



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 4, 2015

Via Electronic Mail

The Honorable Judge Samuel L. Neal, Jr.
Nueces County Judge
901 Leopard Street, Room 303
Corpus Christi, Texas 78401-3697

Application for a Dune Protection Permit in Nueces County

Site Location: 106 China Beach Road

Legal Description: Lot 48, Block 1, Unit 2, La Concha Estates

Applicant: James and Susie Martin c/o Hector Villarreal, Southern Landscapes

GLO ID No.: BDNC-13-0199a

Dear Judge Neal:

The General Land Office (GLO) has reviewed the application for a Dune Protection Permit for the above-referenced location. The applicant damaged 24 cubic yards of dunes and dune vegetation under a previously issued "Dune Protection Permit Exemption" from Nueces County. The applicant proposes to mitigate for 56 cubic yards of dunes and dune vegetation, and also proposes construction of a swimming pool, patio and landscaping. The proposed construction is located seaward of the 350-foot Erosion Area Line but landward of the 200-foot Building Setback Line. According to the most recent data from the Bureau of Economic Geology, the area is eroding at a rate of two to three feet per year.

Based on the information provided to our office for review, we have the following comments:

- The proposed mitigation plan is consistent with the requirements of 31 Texas Administrative Code § 15.4(f), and the County's requirement for mitigation to occur at a 2:1 ratio. The dune mitigation plan provided by the applicant must be implemented accordingly.
- Mitigation for any adverse effects to dunes and dune vegetation must occur prior to or concurrent with the commencement of construction of the pool and patio.¹
- The applicant must restore or repair dunes using indigenous vegetation that will achieve the same protective capability or greater capability as the surrounding natural dunes.²

¹ 31 Tex. Admin. Code § 15.4(g)(1).

² 31 Tex. Admin. Code § 15.4(f)(A)(iv).

- The County shall provide written notification to the GLO after determining that the mitigation is complete. The GLO may conduct a field inspection to verify compliance. If the County does not receive objection from the GLO within 30 working days after the GLO is notified in writing that the mitigation is complete, the County may certify that the mitigation is complete.³
- The County must require the applicant to conduct mitigation efforts continuously until the repaired, rehabilitated, and restored dunes and dune vegetation are equal or superior to the pre-existing dunes and dune vegetation. These efforts shall include preservation and maintenance pending completion of mitigation.⁴
- The County must ensure the proposed construction activity will minimize impacts on natural hydrology and will not cause erosion of adjacent properties or critical dune areas.⁵
- In the future, the GLO recommends that the County not grant a "Dune Protection Permit Exemption" for any lot that has critical dunes on a portion of the lot, even if proposed construction plans state that the dune area will be avoided.

If you have any questions, please contact me by phone at (512) 463-0413 or by email at natalie.bell@glo.texas.gov.

Sincerely,



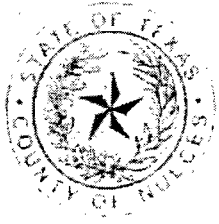
Natalie Bell
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Annika Gunning
Bob Payne

³ 31 Tex. Admin. Code § 15.4(g)(4).

⁴ 31 Tex. Admin. Code § 15.4(g)(2).

⁵ 31 Tex. Admin. Code § 15.6(g).



SAMUEL L. NEAL, JR.
County Judge

Claudia Lobell
Chief Executive
claudia.lobell@co.nueces.tx.us

Danielle Hale, E.M.C.
(361) 888-0513
danielle.hale@co.nueces.tx.us

Marie Carrales
Secretary
marie.carrales@co.nueces.tx.us

February 10, 2015

Natalie Bell
General Land Office,
P.O. Box 12873,
Austin, Texas 78711

Dear Ms. Natalie Bell:

Subj: Lot 48, La Concha Estates, Mustang Island, 106 China Beach Rd., Corpus Christi, Tx 78473 Dune Protection Permit DPP # 1214-01p

This application was originally authorized under exemption DPP-0613-01 submitted in June 2013, for a small scale 3 story single family dwelling on a 13,913 sqft. lot. In October 2014 the applicant submitted a revision (DPP-0613-01r) to add an impervious 2110 sqft. footprint for a swimming pool so the total impervious footprint increased to 3500 sqft. In December 2014, the original Exemption DPP-0613-01 was revoked by County and details were submitted to the GLO. The GLO concurred with the County decision. Subsequently, in December 2014 the applicant submitted a full Dune Protection Permit application (DPP-1214-01p) with a mitigation plan that was reviewed and recommended for approval by the Nueces County Beach Management Advisory Committee (BMAC).

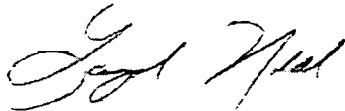
1. On February 6, 2015 Mr. Greg Smith, Chairman of the BMAC, sent us a memorandum recommending approval of the permit with the mitigation plan.
2. The proposed activity is consistent with the Nueces County Beach Management Plan.
3. The single family dwelling constitutes a large scale construction because the proposed dwelling extends to 3 floors, as defined under the Beach Management Plan Rules.
4. After we receive your comments we will take further action. If you concur with our findings, we will place the application on the agenda for the next Commissioners Court.

5. Nueces County will request the applicant to remit applicable fees for the permit before any letter authorizing construction is issued.

6. The Department of Public Works will be separately sending you the complete application, BMAC recommendation memorandum and mitigation plan.

We request the GLO to review this application and the mitigation plan, the BMAC recommendation and issue us a letter of concurrence. If you have any questions, please contact Glen R. Sullivan, P.E. at (361) 888-0490.

Sincerely,

A handwritten signature in cursive script, appearing to read "Samuel L. Neal, Jr.", written in black ink.

Samuel L. Neal, Jr., Judge,

Nueces County

MEMORANDUM

TO: Loyd Neal, County Judge
Nueces County Commissioners Court

FROM: Greg Smith, Chairman,
Nueces County Beach Management Advisory Committee (BMAC)

Date: February 6, 2015

CC: Brent Chesney, Commissioner, Precinct IV
Glen R. Sullivan, P.E., Director, Department of Public Works
Melissa Vela, Assistant County Attorney
Natalie Bell, Texas General Land Office

Re: La Concha BLK 1, Lot 48, Unit 2, DPP # 1214-01 P, Request for a Dune Protection Permit

Background:

1. On May 17, 2007 Nueces County Department of Public Works sent a letter to the owner of Lot 48, Mr. Peter Huff, that Lot 48, La Concha Estates, 106 China Beach Rd., Corpus Christi, Tx 78473, was included as a lot inside the La Concha Subdivision which the GLO concurred as being exempt from the requirements of a Dune Protection Permit.
2. Subsequently, in June 2013 the new owners, James & Susie Martin applied for an exemption from the requirements of a Dune Protection Permit to construct a single family dwelling under Nueces County Application ID DPP-0613-01.
3. On June 20, 2013 Judge Neal sent a letter to the GLO requesting concurrence for an exemption from the requirements of a Dune Protection Permit for Lot 48, La Concha Estates, under specific performance conditions.
4. On July 3, 2013 the GLO responded by letter to County Judge Neal, concurring with his request, under specific performance conditions.
5. On July 9, 2013, Nueces County Department of Public Works sent a letter to Naismith Engineering, Inc. (representing the owners) authorizing construction on the lot under the exemption request, but with the stipulation that the applicant/owner must abide by specific construction performance criteria.
6. In October 2014, the owners of La Concha Lot 48 applied for a revision to their originally issued exemption from the requirements of a Nueces County Dune Protection Permit. Under the revision, the applicants proposed to add and construct a swimming pool, fence and associated flatwork. No other element of the original construction had changed.
7. On October 22, 2014 BMAC voted unanimously to recommend denial of a revision of the no permit exemption.
8. On December 17, 2014 the applicant applied for a permit to construct a swimming pool and remediate damage caused by construction activities at the site. The remediation was on a 2:1 basis. The Committee voted unanimously to recommend granting a permit conditionally upon the contractor providing additional topographical and placement drawings.
9. On January 26, 2015 the additional details were provided to Public Works and the BMAC Chairman.

10. On January 28, 2015, during the regular meeting, the BMAC committee members were updated by the Chairman that the mitigation plan submitted by the applicant was acceptable because it addressed a mitigation of the impacted areas in a 2:1 proportion.

Beach Management Advisory Committee (BMAC) December 17, 2014 Meeting:

1. On the October 22, 2014 the Committee conducted a site visit.
2. On December 17, 2014, the committee reviewed and discussed the application, attachments, plat drawings, photographs, schematic layouts, and topographical representation through aerial photographs.
3. The Committee discussed prior damage caused by construction activities to critical dunes. The permit proposal was for a 2:1 mitigation.
4. The Committee requested additional topographic and location details.
5. The Committee voted unanimously to recommend approval of the permit with a 2:1 mitigation factor and the applicant providing additional topographic and location details to the satisfaction of Nueces County Public Works and the BMAC Chairman.

BMAC Recommendation:

On December 17, 2014, motion was made to recommend approval of Permit Exemption DPP-1214-01. The motion passed unanimously.

After the recommendation was issued by the committee members, the meeting was adjourned.

Respectfully submitted:



Greg Smith, Chairman
Beach Management Advisory Committee

SOUTHERN LANDSCAPES

11834 CHAMIZAL
CORPUS CHRISTI, TX 78410
(361) 241-1068



COASTAL COMMUNITY
& TEACHERS CREDIT UNION
2700 Exchange Blvd. - Corpus Christi, TX 78411-2222

88-7841-3149



PAY TO THE
ORDER OF

Nueces County
Nine Hundred Ninety Seven and 52/100

\$ 917.52

DOLLARS

Security Features: Details on back



[Signature]
AUTHORIZED SIGNATURE

MEMO DPP 124-02p

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RECEIVED

NOV 24 2014

LOYD NEAL
County Judge, Nueces County, Texas
By *[Signature]*

November 21, 2014

The Honorable Judge Samuel L. Neal, Jr.

Nueces County Judge

901 Leopard Street, Room 303.

CorpusChristi, TX 78401-3697

Re: Application for a Dune Protection Permit for construction in Nueces County

James & Susie Martin – GLO ID# BDNC-13-0199/Nueces County ID# DNP-0613-01

Judge Neal,

Attached please find an application for a dune protection permit. I am submitting this request on behalf of the property owners, James & Suzie Martin.

An exemption on this property was previously issued, but since then we have modified the footprint of the impervious areas by adding a swimming pool and landscaping. This pool was not reflected previously on our prior exemption. (Please see attached letter signed by Glen R. Sullivan)

The previous impervious footage applied for was 2110 Sq. Ft. The new footprint including the pool is

3500 Sq. Ft. + 216 ft² (mitigation Area) = 3716 sq. Ft.

Permit Fee = \$0.1 x 3716 = \$371.60
Admin Review = \$0.1 x 3716 = \$371.60

Field Insp.
\$200 + \$0.02/sqft (3716-1000) = 254.32
Total → \$997.52

Nueces County Dune Protection Permit Application Form

For all proposed construction (large or small-scale), applicants shall submit the following items and information:

1. Name, address, phone number, and, if applicable, fax number of the applicant, and the name of the property owner, if different from the applicant

APPLICANT: SOUTHERN LANDSCAPES - HECTOR J. VILLARREAL, 11834 CHAMIZAL ST,
CORPUS CHRISTI, TX 78410, 361-774-5216, EMAIL - hector@southernlandconstruction.com
OWNER: JAMES MARTIN, 245 GENESEE ROAD, SAN ANTONIO, TX 78209

2. A complete legal description of the tract and a statement of its size in acres or square feet;
BLK 1 LOT 4B LA CONCIA ESTATES, 13,913 SQ. FT
3. The number of proposed structures and whether the structures are amenities or habitable structures;
ONE
4. The number of parking spaces;
2
5. The approximate percentage of existing and finished open spaces (those areas completely free of structures);
35%
6. The floor plan and elevation view of the structure proposed to be constructed or expanded;
Included
7. The approximate length of the construction process;
150 DAYS
8. A description (including location) of any existing or proposed walkways or dune walkovers on the tract;
N/A
9. A grading and layout plan identifying all elevations (in reference to the National Oceanic and Atmospheric Administration datum), existing contours for the final grade;

Included

10. Photographs of the site which clearly show the current location of the line of vegetation and the existing dunes on the tract;

N/A

11. The effects of the proposed activity on the beach/dune system which cannot be avoided should the proposed activity be permitted;

N/A

12. a comprehensive mitigation plan which includes a detailed description of the methods which will be used to avoid, minimize, mitigate and/or compensate for any adverse effects on dunes or dune vegetation. Additional details of mitigation planning may be found in section III.B. on page 17 of this order.

Attached / with photos

13. An accurate map or plat of the site identifying:

(a) the site by its legal description, including, where applicable, the subdivision, block, and lot;

✓

(b) the location of the property lines and a notation of the legal description of adjoining tracts;

✓

(c) the location of the structures, the footprint or perimeter of the proposed construction on the tract;

✓

(d) proposed roadways and driveways and proposed landscaping activities on the tract;

✓

(e) the location of any seawalls or any other erosion response structures on the tract and on the properties immediately adjacent to the tract; and

✓

(f) if known, the location and extent of any pre-existing human modifications on the tract.

✓

14. Large-scale Construction

For all proposed large-scale construction, applications shall submit the following additional items and information:

(a) if the tract is located in a subdivision and the applicant is the owner or developer of the subdivision, a certified copy of the recorded plat of the subdivision, or if not a recorded subdivision, a copy of the preliminary plat of the subdivision as filed with the local government having jurisdiction over subdivision development of the site, such preliminary plat having been certified by a licensed surveyor, and a statement of the total area of the subdivision in acres or square feet;

N/A

Application Information

A. Applicant

Owner – James & Susie Martin

245 Geneseo Road

San Antonio, TX 78209

Applicant - James & Susie Martin

106 China Beach

Corpus Christi, TX 78418

Designer – Southern Landscapes

Hector J. Villarreal

2021 16th Street

Corpus Christi, TX 78404

B. Property Address

Address – 106 China Beach, Corpus Christi, TX 78418

C. Legal Description – Block 1, Lot 48 – La Concha Estates

D. Construction Activity:

- a. **One single family dwelling with 3 stories.**
The ground floor is 1993 sq. ft.
The second floor is 1581 sq. ft.
The third floor is 1193 sq. ft.
The garage is not a habitable space
- b. **There are two parking spaces within the driveway area.**
- c. **The lot is 13, 913 Sq. Ft.**
- d. **The constructed footprint of the habitable structure is 1993 Sq. Ft.**

- (b) in the case of multiple-unit dwellings, the number of units proposed;

N/A

- (c) alternatives to the proposed location of construction on the tract or to the proposed method of construction which would cause fewer or no adverse effects on dunes and dune vegetation; and

Not possible due to lack of area and
Bldg setback lines

- (d) the proposed activities' impact on the natural drainage pattern of the site and the adjacent lots.

No adverse impact

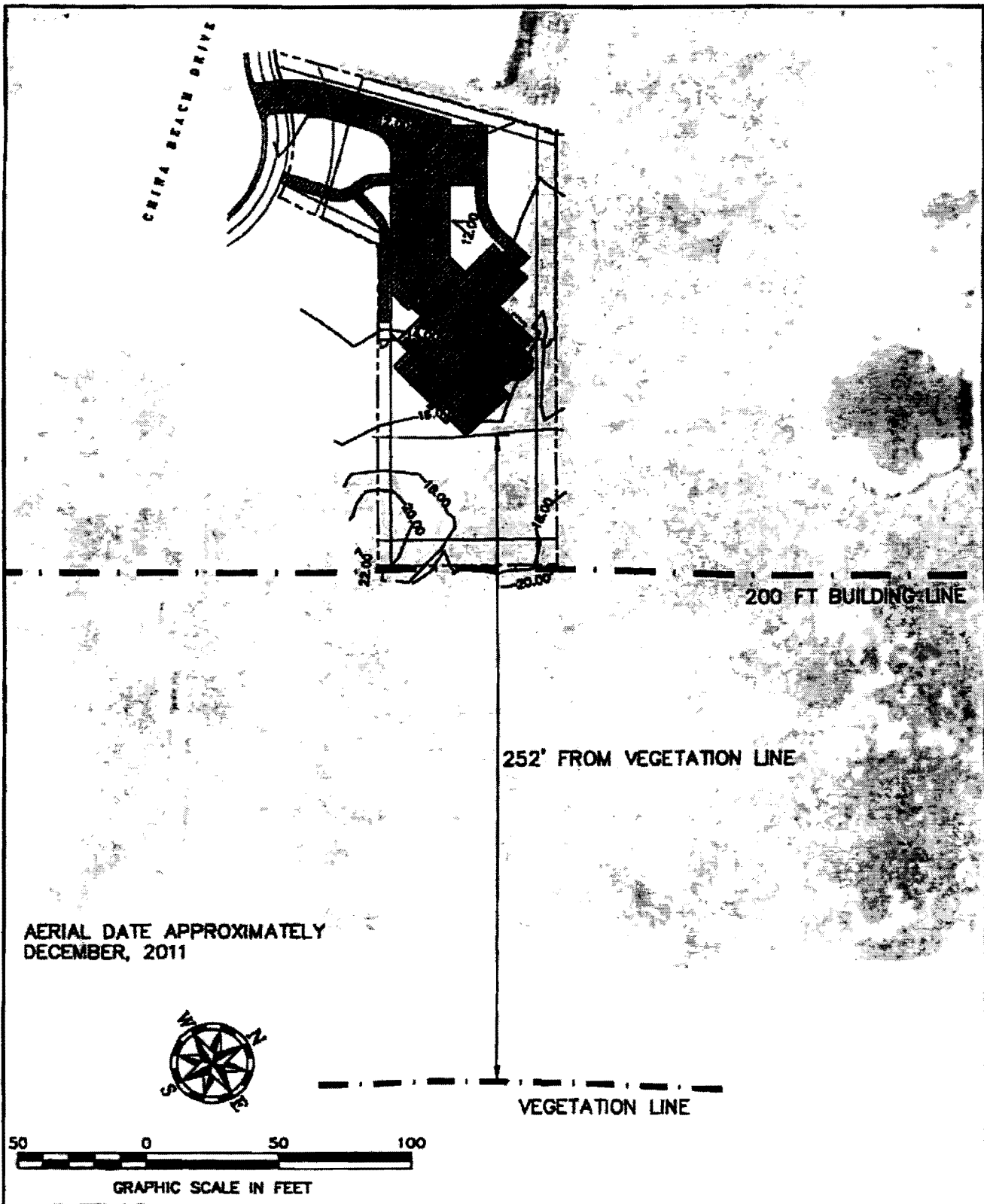
15. For all proposed construction (large- and small-scale), if applicants already have the following items and information to be submitted in addition to the other information required:

- (a) a copy of a blueprint of the proposed construction, such print to indicate detailed floor plans and structural layout of the proposed project;

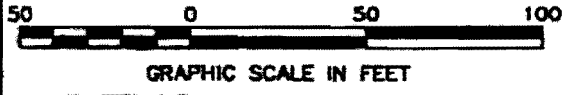
Attached

- (b) a copy of a topographical survey of the site;

Attached



AERIAL DATE APPROXIMATELY
DECEMBER, 2011



Drawn By : MRL
Checked By : JB
Approved By : JB
Project No. : 9189
Scale : AS SHOWN
Date : 8-31-2013
Revision : 0

OFFICE LOCATION :
4301 Collier Ave.
Cape Coral, Texas 76411
P.O. Box 3089
Cape Coral, Texas 76413
(261)-814-9900



EXHIBIT A
LA CONCHA - BLOCK 1

Dwg. File
1
Sheet 1 of 1

