



17PA-058

STAFF REPORT

APPLICANT/REPRESENTATIVE:

City Staff

REQUEST:

Text Amendment to City of Galveston Dune Protection and Beach Access Plan

APPLICABLE LAND USE

REGULATIONS:

City of Galveston Dune Protection and Beach Access Plan (Chapter 29 of the Municipal Code, "Planning – Beach Access Dune Protection and Beachfront Construction")

STAFF RECOMMENDATION:

Recommend Approval

EXHIBITS:

A – Draft Ordinance
B – Ordinance 15-072

STAFF:

Dustin Henry, AICP
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Executive Summary:

Staff is requesting approval of a text amendment to the City of Galveston Dune Protection and Beach Access Plan (Chapter 29 Planning – Beach Access Dune Protection and Beach Front Construction) in order to re-write and consolidate the three existing Articles into one comprehensive ordinance.

Staff is also requesting authorization from City Council to submit the approved text amendment to the Texas General Land Office for consideration and certification.

Background:

In 2015, the Galveston Industrial Development Corporation and City Council funded a project to engage Coastal Strategies Group with the task of reviewing the City's existing regulations and making recommendations for future amendments to the City's existing Dune Protection and Beach Access Plan, and Erosion Response Plan.

The first recommendation from the consultant was to consolidate the City's existing regulations for the purpose of ensuring that they are internally consistent.

The draft ordinance (Attachment "A") is the result of this first phase of the project, which represents a rewrite of these three Articles found in Chapter 29 of the Municipal Code. The purpose of this rewrite is to reconcile and consolidate the City's beachfront construction, dune protection, and public beach access governing regulations into a single comprehensive ordinance, and eliminate redundancies and cross-references to Articles located in other ordinances. The draft ordinance will be named "City of Galveston Dune Protection and Beach Access Plan," which is consistent with other Texas coastal communities.

In May of 2017, Coastal Strategies Group began work on the second phase of this project, which is to collect data on the present day inventory of Beach Access Points in the City of Galveston. As part of any future amendment request to change or modify beach access, the City is required to accurately document existing conditions with regard to parking, access points and other inter-related issues, as a change in one area will impact other adjacent areas and could result in additional access requirements for the City. Work on this second phase is expected to be completed in March 2018.

At their October 17, 2017 regular meeting, Planning Commission deferred action on this request for a month in order to take more time to review the draft plan, consider other possible amendments to the plan, and requested that Coastal Strategies Group be present and answer questions.

At the December 14, 2017 City Council workshop, staff provided Council with an update on the status of this project, and asked for direction on how to proceed with the draft plan.

Analysis:

There are two amendments that reflect regulatory changes proposed with this ordinance rewrite. One change is to align the mitigation sequence of the City of Galveston’s Beach Access Dune Protection and Beachfront Construction ordinance with a 2015 change in state law regarding Dune Protection Standards.

The second change is regarding the construction of in-ground swimming pools.

On September 10, 2015, City Council adopted Ordinance 15-072 that was an amendment to the City of Galveston’s Beach Access, Dune Protection and Beach Front Construction Plan. In summary, the amendment is to allow for the construction of in-ground gunite pools landward of 200-feet from the line of vegetation, or landward of the first public road that is parallel to the public beach, or landward of a large multi-family concrete structure that existed prior to Hurricane Ike (please refer to the Attachment “B” for the ordinance language in its entirety).

Following Council’s approval of Ordinance 15-072, these two amendments were incorporated in the draft consolidated plan, and submitted to the General Land Office (GLO) for their review and consideration of ratifying the amended plan.

From the comments received by the GLO regarding the draft plan, it is staff’s understanding that the original language of Ordinance 15-072 would not be accepted and ratified. The GLO responded with comments on the amendment language of Ordinance 15-072, which are reflected in the draft being presented to Planning Commission today for consideration and request of a recommendation to City Council for adoption.

Alternatives in Order of Priority, and Potential Fiscal Impacts:

Alternative	Potential Fiscal Impact
A. Approve the text amendment, and authorize staff to submit the draft City of Galveston Dune Protection and Beach Access Plan to the Texas General Land Office for consideration and certification.	Minimal, consultant has already completed draft plan.
B. Do not approve the text amendment, and direct the Planning Commission and Development Services Department staff to review and make recommendations on amendments to the City of Galveston Dune Protection and Beach Access Plan.	Unknown, staff anticipates project to take between 18 and 24 months. Additional consulting services may be required.
C. Do not approve the text amendment.	None.

Alternative B is expected to take a considerable length of time to complete the process of holding public hearings with the Planning Commission and other stakeholders, review and develop recommendations for amendments to the City's dune protection regulations and beach access plan. Current staff levels are not expected to be able to complete this task in an expeditious manner. Additional consulting services or additional staff members may need to be secured to facilitate the completion of this project.

Should City Council elect for Alternative B and direct the Planning Commission and staff to undertake this comprehensive review, the following project phases are recommended:

Phase 1) Beach Access Points

Review the present day inventory report from Coastal Strategies Group, develop recommendations for changing or modifying the City's beach access plan.

Phase 2) Dune Protection Regulations

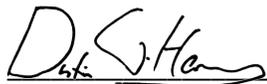
Review the City's present day dune protection regulations and Erosion Response Plan, develop recommendations for amendments to these regulations.

Recommendation:

A comprehensive review of the City's beach access plan and dune protection regulations, as outlined above, can take place concurrently while the General Land Office completes their review for consideration and certification of the consolidated draft plan (Attachment "A"). Furthermore, it is anticipated that the GLO will have completed their review and certification of the consolidated draft plan before a comprehensive review of the City's beach access plan has been completed.

Therefore, staff recommends approval of the text amendment, and requests authorization to submit the draft City of Galveston Dune Protection and Beach Access Plan to the Texas General Land Office for consideration and certification.

Respectfully Submitted,



Dustin Henry, AICP
Coastal Resources Manager

January 17, 2018
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

January 17, 2018
Date