



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/7/2011

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: LINDA STCLAIRE, PLANNER II - 707.299.1348

SUBJECT: DiRosa Preserve Use Permit Modification

RECOMMENDATION

DI ROSA PRESERVE - RENE & VERONICA DI ROSA FAMILY FOUNDATION - USE PERMIT MAJOR MODIFICATION - P11-00314 – MOD

CEQA Status: This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 - Minor Alterations in Land Use Limitations. The proposed modification to the use permit does not result in expansion of the existing facility or new development. The project site is not on any of the lists of hazardous sites enumerated under Government Code section 65962.5.

Request: Modification to Use Permit U-91-8 amending the permitted visitation for the existing di Rosa Preserve Park and Rural Recreation Use by: 1) modifying the hours of operation to: open between the hours of 10:00 a.m.- 4:00 p.m. four days per week during the winter months (November-March), from 10:00 a.m.- 6:00 p.m. four days per week during the summer months (April-October), and from 10:00 a.m.-9:00 p.m. one day per week, year round to allow for evening visitors; 2) continuing educational programs, such as art demonstrations, conducted during regular hours of operation; 3) modifying events to allow 36 (maximum) public and/or private events per year (an average of three per month) with a maximum of 250 persons per event; 4) modifying temporary event condition of approval to allow unlimited temporary events upon issuance of a temporary events application permit; and, 5) allowing visitors to arrive in standard sized buses. The 52.54 acre project site is located on the north side of State Route 121 (Sonoma Hwy), approximately 0.52 miles west of Old Sonoma Road, within the AW - Agricultural Watershed zoning district (Assessor's Parcel Number: 047-080-059) 5200 State Route 121, Napa.

Staff Recommendation: Approve the use permit modification as conditioned.

Staff Contact: Linda St. Claire, 299.1348 or linda.stclaire@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:**That the Planning Commission:**

1. Find the project categorically exempt based on finding 1 of Exhibit A;
2. Approve use Permit Modification P11-00314 based on findings 2-6, subject to the recommended conditions of approval (Exhibit B).

Discussion:

This project consists of a request to modify the operating limitations for the di Rosa Preserve. The art museum was approved in the early 1990's as a rural recreational use. At the time of its original approval, and during several modifications to the permit over the last 20 years, the project has been subject to a number of restrictions limiting the times and days when visitors could access the site and when events could be held. Some of these limitations were put in place directly in response to constraints surrounding the property's access point with Highway 12/121 (Carneros Highway). Recently, Caltrans completed a highway safety project in the area which has greatly improved access into this property. Consequently, the applicant is requesting modifications to the visitation limits. The applicant has also indicated that these changes to visitation are necessary to keep the use viable. No expansion in total visitation is requested. Proposed changes will expand hours of operation, primarily to enable more weekend visits, but total allowed weekly visitation will not be increased. Staff has determined the request, as conditioned, has no adverse environmental impacts and is consistent with all applicable Zoning standards. As such, staff recommends approval of the request as conditioned.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 0 Minor Alterations in Land Use Limitations. The proposed modification to the use permit does not result in expansion of the existing facility or new development.

BACKGROUND AND DISCUSSION

Owner/Applicant: diRosa Preserve Foundation

Representative: Carol Poole

General Plan Designation: AWOS (Agriculture, Watershed, and Open Space)

Zoning: AW (Agricultural Watershed)

Filed: September 21, 2011

Deemed Complete: November 22, 2011

Square Feet: Current: 11,855 square feet, no change proposed

Days and Hours of Operation:

Current - Drop in visitation tours allowed Sunday- Friday not to exceed 30 hours per week; three tours per day with specific tour hours, 6 days per week;

Proposed - Wednesday - Sunday 10:00 AM - 4:00 PM, November - March; Wednesday - Sunday 10:00 AM - 6:00 PM, April - October; Open one evening per week until 9 PM.

Events:

Current - Public and private events - 20 events per year averaging 67 persons (not to exceed 100 persons per event); 10 events per year averaging 133 persons (not to exceed 200 persons per event); and 6 events averaging 167 persons (not to exceed 250 persons per events). Annual temporary events not to exceed one event for up to 100 persons, one events up to 200 persons, and one event per year with up to 250 persons.

Proposed - Thirty-six public and/or private events per year (an average of 3 per month) with a maximum of 250 persons per event. Allow for educational programs, such as art demonstrations, conducted during regular hours of operation. Remove temporary event condition (three per year with a maximum of 250 persons) and allow the applicant to apply for temporary events through the Napa County Temporary Events License Application process.

Number of Employees: Current: 12 full-time. Proposed - no change

Parking: Current - 67 spaces. Proposed - no change

Parcel Size: 52.54 acres

Adjacent Zoning/Land Use:

North & East - AW - Vineyards with two single family residence (256 acres)

South - AW - Domaine Carneros (132 acres)

West - AW - Vacant (163 acres)

Property History: According to Ghost Wineries of the Napa Valley, written by Irene Haynes and published in 1995, the property was the site of Talcoa Vineyard in 1833. By 1884 the property was purchased by two Frenchmen, Michael Debret and Pierre Priet, who renamed it Debret Vineyard and in 1886 built the large stone winery that eventually became the di Rosa home in 1960. The vineyards were destroyed by the phylloxera root louse and the grapes were replaced by prunes, tomatoes and grain. Rene di Rosa later re-planted grapes and donated approximately 200 acres to the Napa County Land Trust. The property also includes a 35 acre lake and wildlife preserve.

1970 - Resolution No. 70-44 approved by the Napa County Board of Supervisors to amend the parcel and reclassify and rezone from Single Family Residential District (R-1:A) to Agricultural Preserve - Intensive District (API).

1974 - a request to utilize an existing 700 square foot structure as farm labor quarters was approved by Napa County Planning Commission.

1990 - WDO redefined agricultural lands and repealed API districts. di Rosa's zoning changed to Agricultural Watershed (AW).

1992 - Use Permit #U-91-8 approved by Napa County Planning Commission to establish an art preserve with

indoor and outdoor art display and a wildlife preserve, including 15,675 square feet of new construction as a recreational use compatible with agriculture for a total of 24,384 square feet of indoor display area to be open to the public in limited groups by reservation only. The entire property is covered by a conservation easement with the Napa County Land Trust.

1993 - Use Permit Modification #92477-MOD to relocate parking and enlarge the gatehouse; Use Permit #93191 - Landmark Designation to historic stone structure; and Use Permit Modification #93132-MOD to allow revisions to gatehouse.

1996 - The Board of Supervisors adopted Ordinance No. 1105 which established a series of mandatory findings for Park and Rural Recreation Uses. Prior to this ordinance, it was possible to obtain a use permit on agriculturally-zoned land for "outdoor parks and recreational facility compatible with agriculture" uses but few parameters were set as to what constituted a rural recreational use. The di Rosa preserve was originally approved in 1992 under the previous, less restrictive regulations.

1997 - #96487-MOD Minor Mod to allow incidental retail sales in entry of Gatehouse only.

1998 - Administrative approval to allow one additional tour, for a total of 10.

1999 - #98271-MOD Minor Modification to change free entry to all local visitors to 2 days per month and to increase 12 annual event attendance from 90 to 142 persons per event.

2001 - #00190-MOD approved by the Napa County Planning Commission to construct a 5,000 square foot auxiliary gallery and add one additional tour time during weekdays only (Monday through Thursday June 1 - September 30 and Tuesday through Friday October 1 - May 31).

2002 - #02497-MOD approved administratively to allow conversion of 1,300 square feet of a 5,204 square foot storage area to offices.

2004 - #04017-MOD approved by the Napa County Planning Director to modify visitation (see attached Conditions of Approval).

Discussion:

Traffic

An Initial Study in 1991 identified traffic issues as a potential environmental impact. The August 28, 1990 traffic study by Omni Means concluded that the Level of Service at that time was at a level F. The initial study identified the potential impacts to traffic as exposure of new users to substantial life and/or property hazards from traffic accidents; and exposure of the existing users of the roads providing access to the project site to substantially increased life and/or property hazards from traffic accidents.

Mitigation measures were included with the 1992 original use permit to mitigate these potentially significant traffic safety impacts. They were: 1) No vehicles larger than 25 person capacity vans shall be used to transport visitors to or from the site; 2) Van pooling shall be encouraged for all visitors, including those attending special non-profit evening events; 3) The facility shall be closed to the public on Fridays and Sundays from June 1 to Sept 30, the peak traffic season; 4) Non-profit special events shall be limited to 12 per year, shall be limited to 85 persons at any single event, shall only be scheduled to begin after 7 PM when the preserve is closed to visitors, and shall not be scheduled on Fridays and Sundays from June 1 to Sept 30 (the peak traffic season); 5) A left turn lane eastbound on Hwy 121, reviewed and approved by Caltrans, shall be constructed at the driveway entrance, prior to visitor use of the facility; 6) Parking shall be limited to two areas: one 25 space area below the dam for visitors, and the area near the existing residence with 25 additional spaces for residents, proposed employees and occasion

special event parking. No parking shall be allowed along the access driveway which could block or impair emergency vehicle access. Mitigation measures reduced the impacts to a less than significant level by reducing the number of vehicles on the highway and requiring the vehicles to travel during non-peak periods.

Use Permit Modification #04017-MOD established new Conditions of Approval, modifying the hours, days and number of events allowed on-site. A December 18, 2003 Traffic Study concluded that the peak overall level of service continued to operate at a level F but with the installation of the left hand turn lane, an eastbound median area and a westbound right-turn taper area, the level of service resulted in a level E operation, suggesting mitigation measures had succeeded.

The most current proposal is basically a shift in these 2004 approved hours, days and number of events and persons allowed at the Preserve. The Preserve would be closed every Monday and Tuesday and continue to be open 30 hours a week during the winter months but be open an additional 10 hours during the spring/summer months. The number of events would continue to be 36 per year (approximately 3 per month) and instead of three different numbers of visitors allowed, the applicant has proposed 250 person maximum for each event. And lastly, the proposed changes to temporary events would allow the applicant to apply for temporary event permits on a case by case basis, just like any other applicant seeking to hold a temporary event.

Since Use Permit U-91-8 and #04017-MOD were approved, various changes have occurred, to include, the construction of the required left hand turn lane and more recently, a California State Department of Transportation project on State Route 121, which expanded and upgraded the road and the access to the di Rosa Preserve by adding a deceleration lane and an acceleration lane, thereby increasing the intersection safety and improving access to comply with current Caltrans standards. California Department of Transportation's Project manager worked directly with the di Rosa Preserve to ensure the upgrade and expansion would meet the proposed needs of the Preserve at their entrance. A traffic study was conducted and reviewed by Napa County Department of Public Works and the study concluded that the visitor expansion program would not significantly impact traffic conditions (see attached Traffic Study). The proposed conditions of approval and agency comments will ensure that the project meets County standards.

Additional Mitigations

The above Initial Study also identified and mitigated for, additional areas of concern, Aesthetics, Ecosystem Public Health and Hydrology. These mitigations measures were instituted and do not require further review or modification at this time (see attached Initial Study U-91-8).

Consistency with Standards:

Zoning

County Code Section 18.08.428 describes "parks and rural recreation uses and facilities" as a place where outdoor recreational uses that are generally unsuitable for urbanized areas are conducted. Use Permit U-91-8 was approved in 1992 and limited to a passive recreation use consisting of the proposed art preserve with an indoor and outdoor display of art and the wildlife preserve (see attached Conditions of Approval U-91-8). The zoning regulations at the time allowed, with a use permit, an "outdoor parks and recreational facility compatible with agriculture" within AW zoned areas.

The proposal, at the time, also met the General Plan designation of AWOS (Agriculture, Watershed, and Open Space) agricultural and recreational policies. In 1996 the County approved Ordinance No. 1105 which further clarified the qualification as a park and rural recreational use by setting forth seven required findings (see County Code Section 18.104.390). These findings generally state that the use would not significantly affect potential or existing agriculture and would serve the needs of the local population. The current use would likely not meet today's regulations. However, given that it was approved prior to the current limits on park and rural recreation uses, and given that it has functioned in a manner that does not conflict with agriculture for almost 20 years,

approval of the proposed modification is recommended. The current proposal will only change some of the operational characteristics of the use, such as hours of operation, but not otherwise alter the existing use.

Noticing

Use Permit #04017-MOD required additional noticing to Napa County Farm Bureau (FB) and Get a Grip on Growth (GGG) with a statement as to why the changes are being proposed. This noticing requirement has been followed. The applicant, as well, emailed both FB and GGG.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Exhibit B - Proposed Conditions of Approval
- C . Current Conditions of Approval
- D . Agency Comments
- E . Original Environmental Document
- F . Application
- G . Traffic Study
- H . Additional Information- Parking Plan
- I . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell