

EXHIBIT A
Proposed Conditions of Approval
Design Review
36 Ivy Court (APN 036-22-002)

Planning Conditions:

1. Development and operation of the use shall be substantially as represented on the approved plans and elevations, material samples, and project narrative as described in the staff report on file with the Planning Department, except as modified by these conditions. Once installed, all improvements shall be maintained in accordance with the approved plans.
 - a) The fountain shall be relocated so that it conforms to the 5-foot setback required for auxiliary structures.
 - b) Fountain shall recirculate water.
 - c) The art piece along the north property line fence outside of "Bedroom 2" shall not be taller than 8 feet.
 - d) Cypress hedges along the north and south property lines shall utilize a variety with a maximum mature height of 20-feet.
 - e) Roof design shall incorporate pre-plumbing and pre-wiring in new development for easy installation of solar water heating and/or photo-voltaic (PV) solar panels. Solar panels shall be incorporated into roof design with low profile mounting.
2. The removal of the two protected trees is subject to a tree replacement equivalent of 32" diameter of trees. If the tree replacement cannot be accommodated on-site, an in-lieu fee shall be required for the remaining diameter in inches not planted on site, in accordance with the Master Fee Schedule in effect at the time of building permit issuance.
3. A minimum of one tree of 15-gallon size or larger shall be planted in the front yard. This tree will count towards the 32-inch diameter replacement required by Condition 2. A refundable in-lieu fee deposit shall be required for this replacement tree until planting in accordance with the Master Fee Schedule.
4. Replacement trees shall be from the master tree list found in YMC 12.16.110 or approved by the Town Arborist. Trees adjacent to the sidewalk shall be approved by the Public Works Department in accordance with YMC 12.16.040.
5. HVAC units shall be enclosed and/or screened with landscaping or fencing to mitigate noise impacts to the surrounding residence, and shall not be located within the setback.
6. The Town Planner may approve minor design and finish changes, including minor roof changes. The Town Planner may refer any and all design and finish changes to the Zoning & Design Review Board for consideration and adjudication.
7. Project landscaping shall comply with WELO Guidelines. Prior to issuance of any building permit, the Applicant shall submit a completed Town of Yountville Landscape Application for Staff review including and all pertinent information as regulated by the WELO Guidelines regulations.
8. Once installed, all improvements shall be maintained in accordance with the approved plans.

9. The Applicant shall submit the adjoining neighbors' written consent for fence segments if any fence is proposed to exceed six feet to Town staff.
10. This approval will expire two years from the effective date of approval if construction has not been commenced.
11. Disposal of construction and demolition waste and recycling shall be in accordance with the Joint Powers Agreement with Upper Valley Waste Management.
12. Construction and demolition activities shall conform to the noise control provisions contained in Municipal Code Chapter 8.04, Noise Control Regulations, including Section 8.04.030 B.1., as follows:

No person engaged in construction or demolition activity as a contracted service shall operate or cause the operation of any tools or equipment except between the hours of 9 a.m. and 6 p.m., Monday through Friday (excluding holidays), such that the sound therefrom creates intrusive noise across a residential or commercial real property boundary, except by permit issued pursuant to Section [8.04.040\(E\)](#).

13. No construction activities shall occur on the following holidays:

- Dr. Martin Luther King's Birthday
- Presidents' Day

14. Memorial Day

- 4th of July
- Labor Day
- Veterans' Day
- Thanksgiving & Friday following Thanksgiving
- Christmas
- New Years Day
- If any of the preceding holidays occur on a weekend day, then the prior Friday if on a Saturday or the following Monday if on a Sunday shall be defined as the holiday.

15. Indemnification

- a) The Applicant, property owner(s), and/or any successor(s) in interest will defend and indemnify and hold the Town, its agents, officers, and employees harmless of any claim, action, or proceedings to attack, set aside, void or annul an approval so long as the Town promptly notifies the Applicant of any such claim, action, or proceedings and the Town cooperates fully in the defense of the action or proceedings.
- b) The Applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the Town and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul the action(s) at issue herein. This indemnification shall include damages or fees awarded against the Town, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the Applicant, the property owner, and/or successor(s) in interest, the Town, and/or parties initiating or bringing such action.
- c) The Applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the Town, its agents, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary by said legal action and the Applicant, property owner, or successor in

interest desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents in a form and under conditions approved by the Town Attorney.

- d) In the event that a claim, action, or proceeding described in No. (a) or (b) above is brought, the Town shall promptly notify the Applicant, property owner and any successor in interest of the existence of the claim, action, or proceeding, and the Town will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding; the Town shall retain the right to (i) approve the counsel to so defend the Town, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the Applicant, property owner, or successor in interest in the defense of said claim, action, or proceeding. If the Town chooses to have counsel of its own to defend any claim, action, or proceeding where the Applicant, property owner and any successor in interest has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the Applicant, property owner and/or any successor in interest, as appropriate.
 - e) The Applicant, property owner and any successor in interest, whether in whole or in part, indemnifies the Town for all the Town's costs, fees, and damages which the Town incurs in enforcing the above indemnification provisions.
 - f) Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
16. The Applicant shall submit final architectural and site engineering/improvement plans in electronic format to the Town Planner and Town Engineer for review and approval. Review and approval shall be subject to verifying consistency of the final architectural plans with the design plans approved by the ZDRB. Review and approval shall also be subject to conformance with accepted Town Engineering Standards. Any and all changes to the plans subsequent to their submittal for building permit review and issuance shall require approval by the Town Planner and/or Town Engineer.
17. The project's contractor and all sub-contractors shall secure and maintain current Town of Yountville business licenses.
18. The project shall be subject to the payment of Development Impact Fees.
19. All conditions must be completed by Final Inspection.

Public Works Conditions of Approval:

20. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with, the current versions of Caltrans Standards and Specifications, the Town of Yountville Municipal Code, the Yountville Public Works Standards, and all current federal, state and county codes governing such improvements. Town Standards can be found on the Town of Yountville website.
21. The Applicant must schedule inspections with the Public Works Department for all work connected to or as part of a public facilities including but not limited to water laterals, water

meters, backflow devices, sewer laterals, sewer cleanouts storm drainage and storm water control, sidewalk, curb and gutter, street improvements, tree trimming and or tree removals.

22. For those improvements outside the building envelope, a grading and drainage plan shall be prepared by a licensed engineer and submitted for review and approval by the Town Engineer prior to the issuance of a building permit. In addition to topographic survey, drainage, grading, utilities and other improvements, the grading and drainage plan shall include all easements on and off the property that affect the property.
23. An Encroachment Permit shall be obtained for any construction work, staging, or deliveries that occur from and/or in the public right-of-way.
24. No drainage from the hardscape, decks, pools or roof improvements shall be allowed to directly leave the site. The stormwater plan shall provide a method to address how drainage will be treated and infiltration on site and at the property lines to prevent inundation of neighboring properties. Drainage overflow shall be shown on the plans and directed in a manner acceptable to the Town.
25. Stormwater treatment shall be designed and constructed in accordance with the current BASMAA Post Construction Manual for Projects in Napa County and any current State of California standards regulating residential stormwater run-off. The building permit plans shall be in substantial conformance with the stormwater design presented in the design review documents:
 - a) The proposed construction replaces less than 2,500 square feet of impervious surfaces. The BASMAA requirements have been met. Should the proposed construction be modified and exceed 2,500 square feet of new impervious surface, additional BASMAA requirements will be required at time of building permit submittal.
 - b) Bioretention facilities are not permitted to drain direction into the public right of way. Drainage into the public right of way is limited to overflow drainage only.
26. If a groundwater pumping system is required, the outfall shall not be directed to release on the public right of way. The groundwater pumping release design shall be included with the drainage plans and the water directed to vegetation located on site.
27. Where applicable, deteriorating or broken improvements along the project frontage shall be replaced per Town specifications, extent to be determined by the Public Works Department.
28. A Town standard driveway apron shall be constructed per Town requirements:
29. Existing streets being cut for new services will require edge grinding and an A.C. overlay per Town standards, extent to be determined by the Public Works Department.
30. The Applicant shall repair all public improvements that are damaged by the construction process in accordance with the Town Standards.
31. Roadside trees along the project frontage shall be kept trimmed to maintain a 14' vertical clearance in the travelled way.
32. The plan to protect trees within the public right of way that conflict with construction must be provided to the Public Works Department for review. The Town arborist may be required to

observe the process in coordination with the project arborist.

33. Any tree removal requests within the public right of way must be go through the Public Works Department for review. The Town Arborist will be required to analyze the tree condition. Council approval may be required.
34. Existing streets being cut for new services will require edge grinding and an A.C. overlay per Town standards, extent to be determined by the Public Works Department.

Utility Division Conditions of Approval:

35. The property shall be connected to the Town water system per Town standards.
36. Each existing and/or new water system connections shall include a reduced pressure backflow device located per Town standards.
 - a) New pool construction or renovations will require backflow device if no backflow device is present.
 - b) Installation of fire sprinklers will require backflow device if no backflow device is present.
37. Where fire sprinklers are required, Applicant shall install an appropriately-sized water service system according to fire system calculations approved by the Fire Marshal. The water meter size proposed must be reviewed and approved by the Public Works Department.
38. New or modified water meters shall be placed and installed per the Town standards. Hot taps to active water mains shall be done by the Applicant's contractor at the Applicant's expense.
39. A water lateral is allowed for each structure on a single property.
 - a) Code 13.12.0707: The owner of any structure located within the Town in which plumbing for potable water is to be installed shall, at the owner's expense, connect the plumbing of such structure directly to the proper public water main in accordance with this title. New pool construction or renovations will require backflow device if no backflow device is present.
40. Abandonment of existing water laterals shall be done per Town Standards.
41. A new sanitary sewer cleanout shall be installed per Town standards and shall be installed at the property line on the owner's side.
 - a) The Applicant must provide video inspection files to the Public Works Department that show a clear working sewer lateral.
42. A single sewer lateral is acceptable for two dwelling units on a single property.
 - a) The use of existing sewer lateral for new construction is permitted and the Applicant must provide video inspection files to the Public Works Department that show a clear working sewer lateral.
43. Abandonment of sewer lateral shall be done per Town standards.
44. Any pool or spa shall not be plumbed or drain to the sanitary sewer system. The pool shall not be filled using potable water from the Town's domestic water supply. Pool water must be

trucked in from an off-site, out-of-Town water source. The filling of the Pool shall be required to be observed by Town staff to ensure the Town's potable water supply is NOT used to fill the Pool.

45. All other utilities, electric, gas and communication, serving the property shall be placed underground. There shall be no overhead utilities serving the property. All electric, gas and communication installations must be done per those agencies' standards.
46. As-Built drawings clearing indicating the final location of installed utilities or infrastructure within the public right of way are required.