

CONDITIONS OF APPROVAL
Use Permit Modification Request #04017-MOD
Di Rosa Preserve
APN 047-080-059
August 19, 2004

1. **Scope:** Visitation to the Preserve is hereby established as follows:

A. Drop-in visitation not to exceed 30 hours per week, to be scheduled by the Preserve during the range of hours set forth below. Drop-in visitors will be able to tour the Gatehouse Gallery on their own, or the Preserve might offer limited tours of other portions of the site.

Monday – Friday: 9:30 a.m. – 3 p.m.

Sunday: 3 p.m. – 7 p.m.

B. Scheduled tours not to exceed three per day, six days per week during the following times:

Monday – Friday: 9:25 a.m., 11:15 a.m., and 12:55 p.m.

Saturday: 9:25 a.m., 10:25 a.m., and 4:30 p.m.

These hours may be modified by the Preserve subject to County approval, but under no circumstances shall tours start before 9:25 a.m. or end after 8:30 p.m.

C. Public and private events not to exceed the following limits:

20 events averaging 67 persons (not to exceed 100 persons per event)

10 events averaging 133 persons (not to exceed 200 persons per event)

6 events averaging 167 persons (not to exceed 250 persons per event)

All events other than art openings shall require advance reservations and shall be scheduled so that visitors arrive or depart during non-peak hours. Peak hours include weekdays from 7 – 8 a.m. and 3 – 6 p.m., Saturdays from 10 a.m. – 5 p.m., and Sundays from 11 a.m. – 3 p.m. If any event with more than 100 persons is held during the day, the Preserve will close for drop-in visitation during the hours of the event.

D. Annual temporary event permits not to exceed one event for up to 100 persons, one event for up to 200 persons, and one event for up to 250 persons, provided, however, that the Preserve may apply for additional temporary events if it obtains the written consent of its contiguous neighbors for each such additional event.

Any future expansion or changes in use shall be by the approved Use Permit modification process. All previous conditions of approval shall apply unless modified herein.

2. **Voluntary Limitations to Future Uses:** While acknowledging that the present Preserve uses and structures are controlled by the applicable use permits issued by Napa County, the Preserve has agreed to limit any future use permit applications as follows:

A. The parking areas to serve the uses authorized by the Preserve's use permit shall be situated within the parking envelopes shown on Exhibit "A." Overflow parking for approved events may occur outside the parking envelope, but such areas shall not be improved with paving.

B. Any present or future enclosed structures related to the "Rural Recreational Use and Facility" (currently known as the Di Rosa Preserve) on Assessor's Parcel No. 47-080-059 shall be situated within the development envelopes shown on the attached site plan (Exhibit "A"). These building envelopes include all of the current structures that comprise the Preserve, the authorized yet unbuilt gallery (5,000 sq. ft.) and the present residence that may in the future be converted to offices or other Preserve use with the approval of Napa County. In addition, the Preserve may construct up to an additional 4,000 square feet of new or expanded enclosed structures to serve the Preserve so long as they are not open to the public, subject to County approval. The latter 4,000 square feet are not shown as part of the building envelopes on the attached site plan. This limitation shall not apply to development unrelated to the Preserve, including but not limited to construction of residential structures, agricultural and accessory buildings, and farm labor housing.

C. The development and parking envelopes described above may be relocated as long as the total areas of the respective envelopes are not increased, subject to County approval.

D. Any future application for development or visitation not authorized in the Preserve's operations shall be sent to all neighbors within 300 feet of the property, the Napa County Farm Bureau and Get a Grip on Growth along with a statement of why the changes are being proposed. With any future use permit application that proposes a material change in the frequency or number of visitors, the Preserve may be required to place deed restrictions on the Preserve parcel, which will permanently cap the limits of its development and visitation.

3. **Road Improvements:** One year following the restriping of the entrance along Highway 121/12, the Preserve shall report any problems to the County, and the County may request comments from the adjacent parcel owners. The results of this review shall be provided to the Preserve and adjacent property owners.
4. **Retail Room Location:** This permit authorizes the relocation of the existing retail sales room to the Gatehouse building. No more than 440 square feet shall be devoted to display of art and art-related items.

5. **Signs:** This permit authorizes a 10 square foot addition to the existing sign to post the hours of operation and other pertinent information.

6. **Agency Comments:** The permittee shall comply with all applicable building codes, zoning standards, and requirements of County departments and agencies, including but not limited to:

Department of Public Works as stated in their memo dated January 16, 2004
Department of Environmental Management as stated in their memo dated February 2, 2004.

The Department of Transportation as stated in their letters dated March 9, 2004 and June 16, 2004.

7. **Previous Conditions:** Any conditions of previously approved use permits that conflict with this use permit shall be null and void, provided however if the Preserve for any reason fails to activate this permit it shall be governed by its existing use permits and modifications.

8. **INDEMNIFICATION:** An indemnification agreement, signed by the owner, shall be provided to the County.

9. **MONITORING COSTS:** All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.