

Exhibit 1: Conditions of Approval

Project Specific Conditions

COA 1: Pursuant to YMC Section 17.160.020(H), a final housing agreement shall be completed and recorded prior to approval of the final subdivision map by the Town Council. The Housing Agreement shall address all operating responsibilities of the project required by the Inclusionary Housing Program.

COA 2: Prior to the issuance of a building or grading permit, final plans shall be submitted to the Planning and Building Department along with documentation demonstrating compliance with Water Efficient Landscape Guidelines or California Model Water Efficient Landscape Ordinance.

COA 3: The following measures shall be taken to protect and/or replace trees on the project site:

1. Tree protection fencing shall be installed and verified by an inspection of the Town Arborist prior to issuance of site improvement or grading permits and prior to permitted tree removal.
2. All project contractors shall follow the recommendations (in the Key to Tree Inventory Chart) for removal or preservation as described in the Arborist Report prepared by Horticultural Associates on June 24, 2023.
3. Project contractors shall conduct all work in compliance with the policies and procedures described in YMC § 17.128.080 ("Tree protection during development.") during development.
4. In the event that work encroaches into the Tree Protection Zone, the project work shall be conducted in compliance with the policies and procedures described in YMC § 17.128.100 ("Additional duty of care for heritage trees.").
5. Prior to issuance of a grading or building permit, the applicant shall pay a \$10,000 deposit to the Town for inadvertent, un-permitted removal, or damage to any trees as a result of the project per YMC § 17.128.100(J).

COA 4: Any tree removed or damaged through the development process shall be replaced at a 1:1 trunk diameter ratio (e.g., the removal of one 12-inch DBH tree shall necessitate the planting of six two-inch DBH trees or four three-inch DBH trees, etc.). The minimum size for a replacement tree shall be 15-gallons. The minimum size for a replacement of a heritage tree or a native oak shall be 24-inch box. Replacement trees shall meet the standards of size, species, and placement as for tree replacement in compliance with YMC §17.128.070.

COA 5: A final lighting plan in compliance with all applicable lighting standards in YMC §17.116.080 and Chapter 17.132 shall be submitted to the Planning and Building Department prior to issuance of a building permit.

COA 6: Plans submitted for building permit shall show air conditioners, similar mechanical equipment, utility equipment, and any other equipment and shall be fully screened with materials that are consistent with the design of landscaping and fencing.

COA 7: T-111 or plywood shall not be used for exterior siding.

COA 8: The Homeowners Association shall require that any units used as rentals are registered with the Town.

COA 9: The applicant shall take the following steps to preserve the historic structure:

1. The applicant shall follow the recommendations and the procedures outlined in the Historic Preservation Relocation Plan prepared for the project by Architectural Resources Group dated July 25, 2023 (**Attachment F**), as well as comply with the Secretary of the Interior Historic Rehabilitation Standards.
2. As noted in Chapter 4 of the Historic Preservation Relocation Plan, the procedures include a relocation plan, photographic documentation, and Pre-Demolition and Moving Conference meetings.
3. A copy of the final relocation plan shall be provided to Town staff prior to commencing the relocation of the building. Final review/approval of and the relocation plan shall be reviewed by an architectural historian contracted by the Town.
4. The applicant shall purchase a bond for a minimum of \$1,000,000 to protect against accidental or inadvertent demolition during the moving of the structure. The bond shall not be released until the structure has been successfully relocated and the applicant has completed the remediation plan to the satisfaction of the Town and the Town's architectural historical consultant.
5. Prior to issuance of a building permit, the applicant shall submit a deposit of \$15,000 to cover the cost of an architectural historian should one be needed in the event that any portion of the structure is inadvertently demolished or any of its character-defining features are damaged. In such an event, the applicant shall contact the Town within 24 hours and work shall pause pending consultation with the Planning and Building Department. The Town will contract with an architectural historian to develop a remediation plan in compliance with the Secretary of the Interior Standards for Treatment of Historic Properties. The applicant will be responsible for all costs associated with the implementation and completion of the remediation plan.
6. The applicant will notify Town staff of relocation progress at reasonable intervals and at completion for final inspection by the Town and the Town's architectural historical consultant.

COA-10: In the event that cultural resources or human remains are inadvertently discovered during ground disturbing activities, the following conditions shall apply:

- a. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Planning and Building Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Planning and Building Department.
- b. If human remains are discovered during any ground disturbing activity, work shall stop until the Planning and Building Department and the County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Planning and Building Department.
 - If the skeletal remains are found to be prehistoric, Native American and not modern, then the coroner must call the Native American Heritage Commission in

Sacramento that will designate the “Most Likely Descendant” (or MLD) of the discovered remains. The MLD will be responsible for recommending the disposition and treatment of the remains (before construction is resumed). Although the likelihood of encountering human skeletal remains in the project area seems slight, it is important to have a procedure for alternate tasks that can be put into effect quickly in the event that human remains are discovered. This allows for work to continue elsewhere on the project area (where appropriate given the size of the property and location of the discovery) while the remains are properly investigated.

- If any prehistoric artifactual materials such as modified obsidian flakes or formed tools or concentrations of natural obsidian nodules are observed during any phase of grading or future construction on the property, all work in the vicinity of the find shall be stopped until the area of the discovery can be evaluated by an archaeologist. Depending on the extent and cultural composition of the discovered materials, subsequent excavation monitored by an archaeologist may be required, who shall be ready to record, recover and/or protect significant artifactual materials from further damage.

COA-11: All contractors shall incorporate the following Best Practices to limit noise exposure for all residents.

1. Construction shall be limited to the following times (excluding holidays): 9:00 a.m. to 6:00 p.m., Monday through Friday. Construction shall comply with the Town’s Noise Control Regulations as set forth in YMC Chapter 8.04.
2. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
3. Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
4. All stationary noise-generating construction equipment such as generators or air compressors are to be located as far as is practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
5. Unnecessary idling of internal combustion engines is prohibited.

COA-12: When compacting soils, all compaction shall be completed using a roller. Vibration compaction is prohibited.

COA 13: If site preparation, grading, or construction will occur between February 1 and August 31 the following steps shall be taken:

A survey for active bird nests will be conducted by a qualified biologist no more than 14 days prior to the start of project activities (vegetation removal, grading, tree removal, building demolition or other initial ground-disturbing activities) if they commence during the nesting season (February 1 through August 31). The survey will be conducted in a sufficient area around the Study Area to identify the location and status of any nests that could potentially be directly or indirectly affected by project activities. Upon completion of the surveys, any nests discovered will be avoided through a work exclusion buffer determined by a qualified biologist to avoid impacts. Buffers will be sufficiently large and long in duration such that nest abandonment is avoided. The qualified biologist will determine the buffer based on the species and the type of disturbance anticipated to result from project activities.

COA 14: To avoid impacts to special status bats and all bat maternity roosts, removal of any large trees (greater than 24 inches diameter at chest height) will be conducted during the non-maternity roosting season, which coincides with the non-nesting season for birds during the months of September through January. Additionally, all trees that are felled, regardless of the time of year, will be left on the ground for 24 hours prior to cutting up or removing the trees from the project area, allowing any roosting bats potentially present to escape overnight. If any building is demolished or a tree greater than 24 inches at chest height is cut during the maternity roosting season, a qualified biologist will inspect the tree or structure for maternity roosting bats prior to commencing demolition or removal. If active roosts are detected, they will be avoided until after they become inactive.

COA 15: In order to limit the construction effects on air quality, the following Best Management Practices shall be followed by all project contractors during all phases of the project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.
- The applicant/general contractor for the project shall demonstrate to the local jurisdiction that all off-road equipment greater than 25 hp that will be operating for more than 20 hours over the entire duration of the construction activities at the site, including equipment from subcontractors either produce zero emissions or meet both of the following requirements: 1) have engines that meet or exceed either US EPA or ARB Tier 2 off-road emission standards; and 2) have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used (equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required).
- Idling time of diesel powered construction equipment, trucks and generators shall be limited to no more than 2 minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.

- Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

COA 16: The applicant shall implement the recommendations of the Geotechnical Investigation prepared by PJC & Associates, Inc. on March 6, 2023 (**Attachment G**). The final plans shall reflect the recommendations and be submitted to the Building Department for review prior to issuance of a Building Permit.

COA 17: Prior to issuance of a building permit, the applicant shall pay the in-lieu fee in the amount established by the Town Council as well as the \$125,000 to cover future improvements to pedestrian and bicycle access on Yountville Cross Road.

General Conditions:

1. Prior to the issuance of a building permit, a formal pre-construction meeting shall be held for the Applicant, contractor, and/or property owner. The meeting shall include appropriate departments/agencies to review requirements of the permit (i.e., construction hours, encroachment permits, compliance with the scope of work, inspections requirements, etc.).
2. 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 conditions. Once installed, all improvements shall be maintained in accordance with the approved plans.
3. All exterior mechanical and electrical equipment shall be screened by landscaping or fencing or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, cable equipment, telephone entry boxes, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.
4. 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.
5. Once installed, all improvements shall be maintained in accordance with the approved plans.
6. This approval will expire two years from the effective date of approval if construction has not commenced.
7. Disposal of construction and demolition waste and recycling shall be in accordance with the Joint Powers Agreement with Upper Valley Waste Management.
8. 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:
 - a. 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).
9. No construction activities shall occur on the following holidays:
 - Dr. Martin Luther King's Birthday
 - Presidents' Day

- Memorial Day
- Juneteenth
- 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.

10. 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.

- a. 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.
- b. 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.
- c. In the event that a claim, action, or proceeding described in no. a orb 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.

- d. 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.
 - e. 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.
 - f. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.
11. 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.
 12. The project's contractor and all subcontractors shall secure and maintain current Town of Yountville business licenses.
 13. The project shall be subject to the payment of Development Impact Fees.
 14. The project shall submit a Construction Management Plan identifying the following:
 - I. Estimated project duration
 - II. Construction schedule of milestones (excavation, grading, and off-haul duration; foundation work; framing; flatwork/paving; punch list/final inspection)
 - III. Excavation and disposal methods
 - IV. Equipment to be used
 - V. Site access location
 - VI. Storage and staging location of materials and equipment/portable toilet/debris box and waste bins truck loading area and temporary traffic control required as necessary
 - VII. Haul route
 15. All conditions must be completed by Final Inspection.
 16. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

Public Works Conditions

1. 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. The adopted Town Standards can be found on the Town of Yountville website.

2. 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.
3. An Encroachment Permit shall be obtained for any construction work, staging, or deliveries that occur from and/or in the public right-of-way prior to the beginning of any work within the public right-of-way.
4. 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.
5. 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.
6. 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.
7. Per adopted Town Standards Section 2 Storm Drainage the property must conform to the Hydrology Report submitted by Madrone Engineering on October 25, 2023 as part of the compliance review.
8. 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.
9. Existing streets being cut for new services will require edge grinding and an A.C. overlay per adopted Town standards, extent to be determined by the Public Works Department.
10. Public pathways or sidewalks must be installed per the adopted Town Standards and ADA accessibility requirements.
11. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the adopted Town Standards.
12. Roadside trees along the project frontage shall be kept trimmed to maintain a 14' vertical clearance in the travelled way.

Utility Conditions:

13. Public Works Staff must inspect new connections and disconnections to main utility lines and alterations or installation of new infrastructure as part of a connection to Town services prior to final placement.
14. The property shall be connected to the Town water system per adopted Town standards.
15. Each existing and/or new water system connection shall include a reduced pressure backflow device located per adopted Town standards. New water meters shall be placed and installed

per the adopted Town standards.

16. Hot taps to active water mains shall be done by the applicant's contractor at the applicant's expense.
17. A water lateral shall be installed for each lot per adopted Town Standards.
18. Abandonment of existing water laterals shall be done per adopted Town Standards.
19. The demolition of the existing well shall be done per Napa County Department of Environmental Health standards.
20. Where fire sprinklers are required, applicant shall install an appropriately-sized water service system according to fire system calculations approved by the Fire Marshal.
21. Separate sewer laterals and sewer cleanouts shall be installed for each lot. New sanitary sewer laterals and cleanouts shall be installed per adopted Town standards and shall be installed at the property line on the owner's side.
22. Abandonment of sewer lateral shall be done per adopted Town standards.

Earthwork and Grading

23. The project as presented will require a grading permit. The grading plan must show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work, clearly show the existing grades on adjoining properties in sufficient detail to identify how this project's grade changes will conform to the existing property grades. Cross-sections are acceptable.
24. Provide an earthwork table indicating total volumes of excavation, embankment and net total (import or off-haul) Any updates to the existing table on the plans must be included on final plans submitted for review.
25. Provide a plan showing the removal of any trees proposed to be removed and the plan to protect any trees intended to remain. The Town recognizes "heritage trees" and "protected trees". Heritage Trees are on a list kept by the Town. Protected trees are certain trees protected by Town Ordinance.
26. Indicate protection measures on plans for all trees proposed to be protected in place.
27. 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.
28. As-Built drawings clearing indicating the final location of installed utilities or infrastructure within the public right of way are required.

Napa County Fire Marshall's Office Conditions:

1. All construction and use of the property shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required prior to Building Permit issuance for:
 - i. Automatic fire-extinguishing systems
 - ii. Fire alarm and detection systems and related equipment
 - iii. Gates and barricades across fire apparatus access roads
 - iv. Solar photovoltaic power systems

4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
6. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.