

P13-2028
Exhibit A, Conditions of Approval

3737 West Ruby Hill Drive
December 11, 2013

1. The residence constructed at 3737 West Ruby Hill Drive is found to be in substantial conformance to the Ruby Architectural Design Guidelines subject to the following measures:
 - a. Column heights as constructed at auto court and entry-gate.
The columns and lights are allowed to remain. The applicants shall submit plans of the entry gates to the Ruby Hill Architectural Design Committee for their review and approval before submittal to the Building Division for the issuance of a building permit.
 - b. Colors applied to the building elevations.
The applicants shall repaint their home to a single body color in compliance to the RHADG and two trim colors. The applicants shall submit color chips or samples and building elevations showing the application of the new building colors to the Ruby Hill Architectural Design Committee for their review and approval.
 - c. Conversion of Garage 1 to living area and the glass garage doors.
The applicants shall use Garage 1 as a two-car garage. The glass garage doors shall be replaced with solid wood doors matching the design and colors of the garage doors on Garage 2. The arched garage door openings may remain with the trim around the doors repainted to a color that matches the trim color around the two rectangular doors on Garage 2. The applicants shall submit plans to the Ruby Hill Architectural Design Committee for their review and approval before submittal to the Building Division for a building permit.
 - d. Entrance doors on the front building elevation facing West Ruby Hill Drive.
The front entrance doors are allowed to remain as installed.
 - e. Grading encroachments and drainage issues at neighboring properties.
The applicants are required to retain a qualified Civil Engineer to identify all corrective measures necessary to ensure that proper drainage systems are designed and installed to prevent runoff between the applicants' property and adjacent properties, shall then submit the plans showing these measures to the City Engineer for review and approval before installation, and shall then install the corrective measures to the satisfaction of the City Engineer. The applicants can retain the trees, shrubs, vineyard planting, and irrigation lines installed on the City's water line easement, without review and approval by the City, at their risk – the City can access the

easement area unimpeded and work on the underground pipe without having to replace the vines, shrubs, trees, and irrigation lines planted in the easement.

f. Rear yard gazebo.

The columns as installed for the gazebo are allowed to remain. The gazebo shall be a maximum height of 15 feet, measured from the building pad to its tallest point, shall match the colors and roof materials of the residence, and shall be reviewed and approved by the Ruby Hill Architectural Design Committee and shall then submitted to the Planning Division under an application for Administrative Design Review for review and approval before the issuance of a building permit.

g. Capitals on the building columns.

The capitals on the building columns are allowed to remain as installed.

2. The applicants have one year to implement Condition 1 described above. Inspections by the Ruby Hill Architectural Design Committee, Planning Division, and Building Division shall be coordinated with regards to the completion of these items before a Final Certificate of Occupancy shall be considered for issuance by the Director of Community Development.
3. The City shall retain the previously deposited \$80,000 cash deposit until the issuance of a Final Certificate of Occupancy when the cash deposit shall be returned to the applicants. No portions of the cash deposit shall be returned to the applicants until the work is completed and the Final Certificate of occupancy is issued.
4. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
5. Ruby Hill Architectural Design Committee approval is required before any changes are implemented in the measures identified by this approval.
6. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In

no case will a building permit be issued prior to the expiration of the 15-day time-period.

7. The applicants shall obtain a Building Permit from the Building Division and any other applicable City permits for the project prior to the commencement of any construction.

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