

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> January 14, 2010 Time: <b>1:30 P.M.</b>	<b>Agenda Item No.:</b> <i>2</i>
<b>Project Description:</b> Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat for the installation of three artificial sand dunes on the seaward side of the common area in the Monterey Dunes Colony Association for the purpose of providing a second layer of wave protection, and grading (1,970 cubic yards cut/fill). Artificial dunes will consist of polypropylene bags filled with sand, then covered by sand and vegetated with local native dune plants.	
<b>Project Location:</b> 195 Monterey Dunes Way, Castroville	<b>APN:</b> 229-041-004-000
<b>Planning File Number:</b> PLN090261	<b>Owner:</b> Monterey Dunes Association
<b>Planning Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : "MDR/B-6 (CZ)" Medium Density Residential, Building Site Overlay (Coastal Zone)	
<b>CEQA Action.</b> Categorically Exempt per Section 15304 (c) & (f)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically Exempt per Section 15304 (c) & Section 15304 (f)
- 2) Approve PLN090261, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

### PROJECT OVERVIEW:

Applicants propose the installation of artificial dunes in three locations seaward of units #300 to #328 for the purpose of providing a second layer of wave protection. At the core of each artificial dune will be two to three tiers of polyethylene bags filled with dried clean sand. When filled, each bag will be approximately 2.5 feet high, 6 feet wide and 6 feet long. Each dune will contain six bags and be approximately 18 feet long. These tiers of sand bags will then be covered with existing sand and vegetated with appropriate local native dune plants. With the exception of the grading to install the bags, the artificial dunes will be placed entirely above the existing dune surface. Most of the area proposed to be covered by the three artificial dunes is land that had been previously disturbed by the installation of the septic system for the Monterey Dunes Colony. Environmental Health has visited the site and has no issues with the proposal. Staff has incorporated a condition requiring the applicant to show the location of existing septic system modifications, that they are compliant with Monterey County Code and that they obtain a permit for the modifications (*Condition #7*). The Biological Report states that no protected plant species will be disturbed and threats to the Western snowy plovers that use the nearby beach and dunes can be avoided if all construction activities are concluded before the plovers begin their nesting season on March 1, 2010 (*Condition #6*).

All other issues have been resolved.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

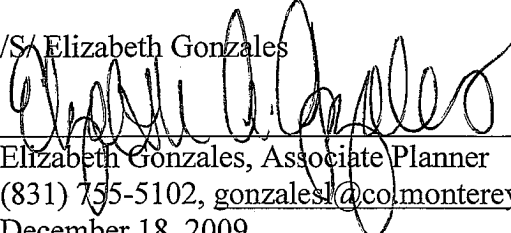
- RMA - Public Works Department
- √ Environmental Health Division
- Water Resources Agency
- North County Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by Environmental Health have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

On November 2, 2009, the project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review because a Coastal Development Permit is required for development within 100 feet of Environmentally Sensitive Habitat. They recommended approval with a 3 to 1 vote. They had three main concerns: 1) that the construction would not obstruct the tenant's views; 2) make sure no environmentally sensitive habitat (ESHA) would be disturbed; and 3) couldn't they use a more natural bio-degradable alternative? The applicants stated that no views would be obstructed, no ESHA would be disturbed, and their intent is to use materials that would not require them to keep replacing the bags.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

/s/ Elizabeth Gonzales

  
Elizabeth Gonzales, Associate Planner  
(831) 755-5102, [gonzales1@co.monterey.ca.us](mailto:gonzales1@co.monterey.ca.us)  
December 18, 2009

cc: Front Counter Copy; Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Monterey Dunes Colony Association, Owner; Thomas J. Bugary, Agent; Planning File PLN090261

Attachments: Exhibit A Project Data Sheet  
Exhibit B Draft Resolution, including:  
1. Conditions of Approval  
2. Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map  
Exhibit C Vicinity Map  
Exhibit D North County Coastal Land Use Advisory Committee Minutes (LUAC) dated November 2, 2009

This report was reviewed by Laura Lawrence, Planning Services Manager



# EXHIBIT A

## Project Information for PLN090261

**Project Title:** MONTEREY DUNES COLONY ASSOC

**Location:** 195 MONTEREY DUNES WY CASTROVILL

**Primary APN:** 229-041-004-000

**Applicable Plan:** North County Land Use Plan

**Coastal Zone:** Yes

**Permit Type:** Coastal Development Permit

**Zoning:** MDR/B-6(CZ)

**Environmental Status:** Exempt

**Plan Designation:** RESIDENTIAL

**Advisory Committee:** N/A

**Final Action Deadline (884):** 1/9/2010

---

### Project Site Data:

**Lot Size:** 105 ACRES

**Coverage Allowed:** N/A

**Coverage Proposed:** N/A

**Existing Structures (sf):** N/A

**Height Allowed:** N/A

**Proposed Structures (sf):** N/A

**Height Proposed:** N/A

**Total Sq. Ft.:** N/A

**FAR Allowed:** N/A

**FAR Proposed:** N/A

---

### Resource Zones and Reports:

**Environmentally Sensitive Habitat:** Yes

**Erosion Hazard Zone:** MODERATE

**Biological Report #:** LIB090471

**Soils Report #:** N/A

**Forest Management Rpt. #:** N/A

**Archaeological Sensitivity Zone:** HIGH

**Geologic Hazard Zone:** TSUNAMI

**Archaeological Report #:** LIB090472

**Geologic Report #:** N/A

**Fire Hazard Zone:** LOW

**Traffic Report #:** N/A

---

### Other Information:

**Water Source:** PUBLIC

**Sewage Disposal (method):** SEPTIC

**Water Dist/Co:** MD MUTUAL WATER ASSOC.

**Sewer District Name:** N/A

**Fire District:** NORTH COUNTY FPD

**Grading (cubic yds.):** 1,970.0

**Tree Removal:** N/A

**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**MONTEREY DUNES ASSOCIATION (PLN090261)**

**RESOLUTION NO. 090261**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically Exempts per Section 15304(f); and
- 2) Approving a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat for the installation of three artificial sand dunes on the seaward side of the common area in the Monterey Dunes Colony Association for the purpose of providing a second layer of wave protection, and grading (1,970 cubic yards cut/fill). Artificial dunes will consist of polypropylene bags filled with sand, then covered by sand and vegetated with local native dune plants.

(PLN090261, Monterey Dunes Association, 195 Monterey Dunes Way, Castroville , North County Land Use Plan (APN: 229-041-004-000)

**The Coastal Development Permit application (PLN090261) came on for public hearing before the Monterey County Zoning Administrator on January 14, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
  - North County Land Use Plan,
  - Monterey County Coastal Implementation Plan, Part 2
  - Monterey County Zoning Ordinance (Title 20)

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 195 Monterey Dunes Way, Castroville (Assessor's Parcel Number 229-041-004-000, North County Land Use

Plan. The parcel is zoned "MDR/B-6 (CZ)" Medium Density Residential, B-6 District overlay (Coastal Zone), which allows nonexempt development within 100 feet of environmentally sensitive habitat with a Coastal Development Permit. Therefore, the project is an allowed land use for this site. The B-6 District overlay limits the property from being further subdivided and does not affect proposed development.

- c) Applicants propose the installation of three artificial sand dunes on the seaward side of the common area in the Monterey Dunes Colony Association for the purpose of providing a second layer of wave protection. Artificial dunes will consist of polypropylene bags filled with sand, then covered by sand and vegetated with local native dune plants. When filled, each bag will be approximately 2.5 feet high, 6 feet wide and 6 feet long. Each dune will contain six bags and be approximately 18 feet long.
- d) The project planner conducted a site inspection on August 17, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Staff identified potential impacts to Biological Resources. According to the biological report, the subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and Policies 2.3 of the North County Land Use Plan. (*See Finding #7*)
- f) On November 2, 2009, the project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review because a Coastal Development Permit is required for development within 100 feet of Environmentally Sensitive Habitat. They recommended approval with a 3 to 1 vote. They had three main concerns: 1) that the construction would not obstruct the tenant's views; 2) make sure no environmentally sensitive habitat (ESHA) would be disturbed; and 3) couldn't they use a more natural bio-degradable alternative? The applicants stated that no views would be obstructed, no ESHA would be disturbed, and their intent is to use materials that would not require them to keep replacing the bags.
- g) 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 PLN090261.

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, North County Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. 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) Staff identified potential impacts to Biological Resources. Technical reports by outside 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 independently reviewed these reports and concurs with their conclusions. Although the Archaeological report is negative, staff has conditioned the project accordingly. (*Condition #4*) The following reports have been prepared:

- "*Biotic Survey for Proposed Artificial Dunes Project*" (LIB090471) prepared by David Shonman, Coastal Biologist, October 1, 2009.
  - "*Preliminary Archaeological Reconnaissance for the Artificial Dunes Project at Monterey Dunes Colony*" (LIB090472) prepared by Archaeological Consulting, September 24, 2009.
- c) Staff conducted a site inspection on August 17, 2009 to verify that the site is suitable for this use.
- d) 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 PLN090261.

3. **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) The project was reviewed by RMA - Planning Department, North County Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Most of the area proposed to be covered by the three artificial dunes is land that had been previously disturbed by the installation of the septic system for the Dunes Colony. Environmental Health has visited the site and has no issues with the proposal. Staff has incorporated a condition requiring the applicant to show the location of existing septic system modifications, that they are compliant with Monterey County Code and that they obtain a permit for the modifications (*Condition #7*).
- c) See findings #1 and #2 and supporting evidence for PLN090261.

4. **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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on August 17, 2009 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) Zoning violation abatement costs, if any, have been paid. A condition

is included to assure that all zoning abatement costs, if any, have been paid.

- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090261.

5. **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 15304(c) categorically exempts filling of earth into previously excavated land with material compatible with the natural features of the land.
  - b) California Environmental Quality Act (CEQA) Guidelines Section 15304(f) categorically exempts minor trenching and backfilling where the surface is restored.
  - c) Most of the proposed area is land that had been previously disturbed by the installation of the existing septic system. With the exception of the grading to install the bags, the artificial dunes will be placed entirely above the existing dune surface. These tiers of sand bags will then be covered with existing sand and vegetated with appropriate local native dune plants (*Condition #5*).
  - d) Staff spoke with Environmental Health and confirmed that the existing septic systems will not be negatively affected by the work. Prior to installing the artificial dunes, septic tank risers will be installed (*Condition #7*).
  - e) No adverse environmental effects were identified during staff review of the development application during a site visit on August 17, 2009.
  - f) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 4 in the North County Land Use Plan).
  - c) The subdivision is a private gated community. There is currently boardwalk access for owners and guests to the beach. The boardwalk area that is located near proposed work will be blocked off during construction and an alternative route will be provided for beach access.
  - d) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090261

- f) The project planner conducted a site inspection on August 17, 2009.
- g) The proposed project is located seaward of the first public road near units #300 to #328 on the Monterey Dunes Colony property; however, development will not affect any public access ways or potential public trust rights on beaches.

7. **FINDING:** ESHA – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the North County Land Use Plan (NCLUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) Activities for maintenance of existing structures and roads, or activities for watershed restoration maybe allowed within environmentally sensitive habitats if it has been determined through the biological survey that impacts of development will not harm the habitat’s long-term maintenance. (20.144.040.B.1 CIP, ref. Policy 2.3.2.1 NCLUP) The Biological Report has determined that no protected plant species will be disturbed.
  - c) The use of native species consistent with and found in the project area shall be required in landscaping required as a condition of project approval. (20.144.040.B.9 CIP, ref. Policy 203.2.9 NCLUP) The Monterey Dunes Colony floral community serves as a viable source of seeds that helps to naturally sustain the existing vegetation; this natural seed bank has also been used to supply seeds to restore disturbed portions of the Monterey Dunes Colony. Once, the disturbed area will be covered with sand, it shall be vegetated with appropriate local native dune plants (*Condition #5*).
  - d) Construction activities, and industrial, public and commercial recreational uses which would affect rare, threatened and endangered birds shall be regulated by conditions of project approval to protect habitats of the birds during their breeding and nesting seasons. (20.144.040.B.10 CIP, ref. Policy 2.3.2.10 NCLUP) The Western snowy plover has been known to occur in areas along the beach. From approximately March 1 through September 30, Western snowy plovers use local beaches to lay eggs and rear their young. Therefore, the project shall be conditioned to require that construction activities are concluded before the Western snowy plovers begin their nesting season on March 1<sup>st</sup>, 2010 (*Condition #6*).
  - e) The project planner conducted a site inspection on August 17, 2009 to verify ESHA locations and potential project impacts to ESHA.
  - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090261.

8. **FINDING:** APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

**EVIDENCE:** a) Section 20.86.030 Monterey County Zoning Ordinance (Board of



- Supervisors).
- b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the underlying project is a conditional use.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically Exempts CEQA per Section 15304 (c) and 15304 (f); and
- B. Approves Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat for the installation of three artificial sand dunes on the seaward side of the common area in the Monterey Dunes Colony Association for the purpose of providing a second layer of wave protection and grading (1,970 cubic yards cut/fill, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of January, 2010:

---

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION 090221 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Monterey Dunes Colony  
 File No: PLN090261 APNs: 229-041-004-000  
 Approved by: Zoning Administrator Date: \_\_\_\_\_

*\*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	Conditions of Approval and/or Mitigation Measures 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 Compliance	Timing	Verification of Compliance (time/date)
<b>RMA - Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Coastal Development Permit (PLN090261) allows development within 100 feet of Environmentally Sensitive Habitat for the installation of three artificial sand dunes on the seaward side of the common area in the Monterey Dunes Colony Association for the purpose of providing a second layer of wave protection, and grading (1,970 cubic yards cut/fill). Artificial dunes will consist of polypropylene bags filled with sand, then	Adhere to conditions and uses specified in the permit.  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.	Owner/ Applicant  RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures 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 Compliance	Timing	Verification of Compliance (name/date)
		covered by sand and vegetated with local native dune plants. The property is located at 195 Monterey Dunes Way, Castroville (Assessor's Parcel Number 229-041-004-000), North County Land Use Plan. 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>(RMA-Planning Department)</b>	To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the County 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.	WRA RMA - Planning		
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 229-041-004-000 on January 14, 2010. The permit was granted subject to 7 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.  As stated in the conditions of approval	
3.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on January 14, 2013, unless use of the property or actual construction has begun within this period. <b>(RMA - Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	

Permit (Cond. Number)	Mitig. Number	<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>	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		<p><b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b>            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 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. <b>(RMA - Planning Department)</b></p>	<p>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 required for the discovery.</p>	Owner/ Applicant/ Archaeologist	Ongoing	
5.		<p><b>PDSP001- RESTORATION OF NATURAL MATERIALS (NON-STANDARD)</b>            Upon completion of the development, the area disturbed shall be restored with existing sand and vegetated with appropriate local native dune plants. The applicant shall submit landscape plans showing the type of plants to be used the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. <b>(RMA – Planning Department)</b></p>	<p>Submit restoration/landscape plans to the RMA - Planning Department showing the native dune plants to be used for review and approval.</p>	Owner/ Applicant	Prior to commencement of use.	
6.		<p><b>PDSP001 – CONSTRUCTION TIMING (NON STANDARD)</b>            From approximately March 1 through September 30, Western snowy plovers use local beaches to lay eggs and rear their young. Therefore, construction activities are required to be concluded before the Western snowy plovers begin their nesting season on March 1, 2010.</p>	<p>Construction activities shall be concluded before the Western snowy plovers begin their nesting season on March 1, 2010.</p>	Owner/ Applicant	Prior to commencement of use.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures 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 Compliance	Timing	Verification of Compliance (Name/Date)
<b>Health Department Environmental Health Division</b>						
7.		<b>EHSP001 -STANDARD SEPTIC SYSTEM MODIFICATION (NON-STANDARD)</b> Submit plans to the Environmental Health Division showing the locations of all existing septic system modifications proposed on the property. All modifications shall be compliant with Monterey County Code, Title 15, Chapter 15.20. A permit for the system modifications shall be obtained from the Monterey County Health Department. <b>(Environmental Health)</b>	Submit plans to the Environmental Health Division for review and approval. An appropriately licensed contractor shall install the septic tank risers. Pay all applicable fees to the Environmental Health Division.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of a grading permit.	

**END OF CONDITIONS**

Rev. 07/29/2009

# MONTEREY DUNES COLONY PLAN VIEW

HARO, KASUNICH AND ASSOCIATES, INC.  
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-1715

Date: 7/14/09  
Scale: 1" = 40 FT  
Drawn: MF  
Job:  
Sheet: 1  
OF 3 SHEETS

REVISIONS	BY

BASIS OF ELEVATIONS  
ELEVATIONS SHOWN HEREON  
ARE BASED ON POINT 175 MONTEREY  
COUNTY DEPARTMENT OF PUBLIC WORKS - MONTEREY COUNTY BRASS  
ELEVATION MARKER (ELEVATION 10.00) WHICH IS LOCATED AT  
TEMBLADERA SCHOOL WALK POST 2.08 ~ 437 FEET NORTH OF MONTEREY  
DUNES WAY. ~ 1246 (0.60 MI) S/W OF INTERSECTION MODERA RD. &  
HWY 1.  
ELEVATION = 8.748' (NAD83)

PRELIMINARY

- NOTES:
1. EROSION SCARPERS ARE SHOWN AS MAPPED BY ROGERS E. JOHNSON & ASSOCIATES.
  2. BUILDING LOCATIONS ARE SHOWN AS MAPPED BY ROGERS E. JOHNSON & ASSOCIATES.
  3. PROPERTY LINES SHOWN FROM SUBDIVISION RECORD MAPS
  4. SEPTIC SYSTEM FACILITIES SHOWN AS DEPICTED ON ORIGINAL IMPROVEMENT PLANS.
  5. CROSS SECTION SURVEYS AND ELEVATION CONTROL BY DUNBAR & CRAIG LAND SURVEYORS.
  6. APPROXIMATE VOLUME OF IMPORTED SAND FILL = 1970 CUBIC YARDS.

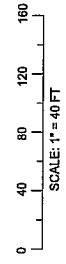
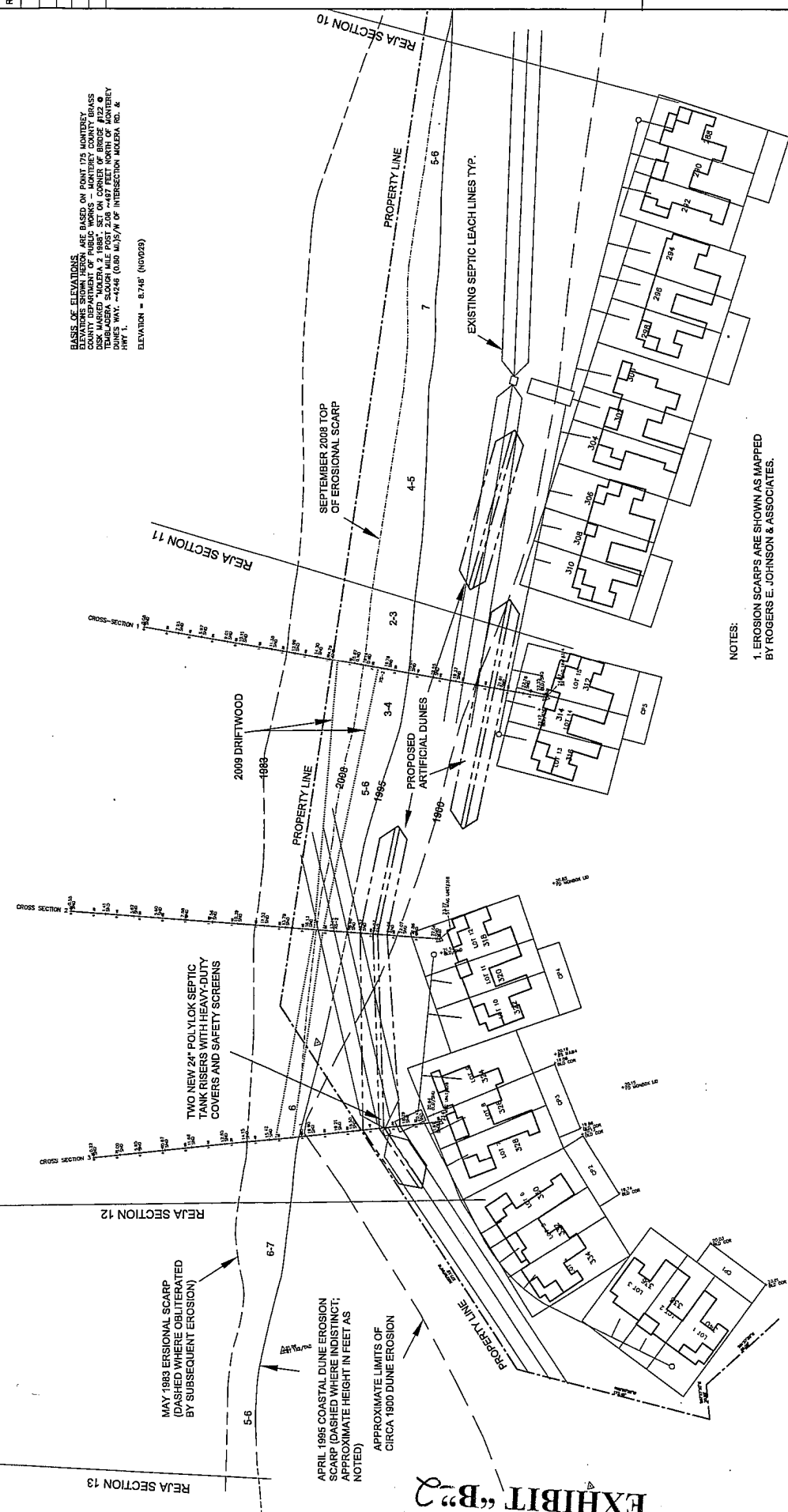


EXHIBIT "B.2"

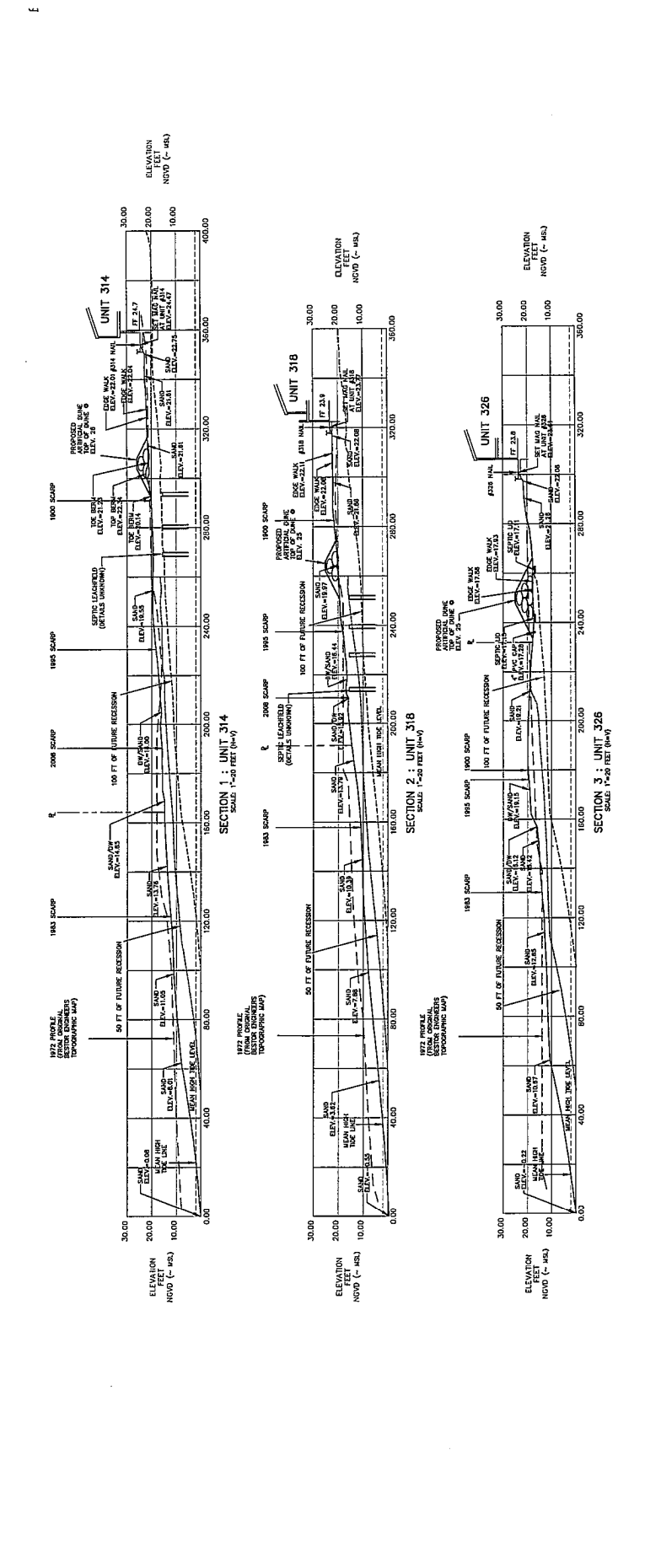
PREPARED BY CONSULTING ENGINEERING COMPANY, 7100 BAY PARK, WATSONVILLE, CA 95076

# CROSS SECTIONS MONTEREY DUNES COLONY

HARO, KASUNICH AND ASSOCIATES, INC.  
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175

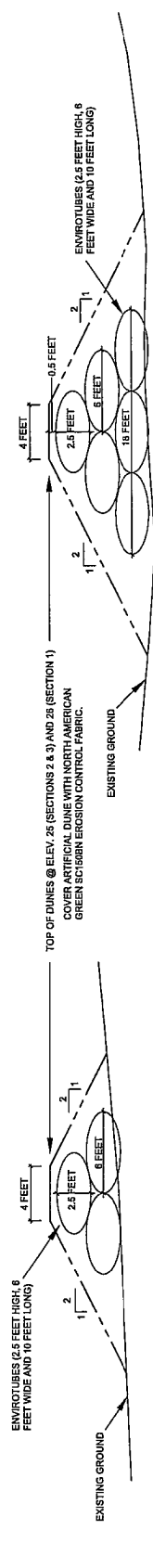
Date: 5/27/09	Sheet: AS SHOWN
Drawn: MF	Checked: MF
300	300
Sheet: 2	OF 3 SHEETS

REVISIONS	BY
7/23/09	MF



## PROPOSED ARTIFICIAL DUNE TYPICAL DETAILS

SCALE: 1" = 4 FEET (H=V)



- NOTES:**
1. VEGETATE ARTIFICIAL DUNE SURFACES IN ACCORDANCE WITH APPROVED LANDSCAPING PLAN PREPARED BY OTHERS
  2. MONTEREY COUNTY ENVIRONMENTAL HEALTH DEPARTMENT TO APPROVE ARTIFICIAL DUNE CONSTRUCTION OVER SEPTIC SYSTEM FACILITIES.
  3. BIOLOGIST TO STRIP LIME PLANTINGS FOR USE IN VEGETATION ARTIFICIAL DUNES AND TO REVIEW DUNE CONSTRUCTION METHODOLOGY.
  4. INSTEAD OF USING ENVIROTUBES (WWW.ENVIROTUBES.COM) SUPER SACKS (WWW.BAGCORP.COM) MAY BE CONSIDERED FOR USE WITH ENGINEER'S APPROVAL.
  5. MONTEREY DUNES COLONY ASSOCIATION TO REVIEW AND APPROVE VISUAL IMPACTS FROM TOWNHOMES.
  6. BOARDWALKS TO BE REDESIGNED AND RECONSTRUCTED BY MONTEREY DUNES COLONY S.P.A.
  7. CONTRACTOR TO BE RESPONSIBLE FOR REPAIR OF PAVEMENT DAMAGE CAUSED BY SAND TRUCKING, UNLOADING AND/OR PLACEMENT.

- NOTES:**
1. VEGETATE ARTIFICIAL DUNE SURFACES IN ACCORDANCE WITH APPROVED LANDSCAPING PLAN PREPARED BY OTHERS

BASIS OF ELEVATIONS  
ELEVATIONS SHOWN HEREON ARE BASED ON FRONT 175 MONTEREY COUNTY DEPARTMENT OF PUBLIC WORKS - MONTEREY COUNTY BRASS POINT TRAIL ELEVATION DATA. THE DATA WAS OBTAINED FROM THE BRASS POINT TRAIL STATION MILE POST 2.58 0.47 FEET NORTH OF MONTEREY DUNES WAY. +4246 (0.80 M/35.4' OF INTERSECTION MOLERA RD. & HWY 1.  
ELEVATION = 8.748' (NVD929)

PRELIMINARY

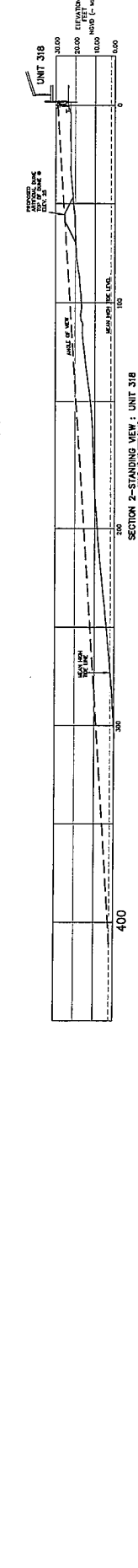
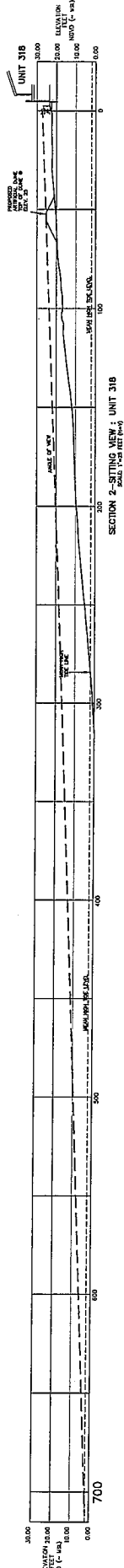
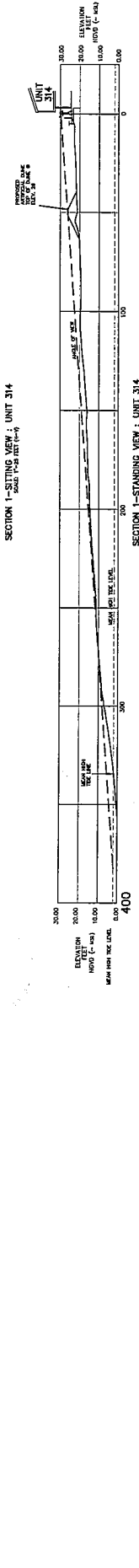
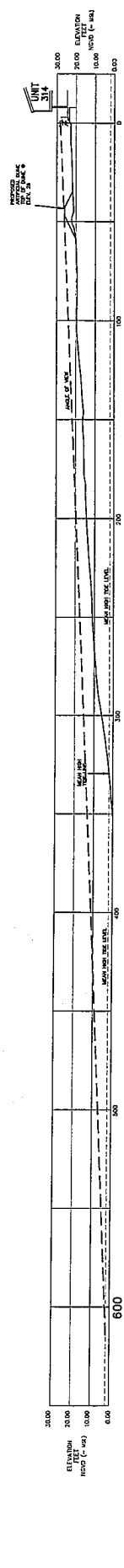


REVISIONS	BY

# VISUAL IMPACTS (FOR CLIENT REVIEW) MONTEREY DUNES COLONY

HARGO, KASUNICH AND ASSOCIATES, INC.  
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (931) 722-1775

Date	5/4/09
Scale	1"=25 FT H-V
Drawn	MF
Job	
Sheet	3
OF 2 SHEETS	

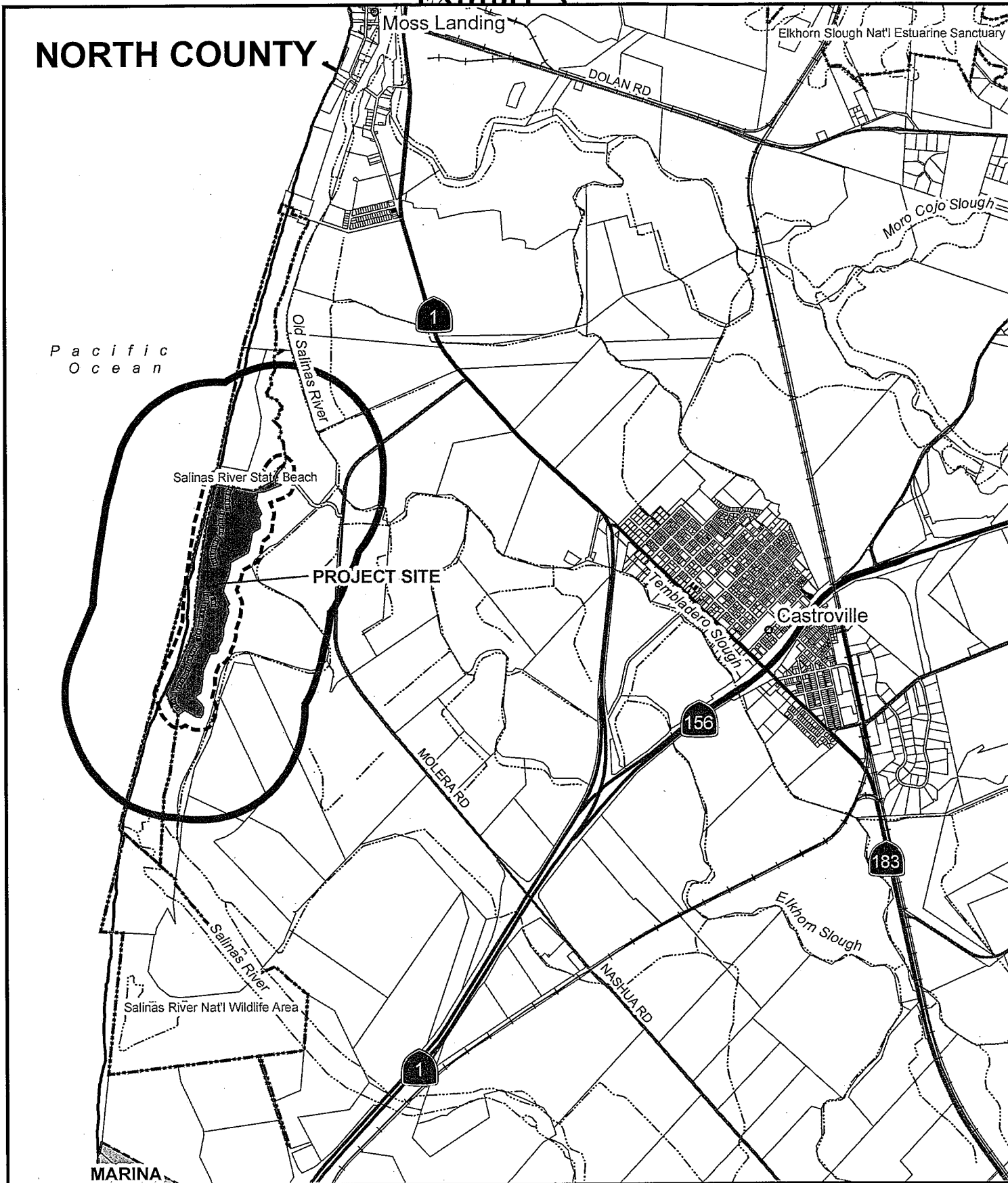


PRELIMINARY

BASELINE ELEVATIONS  
AND VISUAL IMPACTS ARE BASED ON POINT 175 MONTEREY  
COUNTY DEPARTMENT OF PUBLIC WORKS - MONTEREY COUNTY BRASS  
ROAD CORNER ELEVATION OF 20.00 FEET ON CORNER BRIDGE #22  
TOUSLEMAN SQUARE MILE POST 2.75 ON STATE ROUTE 1  
DUNES WAY - 4246 (0.00 MVD) OF INTERSECTION MOLENA RD. &  
HWT 1.  
ELEVATION = 8.748' (NGVD03)

EXHIBIT "C"

NORTH COUNTY



APPLICANT: MONTEREY DUNES COLONY ASSOC

APN: 229-041-004-000

FILE # PLN090261



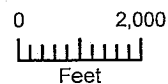
300' Limit



2500' Limit



City Limits



PLANNER: GONZALES

EXHIBIT "D"

MINUTES

North County Coastal Land Use Advisory Committee

Monday, November 2, 2009

1. Meeting called to order by PETER NOWAK at 9:04 am/pm

2. Roll Call

Members Present: <sup>4</sup> DAVID EVANS, PETER NOWAK, ED CENTENO, KEN WALKER

Members Absent: <sup>1</sup> GREG BURCH

3. Approval of Minutes:

A. October 19, 2009 minutes

Motion: KEN WALKER (LUAC Member's Name)

Second: ED CENTENO (LUAC Member's Name)

Ayes: 4 EVANS, CENTENO, WALKER, NOWAK

Noes: 0

Absent: 1 BURCH

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

KEN WALKER SAID THAT THE HIGHWAY 1 - SALINAS ROAD INTERCHANGE  
GROUNDBREAKING CEREMONIES HAVE BEEN POSTPONED UNTIL MAY

RECEIVED

NOV 06 2009

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

5. Scheduled Item(s) – Refer to attached project referral sheet(s)

NONE

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

LIZ GONZALES SAID THAT THE MONTEREY BAY RESEARCH INSTITUTE WILL PROPOSE A PROJECT IN THE NEAR FUTURE.

B) Announcements

NONE

7. Meeting Adjourned: 10.05 am/pm

Minutes taken by: DAVID EVANS

*David Evans*

RECEIVED

NOV 06 2009

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

Advisory Committee: North County Coastal

Please submit your recommendations for this application by Monday, November 02, 2009.

RECEIVED

NOV 06 2009

**Project Title:** MONTEREY DUNES COLONY ASSOC  
**File Number:** PLN090261  
**File Type:** ZA  
**Planner:** GONZALES  
**Location:** 195 MONTEREY DUNES WY CASTROVILLE

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

**Project Description:**

COASTAL DEVELOPMENT PERMIT TO ALLOW DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT FOR THE INSTALLATION OF THREE ARTIFICIAL SAND DUNES ON THE SEAWARD SIDE OF THE COMMON AREA IN THE MONTEREY DUNES COLONY ASSOCIATION. ARTIFICIAL DUNES WILL CONSIST OF POLYPROPYLENE BAGS FILLED WITH SAND, THEN COVERED BY SAND AND VEGETATED WITH LOCAL NATIVE DUNE PLANTS. THE PROPERTY IS LOCATED AT 195 MONTEREY DUNES WAY, CASTROVILLE (ASSESSOR'S PARCEL NUMBER 229-041-004-000) NORTH COUNTY LAND USE PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes  No

*DAVID SHONMAN, BIOLOGIST AND THOMAS BUGARI, GENERAL MANAGER FOR MONTEREY DUNES*

*LIZ GONZALES, PLANNER FOR MONTEREY COUNTY*

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>MR SHONMAN OUTLINED THE PROJECT STATING IT WAS TO ADDRESS WAVE RUN-UP AND DRIFTWOOD DAMAGE TO BUILDINGS DURING STORMS</i>			
<i>BARBARA PINDO-BELLONE FELT DEGRADATION OF THE BAGS NEEDED MORE STUDY</i>			
<i>MIKE SCATINI, A LOCAL FARMER, SUPPORTS THE PROJECT</i>			
<i>MARGIE KAY SENT IN 4 QUESTIONS (SEE ENCLOSED COPY)</i>			
<i>ANSWERED BY MR. SHONMAN AS FOLLOWS (SEE ENCLOSED)</i>			
<i>1- NO BIODEGRADABLE SUBSTITUTE IS KNOWN WHICH WILL BE EFFECTIVE</i>			
<i>2- THE RESIDENTS CHERISH THEIR OCEAN VIEW AND WILL NOT HAVE IT OBSTRUCTED AND PUBLIC ACCESS WILL NOT BE AFFECTED.</i>			
<i>3- THE RESIDENTS ARE COMMITTED TO A NATURAL LOOKING ENVIRONMENT AND WILL INSIST THAT IT BE MAINTAINED</i>			

*4- FROM MARCH 1 TO SEPT. 30 NO WORK IS DONE DUE TO THE NESTING OF SNOWY PLOVERS*

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known) <i>BEEN</i>	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
<p><del>NOWAK ASKED IF THESE POLYBAGS HAD USED BEFORE. SHONMAN SAID YES BUT CLOSER TO THE WATER, THESE WOULD BE CLOSER TO THE BUILDINGS</del>  <del>NOWAK ASKED IF TREE ROOTBALLS COULD BE USED FOR A MORE NATURAL LOOK.</del>  <del>SHONMAN SAID THE DANGER OF THEM FLOATING AND CAUSING DAMAGE WAS A PROBLEM.</del>  <del>CENTEND WANTED TO KNOW THE LIFE EXPECTANCY OF THE TUBES, UNKNOWN</del>  <del>KEN WALKER ASKED IF THE INCREASED WEIGHT LOAD OF THE TUBES ON THE UNDERLYING SEPTIC SYSTEM HAD BEEN CONSIDERED. SHONMAN SAID IT HAD AND THAT ENVIRONMENTAL HEALTH WOULD DETERMINE THE DANGER.</del>  <del>WALKER ALSO WORRIED ABOUT EROSION AT THE GAPS IN THE ARTIFICIAL DUNES WHEN WATER PASSED THROUGH. MR BUGARI SAID THAT WAVE ACTION AT THE SITE HAD BEEN EXTENSIVELY STUDIED, AND ENGINEERS HAD CONSIDERED THESE POSSIBILITIES AND THE GAPS WERE DESIGNED TO ALLOW FOR THE ESCAPE OF RUN-UP THAT MADE IT PAST THE DUNES.</del></p>		

WALKER STATED THAT THIS WAS AT BEST A TEMPORARY SOLUTION, TO THE PROBLEM AND IT ADDITIONAL LUAC COMMENTS WOULD ALMOST CERTAINLY REQUIRE MORE ELABORATE MEASURES IN THE FUTURE.

ED CENTEND SAID HE WOULD NOT SUPPORT THE BAG REINFORCED DUNES AND SUGGESTED SAND ONLY BE USED AND REPLACED AS NEEDED.

KEN WALKER MOVED TO RECOMMEND APPROVAL IF THE LEACH LINE BURDEN AND EROSION AT GAPS IN THE DUNES WERE ADDRESSED

RECOMMENDATION :

Motion by: KEN WALKER (LUAC Member's Name)

Second by: DAVID EVANS (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

**RECEIVED**

NOV 06 2009

AYES: 3 EVANS, WALKER, NOWAK

NOES: 1 ED CENTEND

ABSENT: 0 BURCH

ABSTAIN: 0

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.

MR SHONMAN SAYS THE PURPOSE OF THE APPLICATION IS TO PROVIDE PROTECTION TO THE BUILDINGS AND NOTHING ELSE  
SEE POINTS 1-4 ADDRESSED IN THE MINUTES

What is the purpose of this application? Is this proposal of the artificial dunes a form of "soft" armoring (to prevent wave runup), or is the idea purpose to place these artificial dunes to create a visual barrier between the beach and the Dunes Colony. What is the reason for this application?

The issues that come to my mind are:

1. The dunes are being proposed to be built with polypropylene bags. Is there a natural, degradable alternative that would serve to compact the sand for building/construction and that ultimately would biodegrade and not leave plastic in the dune?)
2. Please make sure that the dunes do not inordinately obstruct the public beach (creating a situation where there is much less beach for people to access). I'm assuming that for the dunes to work, they would need a pretty broad base, will beach access be an issue?
3. The LUAC should be reviewing the paperwork to make sure a maintenance plan and/or some kind of bond should be in place that would cover maintenance or removal of the artificial dunes if they end up migrating, falling apart, or otherwise not serving their purpose. If none is mentioned, please make sure this is a condition recommended.
4. Please make sure conditions are recommended ensuring that construction of the artificial dunes does not disturb ESHA (Environmentally Sensitive Habitat Areas).

*don't want them to de grade.*

*yes,*

*2nd layer dune protection*

#### GROUNDBREAKING CEREMONY POSTPONED TILL SPRING

Caltrans has received a request from the contractor to postponed construction due to possible winter weather. This is a common request with projects that require earthwork as first order of work. With large scale disruption of soil and possible impending wet weather during this operation, storm water pollution prevention would consume the contractors time and resources and possibly create inconveniences to the traveling public.

Currently, Caltrans is entertaining this request with a likelihood of approval. Groundbreaking ceremony would be postponed until late March or mid-April when construction would begin.

There will be some minor work in the area between now and February. Demolition of the vacant Dominic's Fruit Stand and tree removal within the proposed grading area.

I will keep you informed when we get closer to setting up this event. I appreciate your patience and participation.

Richard Rosales  
Project Manager  
District 5  
(805) 549-3792

RECEIVED

NOV 06 2009

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

David Shonman. MDC Biologist

TED SWANSON MDCA BOARD

Henry Bellone

Barbara Fero-Bellone

Liz Gonzalez- Project Planner

THOMAS BUGARY GM. MDCA

May Balgoy- Honorary MDCA

MIKE SCATINI

RECEIVED

NOV 06 2009

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT.