

Exhibit A
Recommended Conditions of Approval
Design Review and Use Permit
6475 Washington Street
Building Addition and Exterior Modifications

Planning Conditions:

Project Specific Conditions:

1. Permit drawings shall include ADA path of travel from parking to a public entry at the rear of the building.
2. A minimum of two bicycle parking spaces shall be added to the site. These may be located at the rear entry.
3. The rooftop mechanical equipment shall be screened from pedestrian view in accordance with Yountville Municipal Code section 17.72.030. Screening shall be included in the building permit submittal.
4. The unused side door on the south elevation of the building shall be removed from the project.
5. All conditions and requirements of the Use Permit granted for the site through Resolutions 964-93 (Pancha's Bar Use Permit) and Resolutions Number 2958-11 and 17-3410 (Tacos Garcias Use Permit), and any other former resolution and conditions of approval related to 6475 Washington Street, shall remain in effect unless otherwise amended.

General Conditions:

6. All new electrical, telephone, CATV and similar service wires or cables shall be installed underground.
7. Prior to the issuance of a building permit, a formal pre-construction meeting shall be held for the 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.).
8. 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. If any changes and/or unforeseen circumstances arise prior to or during construction, the applicant or representative shall contact the Town immediately. Town Hall contact information shall be provided on submitted plans at the building permit stage.
9. Operation of the use shall comply with applicable regulations for impacts on adjacent uses set forth in Yountville Municipal Code Chapter 17.144, as required by Yountville Municipal Code section 17.60.020(A).
10. 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.
11. 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.
12. This approval will expire two years from the effective date of approval if construction has commenced.
13. Disposal of construction and demolition waste and recycling shall be in accordance with the Joint Powers Agreement with Upper Valley Waste Management.
14. 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\(E\)](#).

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

- Dr. Martin Luther King's Birthday
- President's 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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

22. 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.
23. The project's contractor and all subcontractors shall secure and maintain current Town of Yountville business licenses.
24. The project shall be subject to the payment of Development Impact Fees.
25. All conditions must be completed by Final Inspection, with the exception of the indemnification provisions, which shall survive and continue past Final Inspection.

Building Department Conditions:

1. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal.

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. Town Standards can be found on the Town of Yountville website.
2. An Encroachment Permit shall be obtained for any construction work, staging, or deliveries that occur from and/or in the public right-of-way.
3. Project shall construct or contribute to right of way enhancement consistent with the attached exhibit including but not limited to construction of a Town standard driveway approach across the existing vehicular ingress/egress and Town standard curb gutter and sidewalk across the frontage of the property.

Utility Conditions:

4. Each existing and/or new water system connections shall include a reduced pressure backflow device located per Town standards.
5. Where fire sprinklers are required, applicant shall install an appropriately-sized water service system according to fire system calculations approved by the Fire Marshal.
6. The plans do not indicate new sewer service connections or modifications to existing sewer connections for the building expansion. Please confirm there are no changes to the existing sewer. If this changes during construction, utilities must be installed per Town Standards and inspected by Public Works staff.
7. Per municipal code 13.6.040: All restaurants and food preparation businesses which are required to obtain a use permit after the effective date of this section shall install and maintain in good operating condition at all times a grease interceptor acceptable to the Town sufficient to process all wastewater containing grease or oil produced or occurring on the premises. Installation of the required grease

interceptor shall be completed prior to opening for business.

- a. **6764 Washington Street does not have a grease interceptor. If the establishment is required to apply for a permit with environmental health for a commercial kitchen a grease interceptor will be required at that time.**

Napa County Fire Department

The Fire Marshal approves the project as submitted with the following conditions of approval: The Fire Marshal approves the project as submitted with the following conditions of approval:

1. All construction and use of the facility 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. 1. Fire alarm and detection systems and related equipment
3. 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 that the comments noted above are based on a 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. Please contact me at (707) 299-1467 or email at jason.downs@countyofnapa.org.

Napa County Environmental Health Department

1. Food facility plan review will be required for this project. Submit food facility plans for all changes to the food facility directly to Napa County Environmental Health. Please contact Willow Williams at willow.williams@countyofnapa.org or 707-251-1071 with questions or to schedule an appointment for plan submission. Please note that food facility plans must be approved before a building permit can be issued.

Attachment: Public Works Exhibit