

## CONDITIONS OF APPROVAL

DR 23-006 has the following conditions:

1. The Project shall comply with requirements of the Community Development Department and Environmental Health Department.
2. Should any Project construction (i.e. façade, signage, etc.) need be done from within SR 158 right-of-way, the Project shall obtain and comply with a Caltrans Encroachment Permit.
3. Any new uses of the property beyond Phases 1-4B, as described in this permit, shall provide adequate parking and snow storage, per the requirements of MCGP Chapter 6, Parking, and an amended Alternative Parking Management Plan.
4. The T-Bar seating shall not exceed 40 seats at any time. The 40 seats inside and 40 seats on the outside deck shall be managed to comply with and not exceed the approved amount of parking for a total of 40 seats. Failure to abide by this condition, as determined by the Code Compliance Officer, shall result in an immediate reduction to 40 seats for the T-Bar, and all outside deck seating shall be removed.

As an exception to this requirement, the T-Bar seating may be allowed up to 75 seats during entertainment events if the Balance Rock restaurant is closed. The applicant shall manage the number of seats inside and outside in compliance with this condition and the requirements of the Mono County Special Events Ordinance.

5. The Project shall comply with Chapter 22, Fire Safe Regulations.
6. The Project shall comply with Chapter 23, Dark Sky Regulations.
7. The applicant shall maintain a shared parking agreement, recorded against the deed of both properties, ensuring access to the space(s) provided on the neighboring parcel (Logue, APN 015-075-029) for parking purposes to and from the adjacent parcel (Schectman, APN 015-075-028). The agreement shall also recognize the continued use of the ADA parking space and accessible path of travel located on APN 015-075-021 for the benefit of APN 015-075-028. The agreement shall be maintained for the life of the project.
8. The applicant shall rely on the shared parking agreement with the Logue family to provide parking spaces for this Phase 4B.
9. The applicant shall maintain a snow removal contract November 1 – April 15 for the removal of snow off-site as needed and shall provide a copy to the Community Development Department each year.
10. Snow shall be managed consistent with the Snow Removal Management Plan and in such a manner that parking spaces, the driveway, and any public right of ways shall not be impacted.
11. All construction shall conform to the setback, lot coverage, fees, snow storage, and other development requirements applicable to commercial construction in the C land use designation.

12. This Director Review Permit shall terminate if changes occur to the adjacent parcel affecting the agreed upon ADA parking, accessible path of travel and/or snow management. Snow storage parcel APN 015-075-021 shall continue to not be developed in any way that impacts snow storage capacity until an alternative snow storage management plan for the project is approved.
13. Expansion or addition of any exterior signage, intensification of lighting, and animation or blinking of lights are prohibited. Current signage exceeds maximum area permissible. Replacement LED blubs will be of amber-yellow color and 2,000-3,000K, equivalent to the original wattage or 10 watts or less. Replacement plexiglass (or similar) sign faces shall not be pure white, but instead an off-white or amber color.
14. Termination. A Director Review shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
  - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in compliance with the terms of the Director Review.
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
  - C. No extension is granted as provided in Section 31.080.
13. Extension: If there is a failure to exercise the rights of the Director Review within two years of the date of approval, the applicant may apply for an extension for an additional one year. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of Approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews approved concurrently with a tentative parcel or tract map; in those cases, the approval period(s) shall be the same as for the tentative map.
15. Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

