaluated by the Planning Commission during the prior use permit modification in 2000 and was rejected by the Commission, and is no more appropriate for this project.

Very truly yours,



Charles W. Meibeyer


cc: Darioush Khaledi
EDEN

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TRUSTED COUNSEL TO THE WINE INDUSTRY

MEMORANDUM

TO: CHRIS CAHILL
FROM: CHUCK MEIBEYER 
RE: CAREVAN SERAI PROJECT REVISIONS
DATE: MAY 19, 2011

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MAY 20 2011

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Darioush Khaledi and other representatives of the Carevan Serai project team met with the project's neighbors to address their concerns outlined in the correspondence delivered to Napa County Planning on May 13, 2011. Winery hereby proposes the following modifications of its project to reflect the Winery's intention to address neighbor's concerns.

1. Engineering Issues.

a. Storm Water Detention/Infiltration Pipe. Winery agrees to reorient the direction of the storm water detention/infiltration pipe that the current plans depict running west to east so that the detention/infiltration pipe will now run north to south, commencing at the current proposed storm water inlet. The detention/infiltration pipe will be located in between vineyard rows.

b. Surface and Subsurface Water Interception. While Winery will not release more storm water at a faster rate from the property than was occurring prior to the construction of the project, Winery's engineering firm will evaluate the current drainage conditions along the common boundary between Winery and its neighbors to the east, and adopt reasonable measures to intercept the current surface and subsurface waters and convey them to the City's storm water inlet at the Winery property's southeast corner. Such measures may include either a reconfigured swale, or a subsurface French drain to collect and direct the water to the natural point of discharge for the property. Improvements will only be made if they can be accomplished without adversely changing existing drainage conditions.

2. Architectural Issues.

a. Visual Screening. Winery has intended to, and will, plant and maintain mature trees along the entire eastern side of the Winery Production building and the concrete work area on the south side of that building, which will substantially screen that façade of the Winery Production building and the eastern edge of the concrete

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work area so that within two years after the completion of construction the screening will reach the same degree depicted in the photograph attached as Exhibit A. Winery further agrees to install landscape screening as both a visual and acoustical barrier (with other acoustical restriction measures recommended by the sound engineer) at a height of approximately twelve (12) to fifteen (15) feet along the entire eastern edge of Winery's parking lot. Winery will adopt a landscape maintenance plan regarding all such required screening to ensure it shall continuously maintain such screening and replace any diseased or dead trees or plants.

b. Lighting. All exterior lighting, and lighting within the Hospitality building, will be down lighting. Further, Winery agrees to install metal, etched, or printed screening along the top approximate three to four feet of the windows on the east and south side of the Hospitality building that will diffuse and screen lighting within that building. In addition, Winery will install anti-reflective or anti-glare glass in the Hospitality building to minimize glare during the daylight hours, and minimize light release from the building at night.

c. Vineyard Tank. Winery currently has an aqua colored water storage/purification tank in the vineyard east of the proposed Hospitality building. Winery agrees to paint that tank, and any other tanks or structures subsequently installed in the vineyard, an earthtone color.

3. Hours of Operation.

a. Construction Operations. Winery agrees not to undertake construction activities on Sundays, and will abide by the County's current standards of operation for construction on all other days.

B Hospitality Center. Winery had originally proposed to operate the Tasting Room from 10:00 a.m. to 10:00 p.m. seven days a week. In conjunction with the neighbors Winery has developed alternative hours of operation. Winery may operate its tasting room for tours, tastings, and food and wine pairings until 10:00 p.m. on Friday and Saturday nights year round. During the period of the year that sun set occurs at or after 8:00 p.m., Winery may operate the Tasting Room for tours, tastings, and food and wine pairings on Sundays through Thursday nights until 8:30 p.m. to ensure that all such activities shall cease one-half hour after sunset. During the balance of the year, the Tasting Room shall close for tours, tastings, and food and wine pairings at 8:00 p.m.

c. Vineyard Viewing Areas. Winery shall construct two Vineyard Viewing Areas at the locations depicted on the project plans. Those Vineyard Viewing Areas will be constructed in substantial conformance with the Vineyard Viewing Areas in

the photograph attached as Exhibit B. Winery shall cease vineyard tours and use of the two Vineyard Viewing Areas, as well as any outside areas on the eastern and southern side of the Hospitality building, at 6:00 p.m. every day.

4. Modification of Marketing Plan.

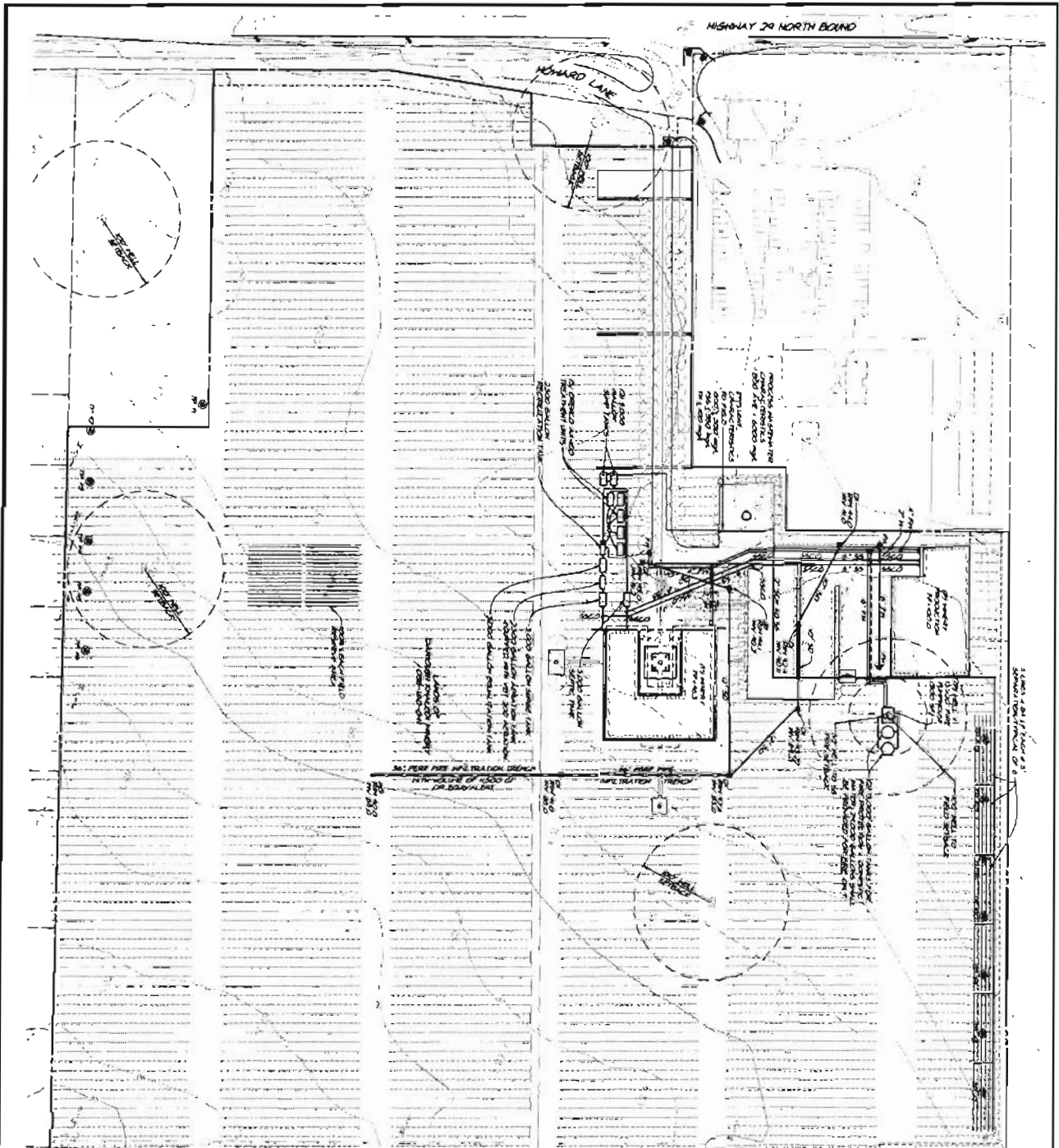
a. Revision of the AB 2004 Picnic Areas. Winery agrees to eliminate the use of the Vineyard Viewing Areas as AB 2004 picnic areas so that the sole use of those areas will be four tours and passive use (subject to the 6:00 p.m. curfew).

b. Dinners. Winery hereby reduces its requested 15 dinners per month (for no more than twelve persons and no more than one dinner per ~~month~~^{night} ~~month~~^{even}) specified in the marketing plan to allow dinners only on Friday and Saturday nights, or no more than two dinners any month on Sunday through Thursday nights.

c. Larger Marketing Events. Winery continues to propose eight larger marketing events annually with up to 150 attendees. Winery agrees, however, to restrict such events so that no more than two such larger events will occur in any calendar month, and no more than a total of four such events shall occur from June through September.







Shown as Impaled Pipe (P) Shows Condition as Open

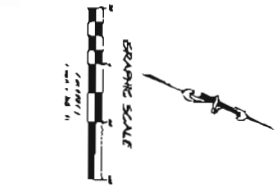
PRELIMINARY - NOT FOR CONSTRUCTION



DATE: 10/15/11
 PROJECT: CAREVAN SERAI WINERY
 SHEET: 1 OF 1

CAREVAN SERAI WINERY UTILITY PLAN

NAPA COUNTY CALIFORNIA



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/15/11
2	REVISED	
3	REVISED	
4	REVISED	
5	REVISED	

DATE	DESCRIPTION
10/15/11	ISSUED FOR PERMITS