

ATTACHMENT A
Proposed Conditions of Approval
Use Permit
Hope and Grace Wines
6795 Washington Street

Planning and Building Conditions:

Specific Conditions

1. No changes to the exterior of the building located at 6796 Washington Street are included in this approval. Any exterior alterations shall require separate design review approval as required by Yountville Municipal Code (YMC) section 17.60.020(A).
2. No sign permit approval is granted with this approval. Any signs shall require a sign permit application and be subject to separate review and approval.
3. Hours of operation shall be the following
 - a. Tasting room (indoors and outdoors) and retail sales to 9:30 AM to 7 PM
 - b. Special events, other than wine club pick-up events, from 6 PM to 10 PM, with use of the patio only as an auxiliary space and not the main space utilized for the event
 - c. Wine Club pick-up events from 4 PM to 6 PM
4. If the applicant requests to conduct business outside of the above operating hours, a Special Event Permit shall be obtained by the Town of Yountville prior to conducting business outside of the scope of this Use Permit.
5. Up to two (2) special events per month are permitted.
6. Outdoor patio seating shall be limited to 12 seats.
7. Outdoor consumption of wine shall only be allowed in relation to the Hope and Grace Wines permitted wine tasting activities.
8. Special Events shall have a limit of 40 attendees.
9. Live entertainment shall be indoors only and not amplified.
10. Food service shall be limited to catered food or cheese plates; no food shall be prepared on-site.
11. The business shall participate in the Town Employee Parking Management program
12. The business shall comply with Yountville Municipal Code Section 17.144 Regulations for Impact on Adjacent Uses, Impact Category II.

General Conditions

13. 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.
14. Applicant will be required to obtain tenant improvement plan(s) for all proposed exterior and interior changes to existing building(s).

15. This approval will expire two years from the effective date of approval if the use has not been commenced.
16. Disposal of construction and demolition waste and recycling shall be in accordance with the Joint Powers Agreement with Upper Valley Waste Management.
17. 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\(E\)](#).
18. No construction activities shall occur on the following holidays:
 - a. Dr. Martin Luther King's Birthday
 - b. Presidents' Day
 - c. Memorial Day
 - d. 4th of July
 - e. Labor Day
 - f. Veterans' Day
 - g. Thanksgiving & Friday following Thanksgiving
 - h. Christmas
 - i. New Years Day
 - j. 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.
19. 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.
20. 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.
21. In the event that a claim, action, or proceeding described 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. The project's contractor and all sub-contractors shall secure and maintain current Town of Yountville business licenses.
27. All development-related conditions must be completed by Final Inspection.

Fire Department Conditions:

The Napa County Fire Marshal's Office has reviewed the submittal package for the proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

28. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
29. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
30. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 - a. Automatic fire-extinguishing systems
 - b. Fire alarm and detection systems and related equipment
 - c. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.

Please note the conditions of approval noted above are based on the Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any further questions please contact Jason Downs at (707) 299-1467 or email at jason.downs@countyofnapa.org

Environmental Health Department Conditions:

31. Facility will be exempt from a food facility permit if operating as described in California Retail Food Code Section 113789(c)(5). Facilities set aside for wine tasting are exempt from a retail food facility permit if they offer no food, except crackers, pretzels, or prepackaged food that is not potentially

hazardous. Storage of food may not exceed 25 square feet of storage space and all food must be obtained from an approved source as defined in California Retail Food Code Section 113735.