

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: March 27, 2008 Time: 1:50 P.M.		Agenda Item No.: 5
Project Description: Administrative Permit to allow the transient use of residential property for remuneration purposes for one family or a group of individuals, not to exceed 20 persons at one time. The applicant proposes to designate the transient use of the property for no more than 75 percent of the year. The use includes the transient rental, defined as not less than 7 days nor more than 30 consecutive calendar days, of existing historical structures and the premises. The structures include a 2,750 square foot single family residence, a detached 735 square foot cottage and a detached 220 square foot guest room. No new construction, grading or tree removal is proposed.		
Project Location: 46005 Arroyo Seco Road, Greenfield		APN: 419-441-005-000 and 419-441-006-000
Planning File Number: PLN070282		Name: Ann Hougham, Property Owner
Plan Area: Central Salinas Valley Area Plan		Flagged and staked: No
Zoning Designation: : "RC/10" [Resource Conservation with a maximum gross density of one unit per 10 acres]		
CEQA Action: Categorically Exempt per Section 15301- Existing Facilities.		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Administrative Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

The applicant is requesting an Administrative Permit to allow for transient use of residential property for remuneration. "Transient" is defined as, "a period of time not less than seven (7) nor more than thirty (30) consecutive calendar days". Per Section 21.64.280 of Title 21 (Inland Ordinance), the transient use of residential property for remuneration is a permitted use in all zoning districts which allow residential use, subject to the issuance of an Administrative Permit. The proposed project is located in a Resource Conservation Zoning District which allows for residential development in the more remote and mountainous areas of the County of Monterey.

The project site consists of two adjoining parcels (one lot of record) being 10.47 and 3.27 acres. Although, the transient use of the property will involve the two parcels, the existing residential units are located on the smaller parcel described as Lot 1, being 3.27 acres. This parcel contains a 2,750 square foot single family residence, a detached 735 square foot cottage and a detached 220 square foot guest room and associated residential accessory structures/appurtenances, such as a garage, pool with pool rooms, shed, barbeque area and garden area.

Normally, an Administrative Permit is not referred to the Zoning Administrator for consideration at a public hearing, unless there is evidence of public controversy or public opposition. In this case, because of a previous project application on this property that resulted in public controversy and public opposition, staff decided to bring this application forward as a Zoning Administrator item. The previous application, filed as PLN030630, involved the establishment of a winery, caretakers unit, assemblages of people and a bed and breakfast. The opposition was not for the winery or the caretakers unit, but for the assemblages of people and bed and breakfast operations. Concerns were raised about the generation of noise by these uses. Ultimately, the

applicant decided to modify the project and remove the application for the assemblages of people, bed and breakfast and the proposed caretakers unit. This resulted in the approval of a Use Permit for a winery operation (ZA Resolution No. 030630), approved on May 25, 2006.

The applicant acknowledges the previous concerns of the neighbors in regards to noise impacts and has agreed to conditions of approval to reduce these concerns. Staff also received a letter by a neighboring property owner who indicates that her initial concerns have been satisfactorily addressed by the applicant. This letter is attached as **Exhibit H**. (See additional **Discussion in Exhibit B**)

OTHER AGENCY INVOLVEMENT:

- ✓ Greenfield Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Sheriffs Department

The above checked agencies and departments have reviewed this project. Conditions recommended by RMA-Planning Department, the RMA-Public Works Department, Environmental Health Division and the Greenfield Fire Protection District have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the County.

Note: The decision on this project is appealable to the Planning Commission.

Nadia Amador, Associate Planner
(831) 755-5114, amadorn@co.monterey.ca.us
March 15, 2008

cc: Front Counter Copy, Zoning Administrator; Greenfield Fire Protection District c/o Art Black; Public Works Department; Environmental Health Division; Water Resources Agency; Sheriff's Department c/o Dave Crozier; Jeff Main, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen, Ann Hougham, Applicant; Planning File PLN070282.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Vicinity Map and Assessor's Parcel Map
Exhibit F Applicant's Letter of Intent, October 2007
Exhibit G Site Plan, Floor Plan and Elevations
Exhibit H Project Correspondence from Judy Ann Zinani, neighbor, October 2007
Exhibit I Historical Status and Present Uses of Property Letter, Historic Preservation Associates, August 2007
Exhibit J Traffic Letter Report, Higgins Associates Civil and Traffic Engineers, August 2007

This report was reviewed by Bob Schubert, Planning Services Manager.

EXHIBIT B DISCUSSION

Setting

The subject property is comprised of two parcels (one legal lot) being 10.47 and 3.27 acres (APNs 419-441-005-000 and 419-441-006-000) located in the Central Salinas Valley Area Plan. The site address is 46005 Arroyo Seco Road, Greenfield. The subject property is located at the junction of Carmel Valley Road and Arroyo Seco Road, contiguous to the Arroyo Seco River in the upper Arroyo Seco Canyon Region.

The 10.47 acre parcel (APN 419-441-005-000) has approximately three (3) acres of oak woodland, ¼ acre of pond area and seven (7) acres of vineyard production. The 3.27 acres (APN 419-441-006-000) has three existing historical residential structures: a 2750 square foot main ranch house, a 735 square foot a detached cottage and a detached 220 square foot guest room. There is also a large pool house, pool, garden/workshop building and several outbuildings for the vineyard operation. The site is accessed by a 1,200 linear feet common driveway shared with adjacent property owner, William Massa. A recorded right-of-way easement deed is on file with the Monterey County Recorder's Office under Book 327, O.R. Page 379, dated March 18, 1932. Adjoining parcels in the vicinity range from 2.5 to 10.6 acres and several of these properties are improved with single family homes, viticulture and related agricultural and residential accessory structures.

Background Information/Previous Approvals for Site

On May 25, 2006, a Use Permit (File No. PLN030630) was granted by the Zoning Administrator for the construction of an Agricultural Processing Plant (winery) involving the construction of a 4,000 square foot winery-barn. This permit was modified from an earlier project proposal also involving a request for a bed and breakfast and public gatherings event application. Because of the neighbor's opposition to any noise impacts from the bed and breakfast and/or public gatherings, the applicant decided to withdraw these uses from the project.

The winery-barn has not been constructed, but the applicant has an approved building permit issued by the RMA-Building Department. The winery project will be conducted from the two parcel numbers being APN 419-441-005-000 and APN 419-441-006-000. An Initial Study prepared for this project found that any project impacts could not have a significant effect on the environment and a Negative Declaration was adopted. Part of the analysis for this project included a traffic study, prepared by Higgins and Associates, concluding that the winery's projected traffic numbers would be a very minimal increase to the existing road network and this would continue to operate at a Level of Service (LOS) "A" for the Arroyo Seco Road segment.

Project Description

The proposed project consists of an Administrative Permit to allow the transient use of residential property for remuneration. "Transient" is defined as, "a period of time not less than seven (7) nor more than thirty (30) consecutive calendar days". Per Section 21.64.280 of Title 21 (Inland Ordinance), the transient use of residential property for remuneration is a permitted use in all zoning districts which allow residential use, subject to the issuance of an Administrative Permit. The proposed project is located in a Resource Conservation Zoning District which allows for residential development in the more remote and mountainous areas of the County of Monterey. The project site consists of two adjoining parcels (one lot of record) being 10.47 and 3.27 acres. Although, the transient use of the property will involve the two parcels, the existing residential units are located on the smaller parcel described as Lot 1, being 3.27 acres. This parcel contains a 2,750 square foot single family residence, a detached 735 square foot cottage and a detached 220 square foot guest

room and associated residential accessory structures/appurtenances, such as a garage, pool with pool rooms, shed, barbeque area and garden area. The project will not involve any construction, exterior modifications of the existing structures, any grading or tree removal.

The applicant is proposing to seek families or groups of individuals looking for a peaceful vacation experience (see Exhibit F for applicant's letter of intent). The applicant is proposing the rental of the structures and premises to one family or a group of individuals, not to exceed 20 persons at one time. The applicant proposes to designate the transient use of the property for no more than 75 percent of the year. This equates to 273 days per year (365 days in a year x 75% = 273 days). Conditions of approval stipulating this information have been incorporated into the permit.

The project will not have significant noise impacts. The applicant has agreed to conditions of approval which would reduce any noise issues, such as prohibiting the rental of the premises for special events, such as weddings and the prohibiting the amplified music, not to exclude the use of a home entertainment stereo system permitted in residential neighborhoods.

Parking

The RMA-Public Works Department conditioned the project to meet the parking standards of Title 21 (Inland Zoning Ordinance) and required for parking stalls be a minimum of 9 feet wide. Under the Section 21.58, *Regulations for Parking* of Title 21, a total of 4 parking spaces (1 covered and 3 uncovered) are required for a single family residence, a caretakers unit and a guesthouse. The project has an existing two-car garage attached to the existing guest room structure. The existing garage takes the place of two of the required parking spaces, so an additional 2 uncovered spaces are required for the project. The project has ample space, on-site, to designate for the 2 remaining parking spaces.

Technical Studies

Historic Status Letter- A historic status letter was prepared for the project by Historic Preservation Associates on August 26, 2007. The letter recounted the history of the project, including a chain of ownership and approximate dates of building construction. The letter concluded that "historically the property qualifies for the Monterey County Register of Historic Resources based on the longevity of its existence, the notable ownerships by civic leaders and the consistency of its development and the integrity and quality of preservation of its historic functions" (see **Exhibit I**). Because no physical improvements are proposed and the nature of the proposed use will not change the integrity or quality of the historic resource, no additional historic requirements are necessary for this project.

Traffic Letter- A traffic letter for the proposed project was prepared by Higgins and Associates on August 13, 2007 (see Exhibit J). The letter concludes that the conversion of the existing residential structures to transient units would not cause an increase of traffic trips. According to the Higgins, "the differential trips generated are nil" and the "impacts on the current road system will be negligible".

Regulations of Transient Use of Residential Properties

Pursuant to Section 21.64.280, *Administrative Permits for Transient Use of Residential Property for Remuneration*, of Title 21 (Inland Ordinance), certain regulations exist for transient uses. Section 21.64.280.D.2 of this Section states the following:

Regulations:

- a. The minimum rental period for all transient use of residential property shall be the greater of seven (7) consecutive calendar days or the minimum rental

period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited. Any residential property the rezoning of which is being proposed or considered by the Planning Commission or the Board of Supervisors so as to be exempted from the provisions of this Section, shall be exempted from the permit and/or registration requirements of this Section pending consideration and final decision on said rezoning by the Planning Commission and the Board of Supervisors. Such exemption shall terminate immediately in the event the Board of Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any such property.

The applicant is proposing a transient use of not less seven days nor more than 30 consecutive days. The property is not encumbered by any covenants or homeowner's association. A condition of approval specifying the transient use rental periods has been incorporated.

- b. The number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Uniform Housing Code and other applicable State and County housing regulations for residential structures based on the number of bedrooms within the unit. Each permit shall specify the maximum number of occupants allowed.

The proposed project will not exceed the limits set forth in the California Uniform Housing Code and other applicable State and County housing regulations for residential structures based on the number of bedrooms within the units. The three residential structures existing on the property, utilized for the transient operation, have a total of 7 bedrooms, collectively; the main residence has 5 bedrooms; the caretakers cottage has one bedroom; and the guest room has one bedroom. In total, the units cannot exceed more than 20 persons at one time. All applicable County agencies have reviewed the project and recommended conditions of approval, including the Monterey County Environmental Health Department. A condition of approval has been incorporated into the project specifying that the number of occupants cannot exceed 20 persons at one time.

- c. Availability of the rental unit to the public shall not be advertised on site.

The applicant has agreed to this regulation and on-site advertisement of the rental units shall be prohibited. A condition of approval has been incorporated prohibiting on-site advertisement.

- d. Any administrative permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a five-mile radius of the residence being rented, designate a person located within a 25-mile radius of the rental unit, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning and Building Inspection prior to issuance of the administrative permit and made available for public review. The permit holder shall promptly notify the Director of Planning and Building Inspection of any change in the local contact person's address or telephone number.

The applicant/owner does not reside within a five-mile radius of the residences being rented but has designated a person, residing within a 25-

mile radius of the residences being rented, who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued. The designated individual is Tim Vaughan who resides at 35891 Fort Romie Road, Soledad, CA. 93960. A condition of approval has been incorporated regarding this requirement.

- e. A copy of any administrative permit and/or registration issued pursuant to this Section shall be furnished by the Director of Planning and Building Inspection to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey.

A copy of the Resolution of Approval for this permit shall be furnished to the Treasurers Office by the RMA-Planning Department, pending approval of the permit.

- f. The administrative permit holder and/or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code. However, nothing in this Section shall be construed to require an applicant from collecting and paying any transient occupancy tax for any transient use of residential property had and made prior to the effective date of this Section. *A condition of approval specifying this information has been incorporated.*

- g. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide notice to any affected homeowners' association in a manner consistent with the notice requirements for a use permit. In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association.

The property is not encumbered by any covenants or homeowner's association.

- h. Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any administrative permit by the Director of Planning and Building Inspection.

A condition of approval specifying this information has been incorporated.

Comments

A comment letter (**Exhibit H**) was received by a neighboring property owner, Judy Ann Zinani, owner of APN 419-441-008-000. In her letter, she explains that her concerns relating to:

1) water supply; 2) sewage capacity and 3) liability of visitor's access to the river; have been addressed by the applicant to her satisfaction. The concerns of the water supply and sewage capacity will not be issues with implementation of that Conditions No. 17, 18, 19 (Water System Permit; Septic System Design and Existing Septic System- conditions by Environmental Health Department; **Exhibit D**). Ms. Zinani's third concern is that of liability incurred, if any of the renters of the transient property would trespass onto neighboring properties in order to access the Arroyo Seco River which is located in close proximity of the Hougham property and the liability incurred by the owner's of these properties in the event of an accident suffered by the tenants. The concern of Ms. Zinani regarding the legal liability of visitor's access to the river will be

addressed by Condition No.13 (**Exhibit D**), which will disclose to the renters that access beyond the limits of the properties: APN 419-441-005-000 and 419-441-006-000 is strictly prohibited. A sign shall be placed at the end of the southeastern corner of APN 419-441-005-000, at the end of the 60 foot right-of-way, prohibiting the renter's access beyond that point.

CEQA

The project is Categorical Exempt by CEQA per Section 15301- Existing Facilities. The project proposes to utilize existing residential structures for the transient use of the property. The project will not create adverse environmental impacts including generation of traffic that would exceed LOS standards, noise issues, etc. The project does not involve the construction of new structures, grading or tree removal.

Conclusion

No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The proposed project, as described and conditioned, is consistent with the General Plan, the Central Salinas Valley Area Plan and the Monterey County Zoning Ordinance (Title 21).

EXHIBIT C RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, the Central Salinas Valley Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for transient use of residential properties.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) The property is located at 46005 Arroyo Seco Road, Greenfield (Assessor's Parcel Numbers 419-441-005-000 and 419-441-006-000), Central Salinas Valley Area Plan. The parcel is zoned Resource Conservation with a maximum gross density of one unit per 10 acres "RC/10" which allows for transient use of residential properties, subject to the issuance of an Administrative Permit. Therefore, the property is suitable for the proposed development.
- (c) The project for the conversion of existing residential structures into transient use of residential properties is an allowed use pursuant to Section 21.64.280 of Title 21 (Inland Ordinance). The transient use of residential property for remuneration is a permitted use in all zoning districts which allow residential use, subject to the issuance of an Administrative Permit. The proposed project is located in a Resource Conservation Zoning District which allows for residential development in the more remote and mountainous areas of the County of Monterey.
- (d) The project is consistent with Section 21.58, *Regulations for Parking* of Title 21, a total of 4 parking spaces (1 covered, 3 uncovered) are required for a single family residence, a caretakers unit and a guesthouse, which are existing units. The project has an existing two-car garage attached to the existing guest room structure. The existing garage takes the place of 2 of the required parking spaces, so an additional 2 uncovered spaces are required for the project. The project has ample space, on-site, to designate for the 2 remaining parking spaces.
- (e) The project is consistent with Section 21.64.280, *Administrative Permits for Transient Use of Residential Property for Remuneration*, of Title 21 (Inland Ordinance), certain regulations exists for transient uses under Section 21.64.280.D.2. This project, as conditioned, is consistent with Section 21.64.280.D.2. Refer to Finding 3, for specific evidence.
- (f) The project planner conducted a site inspection on June 21, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (g) The subject properties, APN 419-441-005-000 and 419-441-006-000 are one (1) legal lot of record, as filed in the Brian Rianda ET AL Minor Subdivision Parcel Map (File No. MS-78-209), recorded under Volume 14, Parcel Maps, Page 121, filed at the Monterey County Recorder's Office.

- (h) The project was not referred to the Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the County.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070282.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Greenfield Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, and the Sheriff's Department. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) Technical reports by an outside historical and traffic engineer consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:

1. "*Historic Status of APN 419-441-006-000*" (LIB080512), Historic Preservation Associates, Carmel, CA, August 26, 2007;
2. "*Traffic Letter Report for 45803 Arroyo Seco Road*", (LIB080513), Higgins Associates, Civil and Traffic Engineers, Gilroy, CA, August 13, 2007.

(c) The project for the conversion of existing residential structures into transient use of residential properties will not involve any construction, exterior modifications of the existing structures, any grading or tree removal.

(d) The traffic letter, prepared by Higgins Associates (LIB080513) concludes that the conversion of the existing residential structures to transient units would not cause an increase of traffic trips. According to the letter, "the differential trips generated are nil" and the "impacts on the current road system will be negligible". Arroyo Seco Road would continue to operate in a Level of Service (LOS) "A".

(e) A historic status letter was prepared for the project by Historic Preservation Associates on August 26, 2007 (LIB080512). The letter recounted the history of the project, including a chain of ownership and approximate dates of building construction. The letter concluded that "historically the property qualifies for the Monterey County Register of Historic Resources based on the longevity of its existence, the notable ownerships by civic leaders and the consistency of its development and the integrity and quality of preservation of its historic functions" (see **Exhibit I** of the staff report). Because no physical improvements are proposed and the nature of the proposed use will not change the integrity or quality of the historic resource, no additional historic requirements are necessary for this project.

(f) A total of 4 parking spaces (1 covered and 3 uncovered) are required for a single family residence, a caretakers unit and a guesthouse, which are existing units. The project has an existing two-car garage attached to the existing guest room structure. The existing garage takes the place of two of the required parking spaces, so an additional 2 uncovered parking

spaces are required for the project. The project has ample space, on-site, to designate for the 2 remaining parking spaces.

- (g) The project will have an adequate sewage disposal method and an adequate water source. Conditions of approval by Environmental Health have been incorporated to address adequate sewage disposal methods and adequate water source.
- (h) The project site has adequate public access for the transient use of residential property operation. The project's access from Arroyo Seco Road is a 1,200 linear feet common driveway, recorded as a right-of-way, with the Monterey County Recorder's Office under Book 327, O.R. Page 379, dated March 18, 1932.
- (i) The project will not have significant noise impacts. Conditions of approval have been incorporated which would reduce any noise impacts. These conditions include, prohibiting the use of the premises for special events, such as weddings and prohibiting amplified music, not to exclude the use of a home entertainment stereo system permitted in residential neighborhoods.
- (j) Staff conducted a site inspection on June 21, 2007 to verify that the site is suitable for this use.
- (k) Materials in Project File PLN070282.

3. FINDING: TRANSIENT USE OF RESIDENTIAL PROPERTIES: - Pursuant to Section 21.64.280.D.2, Regulations of Transient Use of Residential Properties, Title 21 (Inland Ordinance), certain regulations exists for transient uses.

EVIDENCE: (a) The Transient Use of Residential Properties for Remuneration have the following eight (8) regulations. An outline of the regulations and project's consistency are outlined below:

1. The minimum rental period for all transient use of residential property shall be the greater of seven (7) consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of residential property for a term less than provided herein is hereby expressly prohibited. Any residential property the rezoning of which is being proposed or considered by the Planning Commission or the Board of Supervisors so as to be exempted from the provisions of this Section, shall be exempted from the permit and/or registration requirements of this Section pending consideration and final decision on said rezoning by the Planning Commission and the Board of Supervisors. Such exemption shall terminate immediately in the event the Board of Supervisors reaches a final decision not to adopt the above-described rezoning proposed for any such property.

The applicant is proposing a transient use of not less seven days nor more than 30 consecutive days. The property is not encumbered by any covenants or homeowner's association. A condition of approval specifying the transient use rental periods has been incorporated.

2. The number of occupants in any residential unit for transient use shall not exceed the limits set forth in the California Uniform Housing Code and other applicable State and County housing regulations for residential structures based on the number of bedrooms within the unit. Each permit shall specify the maximum number of occupants allowed.

The proposed project will not exceed the limits set forth in the California Uniform Housing Code and other applicable State and County housing regulations for residential structures based on the number of bedrooms within the units. The three residential structures existing on the property, utilized for the transient operation, have a total of 7 bedrooms, collectively; the main residence has 5 bedrooms; the caretakers cottage has one bedroom; and the guest room has one bedroom. In total, the units cannot exceed more than 20 persons at one time. All applicable County agencies have reviewed the project and recommended conditions of approval, including the Monterey County Environmental Health Department. A condition of approval has been incorporated into the project specifying that the number of occupants cannot exceed 20 persons at one time.

3. Availability of the rental unit to the public shall not be advertised on site.

The applicant has agreed to this regulation and on-site advertisement of the rental units shall be prohibited. A condition of approval has been incorporated prohibiting on-site advertisement.

4. Any administrative permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a five-mile radius of the residence being rented, designate a person located within a 25-mile radius of the rental unit, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued and the provisions of this Section and other applicable provisions of Title 21. The name, address, and telephone number(s) of such a designated person shall be furnished to the Director of Planning and Building Inspection prior to issuance of the administrative permit and made available for public review. The permit holder shall promptly notify the Director of Planning and Building Inspection of any change in the local contact person's address or telephone number;

The applicant/owner does not reside within a five-mile radius of the residences being rented but has designated a person, residing within a 25-mile radius of the residences being rented, who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the administrative permit issued. The designated individual is Tim Vaughan who resides at 35891 Fort Romie Road, Soledad, CA. 93960. A condition of approval has been incorporated regarding this requirement.

5. A copy of any administrative permit and/or registration issued pursuant to this Section shall be furnished by the Director of Planning and Building Inspection to the Treasurer of the County of Monterey and the Sheriff of the County of Monterey;

A copy of the Resolution of Approval for this permit shall be furnished to the Treasurers Office by the RMA-Planning Department, pending approval of the permit.

6. The administrative permit holder and/or registrant shall collect and remit to the Treasurer of the County of Monterey, the transient

occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code. However, nothing in this Section shall be construed to require an applicant from collecting and paying any transient occupancy tax for any transient use of residential property had and made prior to the effective date of this Section;

A condition of approval specifying this information has been incorporated.

7. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide notice to any affected homeowners' association in a manner consistent with the notice requirements for a use permit. In the event the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association;

The property is not encumbered by any covenants or homeowner's association.

8. Compliance with the requirements of this Section shall be considered conditions of approval, the violation of which may result in a revocation of any administrative permit by the Director of Planning and Building Inspection.

A condition of approval specifying this information has been incorporated.

- (b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency – Planning Department for the proposed development found in Project File PLN070282.

4. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts existing facilities. The project proposes to utilize existing residential structures for the transient use of the property. The project will not create adverse environmental impacts including generation of traffic that would exceed LOS standards or create noise impacts. The project does not involve the construction of new structures, grading or tree removal.

- (b) No adverse environmental effects were identified during staff review of the development application during a site visit on June 21, 2007.
- (c) See preceding and following findings and supporting evidence.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B. of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Hougham File No: PLN070282 APNs: 419-441-005-000 and 419-441-006-000 Approved by: Zoning Administrator Date: March 27, 2008
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Administrative Permit (PLN070282) allows the transient use of residential property for remuneration purposes for one family or a group of individuals, not to exceed 20 persons at one time. The applicant proposes to designate the transient use of the property for no more than 75 percent of the year (up to 273 days a year). The use includes the transient rental, defined as not less than 7 days nor more than 30 consecutive calendar days, of existing historical structures and the premises. The structures include a 2,750 square foot single family residence, a detached 735 square foot cottage and a detached 220 square foot guest room. No new construction, grading or tree removal is proposed. The property is located at 46005 Arroyo Seco Road, Greenfield (Assessor's Parcel Numbers 419-441-005-000 and 419-441-006-000), Central Salinas Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Numbers 419-441-005-000 and 419-441-006-000 on March 27, 2008. The permit was granted subject to 20 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures	Owner/ Applicant/ Archaeologist	Ongoing	

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		responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	required for the discovery.			
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

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		hold the county harmless. (RMA - Planning Department)				
5.		PD005a – NOTICE OF EXEMPTION Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption.	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	After project approval.	
6.		PD016 – NOTICE OF REPORTS Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "The following reports have been prepared for this property: 1. "Historic Status of APN 419-441-006-000" (LIB080512), prepared by Historic Preservation Associates, Carmel, CA, on August 26, 2007; Library No. LIB080512; and 2. "Traffic Letter Report for 45803 Arroyo Seco Road", (LIB080513), prepared by Higgins Associates, Civil and Traffic Engineers, Gilroy, CA, on August 13, 2007; Library No. LIB08513. The reports are on record in the Monterey County RMA - Planning Department. All development shall be in accordance with the reports." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
7.		PDSP001 – USES ALLOWED (NON-STANDARD) The transient use of the property shall be subject to not less than 7 days, nor more than 30 consecutive calendar days. The transient use of the property shall not be used for more than 75% of the year, which equates to not more	Abide to conditions and regulations of this permit.	Owner/ Applicant	Ongoing	

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		<p>than 273 days of the year. The transient use of the property shall be rented to one family or a group of individuals, not to exceed 20 persons at one time, collectively. Compliance with the above and the requirements of Section 21.64.280, <i>Administrative Permit for Transient Use of Residential Property for Remuneration</i>, Title 21 (Inland Ordinance) shall be considered a condition of approval of this permit, filed as PLN070282, the violation of which may result in revocation of the Administrative Permit by the RMA-Director of Planning.</p> <p>(RMA – Planning Department)</p>				
8.		<p>PDSP002 - DEED RESTRICTION – USE (NON-STANDARD)</p> <p>Prior to the issuance of a building permit the applicant shall record a deed restriction as a condition of project approval stating the regulations applicable to the Administrative Permit (PLN070282) for the Transient Use of Residential Property for Remuneration Purposes. The deed shall include the state the following:</p> <p>“The regulations for PLN070282, Administrative Permit for the Transient Use of Residential Property for Remuneration Purposes for APNs 419-441-005-000 and 419-441-006-000 shall include the following:</p> <ol style="list-style-type: none"> 1) The transient use of the property shall be subject to not less than 7 days, nor more than 30 consecutive calendar days; 2) The transient use of the property shall not be used for more than 75% of the year, which equates to not more than 273 days of the year; 3) The transient use of the property shall be rented to one family or a group of individuals, not to exceed 20 persons at one time, collectively. 4) If the applicant of this permit does not reside 	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p>	Owner/ Applicant	Prior to commencement of use/occupancy	
			<p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Prior to occupancy or commencement of use	

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		<p>within a five-mile radius of the residence(s) being rented as transient rentals, the applicant must designate a person located within a 25-mile radius of the rental units, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental units comply with the requirements of the Administrative Permit issued and the provisions set forth in Title 21 (Inland Ordinance). The name, address and telephone number(s) of such designated person shall be furnished to the RMA- Director of Planning. The permit holder shall promptly notify the Department of any change with the person or the contact person's address and telephone number. A sign on the premises shall be displayed with the contact's information for the benefit of both renters of the premises and neighboring property owners/tenants.</p> <p>5) On-site advertisement of the Transient Use is strictly prohibited.</p> <p>6) The administrator permit holder shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code.</p> <p>7) No special events, such as weddings, are allowed on the premises. Amplified music, is strictly prohibited, not to exclude the use of home entertainment stereo system permitted in residential neighborhoods.</p> <p>8) The Transient Use of the property shall be contained within the premises of APNs 419-441-</p>				

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		<p>005-000 and 419-441-006-000. Trespassing onto neighboring properties is strictly prohibited. Signs regarding this notice shall be displayed on-site for tenants to view and the information shall be disclosed in writing to the renters before rental agreement is executed.</p> <p>9) Compliance with the requirements of Section 21.64.280, <i>Administrative Permit for Transient Use of Residential Property for Remuneration</i>, Title 21 (Inland Ordinance) shall be considered a condition of approval of PLN070282, the violation of which may result in revocation of the Administrative Permit by the RMA-Director of Planning.”</p> <p>(RMA – Planning Department)</p>				
9.		<p>PD026 - BANNERS, FLAGS, PENNANTS There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)</p>	<p>Submit evidence which demonstrates that there are no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property.</p>	<p>Owner/ Applicant</p>	<p>Prior to use/ Ongoing</p>	
10.		<p>PDSP003 – TERM OF PROJECT (NON-STANDARD) The project, Administrative Permit for Transient Use of Residential Properties, shall come before the Zoning Administrator within five (5) months of the third (3rd) year anniversary of project approval. This hearing is to provide the residents in the neighboring vicinity to comment on any issues of concern regarding the use of the property as a transient rental. At that time, if no issues are brought forward, or issues that are brought forward are resolved, Staff will make the recommendation to the Zoning Administrator to approve the continuation of the Administrative Permit for Transient Use of Residential Properties for a specific or no specific time. (RMA –</p>	<p>Within five (5) months prior to the third (3rd) year anniversary of the approval of this permit, applicant must contact the RMA-Planning Department to start the procedure for a subsequent Zoning Administrator Hearing. No filing fee shall be charged to the applicant at that time.</p>	<p>Owner/ Applicant</p>	<p>5 months prior to the 3rd year anniversary of this permit/ Ongoing</p>	

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		Planning Department)				
11.		PDSP004 – NO ON-SITE ADVERTISEMENT (NON-STANDARD) On-site advertisement of the Transient Use and its availability is strictly prohibited. (RMA – Planning Department)	Abide to condition.	Owner/ Applicant	Ongoing	
12.		PDSP005 – DESIGNATE/REGISTER CONTACT PERSON IN CASE OF ISSUES/CONCERNS/ EMERGENCIES (NON-STANDARD) If the applicant of this permit does not reside within a five-mile radius of the residence(s) being rented as transient rentals, the applicant must designate a person located within a 25-mile radius of the rental units, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental units comply with the requirements of the Administrative Permit issued and the provisions set forth in Title 21 (Inland Ordinance). The name, address and telephone number(s) of such designated person shall be furnished to the RMA- Director of Planning. The permit holder shall promptly notify the Department of any change with the person or the contact person’s address and telephone number. A sign on the premises shall be displayed with the contact’s information for the benefit of both renters of the premises and neighboring property owners/tenants. (RMA – Planning Department)	Submit letter to the RMA-Planning Department for review and approval with information on contact person including name, address and contact phone numbers. The letter must be signed by the designated contact person and the stipulations of this condition requirement shall be agreed to. Provide evidence that sign has been posted on-site.	Owner/ Applicant/ Designated Contact Person	Prior to commencement of use letter shall be submitted and sign shall be posted on-site	

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13.		PDSP006 – TRESPASSING ONTO NEIGHBORING PROPERTIES STRICTLY PROHIBITED (NON-STANDARD) The Transient Use of the property shall be contained within the premises of APNs 419-441-005-000 and 419-441-006-000. Trespassing onto neighboring properties is strictly prohibited. Signs regarding this notice shall be displayed on-site for tenants to view and the information shall be disclosed in writing to the renters before rental agreement is executed. (RMA – Planning Department)	Provide evidence that sign has been posted on-site.	Applicant/ Owner	Prior to commencement of use/ Ongoing	
14.		PDSP007 – NO SPECIAL EVENTS, AMPLIFIED MUSIC PROHIBITED (NON-STANDARD) No special events, such as weddings, are allowed on the premises. Amplified music is strictly prohibited, not to exclude the use of home entertainment stereo system permitted in residential neighborhoods. (RMA – Planning Department)	Abide to Condition of Approval.	Applicant/ Owner	Ongoing	
15.		PDSP008 – COMPLIANCE WITH CHAPTER 5.40 OF THE MONTEREY COUNTY CODE (NON-STANDARD) The administrator permit holder shall collect and remit to the Treasurer of the County of Monterey, the transient occupancy tax for each rental unit pursuant to Chapter 5.40 of the Monterey County Code. (RMA – Planning Department)	Contact the Monterey County Treasurer-Tax Collector or the Monterey County Assessor’s Office for compliance with Chapter 5.40 of the Monterey County Code. Provide evidence to the RMA-Planning Department of this action.	Owner/ Applicant	Prior to commencement of use	
16.		PWSP001 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. Monterey County standards require that parking stalls be 9 feet wide. (Public Works)	Applicant’s engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to commencement of use	

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17.		EHSP001 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to commencement of use	
18.		EHSP002 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to commencement of use	
19.		EHSP003 - EXISTING SEPTIC SYSTEM Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which crosses property lines or does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. (Environmental Health)	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to commencement of use	
20.		FIRESP001-FIRE SPRINKLERS (NON-STANDARD) The main house is currently protected with an approved residential fire sprinkler system. The existing caretakers cottage and the existing detached guestroom with attached garage shall be retrofitted with residential fire sprinkler systems meeting the requirements of the fire district and NFPA 13-D. Fire sprinkler plans and specifications are to be submitted directly to the reviewing authority, Carmel Fire Protection Associates for review and approval, prior to any work being done on the fire sprinkler systems. (Carmel Fire Protection Associates for the Greenfield Fire	Fire sprinkler plans and specifications are to be submitted directly to the reviewing authority, Carmel Fire Protection Associates for review and approval, prior to any work being done on the fire sprinkler systems.	Owner/ Applicant	Prior to commencement of use	

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		Protection District)				