

In the matter of the application of  
**Yaghoob Hakim-Baba Tr (PLN050363)**

**FINDINGS & DECISION**

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to legalize the unpermitted removal of one Monterey pine tree (approximately 16 inches in diameter). The tree removal occurred during preconstruction activities associated with the previously permitted single family residence (PLN000232),

located on 3957 Ronda Road in Pebble Beach, came on regularly for hearing before the Zoning Administrator on September 29, 2005.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**1. FINDING: CONSISTENCY** – The Hakim Coastal Development Permit, as described in Condition #1, and as conditioned, is consistent with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the Del Monte Forest Land Use Plan, Del Monte Forest Coastal Implementation Plan (Part 5), Part 6 of the Coastal Implementation Plan, and Part 1 of the Coastal Implementation Plan (Title 20 Zoning Ordinance).

**EVIDENCE:** (a) The application and plans submitted for the Coastal Development Permit in project file PLN050363 and previously approved Coastal Administrative Permit PLN000232 at the Monterey County Planning and Building Inspection Department.

(b) The project is consistent with the policies of the Del Monte Forest Land Use Plan regarding forest resources (Chapter 2). A Forestry Evaluation (June 24, 2005) was prepared by Roy Webster for the project. According to the Plan, root damage to the 16 inch Monterey pine was caused by grading and construction activities undertaken to implement the previously approved single family residence. None of these activities or damage was contemplated or described in original project plans approved as part of the approved permit. This root damage undermined the structural integrity of the tree and created a hazard due to the potential for the tree to fall. The Plan recommends that the tree be replaced with six (6) 5-gallon Monterey pine, five (5) 5-gallon Coast Live Oak, and two (2) 15-gallon Coast Live Oak, consistent with requirements contained in the original landscaping plan (PLN000232).

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

**EVIDENCE:** The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Monterey County Water Resources Agency, Monterey County Public Works Department, Monterey County Parks Department, and Monterey County Health Department. There has been no indication from these agencies that the site is not suitable.

**3. FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of the Coastal Act and the Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impacts on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

**EVIDENCE:** The subject property is not described as an area where the Local Coastal Program requires access and is not indicated as part of any designated trails or shoreline access. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

**4. FINDING: CEQA (Exempt)** – The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) The proposed project is linked with the construction of a single family dwelling on a legal lot of record and therefore qualifies for an exemption as per Section 15303 (a) of the CEQA guidelines regarding the construction of small structures.

(b) No adverse environmental impacts were identified during staff review of the project application.

(c) There are no unusual circumstances related to the project or property.

**5. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 20. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Sections 20.14.020 and 20.44.020 of the Monterey County Zoning Ordinance. Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

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

**EVIDENCE:** Preceding findings and supporting evidence.

**7. FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors and the Coastal Commission.

**EVIDENCE:** Sections 20.86.030 and 20.86.080 of Title 20 Zoning Ordinance (Part 1 of the Monterey County Coastal Implementation Plan).

#### DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 29th day of September, 2005.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **NOV 18 2005**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **NOV 28 2005**

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

**NOTES**

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

|  |                                   |                          |
|--|-----------------------------------|--------------------------|
| <b>Monterey County Planning and Building Inspection<br/>Condition Compliance &amp; Mitigation Monitoring and/or<br/>Reporting Plan</b> | Project Name: Hakim               |                          |
|  | File No: PLN050363                | APN: 008-221-012-000     |
|  | Approval by: Zoning Administrator | Date: September 29, 2005 |

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

| Permit Cond. Number | Mitig. Number | Impact Addressed, and Responsible Land Use Department  | Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted. | Responsible Party for Clearing Condition | Timing                          | Verif-ication of comp-liance |
|---------------------|---------------|--|---|--|---------------------------------|------------------------------|
| 1                   |               | <b>PBD029 - SPECIFIC USES ONLY</b><br>The Hakim Coastal Development Permit (PLN050363) legalizes the removal of one 16 inch Monterey pine tree. The property is located at 3957 Ronda Road, Pebble Beach, (Assessor's Parcel Number 008-221-012-000), Del Monte Forest area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit 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. <b>(Planning and Building Inspection)</b> | Adhere to conditions and uses specified in the permit.  | Owner/<br>Applicant                      | Ongoing unless otherwise stated |                              |
| 2                   |               | <b>PBD025 - NOTICE-PERMIT APPROVAL</b><br>The applicant shall record a notice which states: "A permit (Resolution No. 050363) was approved by the Zoning Administrator for Assessor's Parcel Number 008-221-012-000 on September 29, 2005." The permit was granted subject to 7 conditions of approval which run with the land. A copy of the  | Proof of recordation of this notice shall be furnished to PBI.  | Owner/<br>Applicant                      | Ongoing unless otherwise stated |                              |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Impact Addressed, 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 Clearing Condition</i> | <i>Timing</i>  | <i>Verification of compliance</i> |
|----------------------------|----------------------|--|--|---|--|-----------------------------------|
|                            |                      | permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>   |  |   |  |                                   |
| 3                          |                      | <b>NOTICE-FORESTRY EVALUATION</b><br>The applicant shall record a notice which states: "A Forestry Evaluation has been prepared for this parcel by Roy Webster, dated June 24, 2005, and is on record in the Monterey County Planning and Building Inspection Department Library. All tree replacements on the parcel must be in accordance with this Forestry Evaluation, as approved by the Director of Planning and Building Inspection." The notice must be recorded prior to final building inspection. <b>(Planning and Building Inspection)</b> | Proof of recordation of this notice shall be furnished to PBI.   | Owner/<br>Applicant                             | Prior to final building inspection                               |                                   |
| 4                          |                      | <b>TREE REPLACEMENT (NON-STANDARD)</b><br>The applicant shall implement tree replacement in accordance with the recommendations contained in the Forestry Evaluation prepared by Roy Webster, dated June 24, 2005. Said implementation shall be demonstrated in the form of photos and a letter from a County-approved forester or arborist prior to final building inspection. <b>(Planning and Building Inspection)</b>  | Submit evidence of tree replacement in the form of photos and a letter from a County-approved forester or arborist to PBI for review and approval.                                       | Owner/<br>Applicant                             | Prior to final building inspection                               |                                   |
| 5                          |                      | <b>TREE MONITORING (NON-STANDARD)</b><br>The applicant shall arrange for tree replacement planting to be monitored for establishment success one year after project completion and then annually for the next five years. Establishment success shall be 100%. If tree replacement planting is not successful, the applicant shall arrange for additional tree planting and follow up monitoring to occur. Said monitoring shall be demonstrated in the form of photos   | Submit monitoring evidence in the form of photos annually and a letter from a County-approved forester or arborist to PBI for the first year and the sixth year for review and approval. | Owner/<br>Applicant                             | One year after project completion and then annually for 5 years. |                                   |

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Impact Addressed, 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 Clearing Condition</i> | <i>Timing</i> | <i>Verification of compliance</i> |
|----------------------------|----------------------|---|---|---|---------------|-----------------------------------|
|                            |                      | and a letter from a County-approved forester or arborist.<br><b>(Planning and Building Inspection)</b>  |   |   |               |                                   |
| 6                          |                      | <b>PBD030 - STOP WORK - RESOURCES FOUND</b><br>If 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 Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the 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.<br><b>(Planning and Building Inspection)</b> | Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection 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 required for the discovery. | Owner/<br>Applicant/<br>Archaeologist           | Ongoing       |                                   |
| 7                          |                      | <b>PBD018(A) - LANDSCAPE MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</b><br>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(Planning and Building Inspection)</b>   | All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.   | Owner/<br>Applicant                             | Ongoing       |                                   |

42 - GAL. HELICHTERA (2) PALACE PURPLE  
AND (8) SANTA ANA CARDINAL

22 - 5 GAL XYLOSMA CONGESTUM

3 - 15 GAL ACER PALMATUM

72R VINICIA MAJORE  
TH. OC.  
FLATS

25 - GAL. FAILLARDI GRANDIFLORA

ROSE GARDEN

LAWN CO. GRASS  
20 - GAL CHRYSANTHEMUM FRUTESCENS  
APPROX. LOCATION OF  
"PINK"

100 GAL CHRYSOM  
MAXIMUM

12 - 5 GAL GROUND  
COVER ROSES

400 - FLAT PLANTS  
SEASONAL COLOR

PATIO  
STONE BY OWNER

30 - GAL NEPHROSPIS  
17 - 5 GAL RHODODENDRON MIXED

33 - GAL VIBURNUM FIMBRIATA

7 - 5 GAL PIERIS FORRESTII

2 - 15 GAL DICKSONIA ANTARCTICA

4 - 5 GAL PIERIS FORRESTII  
17 - 5 GAL RUMOHRA ADIA. (LEATHER LEAF FERN)  
4 - 15 GAL LEPTOSPIRUM LAEVIGATUM

2 - 15 GAL FREMONTODENDRON  
1 - 24" BOX QUERCUS AGNIFOLIA

1 - 5 GAL LYZYGIUM WHITEFLORA

1 - 15 GAL ALS. PHILA AUSTRALIS  
HAWAIIAN TREE FERN

12 - GAL PARTHENOCESSUS TRICUSPIDATA  
PLACE BLACK DOOR NETTING OVER VINES

4 - 5 GAL MYRSINE CALIFORNICA

12 - 5 GAL VIBURNUM BURSIFENSUM

3 - 15 - GAL CHAMAECYSTARIS OPTUSA  
(LARGE)

14 - GAL SAMOLRA AGIL. PETIT

5 - GAL  
PARTHENOCESSUS  
TRICUSPIDATA

NOTE:  
FRAMES 56

WINE FENCE POSTS 10' O.C.  
WINE FENCE TO BE IN PLACE  
WINE FENCE TO BE IN PLACE

WINE FENCE TO BE IN PLACE  
WINE FENCE TO BE IN PLACE

WINE FENCE TO BE IN PLACE  
WINE FENCE TO BE IN PLACE

# PLANTING PLAN

DATE June 7 '05

SCALE 1/8" = 1'-0"

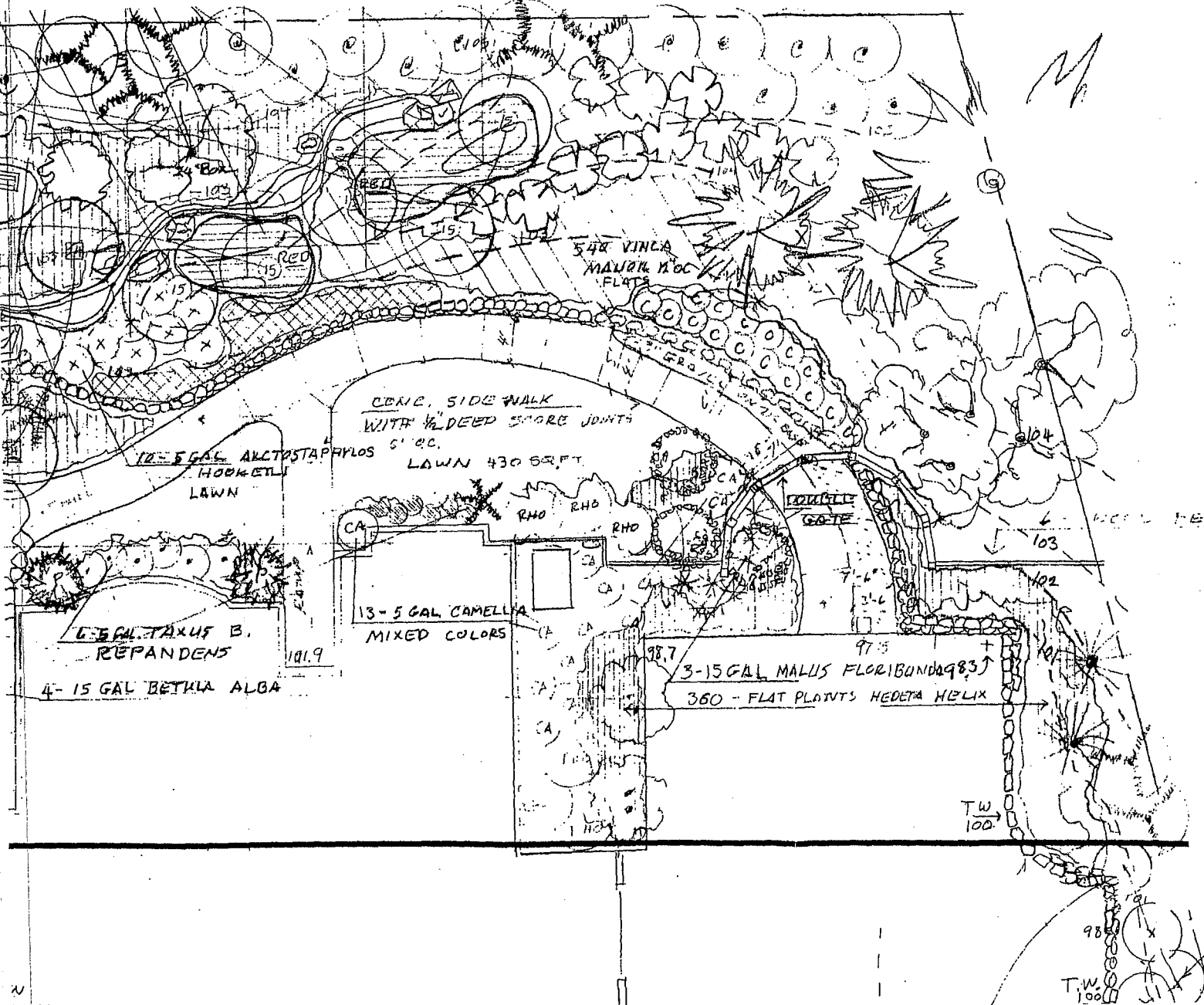
DRAWN BY RGM

CHECKED BY

REVISIONS

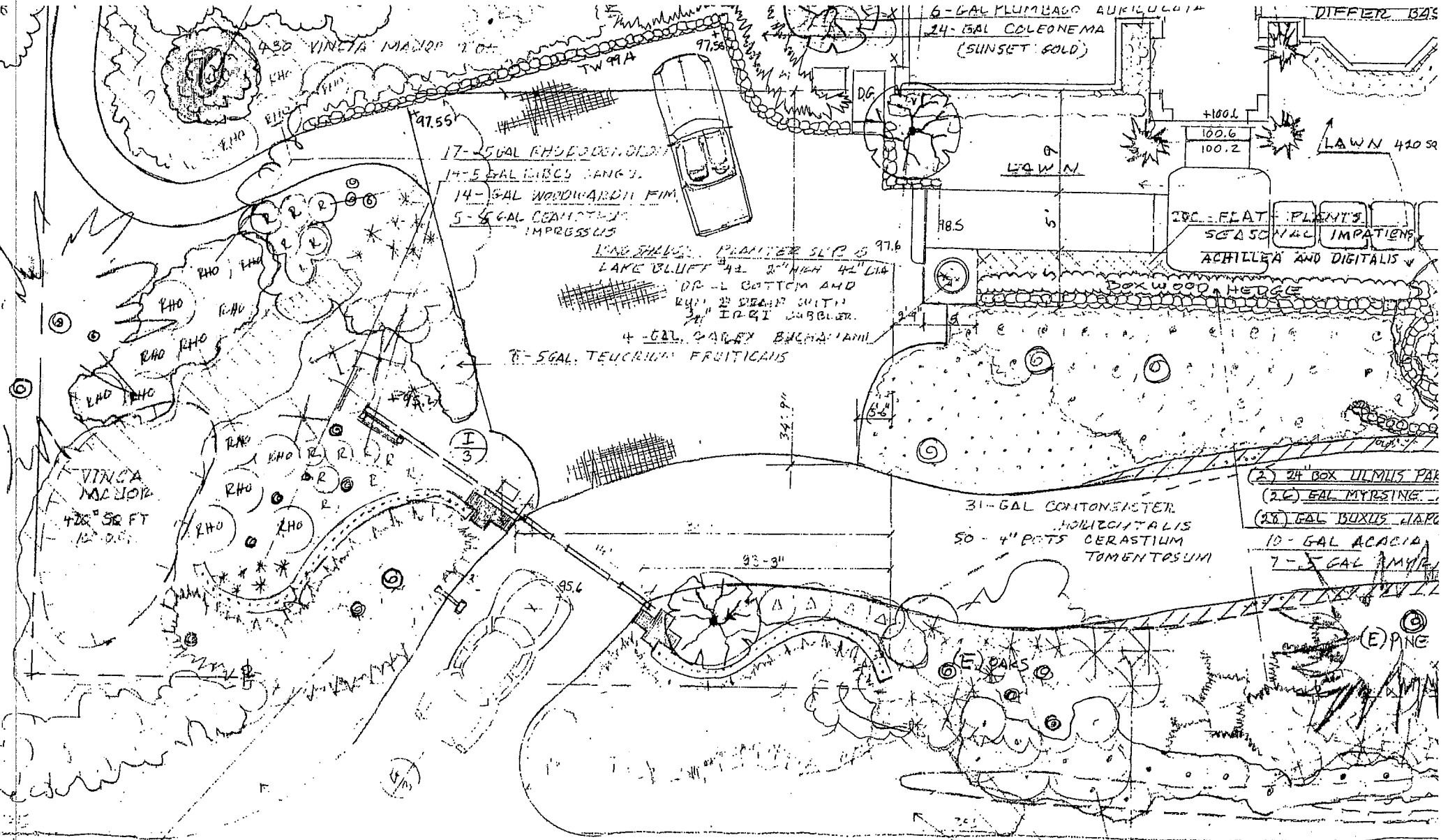
DESIGNS REPRESENTED BY THIS DRAWING ARE THE PROPERTY OF RICHARD MURRAY ASSOCIATES AND WERE DEVELOPED FOR USE ON THIS PROJECT ONLY THEY SHALL NOT BE USED ON OTHER PROJECTS BY ANYONE WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. ALL DIMENSIONS SHALL BE VERIFIED ON THE SITE AND THE LANDSCAPE ARCHITECT NOTIFIED IF ANY VARIATIONS FROM THOSE SHOWN ON THIS PLAN EXIST. ALL WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE DIMENSIONS CONTRACTORS SHALL SUBMIT SHOP DRAWINGS BEFORE CONSTRUCTING ANY WORK NOT DETAILED OR SPECIFIED WITHIN THESE DOCUMENTS

## HAKIM TRUST



19-5 GAL MYRTICA CALIFORNIA  
 13-5 GAL CISTICUS LADANIFER  
 T.W. 100





430 VINCA MAJOR 70"

6-GAL PLUMBAGO AURICULATA  
24-GAL COLEONEMA (SUNSET GOLD)

17-5 GAL RHODODENDRON  
14-5 GAL GIBBS GANGE  
14-5 GAL WOODWARDII FIN.  
5-5 GAL CERASTIUM IMPRESSUS

LAKE BLUFF PLANTER SLIP 97.6  
LAKE BLUFF 41 2" HIGH 41" DIA  
OR - L BOTTOM AND  
EQU 2" DEEP WITH  
3" IR-21 RUBBER.

4-GAL GALEY BACHMANII  
6-5 GAL TEUCRIUM FRUTICOSA

200-FLAT PLANT'S  
SCASOYAL IMPATIENS  
ACHILLEA AND DIGITALIS

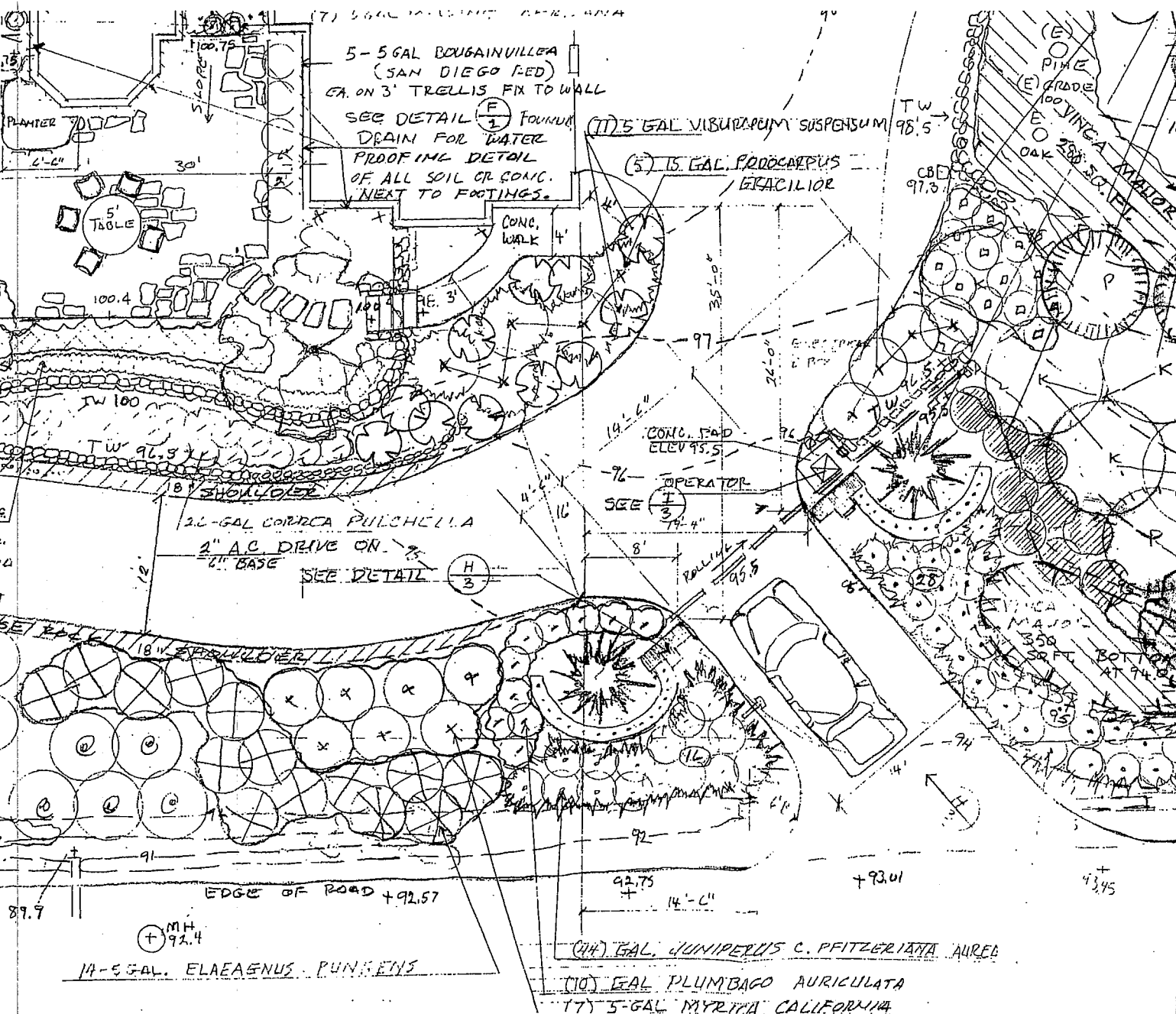
VINCA MAJOR  
42" SQ FT  
12" DIA

31-GAL CONTONEASTER  
HOLICHTALIS  
50-4" POTS CERASTIUM  
TOMENTOSUM

(2) 24" BOX ULMUS PAL  
(26) GAL MYRSINE  
(18) GAL BUXUS FLAPS  
10- GAL ACACIA  
7-5 GAL MYR

8-5 GAL FLAEGUS PUNA  
15- GAL HELICHRYSUM P  
14- GAL WOODWARDII FIN

USE 1/2" W/SEP GORILLA MAIL



5-5 GAL BOUGAINVILLEA  
(SAN DIEGO RED)  
ON 3' TRELLIS FIX TO WALL  
SEE DETAIL (F) FOUNTAIN  
DRAIN FOR WATER  
PROOFING DETAIL  
OF ALL SOIL OR CONG.  
NEXT TO FOOTINGS.

(11) 5 GAL VIBURNUM SUSPENSUM  
(5) 15 GAL PRODRACAPUS  
GRACILIOR

REPLACEMENT TREES  
380 PLANTS - FLATS  
VINCA MAJOR

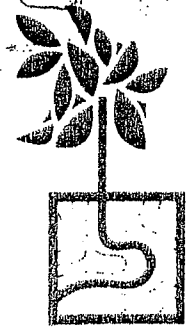
3957 RONDA RD.  
PEBBLE BEACH, CA  
A.P.N. 008-221-012

**RICHARD MURRAY  
ASSOCIATES**

A.S.L.A.

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Environmental Planners

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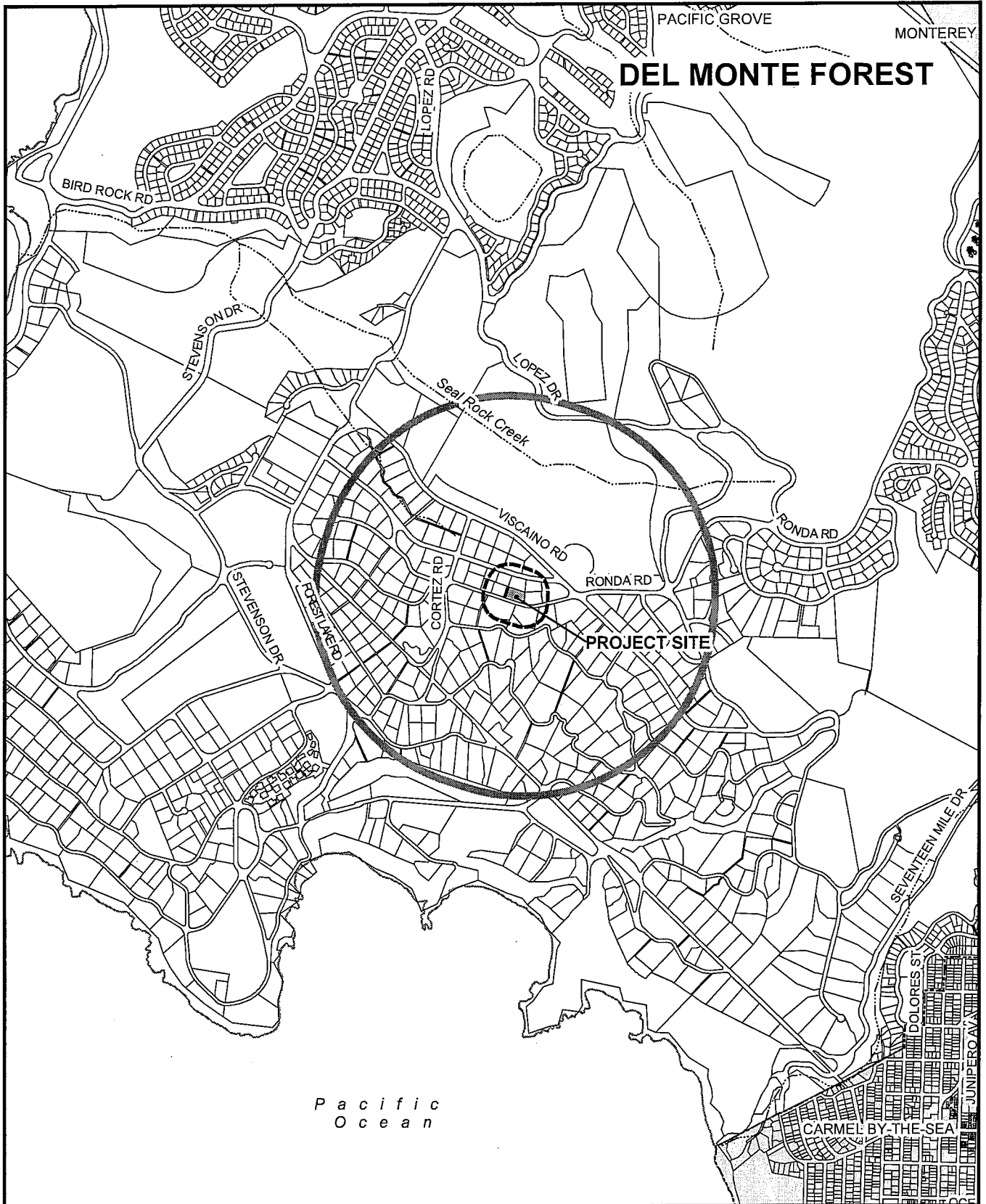


14-5 GAL. ELAEAEUS PUNISENS

(14) GAL. JUNIPERUS C. PFITZERIANA AUREA

(10) GAL PLUMBAGO AURICULATA

(17) 5-GAL MYRTIA CALIFORNICA



APPLICANT: HAKIM-BABA

APN: 008-221-012-000

FILE # PLN050363



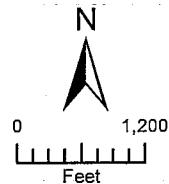
300' Limit



2500' Limit



City Limits



PLANNER: FRANK