AGENDA
PLANNING COMMISSION
REGULAR MEETING
1:30 p.m. Tuesday, April 21, 2020
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

In order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19), the meeting will be held by video conference and there will be no public access to the location described above.

Public Comment can be submitted on-line: https://forms.galvestontx.gov/Forms/PublicComment or by calling 409-797-3665.

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of The March 3, 2020 Minutes

   Documents:

   2020-03-03 PC MINUTES.PDF

5. COVID-19 Update (Staff)
6. Meeting Format (Staff)
7. Public Comment

   Members of the public may submit a public comment using the web link below. All comments submitted prior to the meeting will be provided to the Planning Commission.

   HTTPS://FORMS.GALVESTONTX.GOV/FORMS/PUBLICCOMMENT

   a. Agenda Items
   b. Non-Agenda Items

8. Consent Items

   A. 19BF-085 - (R.A. Apffel East Beach Park, 1923 Boddeker Rd.) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Conduct Annual Beach Maintenance. Property Is Legally Described As Follows: Abst 628 M Menard Sur Tr 62 230.840 Acres, A Subdivision In The City And County Of Galveston, Texas. Applicant: Galveston Park Board Of Trustees C/O Rueben Trevino Property Owner: City Of Galveston

      Documents:

      19BF-085 - STAFF REPORT WITH ATTACHMENTS.PDF

   B. 19BF-086 - (Stewart Beach, 201 Seawall Blvd.)

Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance and to redistribute stockpiled sand. Property is legally described as follows: Abst 628 Page 141 & 142 M Menard Sur TR 59 7.909 Acrs; Abst 628 M B Menard Sur (241-0-0) Blk 241 Galveston; Abst 628 M B Menard Sur (242-0-0) Blks 242 & Pt of 243 Galveston; Abst 628 M B Menard Sur (242-0-0) Blks 242 & Pt of 243 Galveston; Abst 628 M B Menard Sur (183-0-0) Blk 183 Galveston; Abst 628 M B Menard Sur (182-0-0) Blk 182 Galveston; Abst 628 M B Menard Sur (181-0-0) Blk 181 Galveston; Abst 628 M B Menard Sur (121-0-0) Blk 121 Galveston; Abst 628 M B Menard Sur (122-0-0) Blk 122 Galveston; Abst 628 M B Menard Sur (123-0-0) Blk 123 Galveston, a subdivision in the City and County of Galveston, Texas.
Applicant: Galveston Park Board of Trustees c/o Rueben Trevino
Property Owner: City of Galveston

Documents:

19BF-086 - STAFF REPORT WITH ATTACHMENTS.PDF

C. 19BF-087 - (Seawall Urban Park, 1400 Seawall Blvd – 8900 Seawall Blvd.) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Conduct Annual Beach Maintenance. Property Is Legally Described As Follows: Seawall Urban Park, In The City And County Of Galveston, Texas. Applicant: Galveston Park Board Of Trustees C/O Rueben Trevino Property Owner: City Of Galveston

Documents:

19BF-087 - STAFF REPORT WITH ATTACHMENTS.PDF

D. 19BF-088 - (Dellanera Park, 10901 San Luis Pass Rd.) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Conduct Annual Beach Maintenance. Property Is Legally Described As Follows: Abst 121 Page 75 PT Of Lots 441, 442 & Adj Road (442-1), Trimble & Lindsey Sec 1; Abst 121 Page 75 Pt Of Lot 441 (441-1), Trimble & Lindsey Sec 1; And Abst 121 Page 75 Pt Of Lot 422 (422-1), Trimble & Lindsey Sec 1, A Subdivision In The City And County Of Galveston, Texas. Applicant: Galveston Park Board Of Trustees C/O Rueben Trevino Property Owner: City Of Galveston

Documents:

19BF-088 - STAFF REPORT WITH ATTACHMENTS.PDF

E. 20BF-006 - (Pirates Beach & Pirates Beach West) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. The Properties Are Legally Described As Follows: ABST 121 Page 45 & 46 S PT Of Lots 1,14,15,30,31,46,47,58,59,68,69 & 78 (1-2), Trimble & Lindsey Sec 3; ABST 121 Page 41 PT Of Lots 98,99,108 & 109 (98-1) & ABND STS, Trimble & Lindsey Sec 3, Subdivisions In The City And County Of Galveston, Texas. Applicant: Susan L. Gonzalez, Manger & Managing Agent For Pirates POA Property Owner: Pirates Property Owners Association, C/O CKM Management, Inc.

Documents:

20BF-006 - STAFF REPORT - FINAL.PDF

F. 20BF-017 - (Riviera I, Riviera II, West Beach Grand Condos) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. The Property Is Legally Described As Follows: Tracts A And C, And Lot 1, West Beach Grand Condo And Interest In Common Elements, A Subdivision In The

City And County Of Galveston, Texas. Applicant: Brittni Gualandri / Peggy Rapp Property Owner: Riviera I, Riviera II, West Beach Grand Council Of Co-Owners

Documents:

20BF-017 - STAFF REPORT - FINAL.PDF

G. 20BF-019 - (Kahala Beach Estates) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. The Property Is Legally Described As Follows: Lot 1, Blk 1, Kahala Beach Estates Through Lot 20, Blk 1, Kahala Beach Estates Addn, A Subdivision In The City And County Of Galveston, Texas. Applicant: Rapp Management Co., C/O Brittni Gualandri Property Owner: Kahala Beach Estates Home Owners Association, Inc. C/O Rapp Management Co., Inc.

Documents:

20BF-019 - STAFF REPORT - FINAL.PDF

H. 20BF-021 - (Spanish Grant Subdivision) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. The Property Is Legally Described As Follows: Lots 1-11 And Reserve 2 (0-2), Section 11 And Lots 1-10 And 18, 19, 42, 43, And Reserve 2 (0-2), Of Spanish Grant A Subdivision In The City And County Of Galveston, Texas. Applicant: Peggy Zahler & Carolyn Bilski Property Owner: Spanish Grant Civic Assoc C/O Peggy Zahler

Documents:

20BF-021 - STAFF REPORT - FINAL.PDF

I. 20BF-022 - (Terramar Beach Subdivision) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. The Property Is Legally Described As Follows: Lots 1-17, Section 5, And Lots 1-25, Section 1, Of Terramar Beach A Subdivision In The City And County Of Galveston, Texas. Applicant: Terramar Beach Community Improvement Assocation (TBCIA), C/O Craig Vance Property Owner: Terramar Beach Community Improvement Assn

Documents:

20BF-022 - STAFF REPORT - FINAL.PDF

J. 20BF-003 - (Palisade Palms Condominiums, 801 E. Beach Drive) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Conduct Annual Beach Maintenance. The Property Is Legally Described As Follows: Abst 628 M Menard Sur Lot 3 (5-0), Palisade Palms Replat (2008), A Subdivision In The City And County Of Galveston, Texas. Applicant: Ron Gwin Property Owner: East Beach Project Phase 1, Ltd.

Documents:

20BF-003 - STAFF REPORT - FINAL.PDF

K. 20BF-010 - (The Galvestonian) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Perform Annual Beach Maintenance. The Property Is Legally Described As Follows: ABST 628 M Menard Sur Unit #301 Galveston Condo & .5449 % Common Element Galvez East, A Subdivision In The City And County Of Galveston, Texas. Applicant: Sunrise Beach Cleaning, Santiago Mejia Property Owner: The Galvestonian, C/O Silvia Aguirre

Documents:

20BF-010 - STAFF REPORT - FINAL.PDF

L. 20BF-011 - (Sandhill Shores Subdivision) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Conduct Annual Beach Maintenance. Properties Are Legally Described As Follows: ABST 121 Page 18, 19 & 22, Hall & Jones Sur TR 37-1, 41.982 Acres, A Subdivision In The City And County Of Galveston, Texas. Applicant: Sunrise Beach Cleaning, Santiago Mejia Property Owner: Sandhill Shores Property Owners Association Inc.

Documents:

20BF-011 - STAFF REPORT - FINAL.PDF

M. 20BF-012 - (Pointe West Subdivision) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Conduct Annual Beach Maintenance. The Property Is Legally Described As Follows: Pointe West Sec 1 (2005), Beach Area (0-11), Pointe West Sec 2-A (2007), Common Area J (0-10), A Subdivision In The City And County Of Galveston, Texas. Applicant: Sunrise Beach Cleaning, Santiago Mejia Property Owner: Property Owners Association Of Pointe West, C/O Deborah Hassell

Documents:

20BF-012- STAFF REPORT - FINAL.PDF

9. New Business And Associated Public Hearings

A. 20P-006 (12618 W Buena Vista Dr.) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A Single-Family Dwelling And Driveway. The Property Is Legally Described As Reserve 2 (0-2) Spanish Grant, Sec 11, A Subdivision In The City And County Of Galveston, Texas. Applicant: Sandcastle Construction, Ronnie Hansen Property Owner: Mike & Sandra Chambers

Documents:

20P-006 - STAFF REPORT - FINAL - REVISED.PDF

B. 20P-008 (11 Grand Beach Blvd) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A Single-Family Dwelling, Driveway, And Perimeter Fence. Property Is Legally Described As Lot 17, Block 1, The Preserve At Grand Beach (2014), A Subdivision In The City And County Of Galveston, Texas. Applicant: Galveston Custom Homes, Tom Tran Property Owner: John & Ann Nguyen

Documents:

20P-008 - STAFF REPORT.PDF

C. 20P-011 (11205 Bernice) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A Single-Family Dwelling And Driveway. The Property Is Legally Described As Lot 12R (12-0) Replat Of Lots 12 & 17, Block 5, Sunny Beach Extension, A Subdivision In The City And County Of Galveston, Texas. Applicant: Curtis Meritt Property Owner: Lee Nicholas

Documents:

20P-011 - STAFF REPORT - FINAL.PDF

D. 20P-014 (24313 San Luis Road/FM 3005) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A Single-Family Dwelling And Driveway. The Property Is Legally Described As Lot 2, Kristiansand Beach (2012), A Subdivision In The City And County Of Galveston, Texas. Applicant: DE Custom Homes Inc., Doug Ender Property Owner: Richard And Karen Killmartin

Documents:

20P-014 - STAFF REPORT - FINAL.PDF

E. 20P-009 (1521 Broadway/Avenue J) Request For Designation As A Galveston Landmark. Property Is Legally Described As The East 25 Feet And 10 Inches Of Lot 2 And West 28 Feet And Seven Inches Of Lot 3 (2-1), Block 135, In The City And County Of Galveston, Texas. Applicant: Susan Cutaia Property Owners: Louis And Susan Cutaia, 1521 Broadway, LLC.

Documents:

20P-009 STF PKT.PDF

F. 20P-007 (Adjacent To 2 Hammock Trail) Request For A License To Use For One Front Stair And Part Of A Retaining Wall Constructed In The Right Of Way. Adjacent Property Is Legally Described As Lot 134, Evia Phase One (2005), A Subdivision, In The City And County Of Galveston, Texas. Applicant: Ted Shook Adjacent Property Owners: Karen Flowers And Ted Shook Easement Holder: City Of Galveston

Documents:

20P-007 PKT.PDF

G. 20P-012 (Adjacent To 1602 16th Street) Request For A License To Use In Order To Place An Elevated Deck In The Right-Of-Way. Adjacent Property Is Legally Described As M.B. Menard Survey, North One-Half Of Lot 1 (3001-1), Southeast Block 46, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: James Pope Adjacent Property Owner: James Pope Easement Holder: City Of Galveston

Documents:

20P-012 PKT.PDF
ATTACHMENT B-2.PDF

H. 20P-013 (Adjacent To 1928 Avenue K) Request For A License To Use In Order To Place HVAC Equipment And A Screening Fence In The Right-Of-Way. Adjacent Property Is Legally Described As M.B. Menard Survey, South 80 Feet Of Lot 14 (14-1), Block 139, In The City And County Of Galveston, Texas. Applicant: Brian Broesche Adjacent Property Owner: Brian Broesche Easement Holder: City Of Galveston

Documents:

20P-013 STF PKT.PDF

10. Discussion And Action Items

11. Adjournment

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on April 15, 2020 at 5:00 P.M.

Prepared by: Karen White, Planning Technician

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TX 77550 (409-797-3510)

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING

City of Galveston

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GALVESTON
REGULAR MEETING – March 3, 2020

CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m.

ATTENDANCE

Members Present:	Jeff Antonelli, Lisa Blair, Bob Brown, Jeffrey Hill, Carol Hollaway, CM John Paul Listowski
Members Absent:	Cate Black, Eugene Cook
Staff Present:	Catherine Gorman, AICP, Assistant Director/HPO; Dustin Henry, AICP, Coastal Resource Manager; Daniel Lunsford, Planner; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

APPROVAL OF MINUTES

The February 18, 2020 minutes were approved as presented.

CONFLICT OF INTEREST

None

REQUEST TO ADDRESS COMMISSION ON AGENDA ITEMS AND NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

20P-005 (4914 Avenue K) Request for a replat in order to increase the number of lots from one (1) to two (2). Property is legally described as Menard Survey Lot 17 and West 14.4 Feet of Lot 16, and the East 3.6 feet of Lot 18, Block 8, Denver Resurvey, in the City and County of Galveston, Texas.
Applicant: Melinda Medellin-Quiroga
Property Owners: Joey C. Quiroga and Melinda Medellin-Quiroga

Bob Brown arrived at 3:31 p.m.

Staff presented the staff report and noted that of twenty (20) notices of public hearing sent, one (1) had been returned in favor.

Vice-Chairperson Jeffrey Hill opened the public hearing on case 20P-005. Applicants and property owners Joey C. Quiroga and Melinda Medellin-Quiroga presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Carol Hollaway made a motion to approve case 20P-005 with staff's recommendations. Jeff Antonelli seconded, and the following votes were cast:

In favor:	Antonelli, Blair, Brown, Cook, Hill
Opposed:	None
Abstain:	Hollaway
Non-voting participant:	CM Listowski (Ex-Officio)

The motion passed.

DISCUSSION AND ACTION ITEMS

- Comments from the Texas General Land Office regarding Beach Maintenance (Staff)
- Consider and provide a recommendation to City Council the Beach Access Ad Hoc Committee's recommendations regarding Beach Maintenance (Staff)

Council Member John Paul Listowski left at 4:34 p.m.

Staff presented the staff report.

The Commission discussed the recommendations made by the Beach Access and Dune Protection Plan Review Ad Hoc Committee and staff. The Commission suggested recommendations to be presented to City Council.

Vice-Chairperson Jeffrey Hill made a motion to accept the recommendations as discussed and amended by the Commission. Jeff Antonelli seconded, and the following votes were cast:

In favor:	Antonelli, Blair, Brown, Cook, Hill, Hollaway
Opposed:	None
Absent:	CM Listowski (Ex-Officio)
Non-voting participant:	None

The motion passed.

THE MEETING ADJOURNED AT 5:26 PM

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

19BF-085 STAFF REPORT

ADDRESS:
1923 Boddeker Rd, R.A. Apffel/East Beach Park

LEGAL DESCRIPTION:
M Menard Survey, Tr 60 (221.679 acres), Tr 62 (230.84 acres), Tr 63 (45.000 acres)

APPLICANT/REPRESENTATIVE:
Galveston Park Board of Trustees, Reuben Trevino

PROPERTY OWNER:
City of Galveston

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance, including the redistribution of stockpiled sand and seaweed.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Narrative and Site Plan
C – GLO Comment Letter

STAFF:
Dustin Henry, AICP
Coastal Resources Manager
DHenry@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 3,885 linear feet of beach area at the area commonly known as R.A. Apffel/East Beach Park. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

The applicant proposes to maintain the beach on a daily, as needed basis, with ongoing maintenance extending into the dry sand parking area within the park, adjacent to and east and west of the Pavilion. Sand and seaweed accumulated in stockpile locations will be periodically redistributed into the parking areas to mitigate ponding water and soft sand areas in order to improve conditions at the beach access parking areas.

The applicant's narrative (Attachment "B") describes in more detail the beach maintenance activities that are proposed and the types of equipment that will be utilized. Included with the narrative is a site plan showing the project area and the locations proposed as temporary placement areas for seaweed.

There are dunes along the bollard line that delineates the parking areas from the pedestrian-only beaches. These dunes were constructed in 2014 of sand and stockpiled seaweed as a scientific demonstration project. The applicant is proposing to redistribute these materials into the park's public beach access parking areas. Dune vegetation would be replanted on site and would be made available to local non-profit organizations that might be interested in utilizing the vegetation for dune restoration projects in the future. Sand and seaweed that is accumulated in stockpile locations from ongoing beach maintenance activities will also be redistributed into the public beach access parking areas.

Site and Surrounding Area:

The subject site totals approximately 3,885 linear feet of beach at the area commonly known as R.A. Apffel/East Beach Park. Boddeker Drive and the East End Lagoon are located to the North, the Gulf of Mexico to the South, the Galveston Ship Channel to the East, and the Beachtown subdivision to the West.

According to the U.T. Bureau of Economic Geology, this is an accreting beach area. Between the 1950s and 2012, this beach area experienced an average shoreline change rate ranging from +8.2 to +18.3 feet per year.

Analysis:

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The narrative and site plan, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and have identified no prohibited activities seaward of the Dune Protection Line as defined by §(j) of the Plan.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "C" and recommended as specific conditions for this request, should the Planning Commission approve this request.

Staff finds that the proposed beach maintenance activities will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

Dunes along the bollard line that delineates the public beach parking areas from the pedestrian-only areas of the beach were constructed in 2014 as part of a Coastal Erosion Planning and Response Act (CEPRA), Project #1581: Innovative Technology Seaweed Prototype Dunes (https://glo.texas.gov/coastal-grants/_documents/grant-project/1581-final-rpt.pdf). The applicant is proposing to redistribute the materials used to construct these dunes into the park's public beach access parking areas.

This project was a demonstration project undertaken by a local university in partnership with the applicant. As a scientific research project, 31 TAC §15.7(f) allows the City to exempt it from the requirements of the Dune Protection Standards, 31 TAC §15.4(c).

The applicant has proposed to replant the dune vegetation on site and make it available for use in other dune restoration projects by local non-profit organizations. Staff would recommend the applicant consider replanting the dune vegetation in areas within the park where the possible re-establishment of dunes would not result in ponding water in parking areas, would not be buried by stockpiled beach maintenance materials, and would be less likely to be disturbed by or interfere with pedestrian access to the beach from these parking areas.

Staff also recommends that seaweed stockpiled in the future be periodically redistributed frequently enough that dunes and dune vegetation do not naturally re-establish in the designated stockpile areas.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

There are no unavoidable adverse effects to dunes or dune vegetation seaward of the Dune Protection Line, beyond what activities are proposed to the dunes constructed as a scientific research project, which are exempted from the requirements of the Dune Protection Standards, 31 TAC §15.4(c).

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:

Staff recommends approval of 19BF-085 with the following conditions:

Specific Conditions to Case 19BF-085:

1. The applicant shall replant the dune vegetation in areas within the park where the possible re-establishment of dunes would not result in ponding water in parking areas, would not be buried by stockpiled beach maintenance materials, and would be less likely to be disturbed by or interfere with pedestrian access to the beach from these parking areas;

2. The seaweed stockpiled in the future shall be periodically redistributed frequently enough that dunes and dune vegetation do not naturally re-establish in the designated stockpile areas;

3. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "C":

    a. The City may allow a scientific research project to be exempt from the requirements of 31 Texas Administrative Code § 15.4(c) and 15.7(e) provided that the project is conducted by an academic institution or a state, federal, or local government. It is the GLO's understanding that the City intends to exempt the scientific research project from the requirements of 31 Texas Administrative Code § 15.7(e). Should the City not exempt the scientific research project from these requirements, the restored dunes and dune vegetation shall be protected under the same restrictions as natural dunes and the Park Board must submit a comprehensive mitigation plan that demonstrates avoidance, minimization, mitigation, and/or compensation for the proposed adverse impacts to dunes;

    b. The Park Board may not adversely impact any dunes that naturally form in Apffel Park as a result of replanting dune vegetation and natural sand accumulation without first obtaining the appropriate beachfront construction certificate and dune protection permit from the City to do so;

    c. If a non-profit organization proposes to harvest and plant the dune vegetation from Apffel Park, a new or amended beachfront construction certificate and dune protection permit must be obtained for the dune restoration project prior to transplanting the vegetation;

    d. The proposed beach maintenance activities must not restrict or interfere with public use of the beach;

    e. The applicant proposes to create and maintain a stockpile of sand or a combination of sand and seaweed at Apffel Park. The applicant may not utilize sand scraped from the beach to create the proposed stockpiles. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the

protective function of dunes;

f. The proposed stockpiles of beach maintenance materials may not bury any replanted dune vegetation;

g. The applicant proposes to redistribute stockpiled material from beach maintenance activities to the parking area in R.A. Apffel East Beach Park every 18 to 24 months. All sand and seaweed collected as a part of maintenance activities during periods of heavy seaweed influx must remain in stockpiles until it can be used for dune enhancement projects within critical dune areas;

h. The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site and seaward of the line of vegetation;

i. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines;

j. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access;

k. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach;

l. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide;

m. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur;

n. The beach maintenance activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach;

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "C":

o. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat

is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

4. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

5. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

6. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

7. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Dustin Henry, AICP — March 13, 2020 Date
Coastal Resources Manager

Catherine Gorman, AICP — March 13, 2020 Date
Assistant Planning Director / HPO

R.A. Apffel Park - Annual Beach Maintenance (Case #19BF-085)

Map prepared by the City of Galveston Development Services Department (VGreb) - 12/2/2019

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases.
Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Narrative
2020 R.A. Apffel East Beach Park
1923 Boeddeker Drive Galveston, Texas

The Park Board of Trustees of the City of Galveston is seeking a Beach Maintenance permit from the City of Galveston for the 2020 season to perform routine beach maintenance activities at R. A. Apffel East Beach Park. These activities would include both normal day to day maintenance activities and conditions of extraordinary circumstances as authorized by the Park Board's U.S. Army Corp of Engineers (USACE) permit #SWG-2014-00448 Beach Cleaning and Seaweed Relocation permit.

It is important to note that at the time of this application the City of Galveston Park Board of Trustees is the only entity on Galveston Island to obtain a U.S. Army Corps of Engineers permit (#SWG-2014-00448) for beach cleaning and seaweed relocation; and all of its ongoing maintenance activities must and will be in compliance with the USACE federal permit guidelines.

Additionally, Park Board committees and staff have coordinated to develop a set of Best Practice recommendations for beach maintenance that has been provided to the City of Galveston for its use and information to facilitate deliberations in the City's permitting and review process. The Park Board has also sought to specifically reduce the impact of beach cleaning equipment. Such equipment, while less impactful, is very often much slower to operate and more demanding of staff time resulting in much higher labor costs. Previously submitted is a copy of the Park Board approved "Best Practices" originally submitted to the City.

It is anticipated the area will be maintained on a as needed daily basis due to its designation as a beach access point. This location is very popular with a wide array of beach users; and the general public has the expectation the Park area will be clean and well maintained. This daily and ongoing maintenance extends to the dry sand parking area within the park, adjacent to the Pavilion and extending to the east and west. The parking area can at times become impassable due to ponding water or extremely soft sand. As sand and seaweed is accumulated in the USACE permit #SWG-2014-00448 stockpile locations at approximately every 18 to 24 months will be redistributed into the parking area to help offset these issues. The primary equipment to be used to maintain the beach is a Barber Surf Rake style of equipment. This equipment generally picks up the material and debris from atop the sand rather than digging down with a mechanical rake and drawing it through the beach in a "tilling" fashion. Other equipment as authorized by USACE #SWG-2014-00448 will also be utilized on the beach including garbage trucks, pick-up trucks, loaders, augers (for bollards) and other small equipment. Equipment used within the designated vehicle parking areas would; among other equipment, include front-end loaders and maintainers for sand spreading and leveling. This equipment would be used within the designated parking areas and would not be used in areas with less than a 4ft elevation. In compliance with the USACE permit seaweed will be stockpiled in accordance with the specified locations within USACE permit #SWG-2014-00448. The Park Board has maintenance staff that removes trash and debris from the beach daily and includes handpicking litter and trash from the beach and servicing the trash barrels.

The proposed location of where the material will be subsequently redistributed to mitigate against hazardous ponding water and potentially soft sand is delineated within the outlined blue area.

We are proposing to redistribute the existing materials (sand) located in the area labeled "vegetated seaweed mounds." Because these are dunes that were restored CEPRA funding, they are subject to protection. The City has stated that it is willing to exempt the Park Board from the requirements of Texas Administrative Code Sections 15.4(c) and 15.7(e) as a scientific research project. In order to conserve vegetation, the Park Board plans to reach out to local NGOs and invite them to harvest the dune vegetation to utilize in dune restoration projects.

Park Board beach maintenance staff are required to attend species training provided through Texas A&M Galveston and are equipped with the necessary contact phone numbers and information to facilitate any notification or reporting if that situation occurs. Previously, Park Board staff has reported marine species landings and has successfully coordinated with resource agencies. It is understood the Park Board's beach maintenance activities will not adversely affect the public, public beach access way, or exacerbate erosion. Included within the USACE permit are engineered

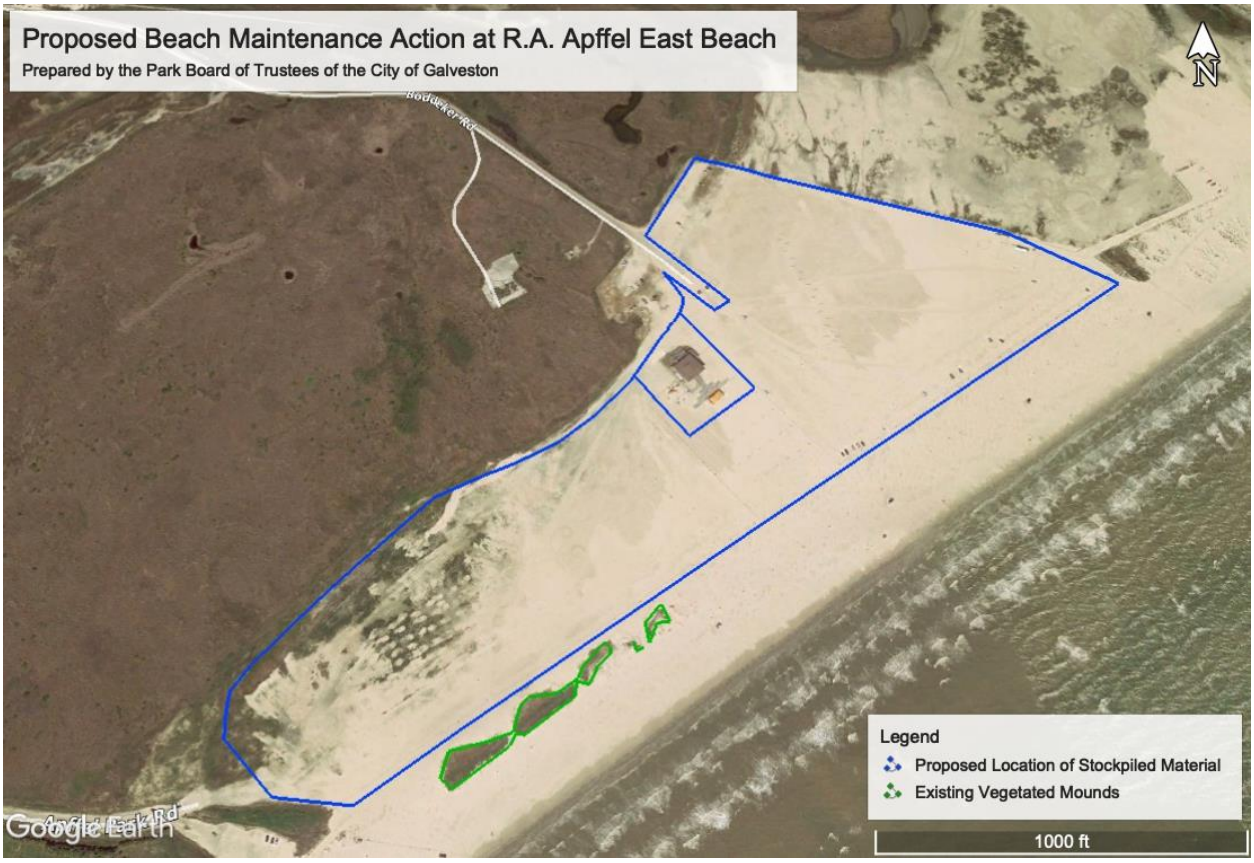
drawings providing the specific location and placement of the temporary seaweed stockpile locations seaward of the parking area. Park Board activities will not adversely weaken dunes or dune vegetation or reduce the protective functions of the dunes. The Park Board's activity will not remove sand from the beach and the activity will not significantly alter the beach profile or the line of vegetation.

The Park Board understands all documents submitted with this application are subject to the Open Records Act / Texas Public Information Act; and, receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications; and that application fees are non-refundable once the application has been submitted. The Texas General Land Office must review this application prior to any authorization to proceed with the Beach Maintenance Sworn Affidavit. It is also understood the Park Board will conform to any comments received from the General Land Office regarding this application.

The R.A. Apffel Park area is open as an on-beach parking area with direct pedestrian access to the beach from the parking area, free parking areas are also located adjacent to both park entrances. Pedestrian ingress and egress are also readily available along the beachfront area with pedestrian access available from the east side of the South Jetty to the beach area west of 89th street.

The R.A. Apffel Park beach maintenance narrative explained the stockpiled material would be relocated to the parking areas to help mitigate ponding water and extremely soft sand. Both of those factors can pose a hazard to the general public. As a beach access point and public park, park visitors have the expectation of a safe and secure environment. Park Board staff will take the as needed necessary steps to protect the health and safety of the general public. The Park Board proposes to stack stockpiled seaweed material (sand) within the designated locations as authorized by USACE permit #SWG-2014-00448. The stockpiling will not result in a hinderance to public access.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Map
2020 R.A. Apffel East Beach Park



This is a current, accurate map submitted to the General Land Office (GLO) for a beachfront construction certificate and dune protection permit to undertake beach maintenance activities. It labels the extent and location of the proposed beach maintenance at R.A. Apffel (East Beach) Park.

Elements shown on this plan set are schematic for permitting purposes only Not for construction

Datum: NAD 83
Projection: State Plane
Zone: Texas South Central
Units: Feet

Typical Jurisdictional Limit (3' Contour)
Predetermined Temporary Placement Area (seaweed)
Approximate Line of Vegetation
High Tide Line
Low Tide Line
Excluded from Permit Project Area
Proposed Project Area

Notes:
1. Aerial imagery, shown hereon, is a graphical representation and may not reflect contemporary conditions.
2.. Line of vegetation and temporary placement areas, shown hereon, are conceptual, contemporary conditions prevail in field placement of seaweed.
3.The north toe of dune, as shown hereon, is approximate.

0 100 200 Feet

ATKINS

Aerial Site Plan

After the Fact Permit SWG-2014-00448
Galveston Island Park Board of Trustees
Galveston, TX
Page 80 of 85

Prepared By: Atkins/VORO5913	Scale: 1" = 200'
Job No.: 100043412	Date: 1/7/2015 Revision: 7/9/2015

File: N:\Clients\G_H\Galveston_City\100039948\geo\Figs\Work_Area_Exhibit_v5.mxd

Elements shown on this plan set are schematic for permitting purposes only. Not for construction

Datum: NAD 83
Projection: State Plane
Zone: Texas South Central
Units: Feet

Typical Jurisdictional Limit (3' Contour)
Predetermined Temporary Placement Area (seaweed)
Approximate Line of Vegetation
High Tide Line
Low Tide Line
Excluded from Permit Project Area
Proposed Project Area

Notes:
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3.The north toe of dune, as shown hereon, is approximate.

0 100 200 Feet

ATKINS

Aerial Site Plan

After the Fact Permit SWG-2014-00448
Galveston Island Park Board of Trustees
Galveston, TX
Page 81 of 85

Prepared By: Atkins/WORO5913	Scale: 1" = 200'
Job No.: 100043412	Date: 1/7/2015 Revision: 7/6/2015

File: N:\Clients\G_H\Galveston_City\100039948\geo\figs\Work_Area_Exhibit_vr5.mxd

Elements shown on this plan set are schematic for permitting purposes only. Not for construction.

Datum: NAD 83
Projection: State Plane
Zone: Texas South Central
Units: Feet

Typical Jurisdictional Limit (3' Contour)
Predetermined Temporary Placement Area (seaweed)
Approximate Line of Vegetation
High Tide Line
Low Tide Line
Excluded from Permit Project Area
Proposed Project Area

Notes:
1. Aerial imagery, shown hereon, is a graphical representation and may not reflect contemporary conditions.
2.. Line of vegetation and temporary placement areas, shown hereon, are conceptual, contemporary conditions prevail in field placement of seaweed.
3.The north toe of dune, as shown hereon, is approximate.

0 100 200 Feet

ATKINS

Aerial Site Plan

After the Fact Permit SWG-2014-00448
Galveston Island Park Board of Trustees
Galveston, TX
Page 82 of 85

Prepared By: Atkins/VORO5913	Scale: 1" = 200'
Job No.: 100043412	Date: 1/7/2015 Revision: 7/6/2015

File: N:\Clients\G_H\Galveston_City\100039648\geo\figs\Work_Area_Exhibit_v5.mxd

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 3, 2020

Via Electronic Mail

Dustin Henry, AICP
Coastal Resources Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	1923 Boddecker Drive, Galveston
Legal Description:	ABST 628, M. Menard Survey, Tract 62
Lot Applicant:	Galveston Park Board of Trustees c/o Reuben Trevino
Case Number:	19BF-085
GLO ID No.:	BDCOG-19-0324a

Dear Mr. Henry:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The Galveston Park Board of Trustees (Park Board) proposes to conduct beach maintenance activities at R.A. Apffel East Beach Park on a daily, as-needed basis, which includes cleaning the beach and grading the parking areas. The Park Board also proposes to redistribute the sand and seaweed within dunes that were constructed as a part of Coastal Erosion Planning and Response Act (CEPRA) Project 1581: Innovative Technology Seaweed Prototype Dunes, to the parking area. The Park Board proposes to replant the dune vegetation from those dunes within their existing footprint and later offer the dune vegetation to a non-profit organization to be used in a dune restoration project. In addition, the Park Board proposes to stockpile beach maintenance materials and to redistribute the stockpiled material to the parking area every 18 to 24 months. According to the Bureau of Economic Geology, the area is accreting.

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

- The City may allow a scientific research project to be exempt from the requirements of 31 Texas Administrative Code § 15.4(c) and 15.7(e) provided that the project is conducted by an academic institution or a state, federal, or local government.[1] It is the GLO's understanding that the City intends to exempt the scientific research project from the requirements of 31 Texas Administrative Code § 15.7(e). Should the City not exempt the scientific research project from these requirements, the restored dunes and dune vegetation shall be protected under the same

[1] 31 Tex. Admin. Code § 15.7(f).

restrictions as natural dunes[2] and the Park Board must submit a comprehensive mitigation plan that demonstrates avoidance, minimization, mitigation, and/or compensation for the proposed adverse impacts to dunes.[3]

- The Park Board may not adversely impact any dunes that naturally form in Apffel Park as a result of replanting dune vegetation and natural sand accumulation without first obtaining the appropriate beachfront construction certificate and dune protection permit from the City to do so.

- If a non-profit organization proposes to harvest and plant the dune vegetation from Apffel Park, , a new or amended beachfront construction certificate and dune protection permit must be obtained for the dune restoration project prior to transplanting the vegetation.

- The proposed beach maintenance activities must not restrict or interfere with public use of the beach. [4]

- The applicant proposes to create and maintain a stockpile of sand or a combination of sand and seaweed at Apffel Park. The applicant may not utilize sand scraped from the beach to create the proposed stockpiles. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[5]

- The proposed stockpiles of beach maintenance materials are may not bury any replanted dune vegetation.

- The applicant proposes to redistribute stockpiled material from beach maintenance activities to the parking area in R.A. Apffel East Beach Park every 18 to 24 months. All sand and seaweed collected as a part of maintenance activities during periods of heavy seaweed influx must remain in stockpiles until it can be used for dune enhancement projects within critical dune areas.[6]

- The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site and seaward of the line of vegetation.

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement.[7] The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

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[2] 31 Tex. Admin. Code § 15.7(e)(7).
[3] City of Galveston Beach Access Plan § 29-90(1) & 31 Tex. Admin. Code § 15.4(f).
[4] 31 Tex. Admin. Code § 15.7(e)(2).
[5] 31 Tex. Admin. Code § 15.7(l).
[6] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(3).
[7] 31 Tex. Admin. Code § 15.7(l).

- The applicant shall avoid impacts to any dunes or dune vegetation.[8] The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[9]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[10]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[11]

- The beach maintenance activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.[12]

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division

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[8] 31 Tex. Admin. Code § 15.4(f).
[9] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[10] 31 Tex. Admin. Code § 15.7(l).
[11] 31 Tex. Admin. Code § 15.4(d).
[12] 31 Tex. Admin. Code § 15.6(g).

Texas General Land Office

cc: Virginia Greb, Coastal Resources Assistant Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

19BF-086 STAFF REPORT

ADDRESS:
201 Seawall Blvd, Stewart Beach and beach area adjacent to 6100-6900 block of Seawall Boulevard

LEGAL DESCRIPTION:
See Attachment "A"

APPLICANT/REPRESENTATIVE:
Galveston Park Board of Trustees, Reuben Trevino

PROPERTY OWNER:
City of Galveston

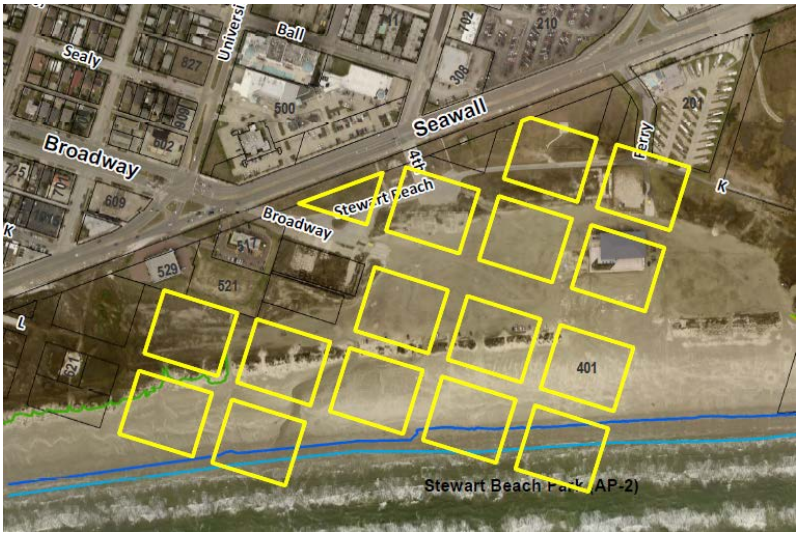
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance, including the redistribution of stockpiled sand and seaweed.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Legal Description & Aerial Map
B – Narrative and Site Plan
C – Mitigation Plan
D – GLO Comment Letter

STAFF:
Dustin Henry, AICP
Coastal Resources Manager
DHenry@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 2,338 linear feet of beach area at the area commonly known as Stewart Beach Park. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

The applicant proposes to maintain the beach on a daily, as needed basis, with ongoing maintenance extending into the dry sand parking area within the park, adjacent to and east and west of the Pavilion. Sand and seaweed accumulated in stockpile locations will be periodically redistributed into the parking areas to mitigate ponding water and soft sand areas in order to improve conditions at the beach access parking areas and enhance access pathways to the beach.

The applicant's narrative (Attachment "B") describes in more detail the beach maintenance activities that are proposed and the types of equipment that will be utilized. Included with the narrative is a site plan showing the project area and the locations proposed as temporary placement areas for seaweed.

Site and Surrounding Area:
The subject site totals approximately 2,338 linear feet of beach at the area commonly known as Stewart Beach Park. The Galveston Seawall and Seawall Boulevard are located to the North, the Gulf of Mexico to the South, the Preserve at Grand Beach subdivision to the East, and the beach area commonly known as Porretto Beach to the West.

According to the U.T. Bureau of Economic Geology, this is a stable beach area. Between the 1950s and 2012, this beach area experienced an average shoreline change rate ranging from -1.5 to +0.9 feet per year.

Analysis:
In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The narrative and site plan, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and have identified no prohibited activities seaward of the Dune Protection Line as defined by §(j) of the Plan.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

Staff finds that the proposed beach maintenance activities will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards. Stewart Beach Park is currently subjected to runoff and

drainage patterns from upland property and streets that aggravate erosion and impair the public's ability to access and use the beach. The Park Board of Trustees is contemplating projects in the near future to mitigate these existing runoff conditions and improve the public's ability to access and use the beach.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

The application materials indicate that dune vegetation has accumulated on existing stockpiles of seaweed from prior beach maintenance activities at Stewart Beach. These materials were placed in areas along the bollard line that delineates the parking areas at Stewart Beach from the pedestrian-only beach areas, which coincide with the areas designated for seaweed placement with the applicant's USACE permit and with the request for this Beachfront Construction Certificate/Dune Protection Permit.

Placement of seaweed from ongoing beach maintenance activities would result in unavoidable adverse impacts to the dune vegetation in these designated placement areas.

Staff finds the applicant is unable to completely avoid the adverse impacts to the dune vegetation because it exists in the area designated for placement of seaweed in the USACE permit. Minimizing the impact by placement of the seaweed in the areas designated for placement where dune vegetation does not currently exist could have the unintended consequence of interfering with existing public beach access paths from the parking areas to the beach. As beach maintenance activities are expected to take place throughout the year, it is not recommended that the applicant rectify the adverse impacts by replanting vegetation in the same location.

The applicant is therefore proposing as part of this request to compensate for adverse impacts to approximately 38,900 square feet of dune vegetation on these existing stockpiles of seaweed. The applicant is proposing to re-plant the dune vegetation in a 12-foot corridor along approximately 3,240 linear feet of beach adjacent to the 6100-6900 blocks of Seawall Boulevard. Details about the compensation and dune restoration project, including the rationale for the decision of this location, are found in Attachment "C" of this staff report.

Staff recommends that seaweed stockpiled in the future be periodically redistributed frequently enough that dunes and dune vegetation do not naturally re-establish in the designated stockpile areas.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Provided the applicant adhere to the compensation and dune restoration plan outlined in Attachment "C" of this staff report, staff finds the proposal will adequately minimize, mitigate, and/or compensate for unavoidable adverse effects.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:

Staff recommends approval of 19BF-086 with the following conditions:

Specific Conditions to Case 19BF-086:

1. The seaweed stockpiled in the future shall be periodically redistributed frequently enough that dunes and dune vegetation do not naturally re-establish in the designated stockpile areas;

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The proposed beach maintenance activities and dune restoration project must not restrict or interfere with public use of the beach or the pedestrian pathways. The Park Board must ensure that there are adequate pathways to the public beach from the public beach access parking areas at Stewart Beach Park and along Seawall Boulevard;

    b. The City must require the applicant to begin compensation for any adverse effects to dunes and dune vegetation prior to or concurrent with the commencement of the proposed activities that will adversely impact dune vegetation. If compensation is not completed prior to commencement of these proposed activities, the City shall require that the applicant provide the City with proof of financial responsibility in an amount equal to that necessary to complete mitigation. This can be done in the form of an irrevocable letter of credit, performance bond, or any other instrument acceptable to the local government;

    c. Dunes must be continuous with any surrounding naturally formed dunes and must approximate the natural position, contour, volume, elevation and vegetative cover of any naturally formed dunes in the restoration area;

    d. The applicant must restore or repair dunes using indigenous vegetation that will achieve the same protective or better capability as the surrounding natural dunes;

    e. The City must require the applicant to conduct compensation 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 compensation;

    f. The City shall provide written notification to the GLO after determining that the compensation is complete. The GLO may conduct a field inspection to verify compliance;

    g. The seaward extent of the proposed dune restoration project on the beach in front of the seawall

must not extend further seaward than 20 feet from the line of vegetation. Sand fences, signage, or a bollard and rope fence are not proposed to be installed adjacent to the dune restoration project and are prohibited without an appropriate beachfront construction certificate and dune protection permit;

h. The applicant proposes to create and maintain a stockpile of sand or a combination of sand and seaweed at Stewart Beach Park. The applicant may not utilize sand scraped from the beach to create the proposed stockpiles. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes;

i. The applicant proposes to redistribute stockpiled material from beach maintenance activities to the parking area in Stewart Beach Park every 18 to 24 months. All sand and seaweed collected as a part of maintenance activities during periods of heavy seaweed influx must remain in stockpiles until it can be used for dune enhancement projects within critical dune areas;

j. The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site and seaward of the line of vegetation;

k. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines;

l. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur;

m. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach;

n. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide;

o. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur;

p. The beach maintenance activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach;

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

q. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

   The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located.

   The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

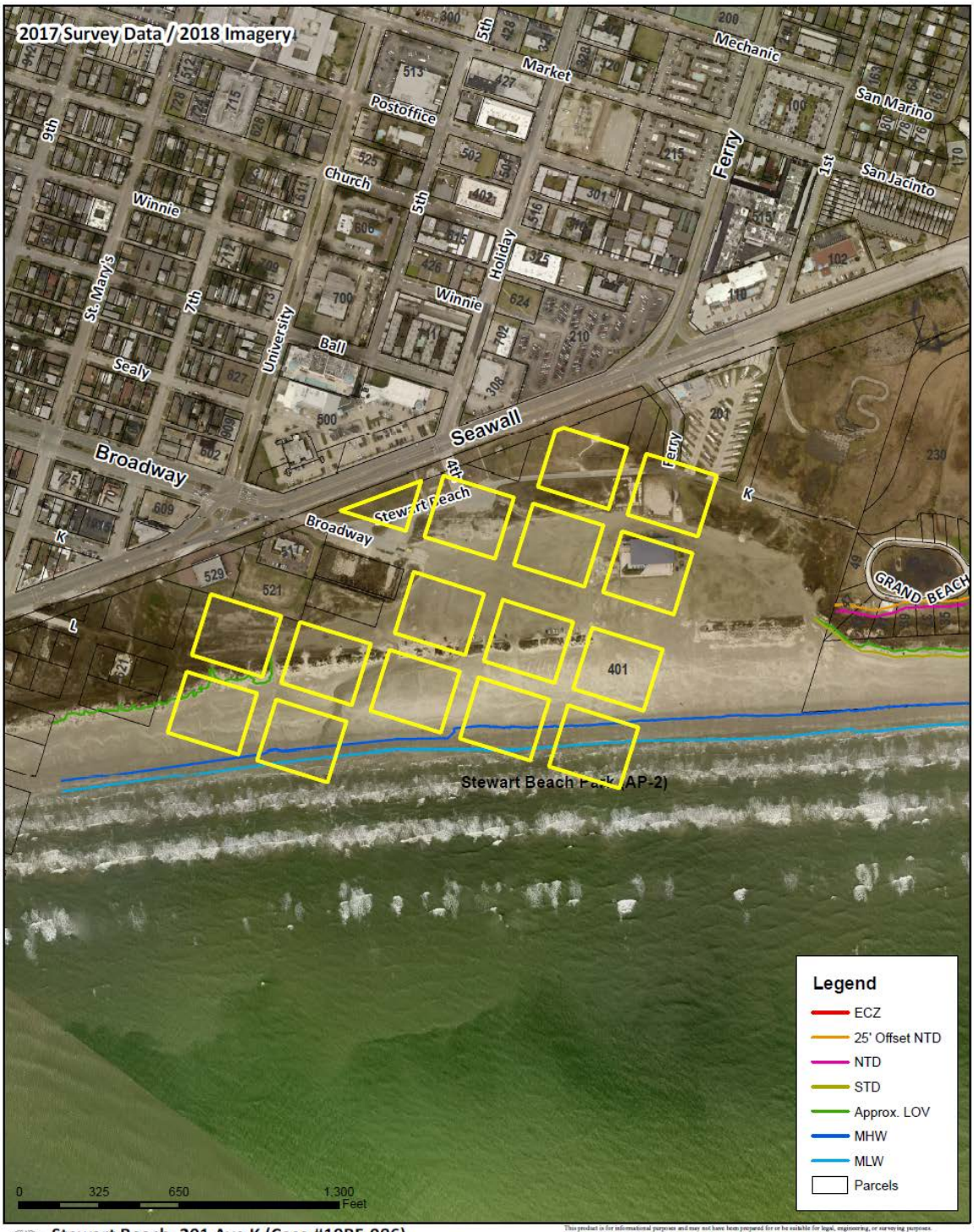
Dustin Henry, AICP — March 13, 2020 Date
Coastal Resources Manager

Catherine Gorman, AICP — March 13, 2020 Date
Assistant Planning Director / HPO

Attachment "A"

Legal Description of Stewart Beach Park

Property is legally described as follows: Abst 628 Page 141 & 142 M Menard Sur TR 59 7.909 Acrs; Abst 628 M B Menard Sur (241-0-0) Blk 241 Galveston; Abst 628 M B Menard Sur (242-0-0) Blks 242 & Pt of 243 Galveston; Abst 628 M B Menard Sur (242-0-0) Blks 242 & Pt of 243 Galveston; Abst 628 M B Menard Sur (183-0-0) Blk 183 Galveston; Abst 628 M B Menard Sur (182-0-0) Blk 182 Galveston; Abst 628 M B Menard Sur (181-0-0) Blk 181 Galveston; Abst 628 M B Menard Sur (121-0-0) Blk 121 Galveston; Abst 628 M B Menard Sur (122-0-0) Blk 122 Galveston; Abst 628 M B Menard Sur (123-0-0) Blk 123 Galveston, a subdivision in the City and County of Galveston, Texas.



Stewart Beach, 201 Ave K (Case #19BF-086)
Map prepared by the City of Galveston Development Services Department (VGreb) - 2/21/2020
Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases.
Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Narrative
2020 Stewart Beach Park

The Park Board of Trustees of the City of Galveston is seeking a Beach Maintenance permit from the City of Galveston for the 2020 season to perform routine beach maintenance activities at Stewart Beach Park. These activities would include both normal day to day maintenance activities and conditions of extraordinary circumstances as authorized by the Park Board's U.S. Army Corp of Engineers (US ACE) #SWG-2014-00448 Beach Cleaning and Seaweed Relocation permit.

It is important to note that at the time of this application the City of Galveston Park Board of Trustees is the only entity on Galveston Island to obtain a U.S. Army Corps of Engineers permit (#SWG-2014-00448) for beach cleaning and seaweed relocation; and all of its ongoing maintenance activities must and will be in compliance with the USACE federal permit guidelines.

Additionally, Park Board committees and staff have coordinated to develop a set of Best Practice recommendations for beach maintenance that has been provided to the City of Galveston for its use and information to facilitate deliberations in the City's permitting and review process. The Park Board has also sought to specifically reduce the impact of beach cleaning equipment. Such equipment, while less impactful, is very often much slower to operate and more demanding of staff time resulting in much higher labor costs. Attached to this narrative is a copy of the Park Board approved "Best Practices" originally submitted to the City.

The linear footage of beach frontage to be maintained at Stewart Beach Park is 2,338 ft. It is anticipated the area will be maintained on a daily, as needed basis due to its long-standing history as an iconic beach access point. This location has been a public park going back to the early 1940's and the general public has the expectation the Park area will be clean and well maintained. This daily and ongoing maintenance extends to the dry sand parking area within the park, adjacent to the Pavilion and extending to the east and west. The parking area can at times become impassable due to ponding water or extremely soft sand. As sand and seaweed is accumulated in the USACE permit #SWG-2014-00448 stockpile locations approximately every 18 to 24 months will be redistributed into the parking area to help offset these issues. The existing access pathways to the beach will be maintained and enhanced through these actions. The primary equipment to be used to maintain the beach is a less invasive piece of equipment that removes the debris and leaves the sand on the beach. An example of this type of equipment is the Barber Surf Rake. This equipment generally picks up the material and debris from atop the sand rather than digging down with a mechanical rake and drawing it through the beach in a "tilling" fashion. Other equipment, as authorized by USACE #SWG-2014-00448 will also be utilized on the beach including garbage trucks, pick-up trucks, loaders, augers (for bollards) and other small equipment. Equipment used within the designated vehicle parking areas would; among other equipment, include front-end loaders and maintainers for sand spreading and leveling. This equipment would be used within the designated parking areas and would not be used in areas with less than a 4ft elevation. In compliance with the USACE permit seaweed will be stockpiled in accordance with the specified locations within USACE permit #SWG-2014-00448. The Park Board has maintenance staff that remove trash and debris from the beach daily and includes handpicking litter and trash from the beach and servicing the trash barrels.

Park Board beach maintenance staff are required to attend species training provided through Texas A&M Galveston and are equipped with the necessary contact phone numbers and information to facilitate any notification or reporting if that situation occurs. Previously, Park Board staff has reported marine species landings and has successfully coordinated with resource agencies. It is understood the Park Board's beach maintenance activities will not adversely affect the public, public beach access way, or exacerbate erosion. Included within the USACE permit are engineered drawings providing the specific location and placement of the temporary seaweed stockpile locations seaward of the parking area. Park Board activities will not adversely weaken dunes or dune vegetation or reduce the protective functions of the dunes. The Park Board's activity will not remove sand from the beach and the activity will not significantly alter the beach profile or the line of vegetation.

The Park Board understands all documents submitted with this application are subject to the Open Records Act / Texas Public Information Act; and, receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications; and that application fees are non-refundable once the application has been submitted. The Texas General Land Office must review this application prior to any authorization to proceed with the Beach Maintenance Sworn Affidavit. It is also understood the Park Board will conform to any comments received from the General Land Office regarding this application.

Included with this application and narrative is a site plan and includes location of the north toe of the dune, line of vegetation, 200ft line from mean low tide and includes the location of the proposed placement of seaweed. A set of color photographs is also included with this application along with the required fee payable to the City of Galveston.

The Stewart Beach Park Pavilion was constructed in 1984 and is supported by additional park amenities adjacent to the Pavilion, and tollbooths. There are seaweed berms, which have been delineated in green along the seaward edge of the parking area. This is also where beach maintenance materials will be stockpiled.

The proposed location of where the material will be subsequently redistributed to mitigate against hazardous ponding water.

The Stewart Beach Park beach maintenance narrative explained the stockpiled material would be relocated to the parking areas to help mitigate ponding water and extremely soft sand. Both of those factors can pose a hazard to the general public. As a beach access point and public park, park visitors have the expectation of a safe and secure environment. Park Board staff will take the as needed necessary steps to protect the health and safety of the general public. The Park Board proposes to stack stockpiled seaweed material within the designated locations as authorized by USACE permit #SWG-2014-00448. The stockpiling of seaweed will not result in a hinderance to public access. The piles would never exceed 20’ from the existing Line of Vegetation (LOV).

The Stewart Beach Park area is open as an on-beach parking area with direct pedestrian access to the beach from the parking area, free parking areas are also available adjacent to the Pavilion. Pedestrian ingress and egress are also readily available along the beachfront area with pedestrian access available from Seawall Blvd., from the adjacent east end beaches back to the South Jetty to the beach area west of 89th street to the west.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Map
2020 Stewart Beach Park

The stockpiling of seaweed will not result in a hinderance to public access. The piles would never exceed 20' from the existing Line of Vegetation (LOV).

PERMITTED PLANS

JUL 0 8 2015

Elements shown on this plan set are schematic for permitting purposes only. Not for construction.

Datum: NAD 83
Projection: State Plane
Zone: Texas South Central
Units: Feet

- Typical Jurisdictional Limit (3' Contour)
- Predetermined Temporary Placement Area (seaweed)
- Approximate Line of Vegetation
- High Tide Line
- Low Tide Line
- Excluded from Permit Project Area
- Proposed Project Area

Notes:
1. Aerial imagery, shown hereon, is a graphical representation and may not reflect contemporary conditions.
2.. Line of vegetation and temporary placement areas, shown hereon, are conceptual, contemporary conditions prevail in field placement of seaweed.
3.The north toe of dune, as shown hereon, is approximate.

0 100 200 Feet

ATKINS

Aerial Site Plan

After the Fact Permit SWG-2014-00448
Galveston Island Park Board of Trustees
Galveston, TX
Page 73 of 85

Prepared By: Atkins/VORO5913	Scale: 1" = 200'
Job No.: 100043412	Date: 1/7/2015 Revision: 7/6/2015

File: N:\Clients\G_H\Galveston_City\100039948\geo\figs\Work_Area_Exhibit_v5.mxd

Elements shown on this plan set are schematic for permitting purposes only. Not for construction.

Datum: NAD 83
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ATKINS

Aerial Site Plan

After the Fact Permit SWG-2014-00448
Galveston Island Park Board of Trustees
Galveston, TX
Page 74 of 85

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File: N:\Clients\G_H\Galveston_City\100039948\geo\figs\Work_Area_Exhibit_vr5.mxd

GALVESTON
PARK BOARD OF TRUSTEES

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www.galvestonparkboard.org

January 13, 2020

Stewart Beach Park Beach Maintenance and Vegetation Mitigation Plan

City of Galveston
Coastal Resources Division
823 Rosenberg Room 401
Galveston, TX, 77551

Dear Ms. Virginia Greb and Mr. Dustin Henry,

The Park Board of Trustees of the City of Galveston is proposing to redistribute the existing seaweed stockpiles into the adjacent parking area at Stewart Beach to prevent frequent ponding within the parking area. Although the request cannot be accomplished without impact to the existing vegetation, we believe the task can be completed in a manner that is consistent with mitigation strategies to conserve existing vegetation at a rate that is potentially greater than a 1:1 ratio. Ultimately, there will be no net loss of vegetation.

The Park Board has developed the following Vegetation Mitigation Plan intended to minimize impact to existing vegetation, relocate existing vegetation root structure and seedlings to the Babe's Beach area west of 61st street to facilitate the creation of a vegetative network that would support the development of dunes in the Babe's Beach area. The two primary intentions of this project are: 1.) to improve public safety at Stewart Beach by reducing existing ponding and standing deep water and; 2.) establish a vegetation base at Babe's Beach to facilitate dune growth.

Rationale-

The Babe's Beach area was chosen because of the previous and planned future efforts to implement beach nourishment projects within that area. Those previous two placement cycles (2015 and 2019) did not include the development of a dune structure complex; and, it is thought the placement of this vegetative material relocated from the Stewart Beach area would help to establish vegetation in the Babe's Beach area. A primary component of a stable dune system is the establishment of a vegetative support system and currently that is lacking in the Babe's Beach area. At first thought, Babe's Beach might appear to be a significant distance from the Stewart Beach project area; however, it is important to note there have already been significant vegetation planting projects along other portions of the seawall and additional projects are planned that would virtually vegetate the remaining areas. There are also privately held parcels along the seawall (adjacent to Stewart Beach) and as a public entity the Park Board is not able to place vegetation within those privately held areas. In consideration of these issues, it was determined the Babe's Beach area, west of the 61st street rock groin would be the most appropriate location for the mitigation project. Babe's Beach is clearly a public area and has previously had two cycles of beach nourishment projects completed there. The intent of this proposed project them so that ultimately there will be no loss of dune vegetation. 1) The Park Board intends to take the existing vegetation and relocate them to a portion of the seawall with a 1:1 ratio in terms of sq. footage.

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Pending concurrence with this Vegetation Mitigation Plan, the Park Board will:

1. Relocate existing vegetation complex from the Stewart Beach Park area to the Babe's Beach reach of the seawall west of 61st street.
2. Develop a vegetative material base in the Babe's Beach area utilizing the vegetation from the existing stockpiles at Stewart Beach.
3. The vegetative material will include root structure and seedlings from the existing seaweed stockpiles that will be distributed along the base of the seawall to facilitate the development of vegetation growth. There will not be any fill material brought in for this project.
4. The following plants could be expected to be present in the Vegetation Mitigation Area (due to their presence within the adjacent area {please see (a) and (b) below}:
    a. Herbaceous: Amaranthus greggii, Croton punctatus, Panicum amarum, Heterotheca subaxillaris, Cakile lanceolata, Sesuvium portulacastrum, Uniola paniculata, and Spartina patens are some of the most common plant communities found on Galveston County beach areas. The GLO specifically recognizes bitter panicum (Panicum amarum), sea oats (Uniola paniculata), and marsh hay cordgrass (Spartina patens) in their Coastal Dunes: Dune Protection and Improvement Manual for the Texas Gulf Coast, Fifth Edition.
    b. The vine layer can be expected to include Oenothera drummondii, as well as several members of the Ipomoea family.
5. It is anticipated that the relocation and placement of the vegetative material from the Stewart Beach area will take approximately one month to complete. It will require personnel and transport vehicles.
6. Monitoring and maintenance will continue until the vegetative material appears to be established and experiencing growth. The relocated vegetative material will resemble vegetation within adjacent beach areas.

IT IS UNDERSTOOD THE INITIAL MITIGATION EFFORT IS NOT COMPLETE UNTIL THE GENERAL LAND OFFICE HAS BEEN NOTIFIED WITH NARRATIVE AND PICTURES.

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Vegetation Relocation Implementation Timeline

Day 0: Receive approval from the City of Galveston through the issuance of a Beach Maintenance Permit for the Stewart Beach Park area.

Day 0: Take photos of Site Locations (Stewart Beach and Babe's Beach) prior to commencement of operations.

Day 1 to Day 60:

a.) Remove vegetation from the Stewart Beach area
b.) Transport vegetative material to the Babe's Beach area
c.) Place vegetative material along the base of the seawall contouring as necessary.
d.) Potentially supplement watering as necessary to maintain moisture of vegetative material to promote growth.
e.) Take pictures of vegetative material once imported vegetation has been installed placed.
f.) Notify the City of Galveston once the initial vegetation mitigation is complete or within Ten (10) days of initiation, whichever comes first. Written Notification should include photographs.

Day 60 to Day 90:

a.) The Park Board will monitor the progress of the mitigation area, provide necessary hydration to supplement natural rainfall, and develop necessary documentation to support the submission of the requested 90 Day report.

Day 90: A report completed approximately 90 days following project completion will be provided to the City of Galveston for their review. The Report should include a narrative description and photographs documenting the status of the project and the progression of the vegetative material within the mitigation area.

Note: The Park Board will act in its own best interest to apply water to the newly created Vegetative Mitigation area in the absence of natural rain fall.

Stewart Park Beach Maintenance and Vegetation Mitigation Plan
Narrative with Maps

Park Board of Trustees of the City of Galveston
January 13, 2020

The proposed beach maintenance action is to relocate the existing vegetated seaweed mounds (as shown in Exhibit A) to the Babe's Beach area, (as shown in Exhibit B). The proposed action would relocate the vegetative root structure and seedlings to the Babe's Beach area resulting in a vegetated mitigation effort which would conserve vegetative area with no net loss (1:1 ratio). The square footage of existing seaweed mounds is approximately 38,900 ft^2.

The goal of the project is to ultimately utilize the sand from the Stewart Beach vegetated mounds to re-establish the elevation of the Stewart Beach parking area to improve public safety and public access by preventing frequent ponding. The removal of the existing vegetation would also allow natural nourishment of the parking lot through aeolian transport, since the existing stockpiles are currently preventing the sand from naturally reaching the more landward parking lot. <u>The vegetation relocation would also benefit the Babe's Beach area with a source for vegetation growth.</u>

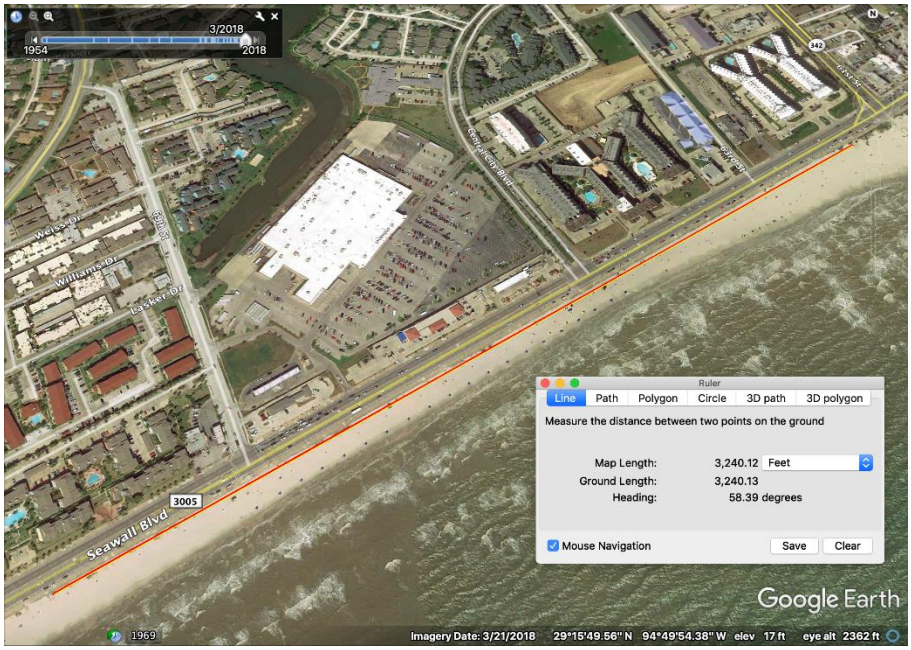
The Babe's Beach section of seawall, just west of the 61st St groin to west of 69th St is relatively barren in comparison to other areas of the seawall and would benefit from the proposed actions.

Exhibit A

Exhibit B

Figure 1. Proposed Vegetation Mitigation Project is from 61st St. to just past 69th St.

The following screenshot visualizes the length of the proposed site location with the distance tool. In order to maintain no net loss of vegetation, the linear length would need to be ~3,241ft for 12ft wide dunes, from 61st St to just past 69th St.



Photos of Babe's Beach for Proposed Vegetation Relocation

Galveston Island Park Board of Trustees

January 13, 2020

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 28, 2020

Via Electronic Mail

Dustin Henry, AICP
Coastal Resource Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	201 Avenue K and 6100-6900 Seawall Boulevard, Galveston
Legal Description:	Part of Blocks 66 (66-0-1), and 184, Blocks 65, 5, 64, 63, 62; Lots 8-14, Block 123; Blocks 123, 184, 183, 242, 243, 122, 61, 121 ,181, 241; Lots 8-14, Block 302; M. Menard Survey tract 59, 7.909 Acres and All Adjacent City Rights-of-Ways; and Blocks 6100-6900, Public Beach Seaward of Seawall Boulevard
Lot Applicant:	Galveston Park Board of Trustees c/o Reuben Trevino
Case Number:	19BF-086
GLO ID No.:	BDCOG-19-0325a

Dear Mr. Henry:

The General Land Office (GLO) has reviewed the amended application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The Galveston Park Board of Trustees (Park Board) proposes to conduct beach maintenance at Stewart Beach Park along approximately 2,338 linear feet of beach on a daily, as-needed basis, which includes cleaning the beach and grading the parking areas. The Park Board also proposes to compensate for adverse impacts to approximately 38,900 square feet of dune vegetation by relocating the vegetation to a 12-foot corridor along approximately 3,241 linear feet of beach in front of blocks 6100-6900 of Seawall Boulevard. According to the Bureau of Economic Geology, the area in front of Stewart Beach Park is stable and the area in front of blocks 6100-6900 Seawall Boulevard is eroding at a rate of one to four feet per year.

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

- The proposed beach maintenance activities and dune restoration project must not restrict or interfere with public use of the beach[1] or the pedestrian pathways.[2] The Park Board must ensure that there are adequate pathways to the public beach from the public beach access parking areas at Stewart Beach Park and along Seawall Boulevard.

[1] 31 Tex. Admin. Code § 15.7(e)(2).
[2] City of Galveston Beach Access Plan Appendix A.

- The City must require the applicant to begin compensation for any adverse effects to dunes and dune vegetation prior to or concurrent with the commencement of the proposed activities that will adversely impact dune vegetation. If compensation is not completed prior to commencement of these proposed activities, the City shall require that the applicant provide the City with proof of financial responsibility in an amount equal to that necessary to complete mitigation. This can be done in the form of an irrevocable letter of credit, performance bond, or any other instrument acceptable to the local government.[3]

- Dunes must be continuous with any surrounding naturally formed dunes and must approximate the natural position, contour, volume, elevation and vegetative cover of any naturally formed dunes in the restoration area.[4]

- The applicant must restore or repair dunes using indigenous vegetation that will achieve the same protective or better capability as the surrounding natural dunes.[5]

- The City must require the applicant to conduct compensation 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 compensation.[6]

- The City shall provide written notification to the GLO after determining that the compensation is complete. The GLO may conduct a field inspection to verify compliance.[7]

  The seaward extent of the proposed dune restoration project on the beach in front of the seawall must not extend further seaward than 20 feet from the line of vegetation.[8]
- Sand fences, signage, or a bollard and rope fence are not proposed to be installed adjacent to the dune restoration project and are prohibited without an appropriate beachfront construction certificate and dune protection permit.

- The applicant proposes to create and maintain a stockpile of sand or a combination of sand and seaweed at Stewart Beach Park. The applicant may not utilize sand scraped from the beach to create the proposed stockpiles. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[9]

- The applicant proposes to redistribute stockpiled material from beach maintenance activities to the parking area in Stewart Beach Park every 18 to 24 months. All sand and seaweed collected as

[3] 31 Tex. Admin. Code § 15.7(g)(1).
[4] 31 Tex. Admin. Code § 15.7(e)(3).
[5] 31 Tex. Admin. Code § 15.4(f)(3)(A)(iv).
[6] 31 Tex. Admin. Code § 15.4(g)(2).
[7] 31 Tex. Admin. Code § 15.4(g)(4).
[8] City of Galveston Beach Access Plan § 29-90(n)(3)(h) & 31 Tex. Admin. Code § 15.7(e)(1).
[9] 31 Tex. Admin. Code § 15.7(l).

a part of maintenance activities during periods of heavy seaweed influx must remain in stockpiles until it can be used for dune enhancement projects within critical dune areas.[10]

- The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site and seaward of the line of vegetation.

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement.[11] The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

- The applicant shall avoid impacts to any dunes or dune vegetation.[12] The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[13]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[14]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[15]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[16]

- The beach maintenance activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.[17]

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by

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[10] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(3).
[11] 31 Tex. Admin. Code § 15.7(l).
[12] 31 Tex. Admin. Code § 15.4(f).
[13] 31 Tex. Admin. Code § 15.3(s)(1).
[14] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[15] 31 Tex. Admin. Code § 15.7(l).
[16] 31 Tex. Admin. Code § 15.4(d).
[17] 31 Tex. Admin. Code § 15.6(g).

the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located.
- The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.
-

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Virginia Greb, Coastal Resources Assistant Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

19BF-087 STAFF REPORT

ADDRESS:
Beach adjacent to 1200-8900 blocks of Seawall Boulevard, Seawall Beach Urban Park

LEGAL DESCRIPTION:
The beach area seaward of Seawall Boulevard, landward of the Gulf of Mexico, west of the 10th Street rock groin and east of the fishing pier at 89th Street.

APPLICANT/REPRESENTATIVE:
Galveston Park Board of Trustees, Reuben Trevino

PROPERTY OWNER:
City of Galveston

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Narrative and Site Plan
C – GLO Comment Letter

STAFF:
Dustin Henry, AICP
Coastal Resources Manager
DHenry@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 30,500 linear feet of beach area at the area commonly known as Seawall Beach Urban Park. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

The applicant proposes to maintain the beach on a daily, as needed basis. Seaweed collected will be placed in designated areas as described and shown in the applicant's narrative (Attachment "B"), which describes in more detail the beach maintenance activities that are proposed and the types of equipment that will be utilized.

Site and Surrounding Area:
The subject site totals approximately 30,500 linear feet of beach at the area commonly known as Seawall Beach Urban Park. The Galveston Seawall and Seawall Boulevard border the proposed beach maintenance area to the North, the Gulf of Mexico to the South, the 10th Street rock groin to the East, and the 89th Street fishing pier to the west.

According to the U.T. Bureau of Economic Geology, this is a mostly eroding beach area, with some areas of stable beach. Between the 1950s and 2012, this beach area experienced an average shoreline change rate ranging from -7.3 to +0.5 feet per year.

Analysis:

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The narrative and site plan, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and have identified no prohibited activities seaward of the Dune Protection Line as defined by §(j) of the Plan.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

Some of the locations proposed for seaweed relocation coincide with areas where a different applicant has recently obtained a permit to plant dune vegetation associated with a dune restoration project. Staff has provided this applicant with a copy of the proposed planting locations, and advises the applicant not to place seaweed in areas where dune vegetation has been or will be planted.

Provided the applicant does not place seaweed on areas where dune vegetation has recently been planted, staff finds that the proposed beach maintenance activities will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune

areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

The entirety of the proposed beach maintenance activities will be located in areas seaward of the Dune Protection line, however no adverse effects to dunes or dune vegetation are anticipated as beach maintenance activities will only take place in areas where there are no dunes or dune vegetation.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

The applicant is proposing to completely avoid any adverse effects to dunes or dune vegetation located seaward of the Dune Protection Line.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

<u>Staff Recommendation:</u>
Staff recommends approval of 19BF-087 with the following conditions:

Specific Conditions to Case 19BF-087:

1. The applicant shall not place seaweed in areas where dune vegetation has been or will be planted;

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "C":

    a. The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site;

    b. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use

of machines;

c. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes;

d. The proposed beach maintenance activities must not restrict or interfere with public use of the beach;

e. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur;

f. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach;

g. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide;

h. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur;

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "C":

i. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Dustin Henry, AICP — March 13, 2020 Date

Coastal Resources Manager

Catherine Gorman, AICP — March 13, 2020 Date

Assistant Planning Director / HPO

Seawall Beach Urban Park (19BF-087)

Map prepared by the City of Galveston Development Services Department (dhenry) - 3/13/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Narrative
2020 Seawall Urban Beach Park
~12th to 89th street Galveston, Texas

The Park Board of Trustees of the City of Galveston is seeking a Beach Maintenance permit from the City of Galveston for the 2020 season to perform routine beach maintenance activities along Seawall Blvd between ~12th street to 89th street- Seawall Urban Beach Park. These activities would include both normal day to day maintenance activities and conditions of extraordinary circumstances as determined using the seaweed wrack scale developed by researchers at Texas A&M Galveston. The Park Board has included within this narrative updated map of the proposed seaweed relocation, as well as locations of current vegetated seaweed mounds.

It is important to note the City of Galveston Park Board of Trustees is the only entity on Galveston Island to obtain a U.S. Army Corps of Engineers permit (#SWG-2014-00448) for beach cleaning/seaweed relocation; and all of its ongoing maintenance activities will be in compliance with the USACE permit guidelines. It is also important to note that when the USACE Permit maps are compared to these maps, it can be seen that the dunes have benefitted from the seaweed relocation, in nearly all instances.

Additionally, Park Board committees and staff have coordinated to develop a set of Best Practice recommendations for beach maintenance that has been provided to the City of Galveston for its use and information to facilitate deliberations in the City's permitting and review process. The Park Board has also sought to specifically reduce the footprint of beach cleaning equipment and has prioritized the use of "surf rake" type equipment within its fleet. Such equipment, while less impactful, is very often much slower to operate and more demanding of staff time resulting in much higher labor costs. Previously submitted is a copy of the Park Board approved "Best Practices" originally submitted to the City. This document may be more strict than existing guidelines, but Park Board staff intends to use the Best Practices document in support of the City's beach maintenance permitting guidelines.

The linear footage of beach frontage to be maintained at the Seawall Urban Beach Park is approximately 30,488 ft. It is anticipated the area will be maintained on an as needed daily basis due to its inclusion as a beach access point, and its iconic representation of Galveston. This location is also a public park and has the general public expectation to be cleaned and well maintained. The primary equipment to be used to maintain the beach is a Barber Surf Rake style of equipment. This equipment generally picks up the material and debris from atop the sand rather digging down with a mechanical rake and drawing it through the beach in a "tilling" fashion. Other equipment will also be utilized on the beach including garbage trucks, pick-up trucks, loaders, augers (for bollards) and other small equipment. Additionally, the Park Board has maintenance staff that remove trash and debris from the beach on a daily basis, this includes handpicking litter and trash from the beach and servicing the trash barrels daily.

Park Board beach maintenance staff is required to attend species training provided through Texas A&M Galveston and is equipped with the necessary contact phone numbers and information to facilitate any notification or reporting if that situation occurs. Previously, Park Board staff has reported marine species landings and has successfully coordinated with resource agencies. It is understood the Park Board's beach maintenance activities will not adversely affect the public, public beach access way, or exacerbate erosion. Included with this application is a packet of maps (17 pages) from the USACE permit #SWG-2014-00448 designating specific locations to stockpile seaweed. Park Board activities will not adversely weaken the dune or dune vegetation or reduce the protective functions of the dunes. The Park Board's activity will not result in the significant redistribution of sand and the activity will not significantly alter the beach profile or the line of vegetation. The piles would never exceed 20' from the existing Line of Vegetation (LOV).

The Park Board understands all documents submitted with this application are subject to the Open Records Act / Texas Public Information Act; and, receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications; and that application fees are non-refundable once the application has been submitted. The Texas General Land Office must review this application prior to any authorization to proceed with the Beach Maintenance Sworn Affidavit. It is also understood the Park Board will conform to any comments received from the General Land Office regarding this application.

The seawall beach area is a pedestrian access only area with multiple locations with access stairways and an ADA ramp located adjacent to 57th street. Access to the beach area is utilizing these ramps and stairs and pedestrian access along the public beach easement. Stockpile locations are located adjacent to the base of the seawall and are not expected to have any impacts or cause any restrictions to the public's access to the beach.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 12th to 18th)

Park Board activities will not adversely weaken the dune or dune vegetation or reduce the protective functions of the dunes. The Park Board's activity will not result in the significant redistribution of sand and the activity will not significantly alter the beach profile or the line of vegetation. The piles would never exceed 20' from the existing Line of Vegetation (LOV).

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 18th to 20th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 22nd to 26th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 26th to 35th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 36th to 38th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 41st to 45th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 45th to 49th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 49th to 53rd)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (approx. 56th to 59th)

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application
Current Map from Seawall Urban Park (beyond 60th)

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 13, 2020

Via Electronic Mail

Virginia Greb
Coastal Resource Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	1200-8900 Seawall Boulevard, Galveston
Legal Description:	Blocks 1200-8900, Public Beach Seaward of Seawall Boulevard
Lot Applicant:	Galveston Park Board of Trustees c/o Reuben Trevino
Case Number:	19BF-087
GLO ID No.:	BDCOG-19-0326a

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the amended application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities along approximately 30,488 linear feet of beach at Seawall Urban Beach Park on a daily, as needed basis. According to the Bureau of Economic Geology, the area is eroding at a rate of one to seven feet per year.

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

- The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site.

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement.[1] The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

[1] 31 Tex. Admin. Code § 15.7(l).

- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[2]

- The proposed beach maintenance activities must not restrict or interfere with public use of the beach.[3]

- The applicant shall avoid impacts to any dunes or dune vegetation.[4] The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[5]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[6]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[7]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[8]

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division

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[2] 31 Tex. Admin. Code § 15.7(l).
[3] 31 Tex. Admin. Code § 15.7(e)(2).
[4] 31 Tex. Admin. Code § 15.4(f).
[5] 31 Tex. Admin. Code § 15.3(s)(1).
[6] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] 31 Tex. Admin. Code § 15.4(d).

Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

19BF-088 STAFF REPORT

ADDRESS:
10901 San Luis Pass, Dellanera Park

LEGAL DESCRIPTION:
Abst 121 Page 75 PT of Lots 441, 442 & Adj Road (442-1), Trimble & Lindsey Sec 1; Abst 121 Page 75 Pt of Lot 441 (441-1), Trimble & Lindsey Sec 1; and Abst 121 Page 75 Pt of Lot 422 (422-1), Trimble & Lindsey Sec 1.

APPLICANT/REPRESENTATIVE:
Galveston Park Board of Trustees, Reuben Trevino

PROPERTY OWNER:
City of Galveston

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Narrative and Site Plan
C – GLO Comment Letter

STAFF:
Dustin Henry, AICP
Coastal Resources Manager
DHenry@GalvestonTX.gov

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Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 975 linear feet of beach area adjacent to Dellanera Park. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

The applicant proposes to maintain the beach on a daily, as needed basis. Seaweed collected will be placed in designated areas as described and shown in the applicant's narrative (Attachment "B"), which describes in more detail the beach maintenance activities that are proposed and the types of equipment that will be utilized.

Site and Surrounding Area:
The subject site totals approximately 975 linear feet of beach adjacent to Dellanera Park. Dellanera Park improvements are immediately North of the subject area, the Gulf of Mexico to the South, the Seascape Condos to the East, and vacant land and Pocket Park #1 to the West.

According to the U.T. Bureau of Economic Geology, this is an eroding beach area. Between the 1950s and 2012, this beach area experienced an average shoreline change rate ranging from -10.5 to -11.1 feet per year.

Analysis:
In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The narrative and site plan, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and have identified no prohibited activities seaward of the Dune Protection Line as defined by §(j) of the Plan.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

Staff finds that the proposed beach maintenance activities will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

The entirety of the proposed beach maintenance activities will be located in areas seaward of the Dune Protection line, however no adverse effects to dunes or dune vegetation are anticipated as beach maintenance activities will only take place in areas where there are no dunes or dune vegetation.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

The applicant is proposing to completely avoid any adverse effects to dunes or dune vegetation located seaward of the Dune Protection Line.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

<u>Staff Recommendation:</u>
Staff recommends approval of 19BF-088 with the following conditions:

Specific Conditions to Case 19BF-088:

1. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "C":

    a. The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site;

b. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines;

c. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes;

d. The proposed beach maintenance activities must not restrict or interfere with public use of the beach;

e. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur;

f. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach;

g. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide;

h. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur;

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "C":

i. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

Standard Conditions:

2. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

3. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

4. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

5. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

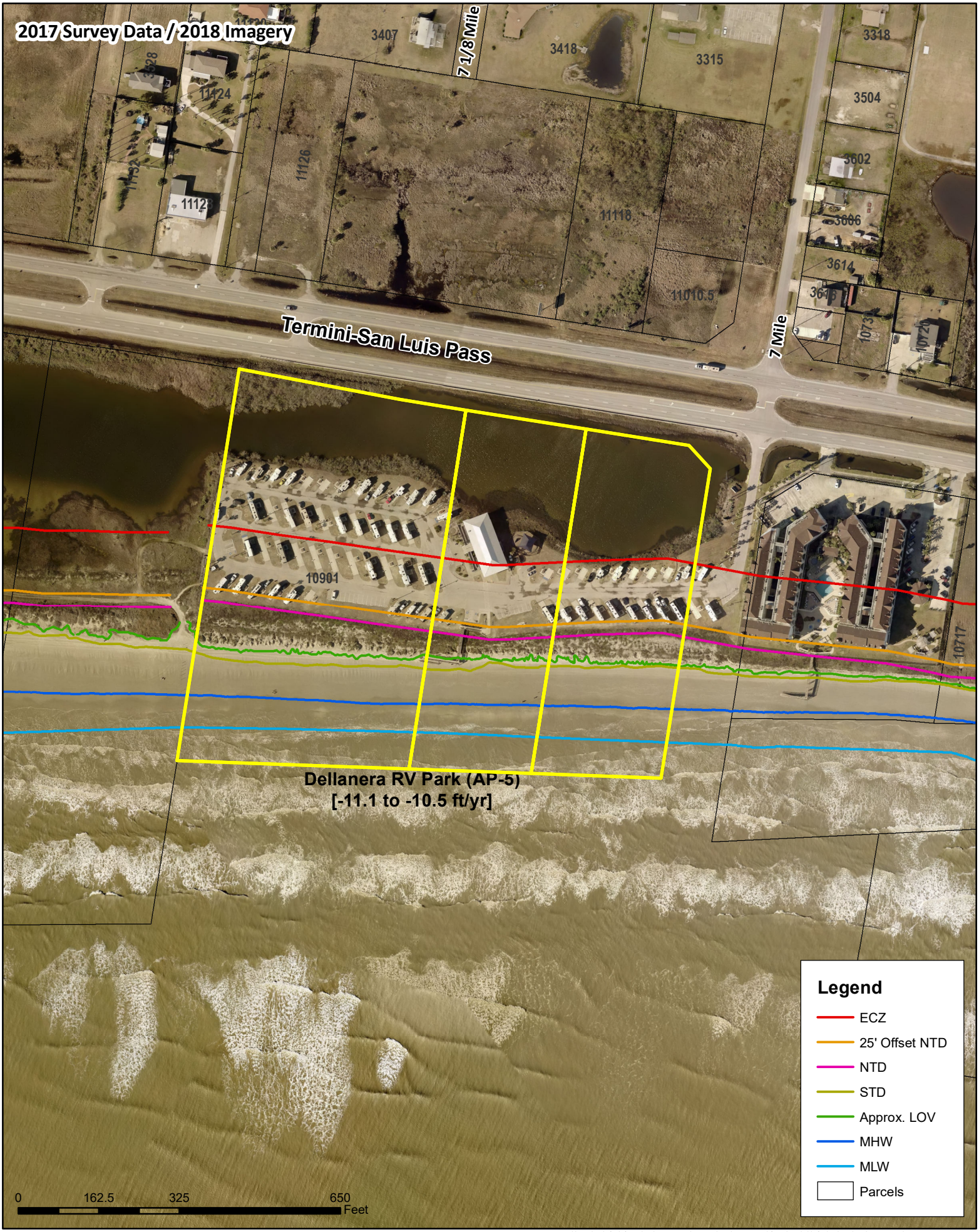
Respectfully Submitted,

Dustin Henry, AICP — March 13, 2020 Date

Coastal Resources Manager

Catherine Gorman, AICP — March 13, 2020 Date

Assistant Planning Director / HPO



10901 SAN LUIS PASS RD (Case #19BF-088)

Map prepared by the City of Galveston Development Services Department (VGreb) - 12/2/2019

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Narrative
2020 Dellanera RV Park
10901 San Luis Pass Road, Galveston, Texas

The Park Board of Trustees of the City of Galveston is seeking a Beach Maintenance permit from the City of Galveston for the 2020 season to perform routine beach maintenance activities at Dellanera RV Park. These activities would include both normal day to day maintenance activities and conditions of extraordinary circumstances as authorized by the Park Board's U.S. Army Corp of Engineers (USACE) #SWG-2014-00448 Beach Cleaning and Seaweed Relocation permit.

It is important to note that at the time of this application the City of Galveston Park Board of Trustees is the only entity on Galveston Island to obtain a U.S. Army Corps of Engineers permit (#SWG-2014-00448) for beach cleaning and seaweed relocation; and all of its ongoing maintenance activities must and will be in compliance with the USACE federal permit guidelines.

Additionally, Park Board committees and staff have coordinated to develop a set of Best Practice recommendations for beach maintenance that has been provided to the City of Galveston for its use and information to facilitate deliberations in the City's permitting and review process. The Park Board has also sought to specifically reduce the impact of beach cleaning equipment. Such equipment, while less impactful, is very often much slower to operate and more demanding of staff time resulting in much higher labor costs. Previously submitted is a copy of the Park Board approved "Best Practices" originally submitted to the City.

It is anticipated the area will be maintained on a daily, as needed basis due to its designation as a beach access point. This location is also a public park and has the general public expectation to be cleaned and well maintained. This daily and ongoing maintenance extends to the upland off-beach RV park area. The primary equipment to be used to maintain the beach is a less invasive piece of equipment that removes the debris and leaves the sand on the beach. An example of this type of equipment is the Barber Surf Rake. This equipment generally picks up the material and debris from atop the sand rather than digging down with a mechanical rake and drawing it through the beach in a "tilling" fashion. Other equipment, as authorized by USACE #SWG-2014-00448 will also be utilized on the beach including garbage trucks, pick-up trucks, loaders, augers (for bollards) and other small equipment. In compliance with the USACE permit seaweed will be stockpiled in accordance with the specified locations within USACE permit #SWG-2014-00448. The Park Board has maintenance staff that remove trash and debris from the beach daily and includes handpicking litter and trash from the beach and servicing the trash barrels.

Park Board beach maintenance staff are required to attend species training provided through Texas A&M Galveston and are equipped with the necessary contact phone numbers and information to facilitate any notification or reporting if that situation occurs. Previously, Park Board staff has reported marine species landings and has successfully coordinated with resource agencies. It is understood the Park Board's beach maintenance activities will not adversely affect the public, public beach access way, or exacerbate erosion. Included within the USACE permit are drawings providing the specific location and placement of the temporary seaweed stockpile locations. Park Board activities will not adversely weaken dunes or dune vegetation or reduce the protective functions of the dunes. The Park Board's activity will not remove sand from the beach and the activity will not significantly alter the beach profile or the line of vegetation.

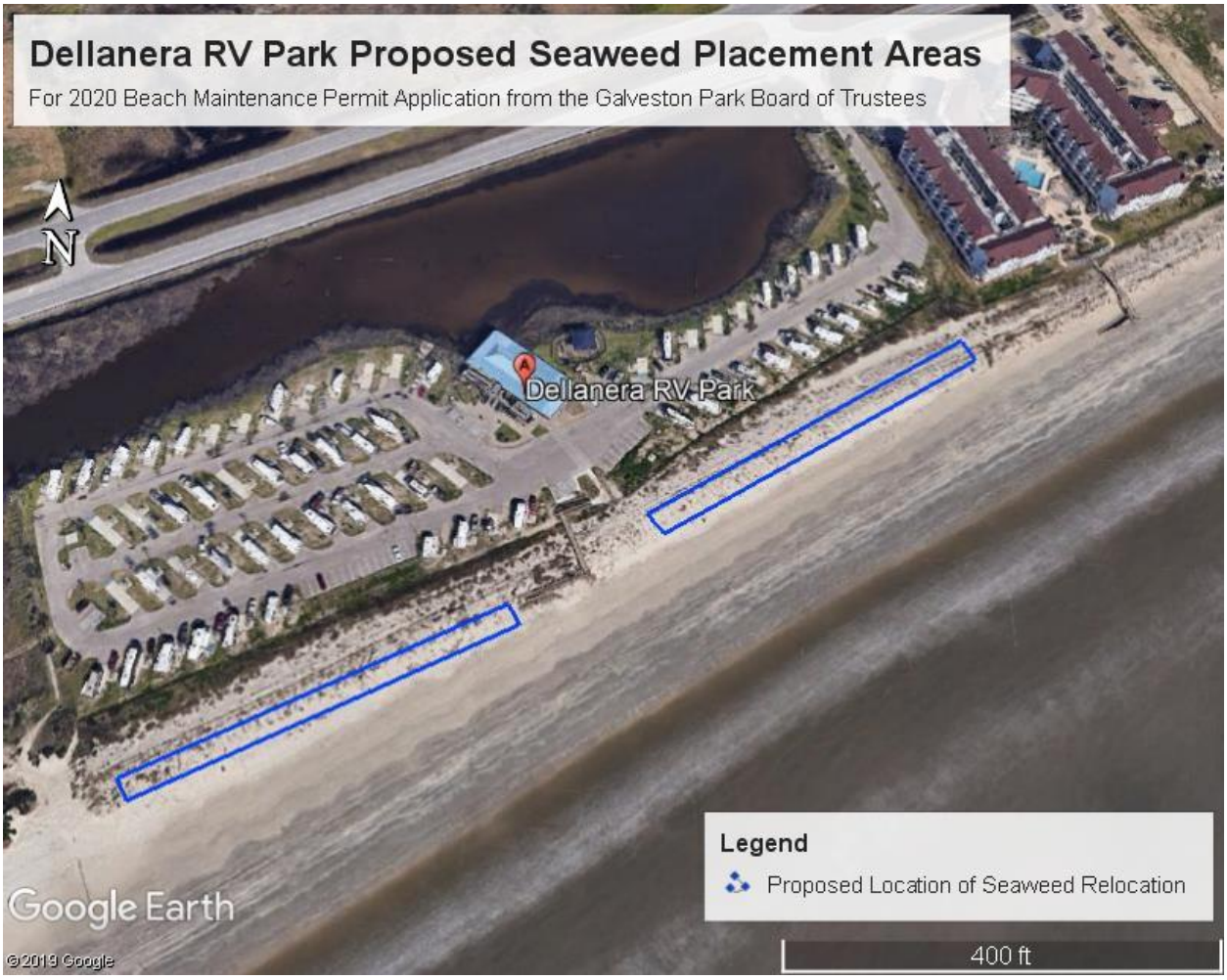
The Park Board understands all documents submitted with this application are subject to the Open Records Act / Texas Public Information Act; and, receipt of an application does not constitute application completeness and that staff will review the application and return incomplete applications; and that application fees are non-refundable once the application has been submitted. The Texas General Land Office must review this application prior to any authorization to proceed with the Beach Maintenance Sworn Affidavit. It is also understood the Park Board will conform to any comments received from the General Land Office regarding this application.

Included with this application and narrative is a site plan and includes location of the north toe of the dune, line of vegetation, and includes the location of the proposed placement of seaweed. A set of color photographs is also included with this application along with the required fee payable to the City of Galveston.

Currently, there are no man-made vegetated mounds, restored dunes, fill activities, or any other pre-existing human modifications on the tract, with the exception of a public ADA dune walkover that provides access from the upland parking and RV Park area to the beach. Please see the included Corps of Engineers permit maps to more accurately designate the seaweed stockpile locations. Potential seaweed stockpile locations will be implemented in accordance with USACE #SWG-2014-00448. Any stockpiles would never exceed 20' from the existing Line of Vegetation (LOV). The proposed location of where the material will be subsequently redistributed is delineated in blue, all relocated material will remain above the 3.5ft. contour. Since access from Dellanera RV Park to the beach is pedestrian access only there is less of a problem with ponding water and soft sand at this location.

Dellanera RV Park is one of the few locations on west Galveston Island to provide ADA access, beach access is available through the park area utilizing the ADA ramp and pedestrian access along the public beach easement extending to the end of the Galveston seawall to the east and to San Luis Pass on the west.

Park Board of Trustees of the City of Galveston
Beach Maintenance Permit Application Map
2020 Dellanera RV Park



Any stockpiles would never exceed 20’ from the existing Line of Vegetation (LOV).

Elements shown on this plan set are schematic for permitting purposes only. Not for construction.

Datum: NAD 83
Projection: State Plane
Zone: Texas South Central
Units: Feet

- Typical Jurisdictional Limit (3' Contour)
- Predetermined Temporary Placement Area (seaweed)
- Approximate Line of Vegetation
- High Tide Line
- Low Tide Line
- Excluded from Permit Project Area
- Proposed Project Area

Notes:
1. Aerial imagery, shown hereon, is a graphical representation and may not reflect contemporary conditions.
2.. Line of vegetation and temporary placement areas, shown hereon, are conceptual, contemporary conditions prevail in field placement of seaweed.
3.The north toe of dune, as shown hereon, is approximate.

0 100 200 Feet

ATKINS

Aerial Site Plan

After the Fact Permit SWG-2014-00448
Galveston Island Park Board of Trustees
Galveston, TX
Page 52 of 85

Prepared By: Atkins/VORO5913	Scale: 1" = 200'
Job No.: 100043412	Date: 1/7/2015 Revision: 7/6/2015

File: N:\Clients\G_H\Galveston_City\100039948\gea\figs\Work_Area_Exhibit_w5.mxd

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 13, 2020

Via Electronic Mail

Virginia Greb
Coastal Resource Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	10901 San Luis Pass Road, Galveston
Legal Description:	ABST 121 Page 75 Pt of Lot 441 (441-1) Trimble & Lindsey Sec 1; ABST 121 Page 75 Pt of Lot 422 (422-1) Trimble & Lindsey Sec 1
Lot Applicant:	Galveston Park Board of Trustees c/o Reuben Trevino
Case Number:	19BF-088
GLO ID No.:	BDCOG-19-0327a

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the amended application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities along approximately 973 linear feet of beach at Dellanera RV Park on a daily, as needed basis. According to the Bureau of Economic Geology, the area is eroding at a rate of ten to twelve feet per year.

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

- The applicant should only grade and/or rake beaches to level sand drifts and fill holes and washouts if the activity is necessary to maintain access for emergency vehicles or ensure public access to and use of the beach. The Park Board must ensure the activity does not create additional holes and that any redistributed sand remains within the site.

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement.[1] The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

[1] 31 Tex. Admin. Code § 15.7(l).

- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[2]

- The proposed beach maintenance activities must not restrict or interfere with public use of the beach.[3]

- The applicant shall avoid impacts to any dunes or dune vegetation.[4] The applicant may not rake over dune vegetation or operate machinery on dunes. The GLO recommends thinly spreading collected materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[5]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[6]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[7]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[8]

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance..

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division

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[2] 31 Tex. Admin. Code § 15.7(l).
[3] 31 Tex. Admin. Code § 15.7(e)(2).
[4] 31 Tex. Admin. Code § 15.4(f).
[5] 31 Tex. Admin. Code § 15.3(s)(1).
[6] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] 31 Tex. Admin. Code § 15.4(d).

Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-006 STAFF REPORT

ADDRESS:
Pirates Beach and Pirates Beach West

LEGAL DESCRIPTION:
Property is legally described as ABST 121 Page 45 & 46 S PT of Lots 1,14,15,30,31,46,47,58,59,68, 69 & 78 (1-2), Trimble & Lindsey Sec 3; ABST 121 Page 41 PT of Lots 98,99,108 & 109 (98-1) & ABND STS, Trimble & Lindsey Sec 3, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Susan L. Gonzalez

PROPERTY OWNER:
Pirates Property Owners Association, c/o CKM Management

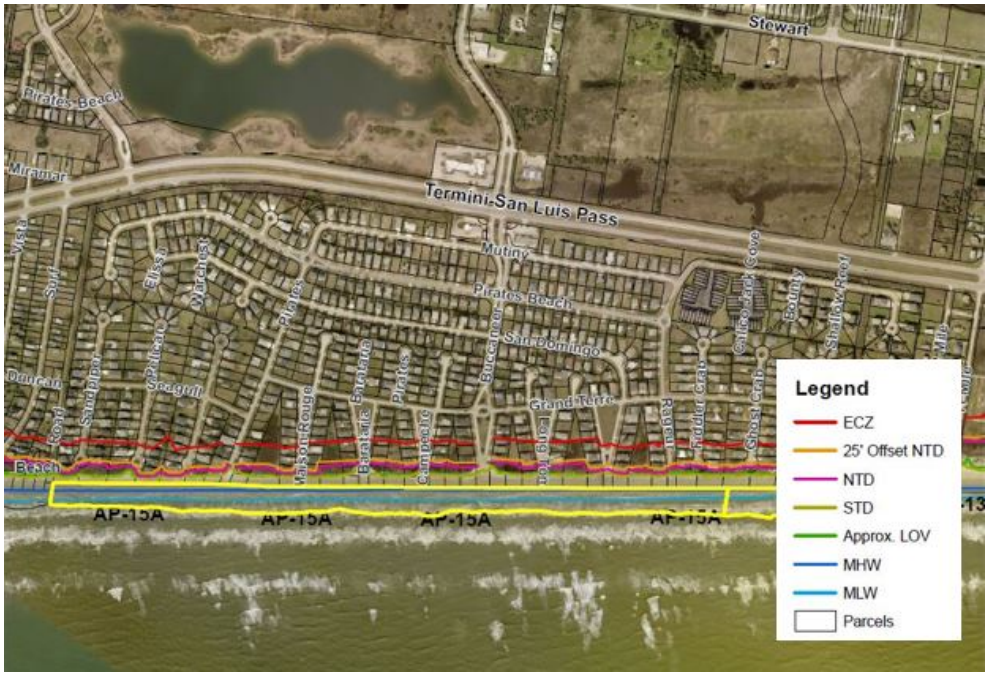
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



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Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities in the event of an extreme inundation of seaweed. The applicant is not proposing to conduct any additional beach maintenance except that which is provided by the Galveston Park Board of Trustees. The Extreme Inundation of Seaweed Program involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 5,370 linear feet of beach located south of the Pirates Beach Subdivision and approximately 1,300 linear feet of beach south of the Pirates Beach West Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

According to the Bureau of Economic Geology, the area is eroding at a rate of five to six feet per year.

Site and Surrounding Area:
The subject site totals approximately 6,670 linear feet of beach south of the Pirates Beach and Pirates Beach West Subdivision. Single-family dwellings are located to the North of the proposed beach maintenance areas and beach area is located to the South, East, and West. According to the Bureau of Economic Geology, between the 1950s and 2012, this beach area has experienced an average shoreline change rate of -6.7 to -5.5 feet per year.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Pirates Beach	5,370
Pirates Beach West	1,300

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune

Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed beach maintenance activities will be located seaward of the Dune Protection Line but only between the Line of Vegetation and 3.0-foot elevation contour area at scheduled times, therefore no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities in the event of an extreme inundation of seaweed.

Staff Recommendation:
Staff recommends approval of 20BF-006 with the following conditions:

Specific Conditions to Case 20BF-006:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":
    a. The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use.

    c. The Park Board shall avoid impacts to any dunes or dune vegetation. The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. An additional permit shall be required if any adverse impacts to dunes occur.

    d. The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    e. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

    f. The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

    g. The Park Board's beach maintenance activities must not result in the potential for increased flood

damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

j. The Park Board is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be separated to remove sand particles and disposed of properly in an off-site location.

k. In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

l. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

Virginia Greb
Coastal Resources Assistant Manager

03/11/2020
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

03/11/2020
Date

Attachment “A”
Aerial Map

Pirates Beach (Case #20BF-006)

Map prepared by the City of Galveston Development Services Department (VGreb) - 2/21/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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Pirates Beach West (Case #20BF-006)

Map prepared by the City of Galveston Development Services Department (VGreb) - 2/26/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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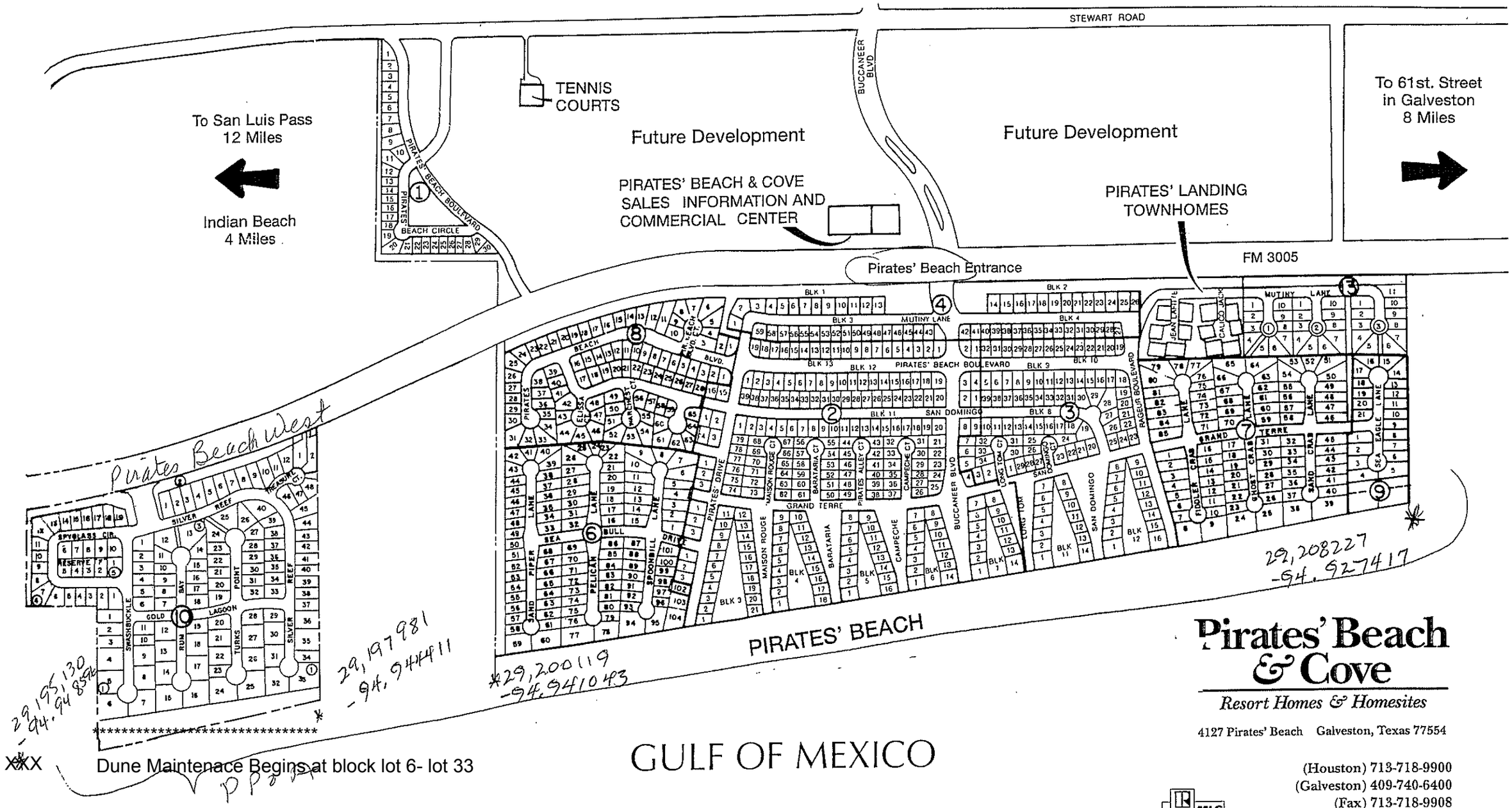
Attachment “B”

Site Plan

&

Narrative



Pirates' Beach & Cove

Resort Homes & Homesites

4127 Pirates' Beach Galveston, Texas 77554

(Houston) 713-718-9900
(Galveston) 409-740-6400
(Fax) 713-718-9908

Obtain the property report required by federal law and read it before signing anything. No federal agency has judged the merits or value, if any, of this property.

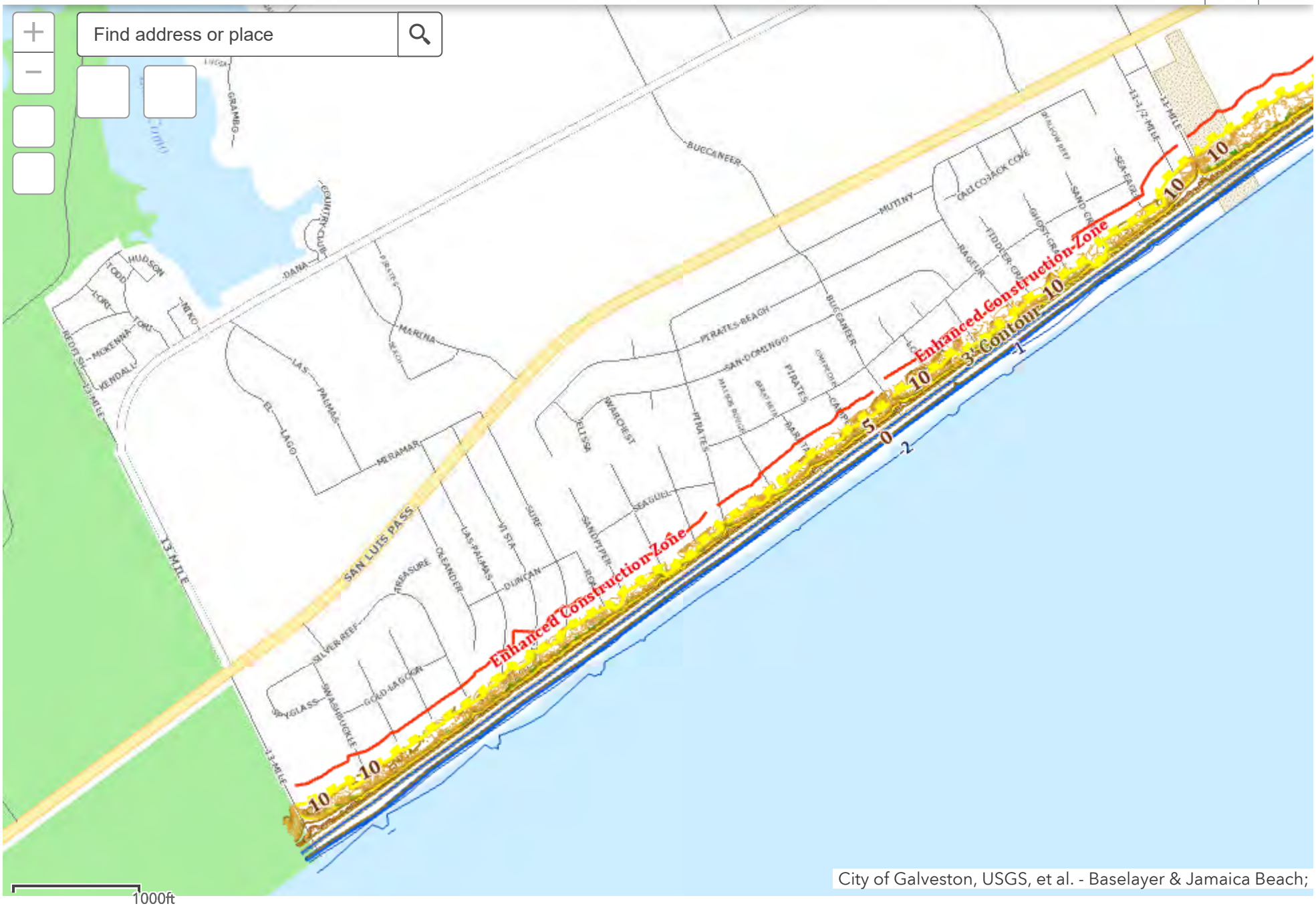
This map is a concept plan only, not a recorded plat, and the boundaries and other information hereon are subject to change at any time without notice.

4/96

City of Galveston - Beach Survey (2017)

Development Services

Click Here For Additional Coastal Re



3,265,505.057 13,641,768.008 Feet

Pirates' Property Owners' Association

Serving the Pirates Community

Beach - West - Cove - Laffites - The Enclave - Pirates Landing - The Villas

website: www.piratespoa.com

January 7, 2020

City of Galveston
Planning and Development Division
Development Services Department
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Re: Annual Beach Maintenance Application – Pirates POA covering Pirates Beach & Pirates Beach West.

On April 13, 2019 the Pirates Property Owners Association by Resolution approved to enter into the Parks Board Agreement to Participate in the Extreme Inundation of Seaweed Program. A sworn and notarized Board Resolution is attached.

Under the Extreme Inundation Seaweed Relocation Program adopted by the Galveston Parks Board as approved by the Parks Board Trustee on March 23, 2019, the Pirates POA has agreed to the Parks Board plan for beach maintenance. All man power and equipment will be provided by the Parks Board. See attached Extreme Inundation Seaweed Relocation Program.

A Site plan is attached, indicating the correct location of the Dune, line of vegetation and indicate the proposed location for the placement of the seaweed. Photographs starting from the east of the subdivision showing every 200 feet, beach looking west from the water to the Dunes and looking from the water line directly at the Dune are included.

The proposed activity will not adversely affect the public or public access way or exacerbate erosion. The sand will remain between the line of vegetation and the mean high tide line. The activity will not adversely weaken the Dune or Dune vegetation or reduce the protective function of the Dune. The activity will not result in a significant redistribution of sand. The activity will not significantly alter the beach profile on the line of vegetation.

The Pirates Property Owners Association is in full cooperation with the Parks Board and will not alter the plan on do any addition beach maintenance except that which is provided by the Parks Board.
Enclosed is a check for $500 for the permit. Please let me know if additional information is required.

Sincerely,

Susan L. Gonzales, BBA, AMS, PCAM
President – CKM Property Management, Inc.
Secretary & Registered Agent – Pirates Property Owners Association

P. O. Box 160, Tomball, Texas 77377-0160
(O) 281-255-3055 (F) 281-255-3056
ckm1@ckm1.com acc@ckm1.com

Attachment “C”

Site Photos

Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 3, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	Pirates Beach & Pirates Beach West, Galveston
Legal Description:	ABST 121 Page 45 & 46 S Pt of Lots 1, 14, 15, 30, 31, 46, 47, 58, 59, 68, 69 & 78 (1-2) Trimble & Lindsey Sec 3; ABST 121 Page 41 Pt of Lots 98, 99, 108 & 109 (98-1) & ABND Sts Trimble & Lindsey Sec 3
Lot Applicant:	Pirates Property Owners Association c/o Susan L. Gonzales
Case Number:	20BF-006
GLO ID No.:	BDCOG-20-0017

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to participate in the Galveston Park Board of Trustees (Park Board) Extreme Inundation of Seaweed Program, which involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 5,370 linear feet of beach in front of Pirates Beach and approximately 1,300 linear feet of beach in front of Pirates Beach West. According to the Bureau of Economic Geology, the area is eroding at a rate of five to six feet per year.

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

- The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[1]

[1] 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach[2] or dedicated pedestrian pathways to the beach for public use.[3]

- The Park Board shall avoid impacts to any dunes or dune vegetation.[4] The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[5]

- The Park Board is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be washed to remove sand particles and disposed of properly in an off-site location.

- The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[6]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[7]

- The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[8]

- The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[9]

- In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating

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[2] 31 Tex. Admin. Code § 15.7(e)(2).
[3] City of Galveston Beach Access Plan Appendix A
[4] 31 Tex. Admin. Code § 15.4(f).
[5] 31 Tex. Admin. Code § 15.3(s)(1).
[6] 31 Tex. Admin. Code § 15.7(l).
[7] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[8] 31 Tex. Admin. Code § 15.7(l).
[9] 31 Tex. Admin. Code § 15.4(d).

the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-017 STAFF REPORT

ADDRESS:
11945-11949 FM-3005

LEGAL DESCRIPTION:
Property is legally described as Tracts A and C, and Lot 1, West Beach Grand Condo and Interest in Common Elements, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Rapp Management Co.,
c/o Brittni Gualandri &
Peggy Rapp

PROPERTY OWNER:
Riviera I, Riviera II, West Beach Grand Council of Co-Owners

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities in the event of an extreme inundation of seaweed. The applicant is not proposing to conduct any additional beach maintenance except that which is provided by the Galveston Park Board of Trustees. The Extreme Inundation of Seaweed Program involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 420 linear feet of beach located south of the Riviera I / II and West Beach Grand Condos. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

According to the Bureau of Economic Geology, the area is eroding at a rate of eight to nine feet per year.

Site and Surrounding Area:
The subject site totals approximately 420 linear feet of beach south of the Riviera I / II and West Beach Grand Condos. Multi-family dwellings are located to the North of the proposed beach maintenance area and beach area is located to the South, East, and West.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Riviera I /II & West Beach Grand Condos	~420

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

No adverse effects to dunes or dune vegetation are anticipated. The proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities in the event of an extreme inundation of seaweed.

Staff Recommendation:
Staff recommends approval of 20BF-017 with the following conditions:

Specific Conditions to Case 20BF-017:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use. The proposed storage of beach maintenance equipment on the public beach may only be temporary and may not impact the public's ability to use or access the public beach.

    c. The Park Board shall avoid impacts to any dunes or dune vegetation. The Park Board may not rake over dune vegetation or operate machinery on dunes.

    d. The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

    e. The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    f. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

    g. The Park Board's beach maintenance activities must not result in the potential for increased flood

damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

j. In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

k. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and

commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb 03/12/2020

Virginia Greb
Coastal Resources Assistant Manager

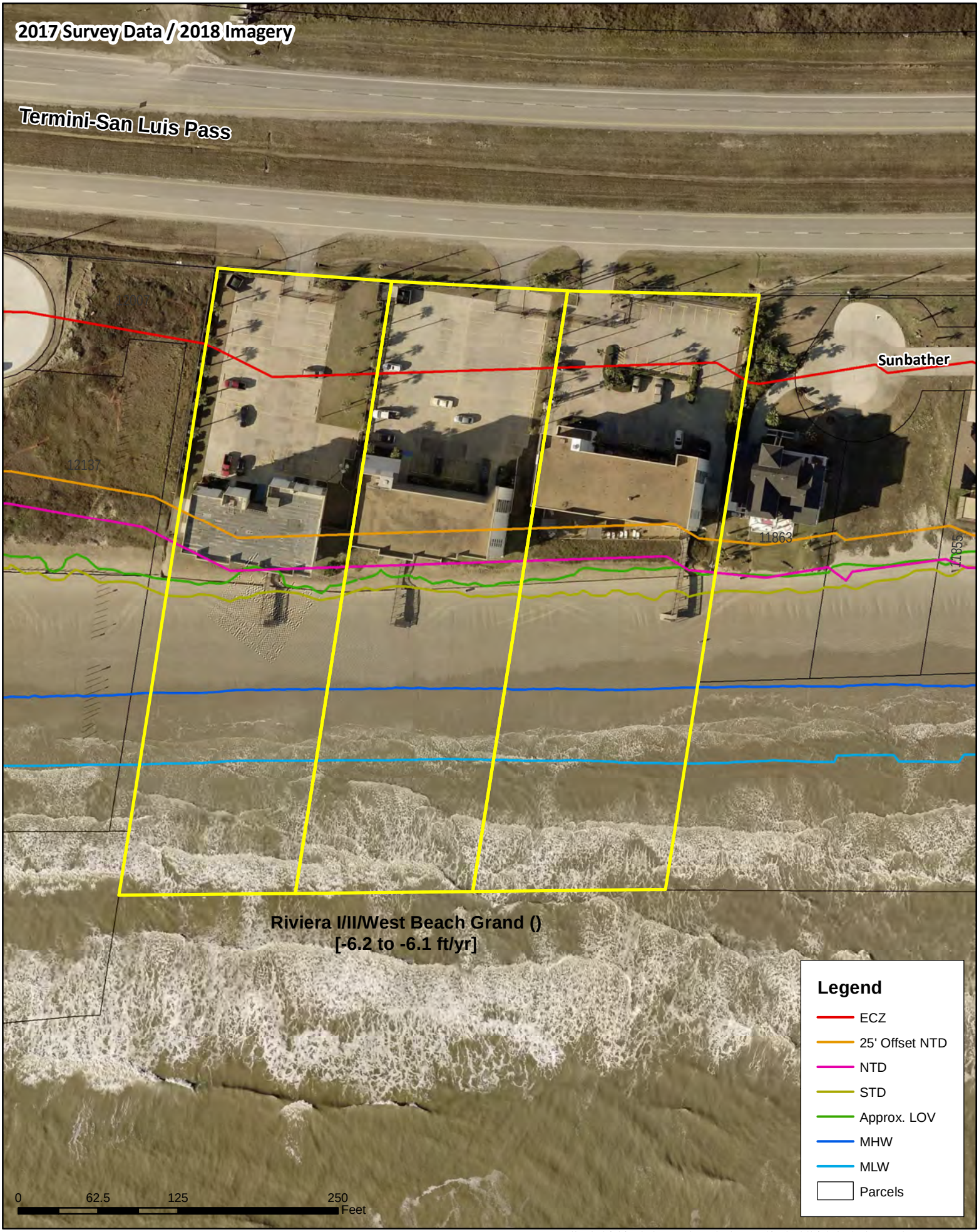
Date

03/12/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”
Aerial Map



11945, 11947, 11949 San Luis Pass (20BF-017)

Map prepared by the City of Galveston Development Services Department (dhenry) - 2/4/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Attachment “B”

Site Plan

&

Narrative

Survey of Bruce Tracts

Tract "A" of **BEACH SUNDOWNER**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 68, of the Map Records in the Office of the County Clerk of Galveston County, Texas

Tract "C" of **BEACH SUNDOWNER, ADDITION NO. 1**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 128, of the Map Records in the Office of the County Clerk of Galveston County, Texas

Lot 1, in Block 1 of **THE BEACH GRAND SUNDOWNER**, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 213, of the Map Records in the Office of the County Clerk of Galveston County, Texas

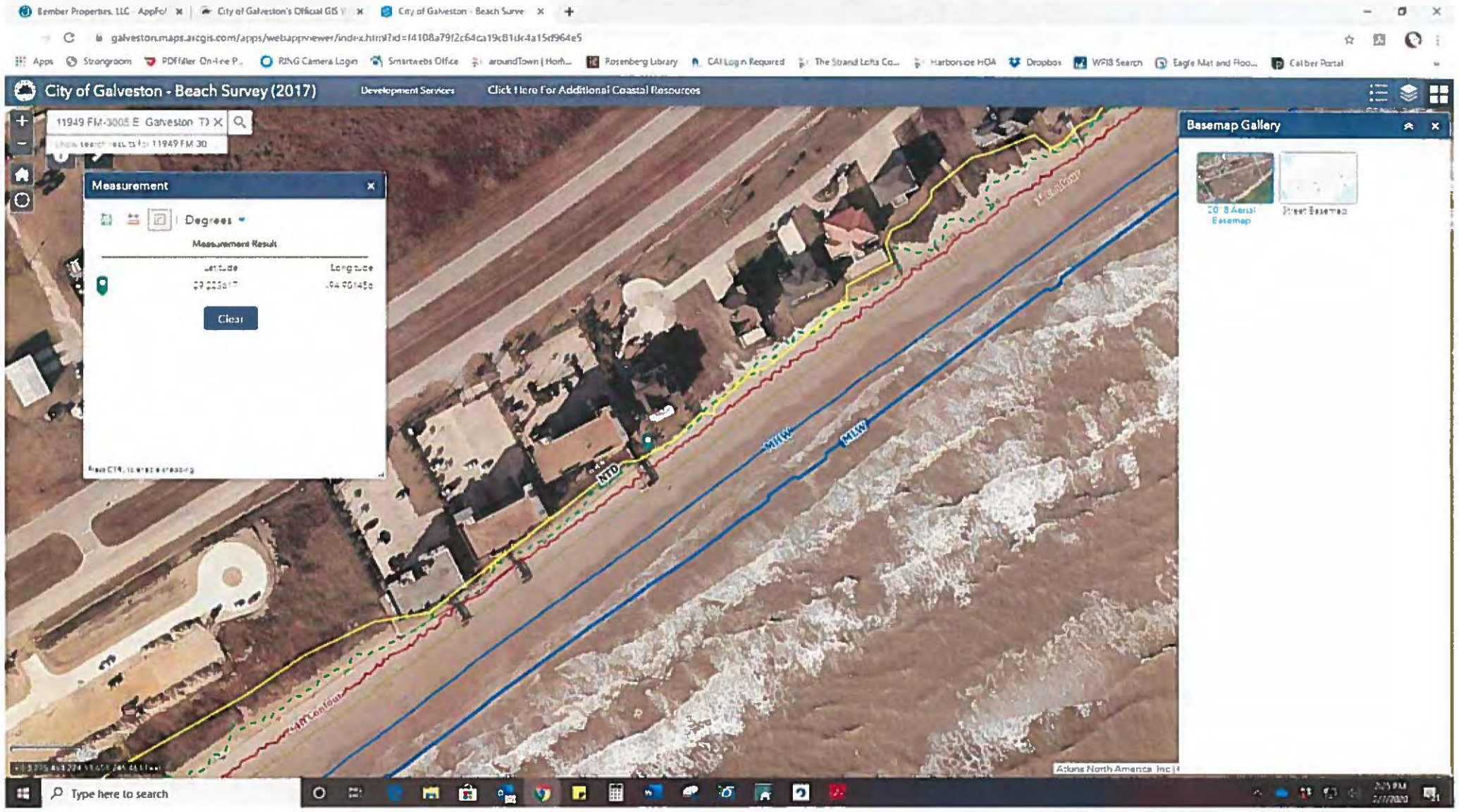
I hereby certify that on the below date, the hereon described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date

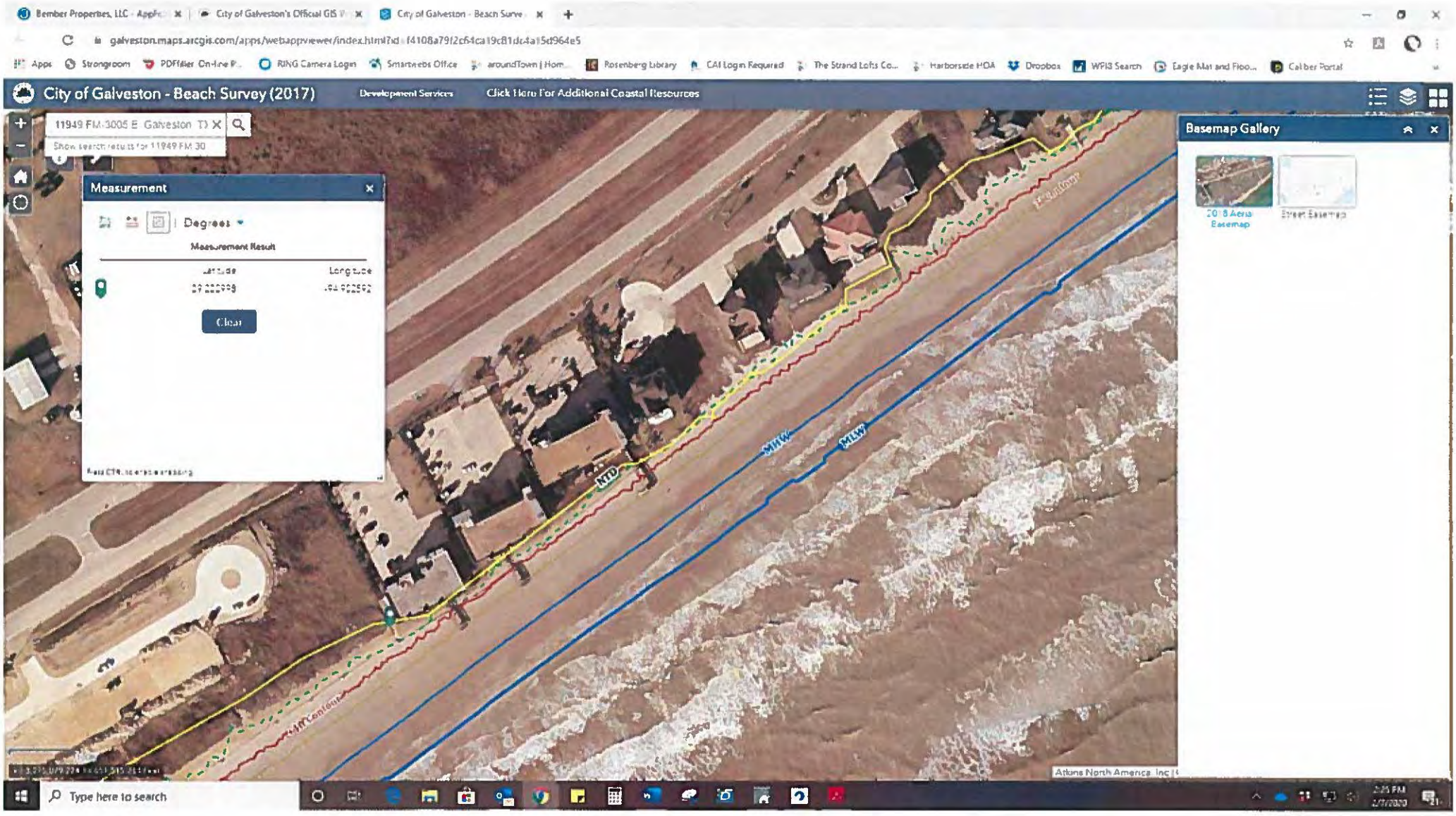
Bruce S. Hayes
Registered Professional
Land Surveyor No. 6570

STATE OF TEXAS
BRUCE S. HAYES
6570
REGISTERED
LAND SURVEYOR

High Tide Land Surveying LLC

NOTES:
1) This property does lie within the 1% Year Flood Plain as established by the Federal Emergency Management Agency.
2) This property is subject to any agreements of record.
3) Bearings based on Coordinates of South 0.0 ft line of T.H. 3005 with a found iron pipe at the northeast corner of Lot 1 in Block 1 of Sand Dollar Subdivision, and a found 1 inch pipe at the northwest corner of Tract "A" of Bruce Subdivision.
4) Surveyor without benefit of a Title Report.


City of Galveston - Beach Survey (2017)
Development Services
Click Here For Additional Coastal Resources
11949 FM-3005 E Galveston TX
Measurement
Degrees
Measurement Result
Latitude
Longitude
Clear
Basemap Gallery
2018 Aerial Basemap
Street Basemap
NTD
MHW
MLW
Atkins North America, Inc.
Type here to search


City of Galveston - Beach Survey (2017)
Development Services
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2018 Aerial Basemap
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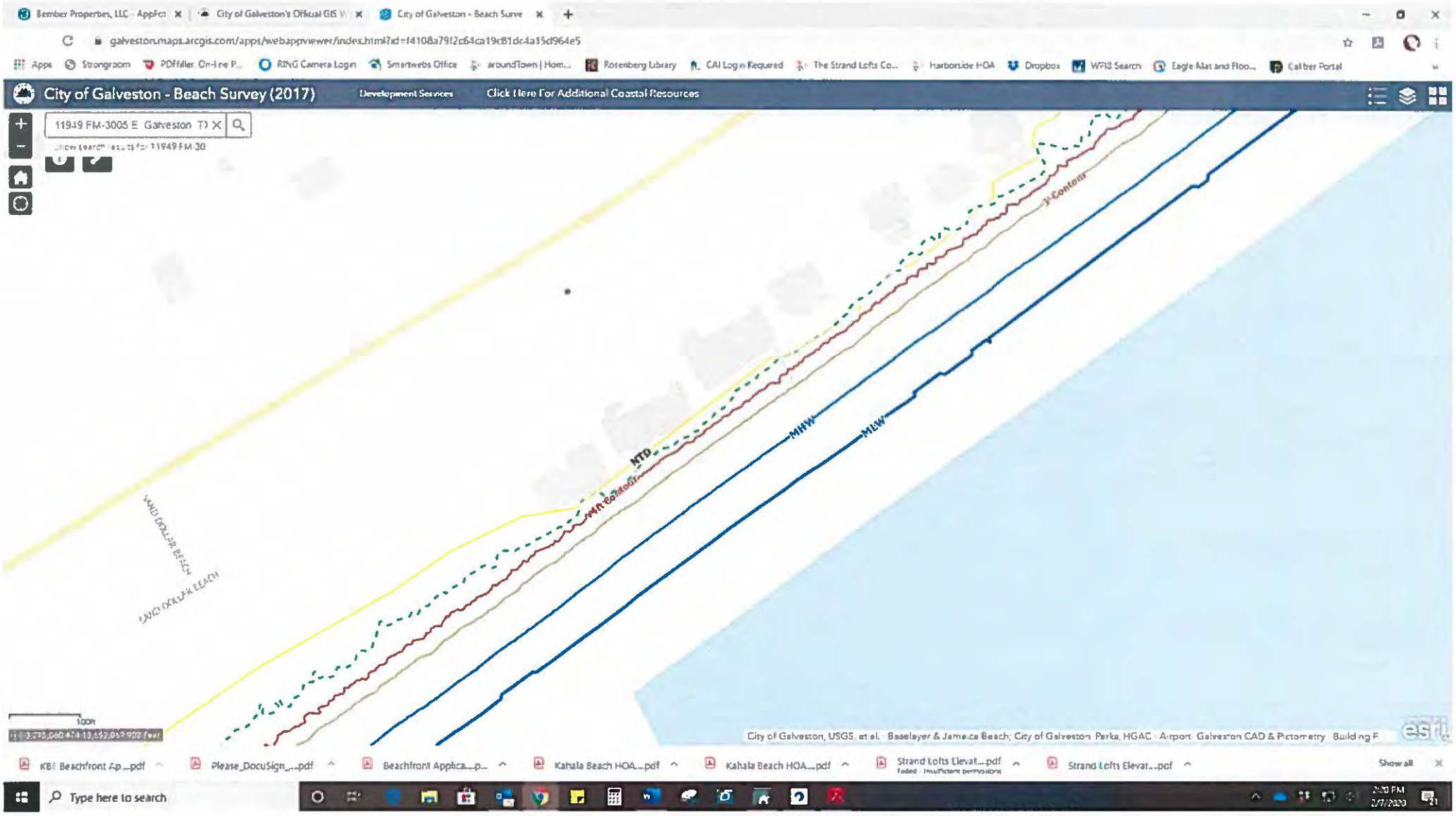
City of Galveston - Beach Survey (2017)
Development Services
Click Here For Additional Coastal Resources
11949 FM-3005 E Galveston TX
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LAND OF LA JOLLA BEACH
City of Galveston, USGS, et al. Baselayer & Jamaica Beach; City of Galveston Parks, HGAC Airport Galveston CAD & Pictometry Building F

Rapp Management
Co., Inc. AAMC

RESIDENTIAL COMMERCIAL

RIVIERA I, RIVIERA II, WEST BEACH GRAND JOINT BEACH COMMITTEE

2020 Annual Beach Maintenance Application Written Statement

February 7, 2020

- **Linear Footage of the beach to be raked.**
  - 419.51 Ft.
- **The Frequency that the beach will be raked.**
  - Once a week by maintenance.
  - In the case of extreme inundation, to be cleaned by the Parks Board to all state and federal standards.
- **The type of equipment that will be used.**
  - Manual rake, no mechanical equipment to be used. Except in the regulated use of mechanical equipment in an extreme inundation by the Parks Board and their approved vendors.
- **Plan and method for placement of seaweed within the subdivision.**
  - To be pushed against existing vegetation line in hopes that it will stabilize the sand by holding it in place, allowing for nutrients to build and hopefully support more growth of plants, and a natural building up of the dunes.
- **Plan and method for disposal of trash.**
  - To be manually picked from seaweed and disposed of properly during manual raking. Parks Board to provide trash removal services, if needed,

during an extreme inundation in accordance to state and federal standards.

- **Affirmation that the proposed activity will not adversely affect the public, public beach access way, or exacerbate erosion.**
    - No sand will be taken with the seaweed or debris, it will remain between the line of vegetation and the mean high tide line, nor will it significantly redistribute the sand. The activity will not adversely weaken or alter the functions of the dune. Nor should it alter the beach profile or line of vegetation.

The Parks Board Contingency Plan for Seaweed Relocations Services is attached.

A subdivision site plan is attached as well as pictures of GIS Beach Survey.

Pictures of the current beach conditions are attached.

The non-refundable fee has been paid at the City of Galveston Planning Department in person. A receipt can be provided if necessary.

Please let us know if anything else is needed for this application. We appreciate everything the City of Galveston and the Parks Board do to keep our beaches clean and full of fun.

Sincerely,

Brittni Gualandri

Property Manager

Rapp Management Co., Inc.

brittni@rappmanagement.com

Office: 409-763-4323

Cell: 409-789-7520

Attachment “C”

Site Photos

Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 26, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	11945, 11947 and 11949 FM 3005, Galveston
Legal Description:	Tracts A and C, and Lot 1 Block 1 West Beach Grand Condo and Interest in Common Elements
Lot Applicant:	Riviera I, Riviera II, West Beach Grand Council of Co-Owners c/o Brittni Gualandri and Peggy Rapp
Case Number:	20BF-017
GLO ID No.:	BDCOG-20-0049

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to participate in the Galveston Park Board of Trustees (Park Board) Extreme Inundation of Seaweed Program, which involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 420 linear feet of public beach in front of the Riviera and West Beach Grand Condos. According to the Bureau of Economic Geology, the area is eroding at a rate of eight to nine feet per year.

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

- The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[1]

[1] 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activities must not restrict or interfere with public use of or access to the beach[2] or dedicated pedestrian pathways to the beach for public use.[3] The proposed storage of beach maintenance equipment on the public beach may only be temporary and may not impact the public's ability to use or access the public beach.

- The Park Board shall avoid impacts to any dunes or dune vegetation.[4] The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

- The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[5]

- The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[6]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[7]

- The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[8]

- In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

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[2] 31 Tex. Admin. Code § 15.7(e)(2).
[3] City of Galveston Beach Access Plan Appendix A
[4] 31 Tex. Admin. Code § 15.4(f).
[5] 31 Tex. Admin. Code § 15.7(l).
[6] 31 Tex. Admin. Code § 15.7(l).
[7] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[8] 31 Tex. Admin. Code § 15.4(d).

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-019 STAFF REPORT

ADDRESS:
Kahala Beach Estates

LEGAL DESCRIPTION:
Property is legally described as Lot 1, Blk 1, Kahala Beach Estates through Lot 20, Blk 1, Kahala Beach Estates Addn, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Rapp Management Co.,
c/o Brittni Gualandri

PROPERTY OWNER:
Kahala Beach Estates Home Owners Association, Inc. c/o Rapp Management Co., Inc.

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities in the event of an extreme inundation of seaweed. The applicant is not proposing to conduct any additional beach maintenance except that which is provided by the Galveston Park Board of Trustees. The Extreme Inundation of Seaweed Program involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 1,849 linear feet of beach located south of the Kahala Beach Estates Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

According to the Bureau of Economic Geology, the area is eroding at a rate of one to three feet per year.

Site and Surrounding Area:
The subject site totals approximately 1,849 linear feet of beach south of the Kahala Beach Estates Subdivision. Single-family dwellings are located to the North of the proposed beach maintenance area and beach area is located to the South, East, and West.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Kahala Beach Estates Subdivision	2,845

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

No adverse effects to dunes or dune vegetation are anticipated. The proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities in the event of an extreme inundation of seaweed.

Staff Recommendation:
Staff recommends approval of 20BF-019 with the following conditions:

Specific Conditions to Case 20BF-019:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach2 or dedicated pedestrian pathways to the beach for public use.

    c. The Park Board shall avoid impacts to any dunes or dune vegetation. The Park Board may not rake over dune vegetation or operate machinery on dunes.

    d. An additional permit shall be required if any adverse impacts to dunes occur.

    e. The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

    f. The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    g. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

    h. The Park Board's beach maintenance activities must not result in the potential for increased flood

damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

i. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

j. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

k. In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

l. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and

commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

Virginia Greb
Coastal Resources Assistant Manager

03/12/2020
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

03/12/2020
Date

Attachment “A”
Aerial Map

19003 - 19079 Kahala Beach Drive (Case #20BF-019)

Map prepared by the City of Galveston Development Services Department (VGreb) - 2/14/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

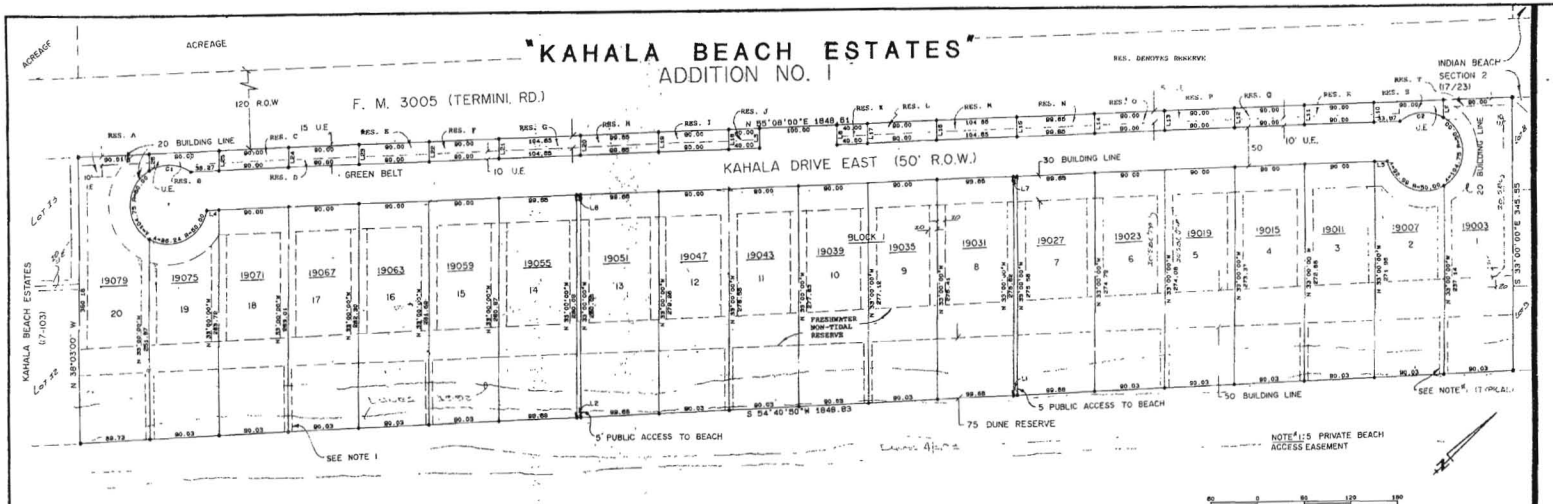
Attachment “B”

Site Plan

&

Narrative

"KAHALA BEACH ESTATES"
ADDITION NO. 1



OWNER: BRUCE REINHART
DEBBIE REINHART
8610 Seawall
Galveston, TX 77554

BLOCK 1 - 20 LOTS

ZONING R-1 AND BEACH

14.9656 ACRES

FIRM DATA:
485469 0067D
August 15, 1983

APPLICABLE FLOOD ZONES:
V20 ELEV. 15.5'
V20 ELEV. 16.0'
V20 ELEV. 17.0'

U.E - UTILITY EASEMENT

LINE	BEARING	DISTANCE
1	S 54°40'50"W	5.00
2	S 54°40'50"W	5.00
3	N 38°00'00"E	25.00
4	N 38°00'00"E	15.88
5	N 88°08'00"E	16.34
6	N 33°00'00"W	25.00
7	S 88°08'00"W	5.00
8	S 88°08'00"W	5.00
9	N 33°00'00"W	22.81
10	N 33°00'00"W	25.00
11	N 33°00'00"W	25.00
12	N 33°00'00"W	25.00
13	N 33°00'00"W	25.00
14	N 33°00'00"W	25.00
15	N 33°00'00"W	25.00
16	N 33°00'00"W	25.00
17	N 33°00'00"W	25.00
18	N 33°00'00"W	25.00
19	N 33°00'00"W	25.00
20	N 33°00'00"W	25.00
21	N 33°00'00"W	25.00
22	N 33°00'00"W	25.00
23	N 33°00'00"W	25.00
24	N 33°00'00"W	25.00
25	N 33°00'00"W	25.00
26	N 33°00'00"W	20.88

CURVE	RADIUS	ARC
1	50.00	56.78
2	50.00	80.00

THE STATE OF TEXAS }
COUNTY OF GALVESTON }

I, James W. Gartrell, Jr., Registered Public Surveyor in the STATE OF TEXAS, hereby certify that this plat is true and correct and was prepared from an actual survey of the property and that property markers and monuments were placed under my supervision on the ground.

James W. Gartrell, Jr., P.E.
Registered Public Surveyor
Texas Registration No. 1445
P.O. Box 382
La Marque, Texas 77568
409/935-2462

"For Flood Insurance purposes, the Federal Insurance Administrator has determined that the minimum bottom of beam elevation for residential structures in this subdivision must be 17.0 feet above mean sea level."

STATE OF TEXAS }
COUNTY OF GALVESTON }

ME, BRUCE REINHART AND DEBBIE REINHART, HEREINAFTER REFERRED TO AS OWNERS OF THE 14.9656 ACRE TRACT DESCRIBE IN THE ABOVE AND FOREGOING MAP OF "KAHALA BEACH ESTATES, ADDITION NO. 1", DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAN OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAPS OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, EASEMENTS AND PUBLIC ACCESS TO THE BEACH SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS DO HEREBY DECLARE THAT ALL PARCELS OF LAND DESIGNATED AS LOTS ON THIS PLAT ARE ORIGINALLY INTENDED FOR THE CONSTRUCTION OF RESIDENTIAL DWELLING UNITS THEREON AND SHALL BE RESTRICTED FOR SAME UNDER THE TERMS AND CONDITIONS OF SUCH RESTRICTIONS FILED SEPARATELY.

FURTHER, OWNERS DO HEREBY COVENANT AND AGREE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

WITNESS OUR HANDS THIS 26th DAY OF July, 1993.

BRUCE REINHART

DEBBIE REINHART

The subdivision in the City and County of Galveston, Texas, as set forth in the above plat was approved by the GALVESTON PLANNING COMMISSION this 15 day of July, 1993.

GALVESTON PLANNING COMMISSION — CHAIRMAN, GALVESTON PLANNING COMMISSION

PROPERTY DESCRIPTION

A TRACT OUT OF DIVISION 2 OF SECTION 11 OF THE HALL AND JONES SURVEY OF GALVESTON ISLAND, IN THE CITY AND COUNTY OF GALVESTON, TEXAS, SAVE AND EXCEPT THE "SEBRINT ROAD" RIGHT OF WAY, BEING THAT CERTAIN TRACT DESCRIBED BY INSTRUMENT RECORDED IN VOLUME 1163, PAGE 55, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS }
COUNTY OF GALVESTON }

Before me, the undersigned, on this day personally appeared DEBBIE REINHART, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 26th day of July, 1993.

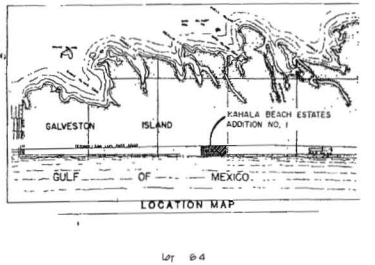
MILLIE BARBURN
Notary Public in and for the State of Texas
My Comm. Expires: 6-4-95

THE STATE OF TEXAS }
COUNTY OF GALVESTON }

Before me, the undersigned, on this day personally appeared BRUCE REINHART, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 26th day of July, 1993.

MILLIE BARBURN
Notary Public in and for the State of Texas
My Comm. Expires: 6-4-95



LOCATION MAP

LOT 84
HALL & JONES A-121

STATE OF TEXAS }
COUNTY OF GALVESTON }

I, Jessie G. Kirkendall, County Clerk, Galveston County, Texas, do hereby certify that this written instrument was filed for record in my office on September 23, 1993, at 10:00 o'clock P.M., and duly recorded on September 23, 1993, at 11:10 o'clock P.M., in PLAT RECORD 18, MAP NUMBER 443, Galveston County Map Records.

WITNESS MY HAND and Seal of Office at Galveston, Texas the day and date last above written.

Jessie G. Kirkendall
County Clerk
Galveston County, Texas
By: _____, Deputy

18/443

9340266

Q 1586

"KAHALA BEACH ESTATES"
ADDITION NO. 1
CITY AND COUNTY OF GALVESTON, TEXAS

GULF COAST ENGINEERING AND SURVEYING
P.O. BOX 382 LA MARQUE, TEXAS 77568
JAMES W. GARTRELL, JR. P.E., RPS
TELEPHONE NUMBERS
TEXAS CITY - 409-935-2462
HOUSTON - 713-488-6969

DATE: 7-26-93 REV: 5-13-94

SHEET NUMBER
PLAT 1

JOB NO. 18/443

1 INCH SCALE

APRIL 1994

24X

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galveston.maps.arcgis.com/apps/webappviewer/index.html?id=f4108a79f2c64ca19c81dc4a15d964e5

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City of Galveston - Beach Survey (2017)

Development Services | Click Here For Additional Coastal Resources

19003 Kahala Dr, Galveston, TX,

Show search results for 19003 Kahala...

Measurement

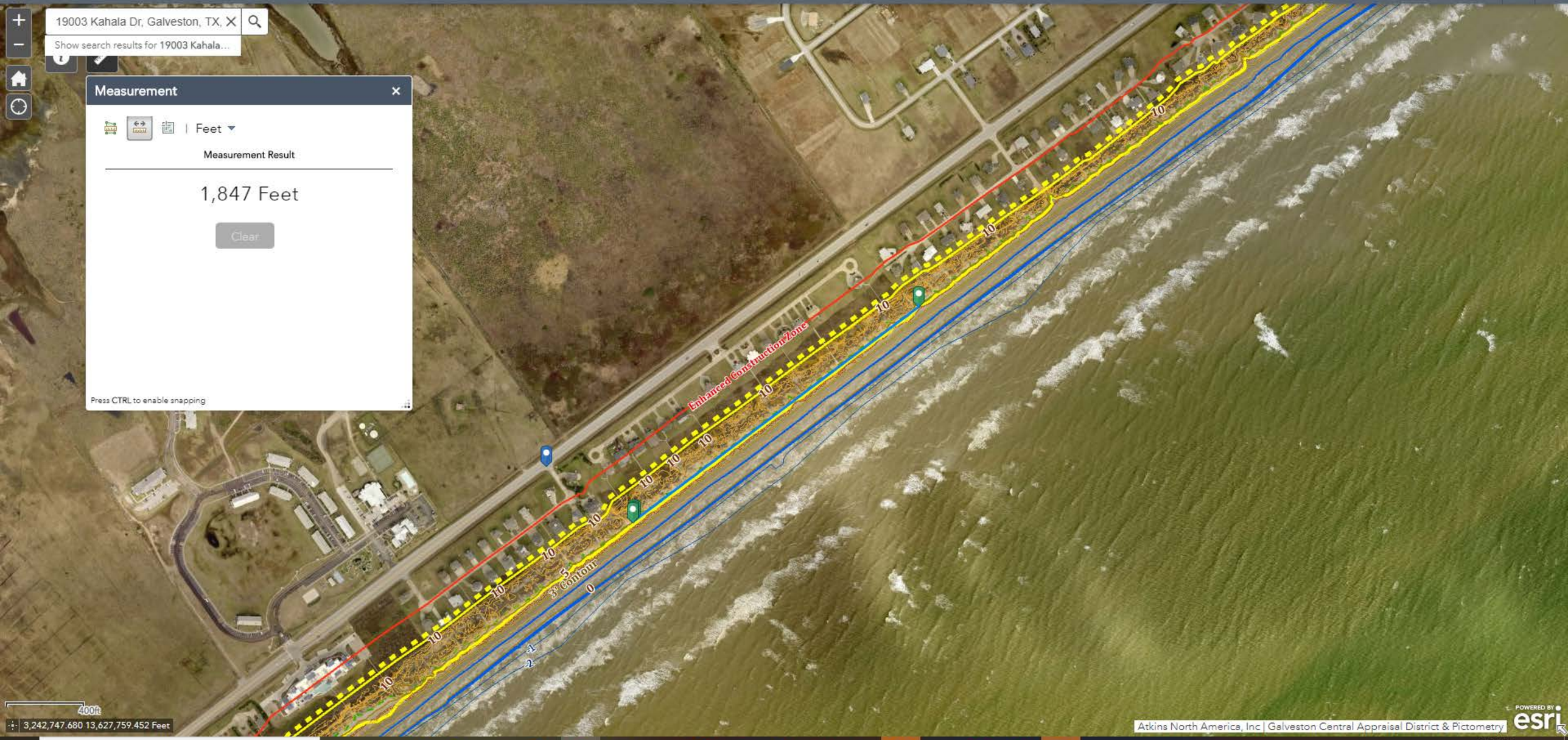
Feet

Measurement Result

1,847 Feet

Clear

Press CTRL to enable snapping



400ft

3,242,747.680 13,627,759.452 Feet

Atkins North America, Inc | Galveston Central Appraisal District & Pictometry

POWERED BY esri

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2/13/2020

PDFfiller. On-line PDF form Filler | Extreme Innundation Checklist a | City of Galveston's Official GIS W | City of Galveston - Beach Survey

galveston.maps.arcgis.com/apps/webappviewer/index.html?id=f4108a79f2c64ca19c81dc4a15d964e5

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19003 Kahala Dr, Galveston, TX,

Show search results for 19003 Kahala...

Measurement

Feet

Measurement Result

1,845 Feet

Clear

Press CTRL to enable snapping

Layer List

Layers

Beach_Survey

400ft

3,242,714.346 13,627,780.285 Feet

Type here to search

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2/13/2020

Rapp Management
Co., Inc. AAMC

RESIDENTIAL COMMERCIAL

KBE- HOA, Inc.

2020 Annual Beach Maintenance Application Written Statement

February 7, 2020

- **Linear Footage of the beach to be raked.**
  - 1848.83 ft.
- **The Frequency that the beach will be raked.**
  - In the case of extreme inundation, to be cleaned by the Parks Board to all state and federal standards.
- **The type of equipment that will be used.**
  - Manual rake, no mechanical equipment to be used. Except in the regulated use of mechanical equipment in an extreme inundation by the Parks Board and their approved vendors.
- **Plan and method for placement of seaweed within the subdivision.**
  - To be pushed against existing vegetation line in hopes that it will stabilize the sand by holding it in place, allowing for nutrients to build and hopefully support more growth of plants, and a natural building up of the dunes.
- **Plan and method for disposal of trash.**
  - To be manually picked from seaweed and disposed of properly during manual raking. Parks Board to provide trash removal services, if needed, during an extreme inundation in accordance to state and federal standards.

- **Affirmation that the proposed activity will not adversely affect the public, public beach access way, or exacerbate erosion.**
    - No sand will be taken with the seaweed or debris, it will remain between the line of vegetation and the mean high tide line, nor will it significantly redistribute the sand. The activity will not adversely weaken or alter the functions of the dune. Nor should it alter the beach profile or line of vegetation.

The Parks Board Contingency Plan for Seaweed Relocations Services is attached.

A subdivision site plan is attached as well as pictures of GIS Beach Survey.

Pictures of the current beach conditions are attached.

The non-refundable fee has been paid at the City of Galveston Planning Department in person. A receipt can be provided if necessary.

Please let us know if anything else is needed for this application. We appreciate everything the City of Galveston and the Parks Board do to keep our beaches clean and full of fun.

Sincerely,

Brittni Gualandri

Property Manager

Rapp Management Co., Inc.

brittni@rappmanagement.com

Office: 409-763-4323

Cell: 409-789-7520

Contingency Plan for Seaweed Relocation Services

Goal:

Develop a program that can provide seaweed relocation services for 3rd parties in the event of an **extreme inundation** of seaweed washing ashore on Galveston Island. Working together with partners, the Park Board (PB) hopes to create a program to ensure the community is prepared to respond to an extreme event that could have lasting impacts to the Island's tourism industry. This program will not be providing maintenance activities for aesthetic purposes. If a property wishes to have a higher level of beach cleaning activity the PB will provide a 3rd party contact that provides contract labor that can be assigned to manual seaweed relocation which does not require a federal permit.

Park Board Responsibilities:

PB routinely cleans and maintains the west end beaches to the extent required by the Natural Resource code per State law. The PB must provide a clean and safe beach which includes trash and debris removal. The activity of seaweed relocation is not a part of that responsibility. The PB is required to maintain its assets for which it is responsible for and these areas will continue to be highest priority for PB staff.

Definitions & Thresholds for deployment:

- **PB assets**: Areas assigned to the PB for management through ordinance or interlocal agreements.
- **Landing**: Average height of accumulation is less than 2.5' and ground coverage width less than 10'.
  - Manual efforts should be used to clean up seaweed.
  - No Park Board assistance.
- **Extreme Inundation**: An accumulation that restricts the public access to the water.
  - Average height of 2.5' or higher and ground cover width of 10' or more.
  - The landing must impact greater than 50% of the HOA/POA linear footage.
  - PB will use modified wheel loaders to relocate material.

Park Board Expectations During Extreme Inundations:

- Equipment:
  - PB will relocate seaweed with rented wheel loaders with the required float devices to prevent gouging or excavating the beach. **This method reduces the height of the accumulation but does not completely remove the Sargassum from the beach.**
  - Equipment rental rates and bids will be pursued by the PB to ensure lowest possible rates are procured and in a timely manner.
    - 5 Wheel Loaders, 3 UTVs
  - The Surf Rakes are a limited asset and dedicated to PB Assets, so their use is not being included for this program.

- Operations:
  - The Coastal Zone Management Administrative Assistant will be the Point of Contact (POC) for this program. (czmadmin@galvestonparkboard.org). All requests and communication will be sent to the above email address for on-going program information.
  - If needed, relocation services will begin in early morning hours and go on through the day if beachgoers safety is not compromised.
  - If needed, relocation services will start at the western most property participating in the program and proceed east. Once the eastern most property is complete, they will repeat the route.

Contingency Plan for Seaweed Relocation Services

- Operations: (cont.)
  - All cleaning schedules are estimated and will depend greatly on severity of landings.
  - Placement of the relocated material is at the discretion of the PB and will only be dictated by the Director of Operations or designee.
    - PB will strive to place all material at the toe of the dune to encourage the growth of the adjacent dune system.
    - Placement piles will be evenly distributed and used to fill in gaps to encourage a continuous dune system. All placement will abide by PB federal terms & conditions.

- Staffing:
  - PB will hire all Operators and Wildlife Monitors to ensure proper training has been completed.
    - 5 qualified operators & 5 trained wildlife monitors
  - PB will provide a resource for manual labor for increased level of service for landings not requiring PB assistance.

- Fees
  - Areas will be billed an hourly rate for time spent in each area.
  - PB will refund or rollover all remaining retainer fees at the end of the season.
  - All accounts will be required to maintain a $1,000 minimum balance.
    - If an area reaches this level the PB will notify the HOA/POA POC and request payment to bring the retainer back to its original amount. If no deposit is made the HOA/POA will be removed from the service rotation.

HOA/POA Expectations:

- Provide two POC's to act as representatives for HOA/POA entering into an agreement.
  - All communications to the PB regarding program will have to go through identified POC.
- Obtain their own beach and dune permit from the City of Galveston to conduct beach maintenance
  - PB will provide language to include on the proposed beach cleaning activities.
- Entities will be required to obtain Insurance naming the PB as additional insured and Indemnify the PB's liability while providing seaweed relocation services in set geographic area.
- Cover all contract fees.
- Provide retainer upon execution of contract.
- Identify an area for PB staff to park equipment off beach to maximize work time and quick deployment.

Registration Process:

- Each HOA/POA will have the opportunity to participate during a specified registration period.
- Any HOA/POA that chooses not to register will not be allowed to enter later; no exceptions.
- All required documents and fees must be provided at the time of execution of contract; no exceptions.

Attachment “C”

Site Photos

Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 25, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	19003 – 19097 Kahala Beach Drive, Galveston
Legal Description:	ABST 121 Page 24 Lots 1-20 Blk 1 Kahala Beach Estates Addn 1; ABST 121 Page 24 5 Ft Public Access to Beach Kahala Beach Estates Addn 1
Lot Applicant:	Kahala Beach Estates Home Owners Association, Inc. c/o Rapp Management Co. – Brittni Gualandri
Case Number:	20BF-0019
GLO ID No.:	BDCOG-20-0046

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to participate in the Galveston Park Board of Trustees (Park Board) Extreme Inundation of Seaweed Program, which involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 1,849 linear feet of public beach in front of Kahala Beach Estates. According to the Bureau of Economic Geology, the area is eroding at a rate of one to three feet per year.

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

- The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[1]

[1] 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach[2] or dedicated pedestrian pathways to the beach for public use.[3]

- The Park Board shall avoid impacts to any dunes or dune vegetation.[4] The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[5]

- The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[6]

- The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[9]

- In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

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[2] 31 Tex. Admin. Code § 15.7(e)(2).
[3] City of Galveston Beach Access Plan Appendix A
[4] 31 Tex. Admin. Code § 15.4(f).
[5] 31 Tex. Admin. Code § 15.3(s)(1).
[6] 31 Tex. Admin. Code § 15.7(l).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.4(d).

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-021 STAFF REPORT

ADDRESS:
Spanish Grant Subdivision

LEGAL DESCRIPTION:
Property is legally described as Lots 1-11 and Reserve 2 (0-2), Section 11 and Lots 1-10 and 18, 19, 42, 43, and Reserve 2 (0-2), Section 12, Spanish Grant, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Peggy Zahler &
Carolyn Bilski

PROPERTY OWNER:
Spanish Grant Civic Assoc.
c/o Peggy Zahler

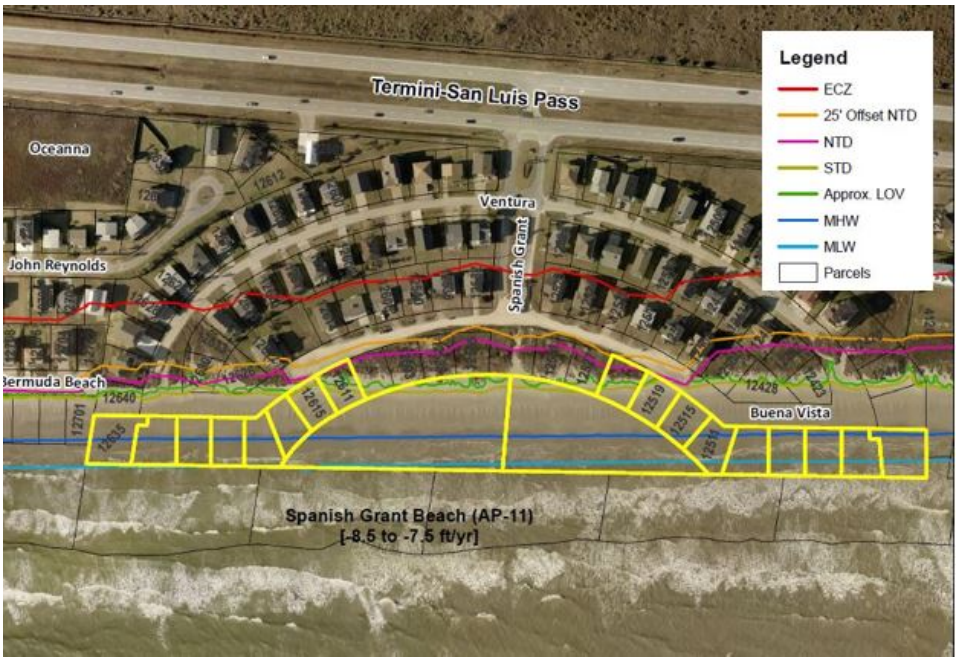
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities in the event of an extreme inundation of seaweed. The applicant is not proposing to conduct any additional beach maintenance except that which is provided by the Galveston Park Board of Trustees. The Extreme Inundation of Seaweed Program involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 1,720 linear feet of public beach located south of the Spanish Grant Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

According to the Bureau of Economic Geology, the area is eroding at a rate of eight to nine feet per year.

Site and Surrounding Area:
The subject site totals approximately 1,720 linear feet of public beach south of the Spanish Grant Subdivision. Single-family dwellings are located to the North of the proposed beach maintenance area and beach area is located to the South, East, and West.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Spanish Grant Subdivision	~1,720

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff reviewed the application materials and did not observe any proposed prohibited activities seaward of the Dune Protection Line.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards, because the proposed beach maintenance activities to occur only in the event of an extreme inundation of seaweed.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

No adverse effects to dunes or dune vegetation are anticipated. The proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation. No adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to occur only in the event of an extreme inundation of seaweed.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities in the event of an extreme inundation of seaweed.

Staff Recommendation:
Staff recommends approval of 20BF-021 with the following conditions:

Specific Conditions to Case 20BF-021:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":
    a. The proposed beach maintenance activities must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use. Beach maintenance equipment may not be stored in public beach access parking areas. If beach maintenance equipment is stored on the public beach, it may only be temporary and may not impact the public's ability to use or access the public beach.

    b. The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    c. The Park Board shall avoid impacts to any dunes or dune vegetation. The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles.

    d. The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

    e. The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    f. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

g. The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

j. In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

k. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and

commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

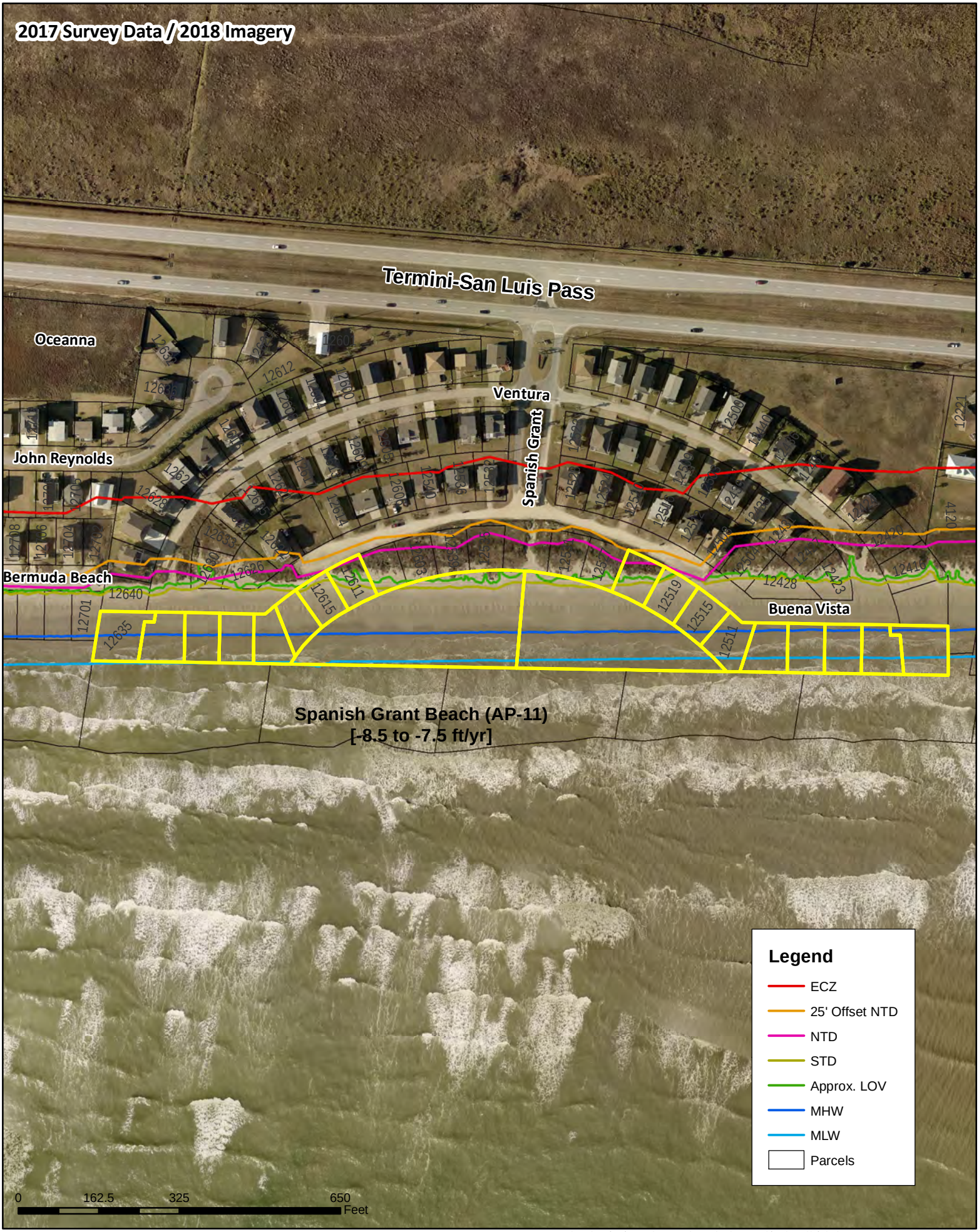
Virginia Greb
Coastal Resources Assistant Manager

03/24/2020
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

03/24/2020
Date

Attachment “A”
Aerial Map



Spanish Grant Subdivision (Case #20BF-021)

Map prepared by the City of Galveston Development Services Department (VGreb) - 3/4/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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Attachment “B”

Site Plan

&

Narrative

Spanish Grant Beach, Galveston / current color photographs of the beach & dune

March 4, 2020

Spanish Grant Beach, Galveston / seaweed placement map

March 10, 2020

Contingency Plan for Seaweed Relocation Services

Goal:

Develop a program that can provide seaweed relocation services for 3rd parties in the event of an ***extreme inundation*** of seaweed washing ashore on Galveston Island. Working together with partners, the Park Board (PB) hopes to create a program to ensure the community is prepared to respond to an extreme event that could have lasting impacts to the Island's tourism industry. This program will not be providing maintenance activities for aesthetic purposes. If a property wishes to have a higher level of beach cleaning activity the PB will provide a 3rd party contact that provides contract labor that can be assigned to manual seaweed relocation which does not require a federal permit.

Park Board Responsibilities:

PB routinely cleans and maintains the west end beaches to the extent required by the Natural Resource code per State law. The PB must provide a clean and safe beach which includes trash and debris removal. The activity of seaweed relocation is not a part of that responsibility. The PB is required to maintain its assets for which it is responsible for and these areas will continue to be highest priority for PB staff.

Definitions & Thresholds for deployment:

- **PB assets**: Areas assigned to the PB for management through ordinance or interlocal agreements.
- **Landing**: Average height of accumulation is less than 2.5' and ground coverage width less than 10'.
  - Manual efforts should be used to clean up seaweed.
  - No Park Board assistance.
- **Extreme Inundation**: An accumulation that restricts the public access to the water.
  - Average height of 2.5' or higher and ground cover width of 10' or more.
  - The landing must impact greater than 50% of the HOA/POA linear footage.
  - PB will use modified wheel loaders to relocate material.

Park Board Expectations During Extreme Inundations:

- *Equipment:*
  - PB will relocate seaweed with rented wheel loaders with the required float devices to prevent gouging or excavating the beach. **This method reduces the height of the accumulation but does not completely remove the Sargassum from the beach.**
  - Equipment rental rates and bids will be pursued by the PB to ensure lowest possible rates are procured and in a timely manner.
    - 5 Wheel Loaders, 3 UTVs
  - The Surf Rakes are a limited asset and dedicated to PB Assets, so their use is not being included for this program.

- Operations:
  - The Coastal Zone Management Administrative Assistant will be the Point of Contact (POC) for this program. (czmadmin@galvestonparkboard.org). All requests and communication will be sent to the above email address for on-going program information.
  - If needed, relocation services will begin in early morning hours and go on through the day if beachgoers safety is not compromised.
  - If needed, relocation services will start at the western most property participating in the program and proceed east. Once the eastern most property is complete, they will repeat the route.

Beach narrative

Definitions & Thresholds for deployment:

- PB assets: Areas assigned to the PB for management through ordinance or interlocal agreements.
- **Landing**: Average height of accumulation is less than 2.5' and ground coverage width less than 10'.
  - Manual efforts should be used to clean up seaweed.
  - No Park Board assistance.
- **Extreme Inundation**: An accumulation that restricts the public access to the water.
  - Average height of 2.5' or higher and ground cover width of 10' or more.
    - Or
  - Average height of 1.5' or higher and ground cover width of 20' or more
  - The landing must impact greater than 50% of the HOA/POA linear footage.
  - PB will use modified wheel loaders to relocate material.

Park Board Expectations During Extreme Inundations:

- Equipment:
  - PB will relocate seaweed with rented wheel loaders with the required float devices to prevent gouging or excavating the beach. **This method reduces the height of the accumulation but does not completely remove the Sargassum from the beach. Per terms and conditions of federal permit some of the wrack must always remain.**
  - Equipment rental rates and bids will be pursued by the PB to ensure lowest possible rates are procured and in a timely manner.
    - 5 Wheel Loaders, 3 UTVs
  - The Surf Rakes are a limited asset and dedicated to PB Assets, so their use is not being included for this program.

- Operations:
  - CZM Admin will be Point of Contact (POC) for program. (czmadmin@galvestonparkboard.org). All requests and communication will be sent the above email address for on-going program information.

BOARD RESOLUTION

Whereas, Spanish Grant Beach Civic Association (HOA) on 27 day of April 2019, at 3802 Coveview Blvd, Galveston location held a duly called and properly posted board meeting as required by the HOA's bylaws; and

Whereas, this Board Resolution was discussed; and

Whereas, a majority of the members of the HOA voted in favor of this Board Resolution; and

Whereas, the HOA desires to enter into the Agreement to Participate in the Extreme Inundation of Seaweed Program (Agreement to Participate).

Therefore, *IT IS RESOLVED* that Carolyn Bilski, as President (title) of the HOA shall have the full authority to enter into the Agreement to Participate on behalf of the HOA; and

IT IS RESOLVED that Carolyn Bilski and Peggy Zahler have been appointed as the two points of contact (Points of Contact) for interacting with the Park Board in the Extreme Inundation of Seaweed Program Agreement; and

IT IS RESOLVED that the two Points of Contact are the only two representatives of the HOA authorized to interact with the Park Board in the Extreme Inundation of Seaweed Program; and

IT IS RESOLVED that the HOA is in agreement with the requirements of the Agreement to Participate and are willing to comply and accept all guidelines established by the Extreme Inundation Contingency Plan; and

IT IS RESOLVED that any and all private property concerns for the placement of seaweed under the Extreme Inundation Contingency Plan have been identified during the registration process; and the HOA agrees to be responsible for the proper identification of the private property concerns; and

IT IS RESOLVED that the HOA agrees to hold the Park Board HARMLESS from any all claims or damages connected with the placement of seaweed under the Extreme Inundation Contingency Plan.

APPROVED: April 27 2019 (DATE)

Carolyn Bilski, Chair/President
Board of Directors

Board of Directors vote on Feb 1 2020 to continue

SPANISH GRANT CIVIC ASSOCIATION

Whereas the property owners in 2019 voted to apply for the Extreme Seaweed Relocation Innudation Program and whereas the Board of Directors has met and voted to continue participation with the City of Galveston.

The Association will not do any other beach cleaning without total cooperation with the City.

Feb 1, 2020 meeting

February 12, 2020

Carolyn Bilski Carolyn Bilski

President, Spanish Grant Civic Association

Addition to Narrative

Linear footage
for extreme application

1,720 linear feet

Coordinates

West SGB 29,217229 - 94,911749

eastmost 29,219806 - 64,907514

Attachment “C”

Site Photos

March 4, 2020 / North

1

March 4, 2020 / West

1

March 4, 2020 / North

2

March 4, 2020 / West
2

March 4, 2020 / North

3

March 4, 2020 / West

3

March 4, 2020 / North

4

March 4, 2020 / West
4

March 4, 2020 / North

5

March 4, 2020 / West

5

March 4, 2020 / North

6

March 4, 2020 / West

6

March 4, 2020 / North

7

March 4, 2020 / West

7

March 4, 2020 / North

8

March 4, 2020 / West

8

March 4, 2020 / North

9

March 4, 2020 / West

9

Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 17, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	Spanish Grant Subdivision, Galveston
Legal Description:	Lots 1-11 and Reserve 2 (0-2), Section 11 and Lots 1-10 and 18, 19, 42, 43, and Reserve 2 (0-2), Section 12, of Spanish Grant
Lot Applicant:	Spanish Grant Civic Assoc c/o Peggy Zahler & Carolyn Bilski
Case Number:	20BF-021
GLO ID No.:	BDCOG-20-0072

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to participate in the Galveston Park Board of Trustees (Park Board) Extreme Inundation of Seaweed Program, which involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 1,720 linear feet of public beach in front of the Spanish Grant Subdivision. According to the Bureau of Economic Geology, the area is eroding at a rate of eight to nine feet per year.

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

- The proposed beach maintenance activities must not restrict or interfere with public use of or access to the beach[1] or dedicated pedestrian pathways to the beach for public use.[2] Beach maintenance equipment may not be stored in public beach access parking areas. If beach maintenance equipment is stored on the public beach, it may only be temporary and may not impact the public's ability to use or access the public beach.

- The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. [3] Should there be a need for additional beach

[1] 31 Tex. Admin. Code § 15.7(e)(2).
[2] City of Galveston Beach Access Plan Appendix A
[3] 31 Tex. Admin. Code § 15.7(l).

maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[4]

- The Park Board shall avoid impacts to any dunes or dune vegetation.[5] The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

- The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[6]

- The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[9]

- In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

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[4] 31 Tex. Admin. Code § 15.7(l).
[5] 31 Tex. Admin. Code § 15.4(f).
[6] 31 Tex. Admin. Code § 15.7(l).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.4(d).

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-022 STAFF REPORT

ADDRESS:
Terramar Beach Subdivision

LEGAL DESCRIPTION:
Property is legally described as Lots 1-17, Section 5, and Lots 1-25, Section 1, of Terramar Beach, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Terramar Beach Community Improvement Association (TBCIA), c/o Craig Vance

PROPERTY OWNER:
Terramar Beach Community Improvement Association

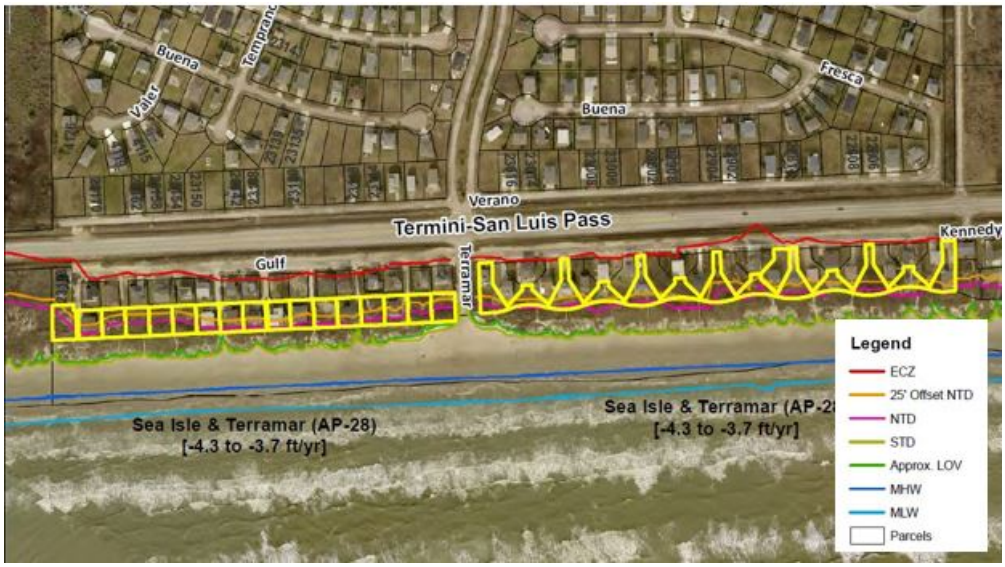
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities in the event of an extreme inundation of seaweed. The applicant is not proposing to conduct any additional beach maintenance except that which is provided by the Galveston Park Board of Trustees. The Extreme Inundation of Seaweed Program involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 2,845 linear feet of beach located south of the Terramar Beach Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area.

According to the Bureau of Economic Geology, between the 1950s and 2012, this beach area has experienced an average shoreline change rate of -4.3 to -3.7 feet per year.

Site and Surrounding Area:
The subject site totals approximately 2,845 linear feet of beach south of the Terramar Beach Subdivision. Single-family dwellings are located to the North of the proposed beach maintenance areas and beach area is located to the South, East, and West.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Terramar Beach Subdivision	2,845

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

No adverse effects to dunes or dune vegetation are anticipated. The proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted only in the event of an extreme inundation of seaweed.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities in the event of an extreme inundation of seaweed.

Staff Recommendation:
Staff recommends approval of 20BF-022 with the following conditions:

Specific Conditions to Case 20BF-022:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activities must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use. The proposed storage of beach maintenance equipment on the public beach may only be temporary and may not impact the public's ability to use or access the public beach.

    c. The Park Board shall avoid impacts to any dunes or dune vegetation. The Park Board may not rake over dune vegetation or operate machinery on dunes. An additional permit shall be required if any adverse impacts to dunes occur.

    d. The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

    e. The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    f. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

g. The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

j. In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

k. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and

commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

Virginia Greb
Coastal Resources Assistant Manager

03/12/2020
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

03/12/2020
Date

Attachment “A”
Aerial Map

Terramar Subdivision (Case #20BF-022)

Map prepared by the City of Galveston Development Services Department (VGreb) - 2/17/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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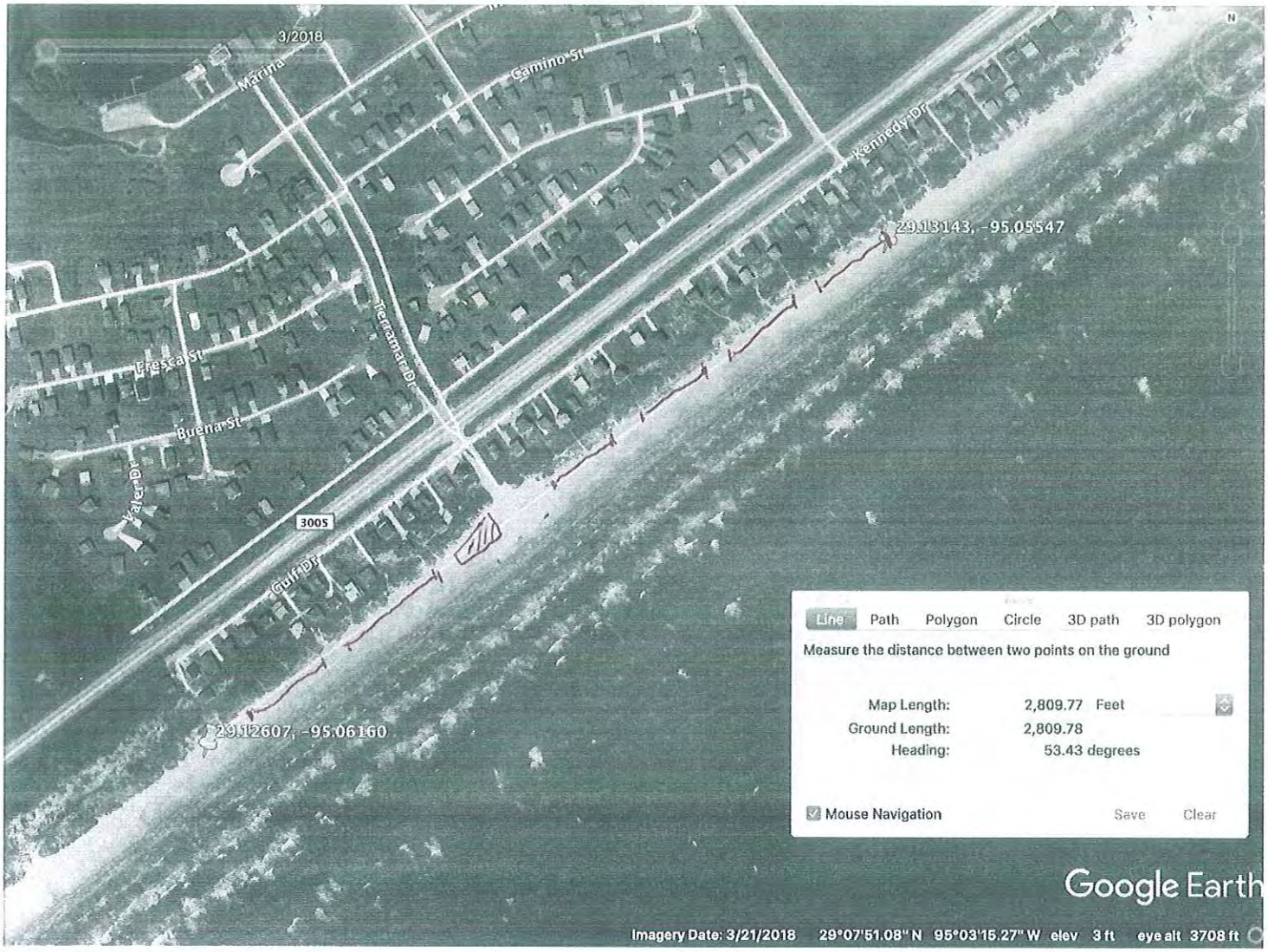
Attachment “B”

Site Plan

&

Narrative

3/2018
1954
2018
Camino St
Fresta St
Buena St
Terramar Dr
North Beach Dr
Kennedy Dr
San Luis Pass Rd
3005
Verano Dr
Gulf Dr
29.13143, -95.05547
29.12607, -95.06160
Google Earth
1954
Imagery Date: 3/21/2018 29°07'42.88" N 95°03'26.54" W elev 4 ft eye alt 2654 ft



= Debris Placement

= Equipment Storage (temp)

TERRAMAR BEACH COMMUNITY IMPROVEMENT ASSOCIATION, INC.
c/o King Property Management
720 North Post Oak Road, Suite 140
Houston TX 77024
713.956.1995
kpmtx.com

February 11, 2020

City of Galveston
Planning and Development Division
Development Services Department
823 Rosenberg, Room 401
Galveston TX 77550-2103

RE: Annual Beach Maintenance Application – Terramar Beach Community Improvement Association

To Whom This Concerns:

On April 13, 2019 the Terramar Beach Community Improvement Association (TBCIA) by Resolution approved to enter into the *Parks Board Agreement to Participate in the Extreme Inundation of Seaweed Program*. A sworn and notarized Board Resolution is attached. Also enclosed is a check for $500 for the permit.

Under the *Extreme Inundation Seaweed Relocation Program* adopted by the Galveston Parks Board (as approved by the Parks Board Trustee on March 23, 2019), TBCIA has agreed to the Parks Board plan for beach maintenance. All manpower and equipment will be provided by the Parks Board. See attached *Extreme Inundation Seaweed Relocation Program*.

A Site Plan is attached, indicating the correct location of the Dunes, line of vegetation and indicating the proposed location for the placement of the seaweed. Photographs starting from the east of the subdivision showing every 200 feet, beach looking west from the water to the Dunes and looking from the water line direction at the Dunes are included.

The proposed activity will not adversely affect the public or public access way or exacerbate erosion. The sand will remain between the line of vegetation and the mean high tide line. The activity will not adversely weaken the Dune or Dune vegetation or reduce the protective function of the Dune. The activity will not result in a significant redistribution of sand. The activity will not significantly alter the beach profile or the line of vegetation.

TBCIA is in full cooperation with the Parks Board and will not alter the plan or do any additional beach maintenance except that which is provided by the Parks Board.

Please let me know if additional information is required.

Thank you,

Lisa Porter
Senior Property Manager
KING PROPERTY MANAGEMENT

Contingency Plan for Seaweed Relocation Services

Goal:

Develop a program that can provide seaweed relocation services for 3rd parties in the event of an **extreme inundation** of seaweed washing ashore on Galveston Island. Working together with partners, the Park Board (PB) hopes to create a program to ensure the community is prepared to respond to an extreme event that could have lasting impacts to the Island's tourism industry. This program will not be providing maintenance activities for aesthetic purposes. If a property wishes to have a higher level of beach cleaning activity the PB will provide a 3rd party contact that provides contract labor that can be assigned to manual seaweed relocation which does not require a federal permit.

Park Board Responsibilities:

PB routinely cleans and maintains the west end beaches to the extent required by the Natural Resource code per State law. The PB must provide a clean and safe beach which includes trash and debris removal. The activity of seaweed relocation is not a part of that responsibility. The PB is required to maintain its assets for which it is responsible for and these areas will continue to be highest priority for PB staff.

Definitions & Thresholds for deployment:

- **PB assets**: Areas assigned to the PB for management through ordinance or interlocal agreements.
- **Landing**: Average height of accumulation is less than 2.5' and ground coverage width less than 10'.
  - Manual efforts should be used to clean up seaweed.
  - No Park Board assistance.
- **Extreme Inundation**: An accumulation that restricts the public access to the water.
  - Average height of 2.5' or higher and ground cover width of 10' or more.
  - The landing must impact greater than 50% of the HOA/POA linear footage.
  - PB will use modified wheel loaders to relocate material.

Park Board Expectations During Extreme Inundations:

- Equipment:
  - PB will relocate seaweed with rented wheel loaders with the required float devices to prevent gouging or excavating the beach. **This method reduces the height of the accumulation but does not completely remove the Sargassum from the beach.**
  - Equipment rental rates and bids will be pursued by the PB to ensure lowest possible rates are procured and in a timely manner.
    - 5 Wheel Loaders, 3 UTVs
  - The Surf Rakes are a limited asset and dedicated to PB Assets, so their use is not being included for this program.

- Operations:
  - The Coastal Zone Management Administrative Assistant will be the Point of Contact (POC) for this program. (czmadmin@galvestonparkboard.org). All requests and communication will be sent to the above email address for on-going program information.
  - If needed, relocation services will begin in early morning hours and go on through the day if beachgoers safety is not compromised.
  - If needed, relocation services will start at the western most property participating in the program and proceed east. Once the eastern most property is complete, they will repeat the route.

Contingency Plan for Seaweed Relocation Services

- Operations: (cont.)
  - All cleaning schedules are estimated and will depend greatly on severity of landings.
  - Placement of the relocated material is at the discretion of the PB and will only be dictated by the Director of Operations or designee.
    - PB will strive to place all material at the toe of the dune to encourage the growth of the adjacent dune system.
    - Placement piles will be evenly distributed and used to fill in gaps to encourage a continuous dune system. All placement will abide by PB federal terms & conditions.

- Staffing:
  - PB will hire all Operators and Wildlife Monitors to ensure proper training has been completed.
    - 5 qualified operators & 5 trained wildlife monitors
  - PB will provide a resource for manual labor for increased level of service for landings not requiring PB assistance.

- Fees
  - Areas will be billed an hourly rate for time spent in each area.
  - PB will refund or rollover all remaining retainer fees at the end of the season.
  - All accounts will be required to maintain a $1,000 minimum balance.
    - If an area reaches this level the PB will notify the HOA/POA POC and request payment to bring the retainer back to its original amount. If no deposit is made the HOA/POA will be removed from the service rotation.

HOA/POA Expectations:

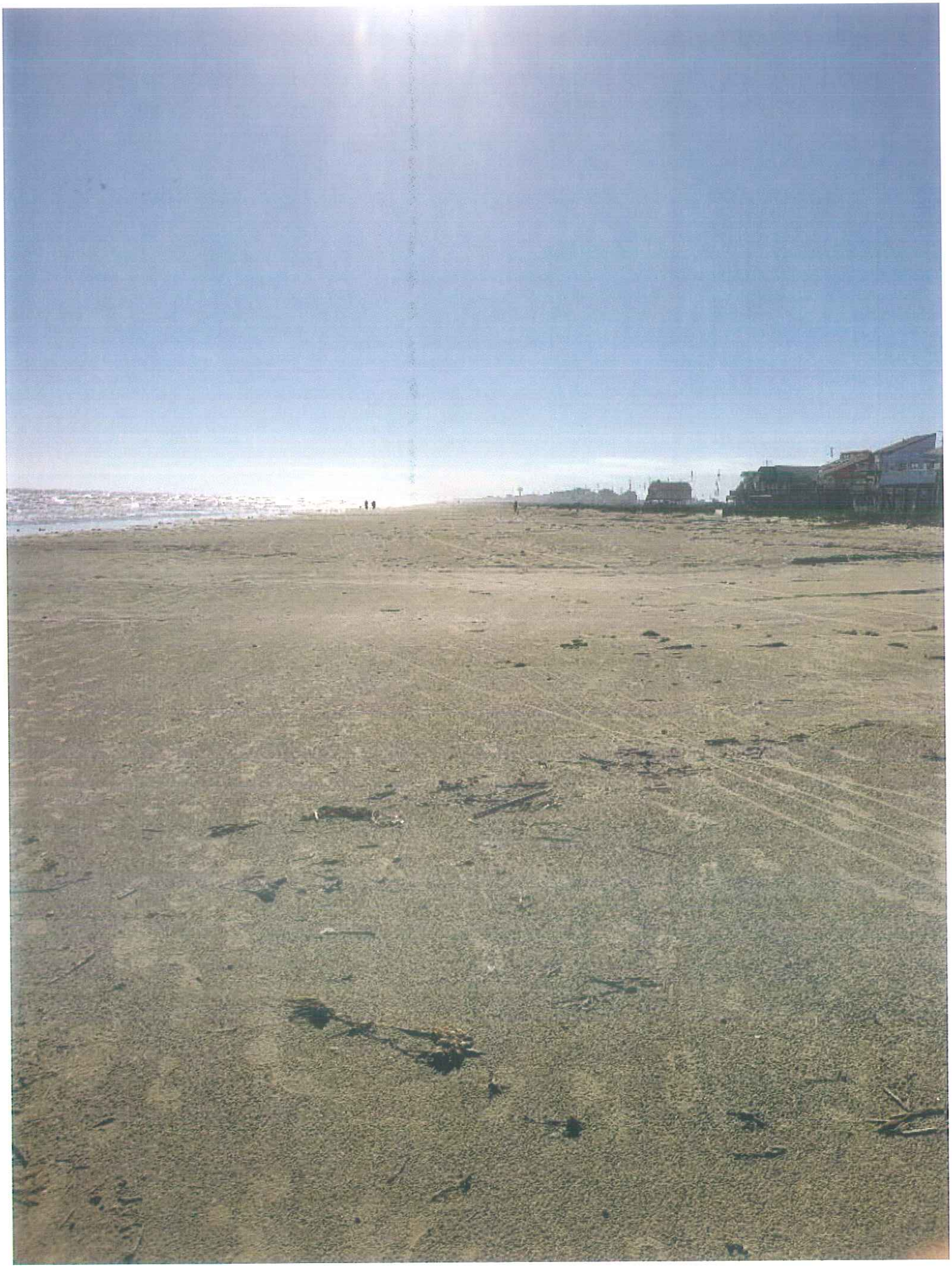
- Provide two POC's to act as representatives for HOA/POA entering into an agreement.
  - All communications to the PB regarding program will have to go through identified POC.
- Obtain their own beach and dune permit from the City of Galveston to conduct beach maintenance
  - PB will provide language to include on the proposed beach cleaning activities.
- Entities will be required to obtain Insurance naming the PB as additional insured and Indemnify the PB's liability while providing seaweed relocation services in set geographic area.
- Cover all contract fees.
- Provide retainer upon execution of contract.
- Identify an area for PB staff to park equipment off beach to maximize work time and quick deployment.

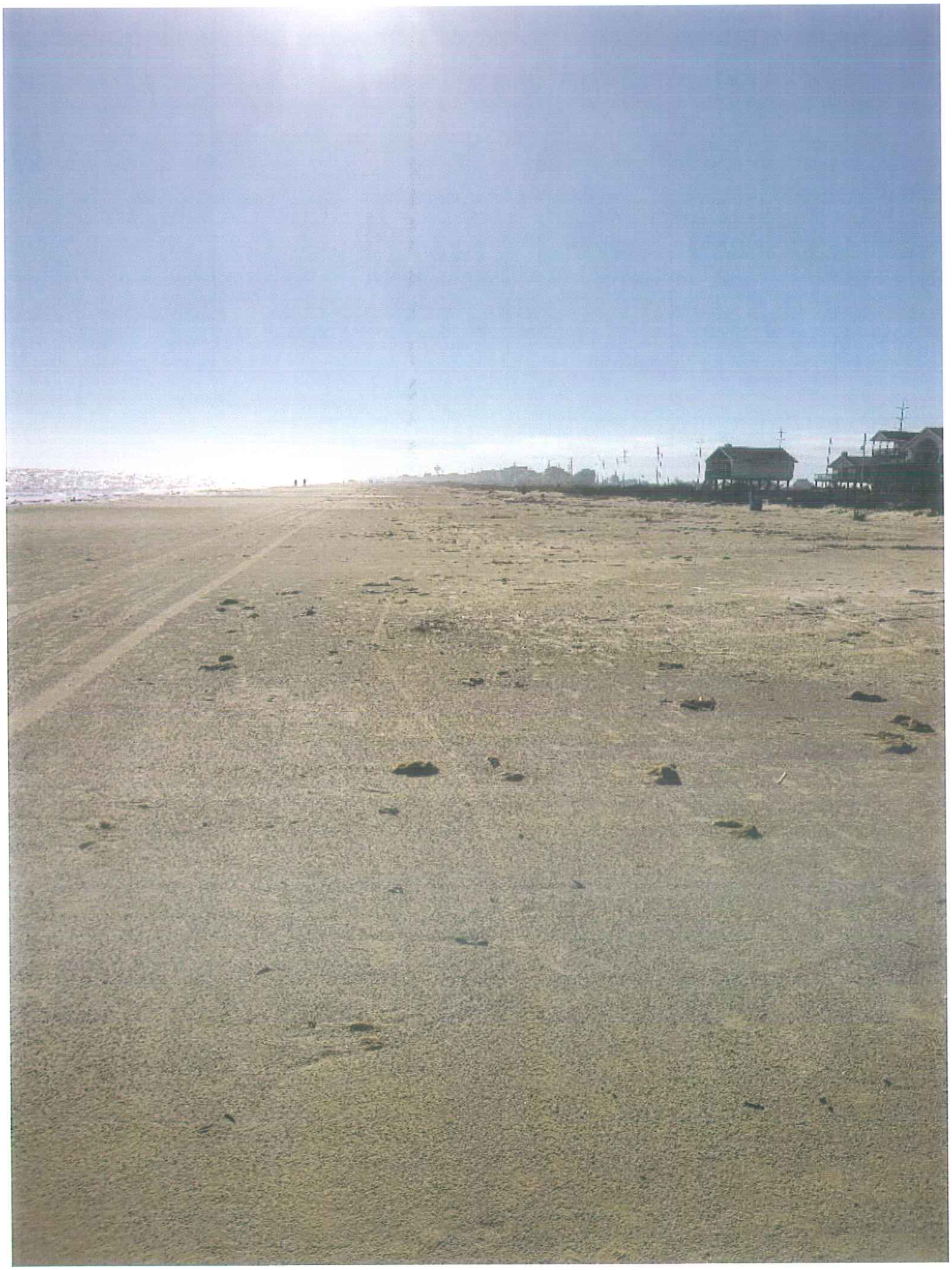
Registration Process:

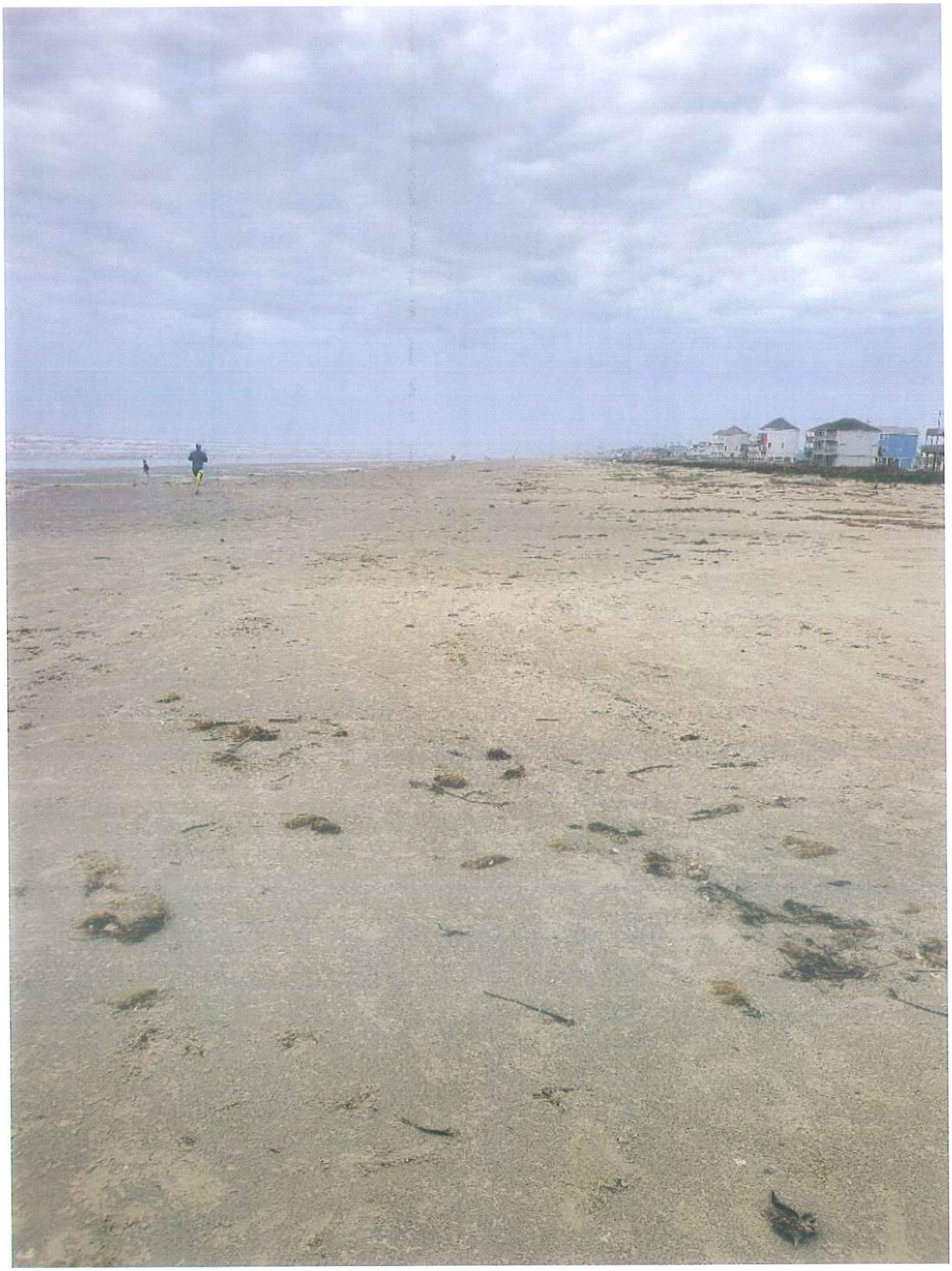
- Each HOA/POA will have the opportunity to participate during a specified registration period.
- Any HOA/POA that chooses not to register will not be allowed to enter later; no exceptions.
- All required documents and fees must be provided at the time of execution of contract; no exceptions.

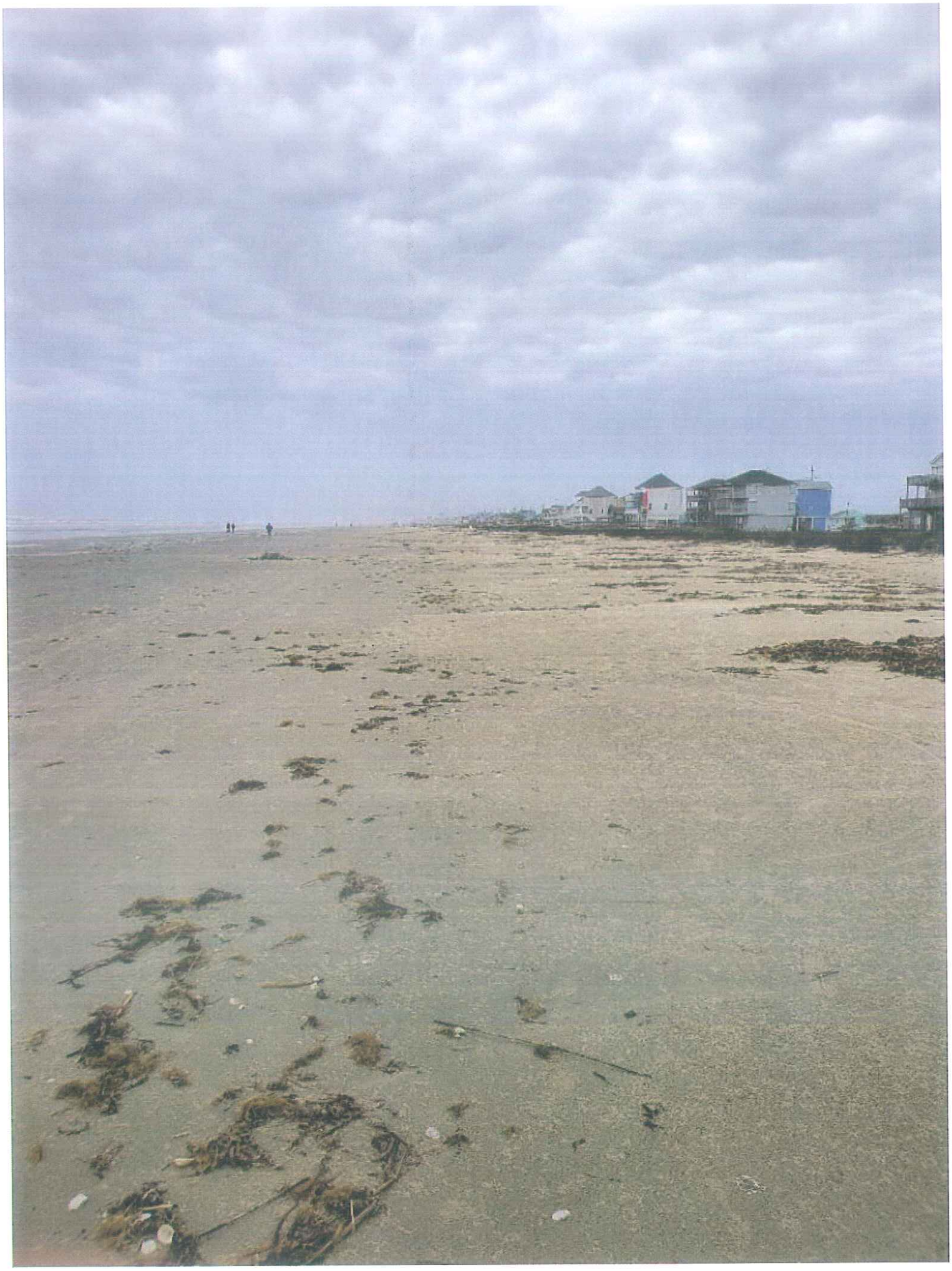
Attachment “C”

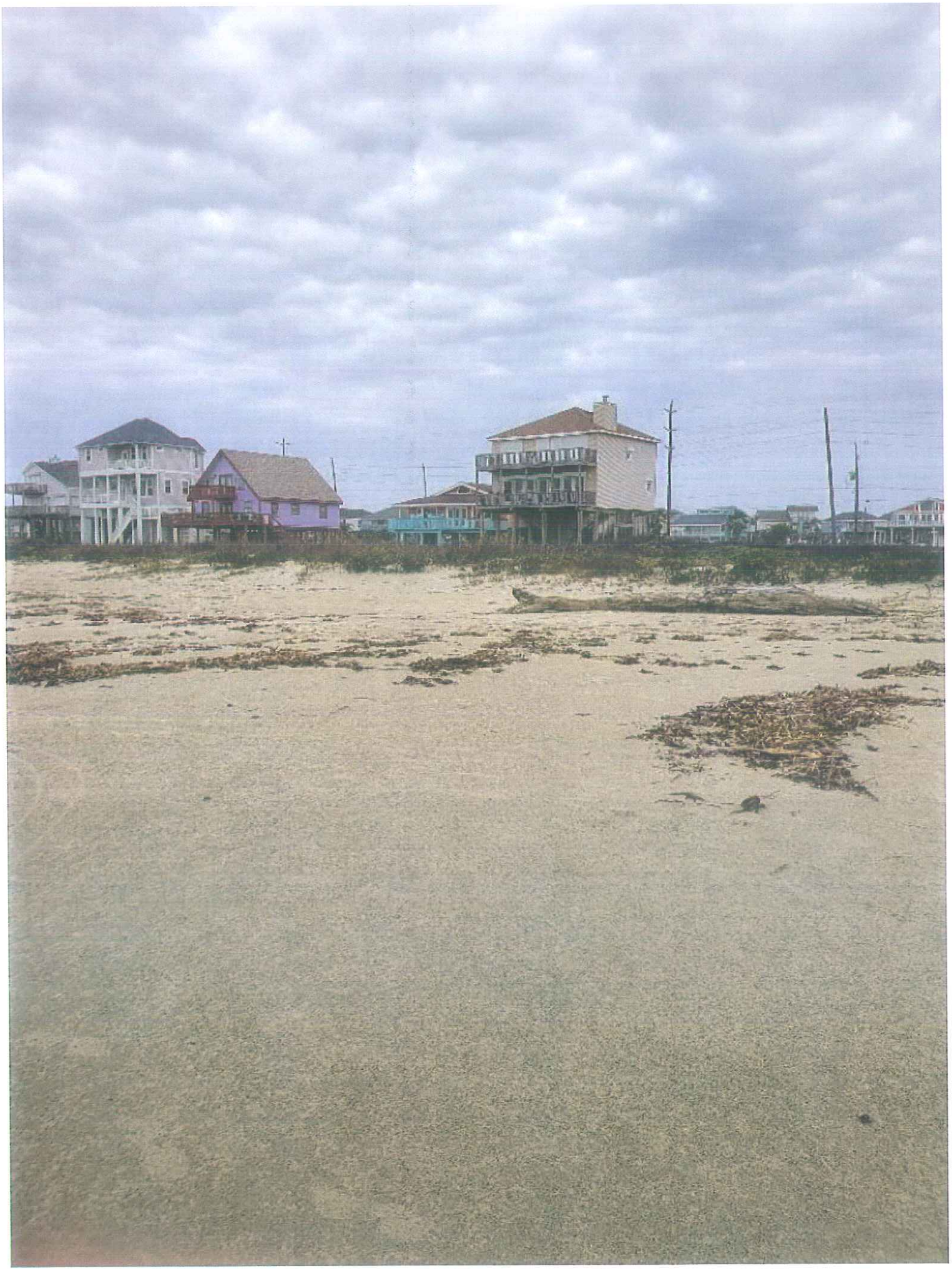
Site Photos

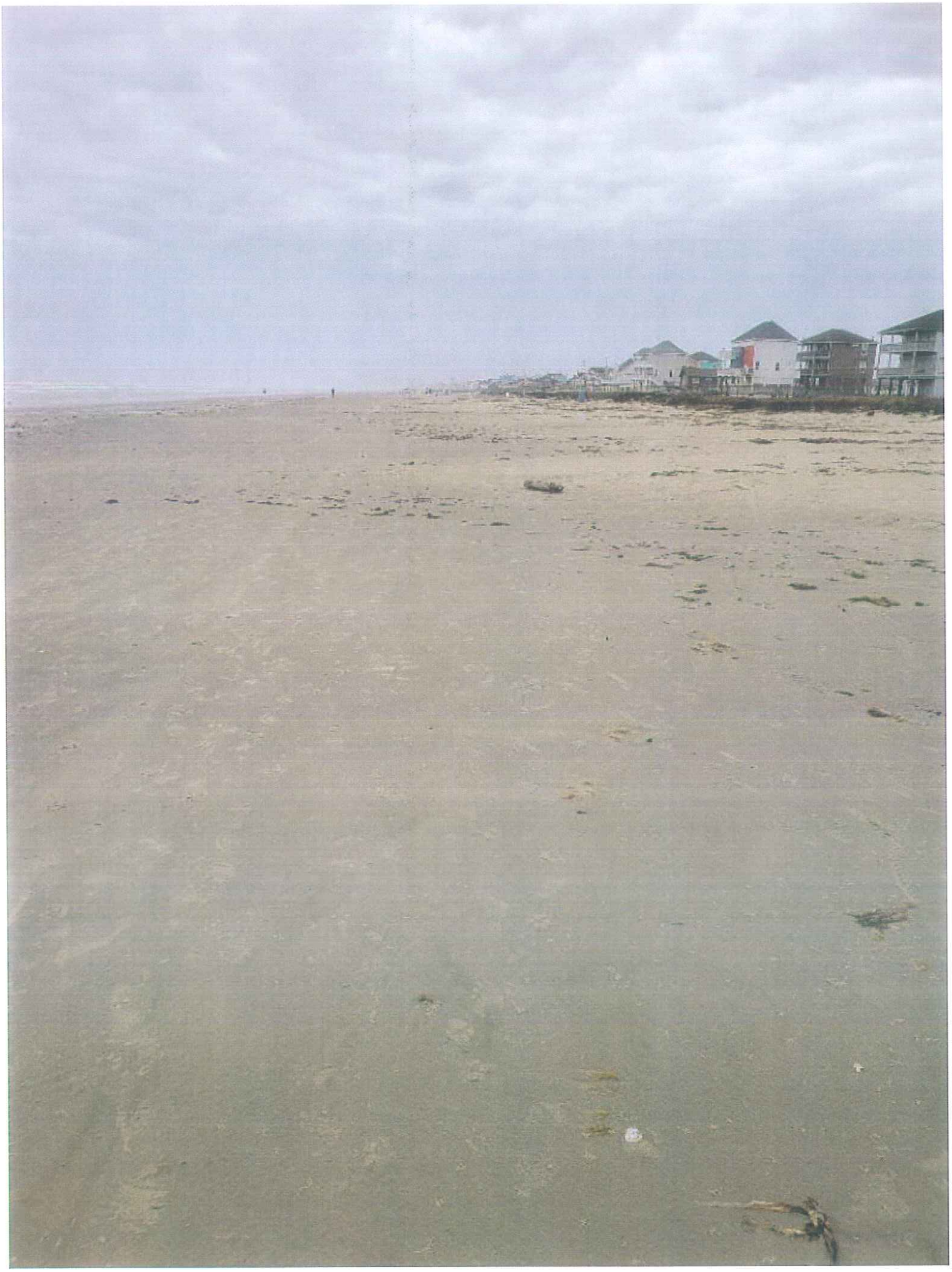


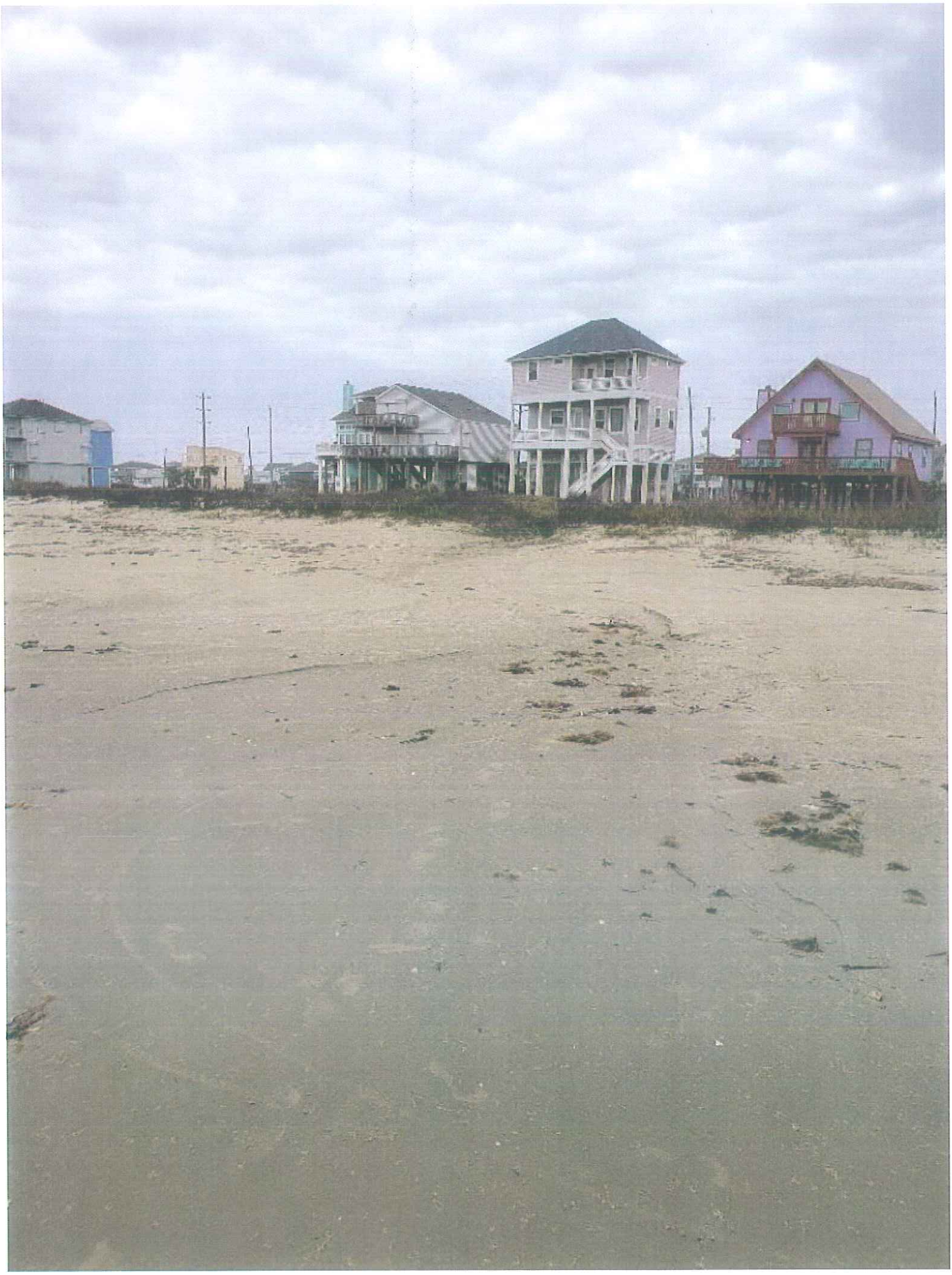


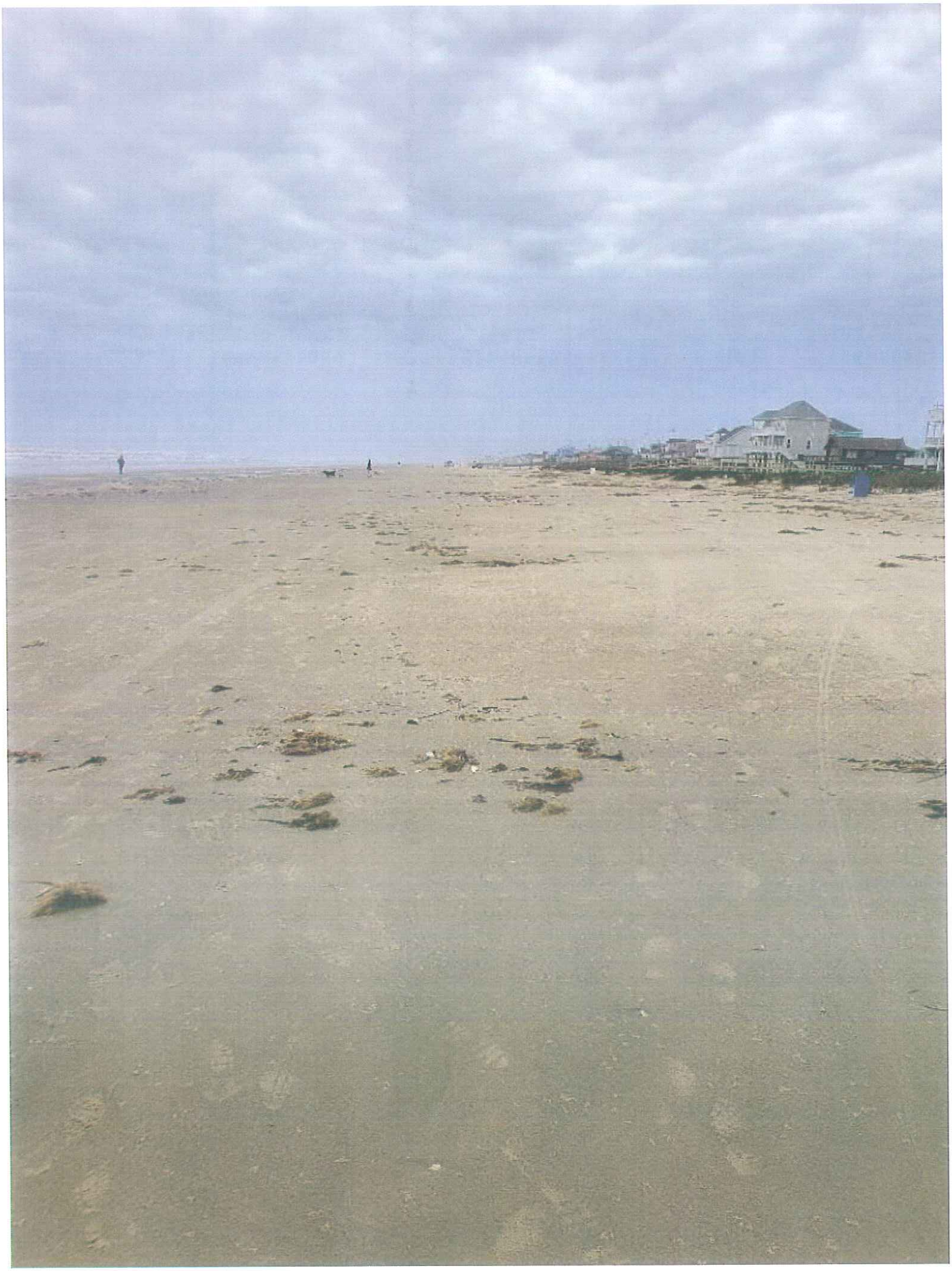


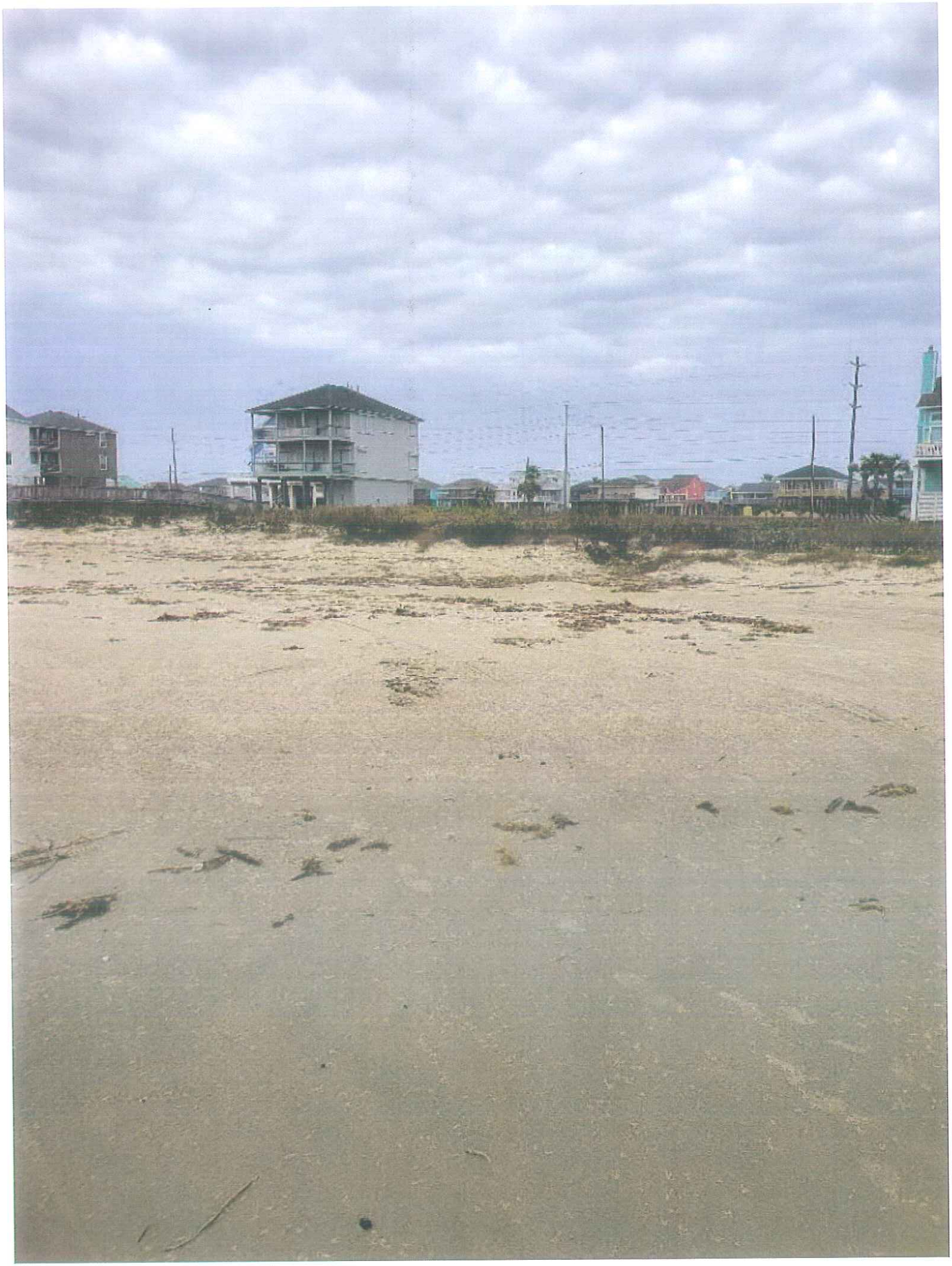


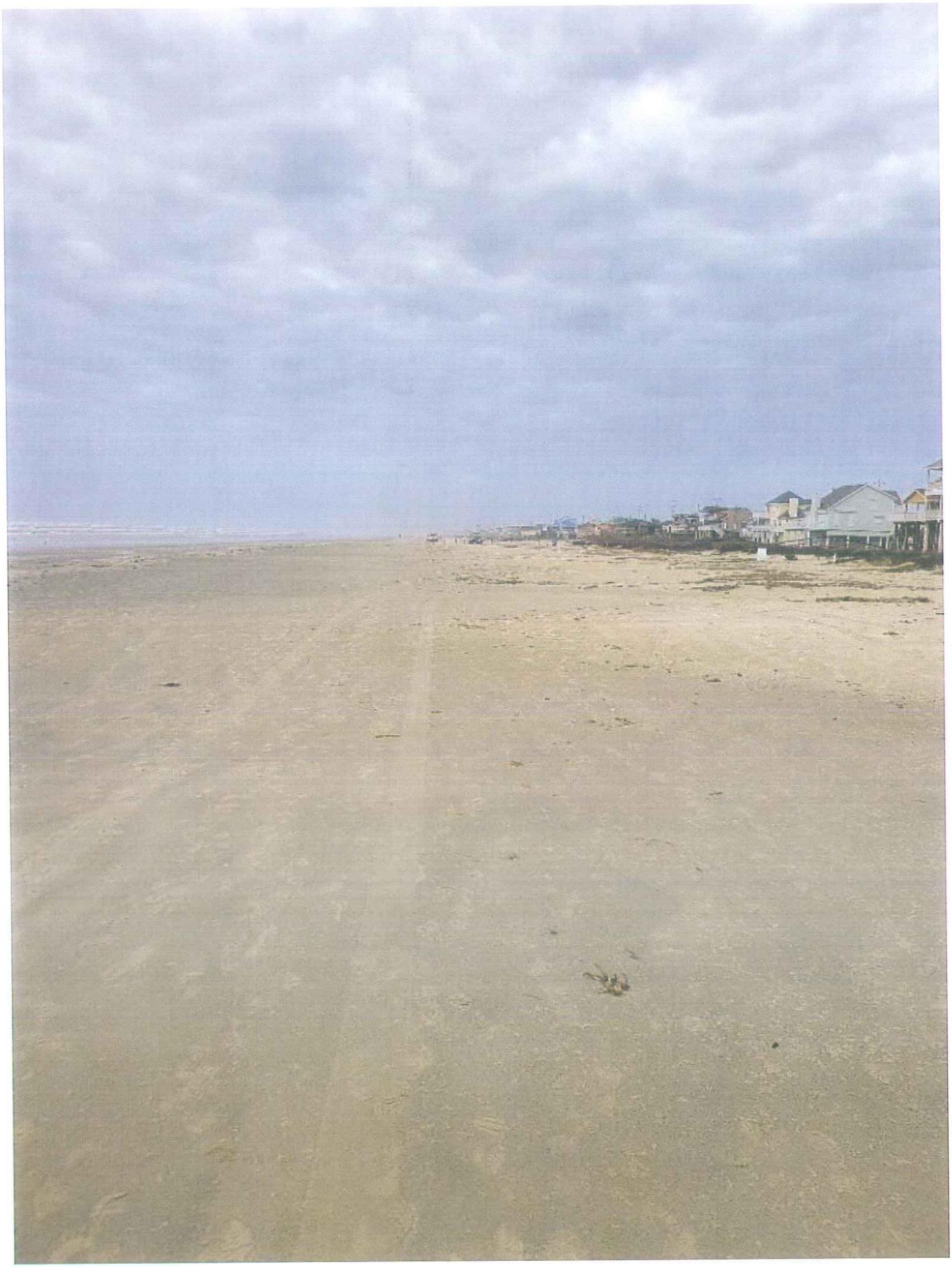


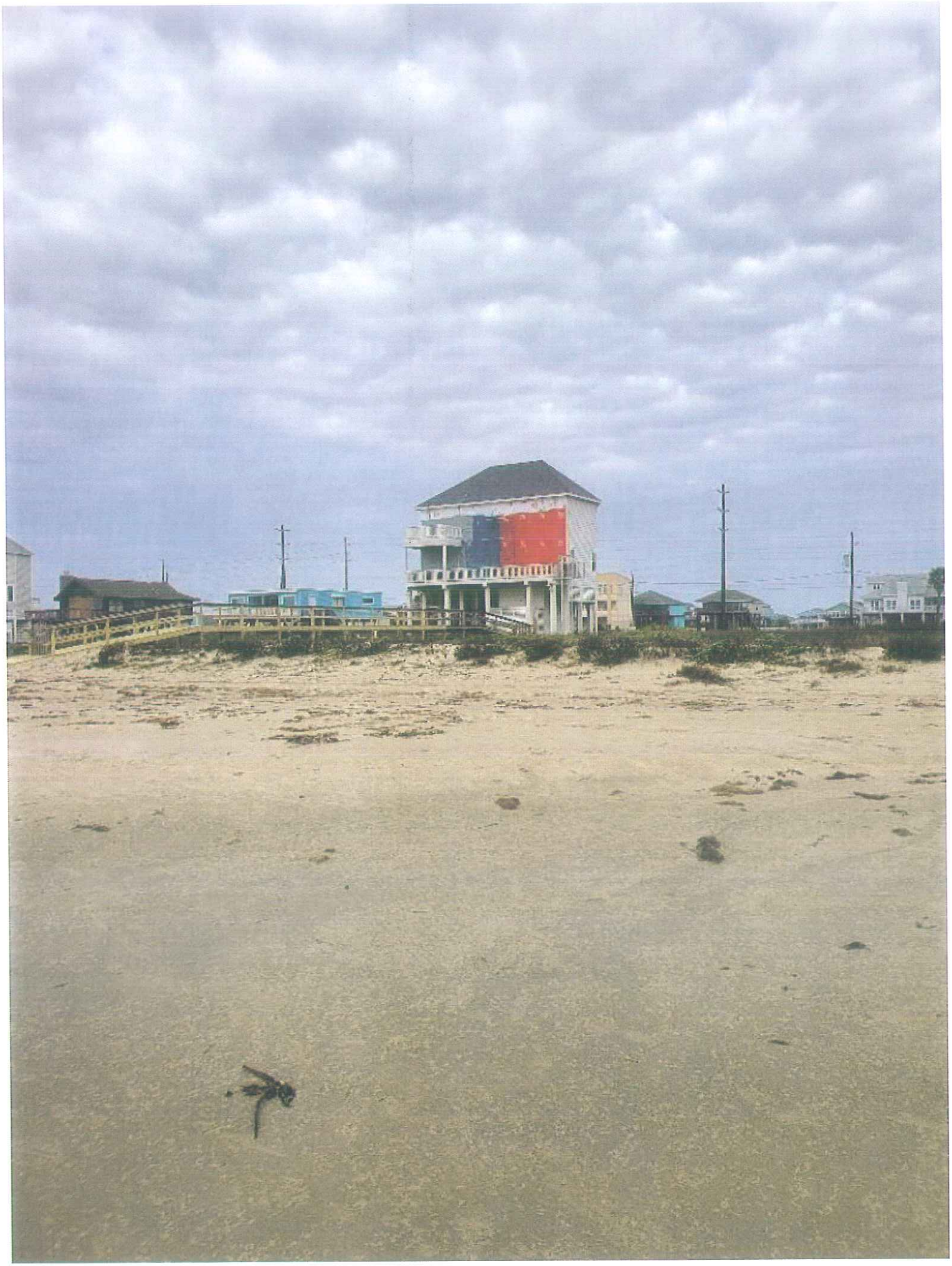


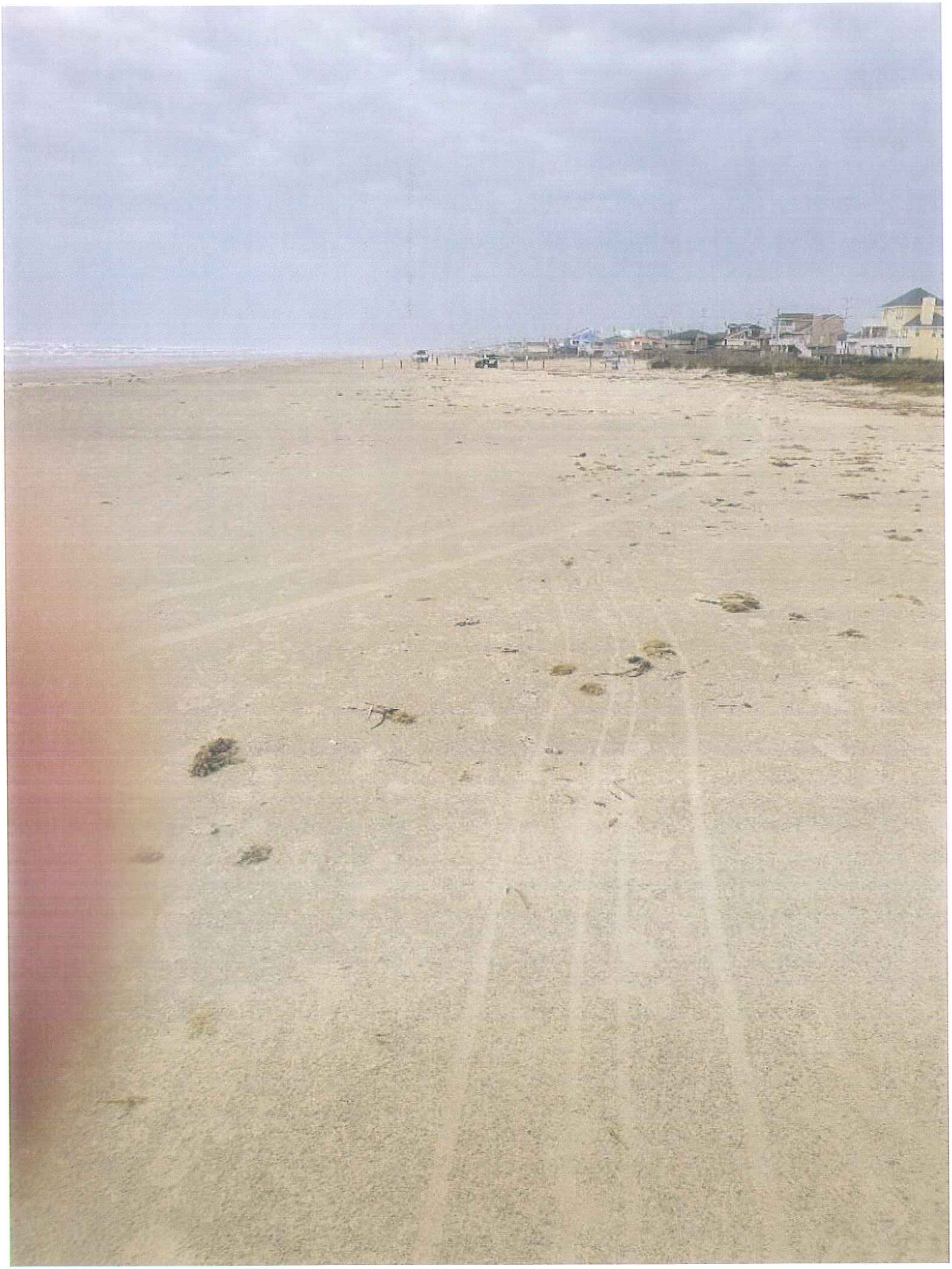


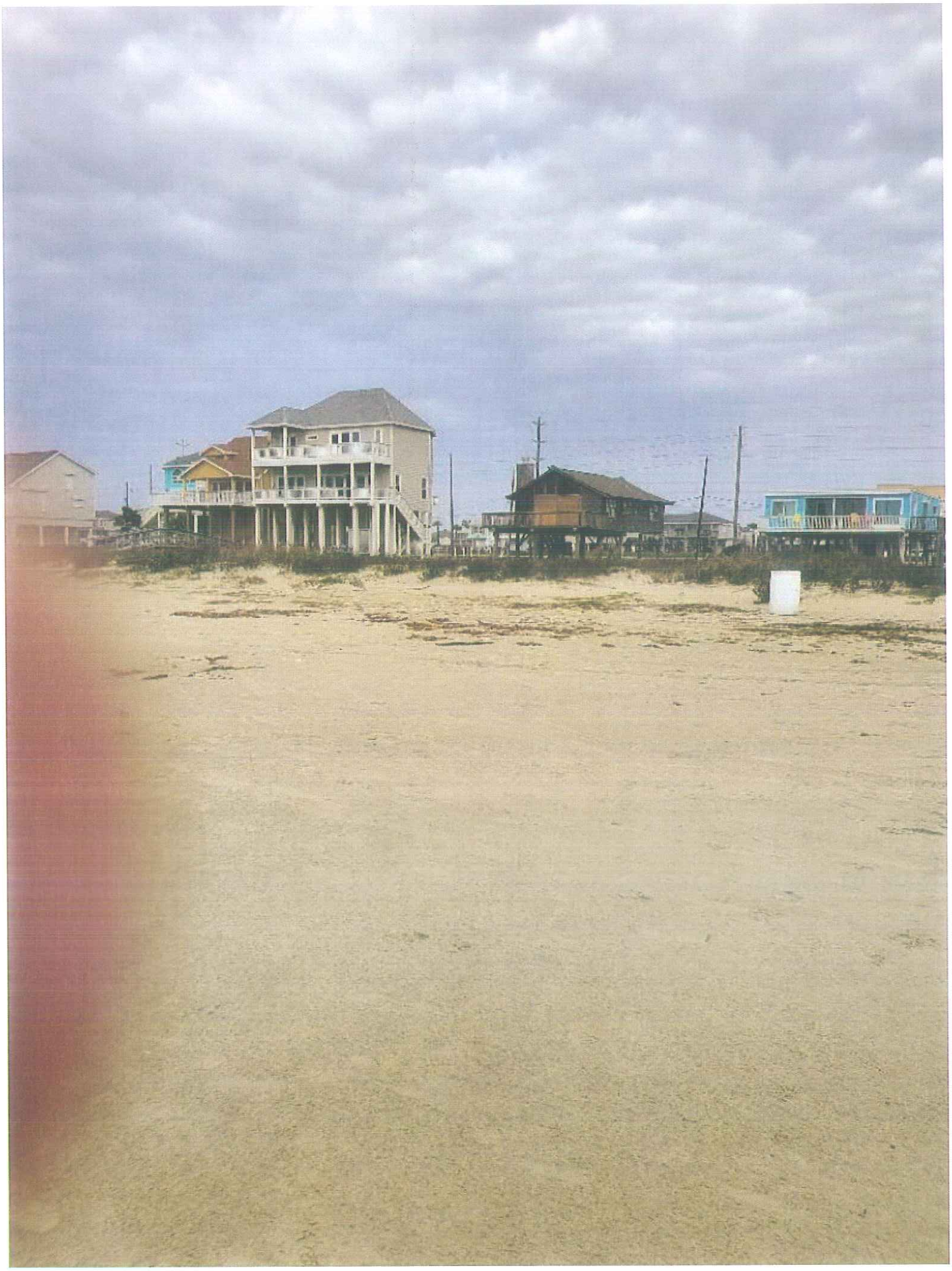


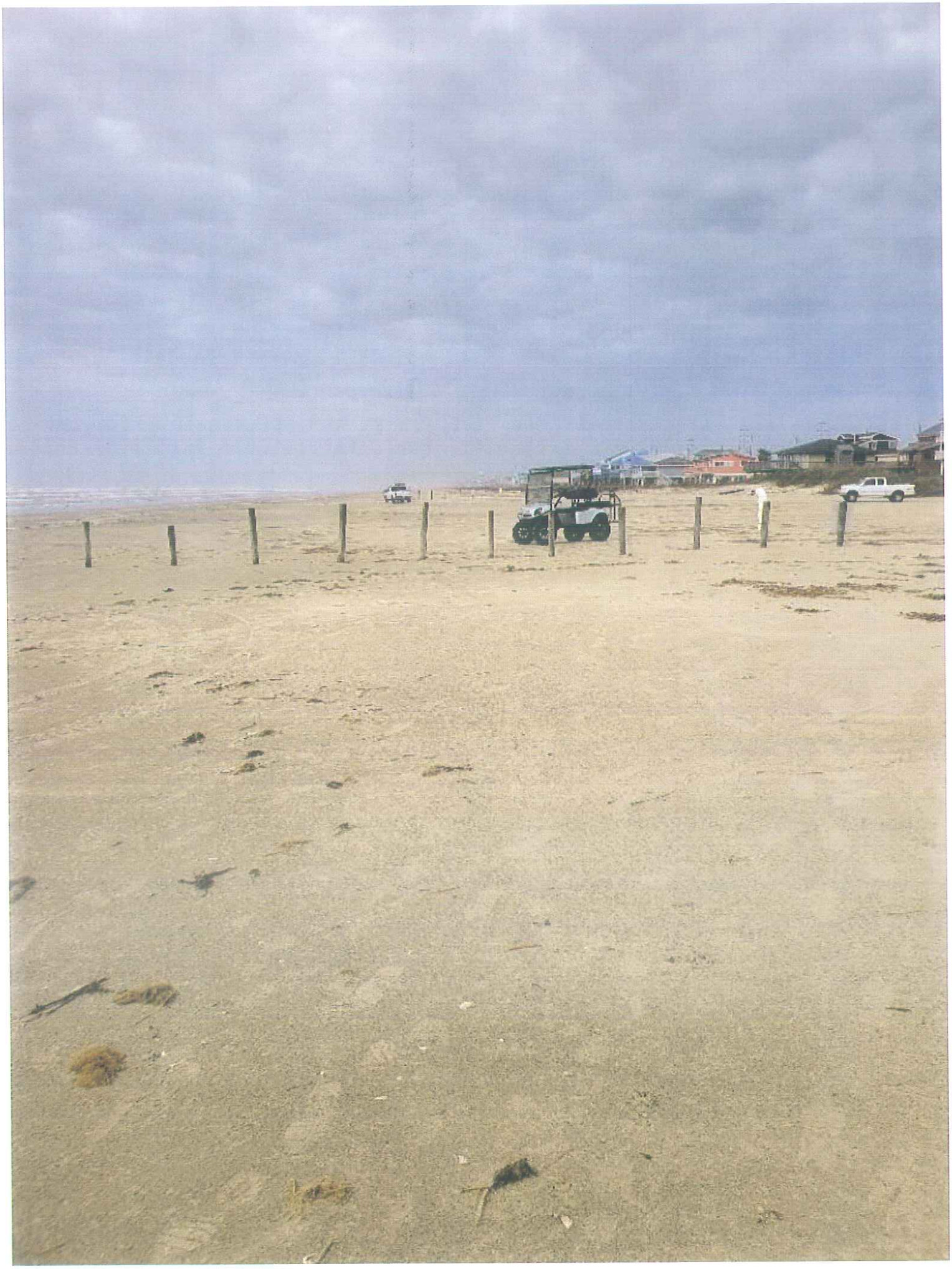


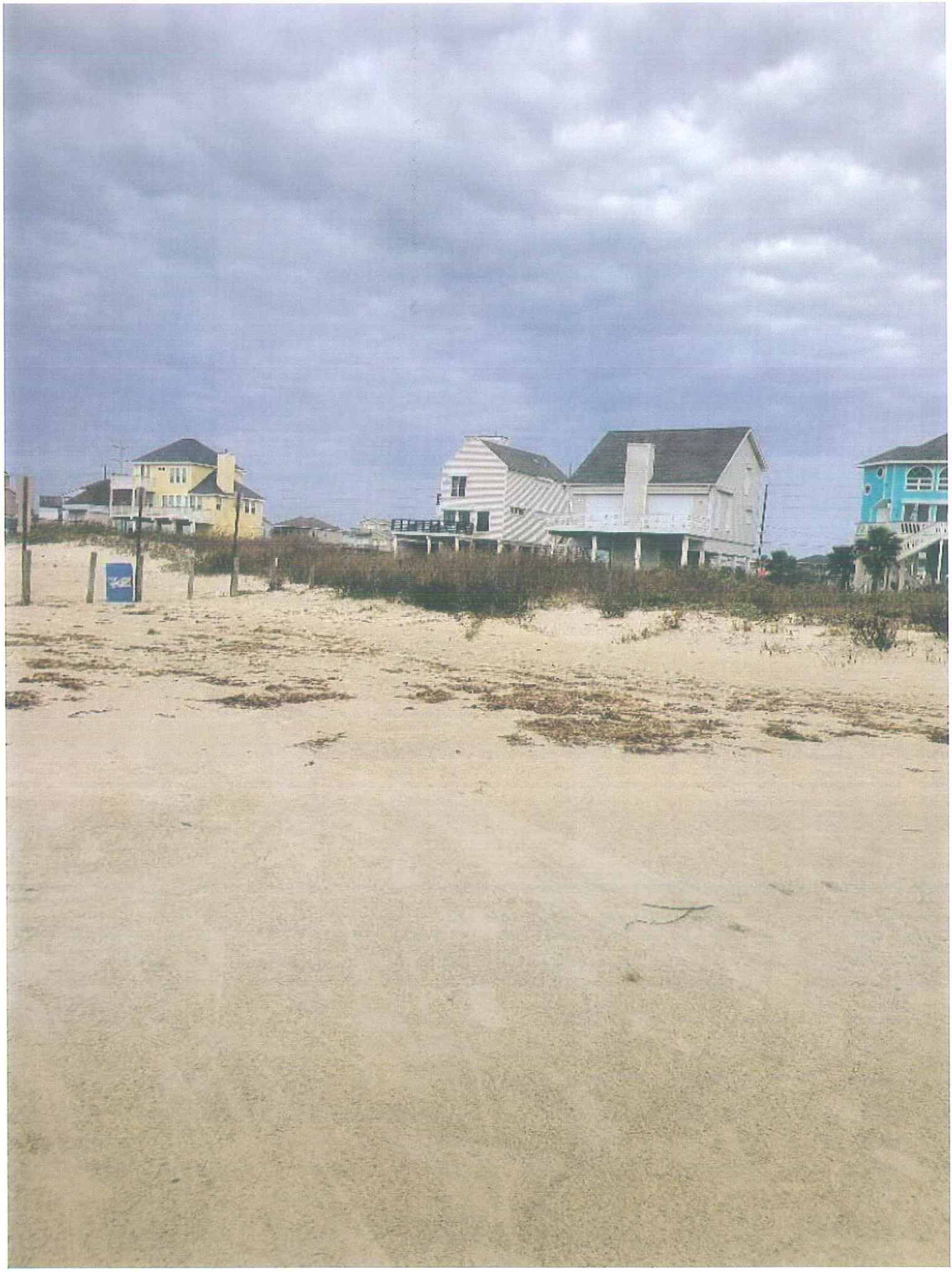












Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 25, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	Terramar Beach, Galveston
Legal Description:	ABST 121 Page 12 Lots 1-17 Terramar Beach Section 5 and ABST 121 Page 12 Lots 1-25 Terramar Beach Section 1
Lot Applicant:	Terramar Beach Community Improvement Assn c/o Craig Vance
Case Number:	20BF-0022
GLO ID No.:	BDCOG-20-0048

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to participate in the Galveston Park Board of Trustees (Park Board) Extreme Inundation of Seaweed Program, which involves the Park Board conducting beach maintenance activities in the event of an extreme inundation of seaweed along approximately 2,845 linear feet of the public beach in front of Terramar Beach. According to the Bureau of Economic Geology, the area is eroding at a rate of three to five feet per year.

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

- The Park Board must limit beach maintenance activities to only when the influx of materials meets the threshold outlined in the application. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[1]

[1] 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activities must not restrict or interfere with public use of or access to the beach[2] or dedicated pedestrian pathways to the beach for public use.[3] The proposed storage of beach maintenance equipment on the public beach may only be temporary and may not impact the public's ability to use or access the public beach.

- The Park Board shall avoid impacts to any dunes or dune vegetation.[4] The Park Board may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[5]

- The Park Board must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[6]

- The Park Board's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The Park Board's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[9]

- In addition to the requirements outlined above, the Park Board must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and with Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the Park Board take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

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[2] 31 Tex. Admin. Code § 15.7(e)(2).
[3] City of Galveston Beach Access Plan Appendix A
[4] 31 Tex. Admin. Code § 15.4(f).
[5] 31 Tex. Admin. Code § 15.3(s)(1).
[6] 31 Tex. Admin. Code § 15.7(l).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.4(d).

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-003 STAFF REPORT

ADDRESS:
801 E. Beach Dr.

LEGAL DESCRIPTION:
Property is legally described as Abst 628 M Menard Sur Lot 3 (5-0), Palisade Palms Replat (2008), a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Ron Gwin

PROPERTY OWNER:
East Beach Project Phase 1, Ltd.

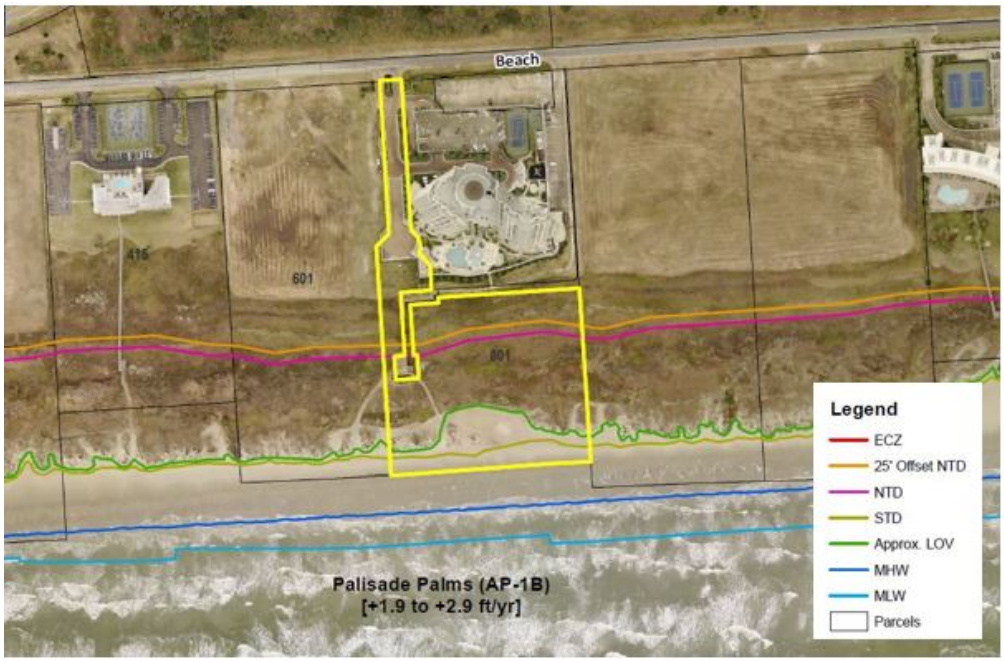
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 800 linear feet of beach located to the south of the Palisade Palms Condominiums. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area. The applicant proposes to conduct beach maintenance activities between the Line of Vegetation and 3.0-foot elevation contour during the following times: weekly beach maintenance activities during the months of June through August; twice-monthly beach maintenance activities during April, May, and September; and monthly beach maintenance activities January through March and October - December.

According to the Bureau of Economic Geology, the area is stable and accreting.

Site and Surrounding Area:
The subject site totals approximately 800 linear feet of beach south of the Palisade Palms Condominiums. The Palisade Palms Condominiums are located to the North of the proposed beach maintenance area and beach area to the South, East, and West. According to the Bureau of Economic Geology, between the 1950s and 2012, this beach area has experienced an average shoreline change rate of +1.9 to +2.9 feet per year.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Palisade Palm Condominiums	~800

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted between the Line of Vegetation and 3.0-foot elevation contour at scheduled times.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed beach maintenance activities will be located seaward of the Dune Protection Line but only between the Line of Vegetation and 3.0-foot elevation contour area at scheduled times, therefore no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted between the Line of Vegetation and 3.0-foot elevation contour area at scheduled times.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:
Staff recommends approval of 20BF-003 with the following conditions:

Specific Conditions to Case 20BF-003:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement. At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use.

    c. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. An additional permit shall be required if any adverse impacts to dunes occur.

    d. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    e. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

    f. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

g. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

h. Should the applicant propose to extend the portion of beach where work will be performed, the applicant must obtain a new or amended beachfront construction certificate and dune protection permit from the City.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

i. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

j. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access.

k. The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be separated to remove sand particles and disposed of properly in an off-site location.

l. The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

m. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

n. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

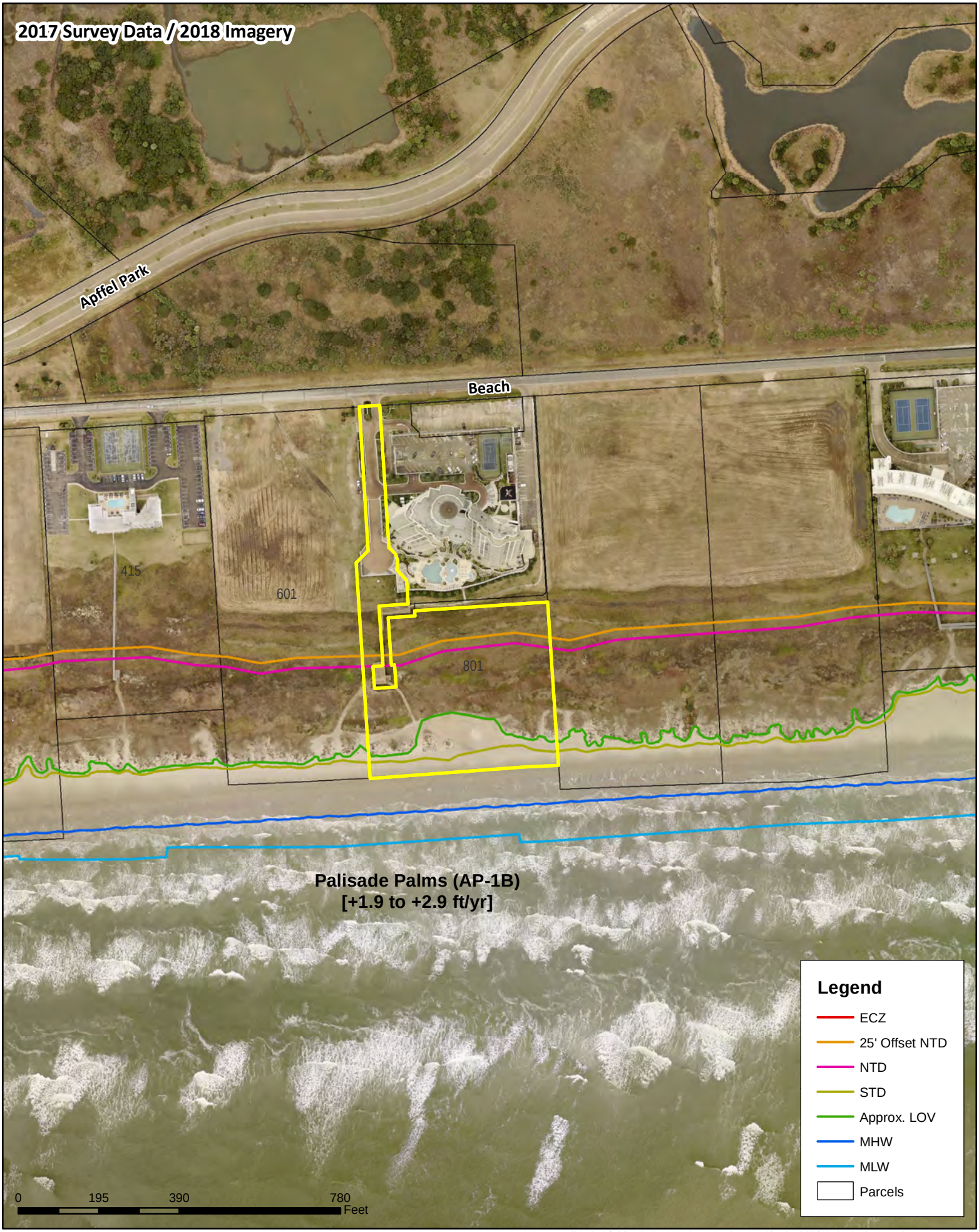
Virginia Greb
Coastal Resources Assistant Manager

03/11/2020
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

03/12/2020
Date

Attachment “A”
Aerial Map



801 E BEACH DR (Case #20BF-003)

Map prepared by the City of Galveston Development Services Department (VGreb) - 1/9/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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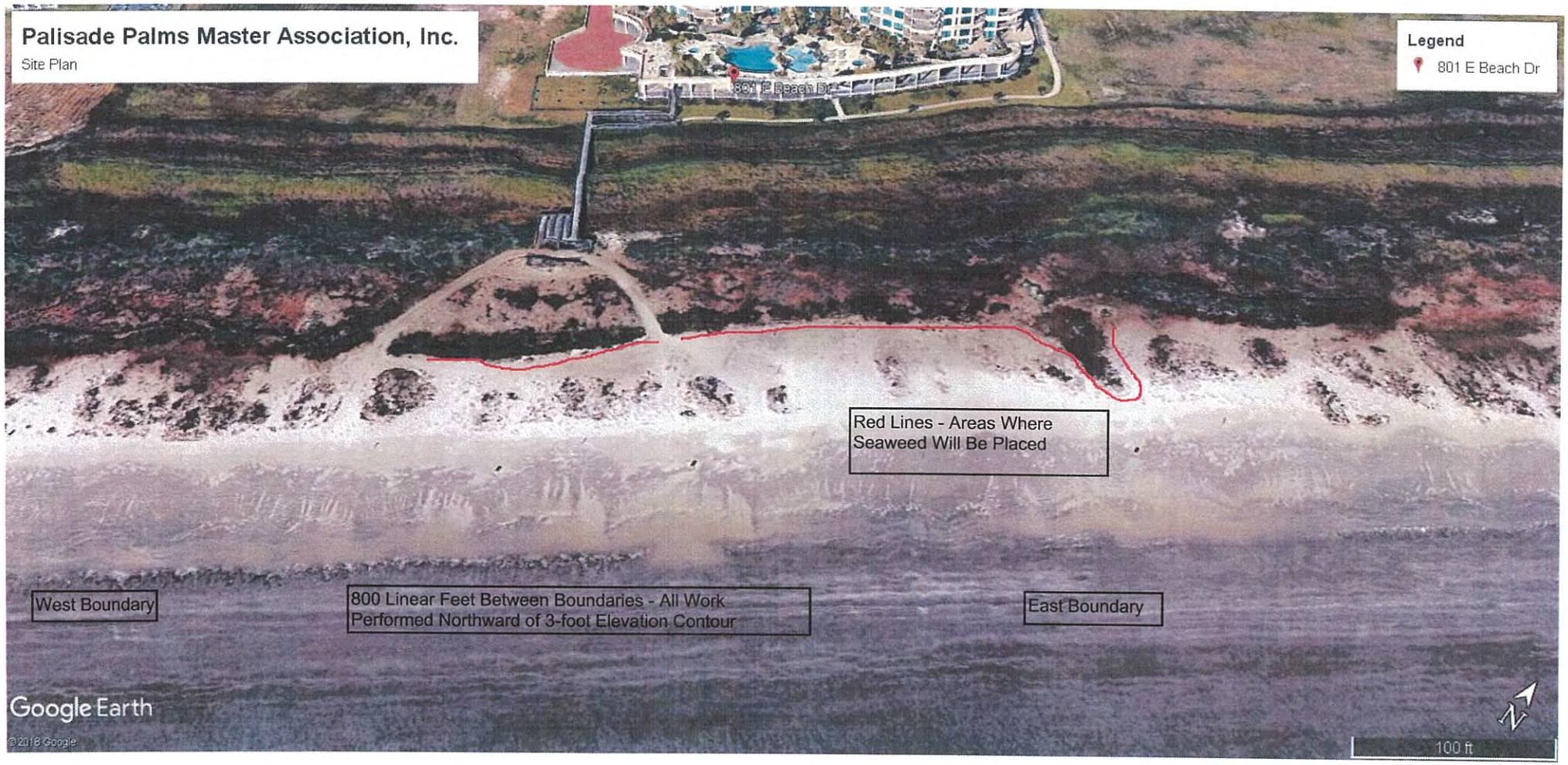
Attachment “B”

Site Plan

&

Narrative


Palisade Palms Master Association, Inc.
Site Plan
Legend
801 E Beach Dr
801 E Beach Dr
Red Lines - Areas Where
Seaweed Will Be Placed
West Boundary
800 Linear Feet Between Boundaries - All Work
Performed Northward of 3-foot Elevation Contour
East Boundary
Google Earth
©2018 Google
N
100 ft

Palisade Palms Master Association, Inc.
801 East Beach Drive, Galveston, Texas 77550

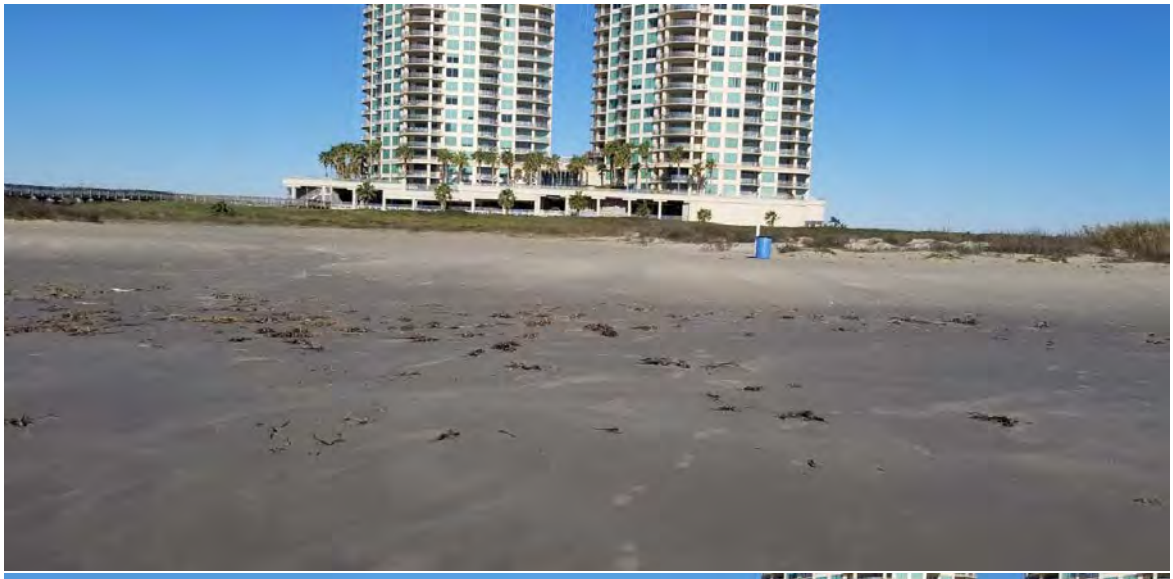
Applicant Narrative for Annual Beach Maintenance Application
~~Submitted January 8, 2020~~
~~REVISED January 23, 2020~~
REVISED January 27, 2020

Palisade Palms Master Association, Inc. (PPMA) is applying to renew the Annual Beach Maintenance permit which expired on December 31, 2019. Outlined below you will find the items requested to be included in this narrative.

- Linear Footage – the PPMA has 1600 linear feet but is applying to include only 50% of this amount in the permit – 800 feet total. Work will only take place from the 3 foot elevation contour northward and will not enter federal waters under the USACE jurisdiction.
- Frequency – plans call for monthly cleanings in the months of January, February, March, October, November, and December. Twice monthly cleanings will occur in the months of April, May and September. Weekly cleanings will occur in the months of June, July, and August. Cleanings will occur on a scheduled basis each month / week in the frequencies noted regardless of seaweed or debris volume. PLEASE NOTE – cleaning will only occur on 50% of the linear feet under our jurisdiction. The remaining 50% will not be cleaned. The area being cleaned is closest to the beach access point dune walk over bridge.
- Equipment – the PPMA will utilize 2 types of equipment either owned or contracted with a beach cleaning contractor. Both are manufactured by H. Barber and Sons and include the "Sandman" (smaller walk behind machine) and the "Barber Surf Rake" pulled by a Kubota (or similar) tractor (same type of equipment used by the Galveston Island Park Board).
- Seaweed placement will be evenly distributed along the dune line avoiding any possible wetland areas.
- Trash and debris will be placed in the existing trash cans provided by the Galveston Park Board or, if too large, removed and placed in the dumpster containers at Palisade Palms.
- Nesting Turtles – The Turtle Island Restoration Network uses Palisade Palms as a starting point for their volunteers. Two times per day, during nesting season, these volunteers retrieve their equipment from the front desk, where it is stored, and patrol the beach all the way to Stewart Beach and back. In addition, each time the Barber Surf Rake is used on the beach there will be a trained Wildlife Monitor present in addition to the machine operator.
- The PPMA will notify the Turtle Island Restoration Network 24 hours in advance of any cleaning.
- This proposed activity will in no way affect public beach access not will it adversely affect the beach or exacerbate erosion. This portion of beach is an accreting beach and the proposed equipment is the least intrusive mechanized method of cleaning and grooming beaches.
- All sand will remain between the line of vegetation and the mean high tide and there will be no significant redistribution of the sand.
- This activity will not have an adverse effect on the dunes or dune vegetation nor will it alter the beach profile or the line of vegetation.

Attachment “C”

Site Photos



Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

January 29, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	801 E Beach Dr, Galveston
Legal Description:	ABST 628 M Menard Sur Lot 3 (5-0) Palisade Palms Replat (2008)
Lot Applicant:	East Beach Project Phase 1 LTD Falcon Interests c/o Ron Gwin
Case Number:	20BF-003
GLO ID No.:	BDCOG-20-0016

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities on the beach between the line of vegetation and the 3.0-foot elevation contour monthly in January through March and October through December, twice monthly in April, May and September and weekly in June through August on approximately 800 linear feet of beach in front of Palisade Palms. According to the Bureau of Economic Geology, the area is stable to accreting.

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

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement.[1] At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[2]

[1] 31 Tex. Admin. Code § 15.7(l).
[2] 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach[3] or dedicated pedestrian pathways to the beach for public use.[4]

- The applicant shall avoid impacts to any dunes or dune vegetation.[5] The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[6]

- The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be washed to remove sand particles and disposed of properly in an off-site location.

- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[9]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[10]

- The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by

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[3] 31 Tex. Admin. Code § 15.7(e)(2).
[4] City of Galveston Beach Access Plan Appendix A
[5] 31 Tex. Admin. Code § 15.4(f).
[6] 31 Tex. Admin. Code § 15.3(s)(1).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.7(l).
[10] 31 Tex. Admin. Code § 15.4(d).

the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

- Should the applicant propose to extend the portion of beach where work will be performed, the applicant must obtain a new or amended beachfront construction certificate and dune protection permit from the City.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-010 STAFF REPORT

ADDRESS:
1401 E. Beach Dr.

LEGAL DESCRIPTION:
Property is legally described as Abst 628 M Menard Sur Unit #301 Galveston Condo & .5449 % Common Element Galvez East, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Sunrise Beach Cleaning, Santiago Mejia

PROPERTY OWNER:
The Galvestonian, c/o Silvia Aguirre

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 400 linear feet of beach located to the south of The Galvestonian. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area. The applicant proposes to conduct beach maintenance during the following times: weekly beach maintenance activities during the months of June through August; twice-monthly beach maintenance activities during April, May, and September; and monthly beach maintenance activities January through March and October - December.

According to the Bureau of Economic Geology, the area is accreting.

Site and Surrounding Area:
The subject site totals approximately 400 linear feet of beach located to the south of The Galvestonian. The Galvestonian is located to the North of the proposed beach maintenance area and beach area is located to the South, East, and West. According to the Bureau of Economic Geology, between the 1950s and 2012, this beach area has experienced an average shoreline change rate of +4.0 to +8.0 feet per year.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
The Galvestonian	~400

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted at scheduled times.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed beach maintenance activities will be located seaward of the Dune Protection Line at scheduled times, therefore no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted at scheduled times.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:
Staff recommends approval of 20BF-010 with the following conditions:

Specific Conditions to Case 20BF-010:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed. At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. It appears from aerial photography that past beach maintenance activities at this location may have adversely impacted dune vegetation and prohibited the natural migration of the vegetation line and dune system. The applicant shall avoid impacts to any dunes or dune vegetation and may not rake over dune vegetation or operate machinery on dunes. Any unpermitted adverse impacts to dunes or dune vegetation are subject to enforcement action by the City of Galveston and the GLO, which may include administrative penalties of no less than $50 and no more than $2,000 per day for every day the violation occurs.

    c. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use.

    d. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    e. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from

the beach.

f. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

g. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.

j. The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be separated to remove sand particles and disposed of properly in an off-site location.

k. The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

l. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

m. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

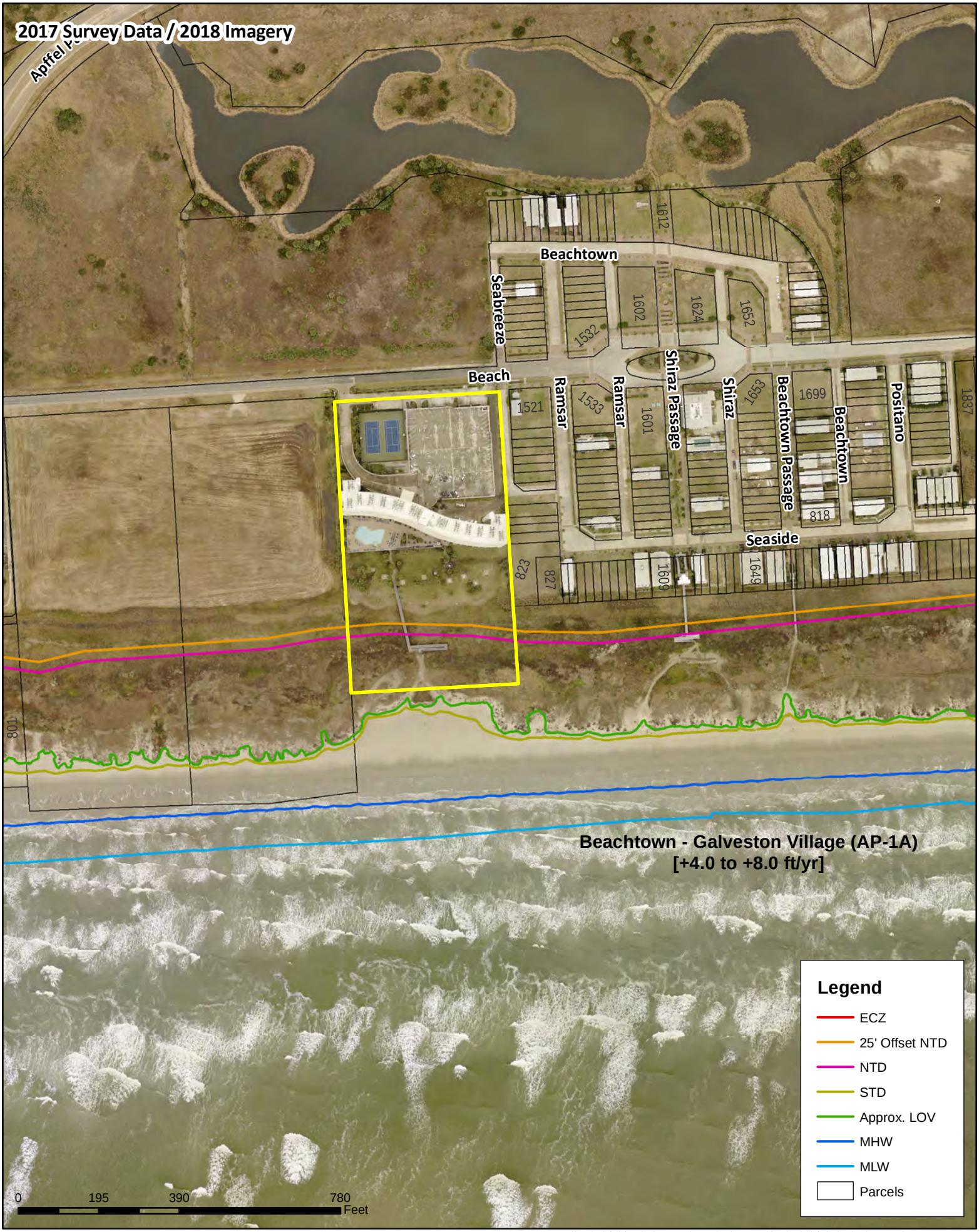
Virginia Greb — 03/11/2020

Virginia Greb
Coastal Resources Assistant Manager
Date

03/11/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO
Date

Attachment “A”
Aerial Map



1401 East Beach Drive (Case #20BF-010)

Map prepared by the City of Galveston Development Services Department (VGreb) - 1/27/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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Attachment “B”

Site Plan

&

Narrative

SEAMREE DR
RAMSAR
25ft offset from NTD
25ft offset from NTD
NTD
NTD
NTD
NTD
10
10
10

Untitled Map
Write a description for your map.
Legend
The Galvestonian
Google Earth
© 2018 Google
500 ft

2724 61st St. #71
Galveston, TX 77551

Application narrative and applicant's justification for request:

Sunrise beach cleaning intend to perform the Beach Cleaning task.

SCHEDULE:
The cleaning will be monthly basis in October, November, December, January, February and March.
Twice a month in April, May and September.
Weekly in June, July and August.

Sunrise beach cleaning uses a Barber Beach Rake which only removes Seaweed without removing sand from the beach. A picture of the equipment is attached. The linear footage to be raked is approximately 400 feet. The relocation of the Seaweed will be distributed as evenly as possible throughout the entire length of the beach adjacent to the Galvestonian. The operator of the equipment will remove trash and debris from the beach and deposit them in appropriate receptacles.

We will have an experience and certified person watching for nesting sea turtles. Our staff are certified turtle monitor with certification attached, will observe the work to avoid disturbance of any nesting turtles.

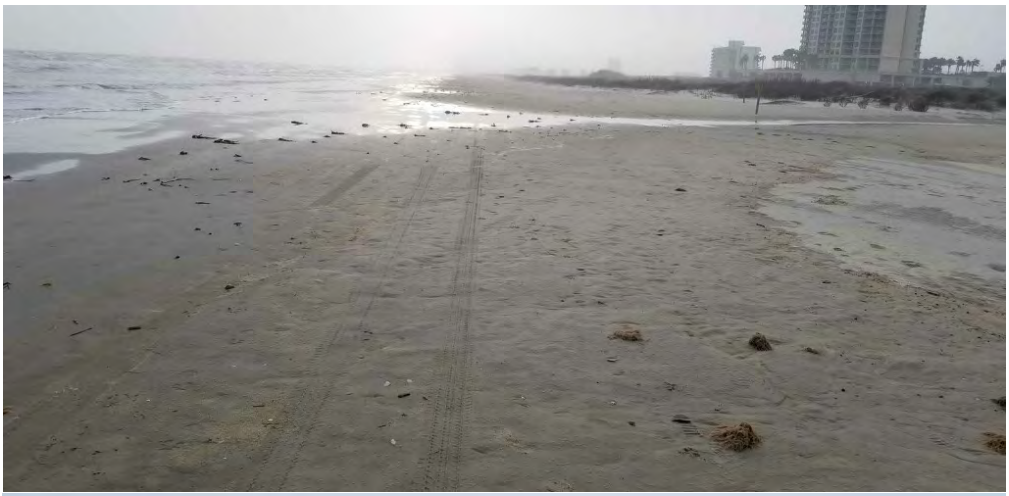
A Site plan/Map is attached, indicating the correct location of the Dune, line of vegetation and indicate the proposed location for the placement of the seaweed. Photographs starting from the east of the subdivision showing every 200 feet, beach looking west from the water to the Dunes and looking from the water line directly at the Dune are attached.

The proposed activity will not adversely affect the public or public access way or exacerbate erosion. The sand will remain between the line of vegetation and the mid high tide. The activity will not adversely weaken the Dune or Dune vegetation or reduce the protective function of the Dune. The activity in a significant reduction of sand. The activity will not significantly alter the beach profile on the line of vegetation.

Without relocating the seaweed on the beach, it is impossible for residents or tourists to enjoy the beach as it is full of seaweed, debris and insects. It is felt that this will be a significant contribution to the welfare and maintenance of the beach which will allow both residents and tourist to enjoy the beach and at the same time increase the image of Galveston Beaches to the public.

Attachment “C”

Site Photos



Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 10, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	1401 E Beach Dr, Galveston
Legal Description:	ABST 628 M Menard Sur Unit #301 Galvestonian Condo & .5449 % Common Element Galvez East
Lot Applicant:	The Galvestonian c/o Sunrise Beach Cleaning – Santiago Mejia
Case Number:	20BF-010
GLO ID No.:	BDCOG-20-0022

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities monthly in January through March and October through December, twice monthly in April, May and September and weekly in June through August on approximately 400 linear feet of beach in front of the Galvestonian. According to the Bureau of Economic Geology, the area is accreting.

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

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed.[1] At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- It appears from aerial photography that past beach maintenance activities at this location may have adversely impacted dune vegetation and prohibited the natural migration of the vegetation line and dune system. The applicant shall avoid impacts to any dunes or dune vegetation and

[1] 31 Tex. Admin. Code § 15.7(l).

may not rake over dune vegetation or operate machinery on dunes. Any unpermitted adverse impacts to dunes or dune vegetation are subject to enforcement action by the City of Galveston and the GLO, which may include administrative penalties of no less than $50 and no more than $2,000 per day for every day the violation occurs.[2]

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[3]

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach[4] or dedicated pedestrian pathways to the beach for public use.[5]

- Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[6]

- The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be washed to remove sand particles and disposed of properly in an off-site location.

- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[9]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[10]

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[2] 31 Tex. Admin. Code § 15.9(a)(1)(A).
[3] 31 Tex. Admin. Code § 15.7(l).
[4] 31 Tex. Admin. Code § 15.7(e)(2).
[5] City of Galveston Beach Access Plan Appendix A
[6] 31 Tex. Admin. Code § 15.3(s)(1).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.7(l).
[10] 31 Tex. Admin. Code § 15.4(d).

- The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-011 STAFF REPORT

ADDRESS:
Sandhill Shores Subdivision

LEGAL DESCRIPTION:
Property is legally described as Abst 121 Page 18, 19 & 22, Hall & Jones Sur TR 37-1, 41.982 Acres, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Sunrise Beach Cleaning, Santiago Mejia

PROPERTY OWNER:
Sandhill Shores Property Owners Association Inc.

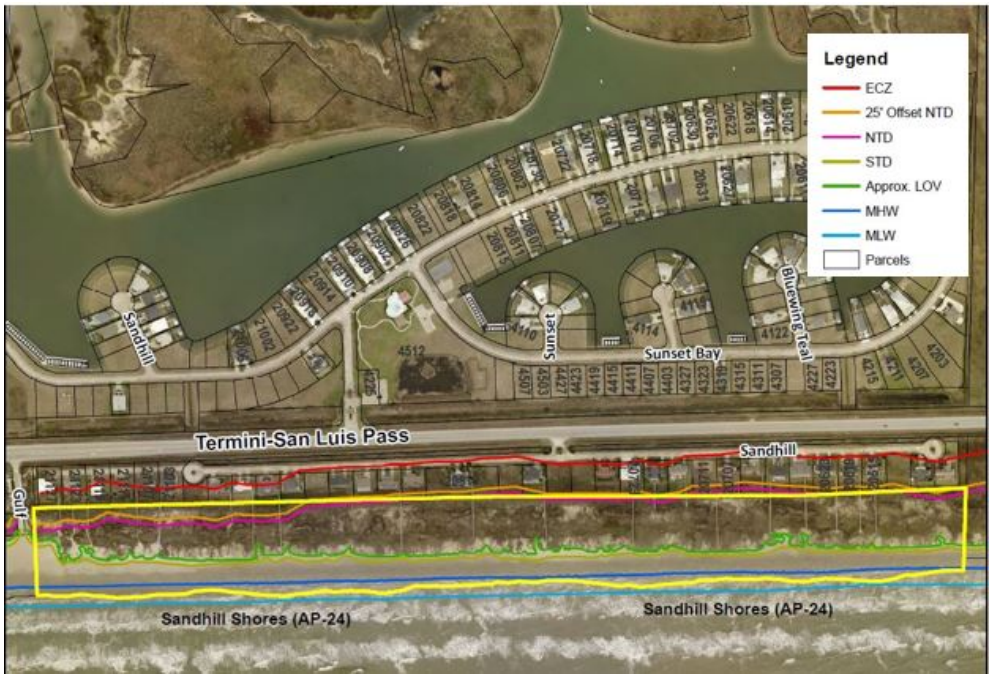
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



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Executive Summary:
The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 3,700 linear feet of beach located to the south of the Sandhill Shores Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area. The applicant proposes to conduct beach maintenance during the following times: weekly beach maintenance activities during the months of June through August; twice-monthly beach maintenance activities during April, May, and September; and monthly beach maintenance activities January through March and October - December.

According to the Bureau of Economic Geology, between the 1950s and 2012, this beach area has experienced an average shoreline change rate of -1.0 to +1.0 feet per year.

Site and Surrounding Area:
The subject site totals approximately 3,700 linear feet of beach located to the south of the Sandhill Shores Subdivision. The Sandhill Shores Subdivision is located to the North of the proposed beach maintenance area and beach area is located to the South, East, and West.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Sandhill Shores Subdivision	~3,700

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards because the proposed beach maintenance activities are to be conducted at scheduled times.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed beach maintenance activities will be located seaward of the Dune Protection Line at scheduled times, therefore no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected as the proposed beach maintenance activities are to be conducted at scheduled times.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit, and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:
Staff recommends approval of 20BF-011 with the following conditions:

Specific Conditions to Case 20BF-011:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed. At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach3 or dedicated pedestrian pathways to the beach for public use.

    c. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.

    d. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    e. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring

debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.

f. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.

g. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be separated to remove sand particles and disposed of properly in an off-site location.

j. The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

k. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

k. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

<u>ERP PRACTICABLE DEFINITION</u>

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb

Virginia Greb
Coastal Resources Assistant Manager

03/11/2020
Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

03/11/2020
Date

Attachment “A”
Aerial Map

Sandhill Shores (Case #20BF-011)

Map prepared by the City of Galveston Development Services Department (VGreb) - 1/27/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Attachment “B”

Site Plan

&

Narrative

SANDHILL
SUNSET BAY
SUNSET BAY
SUNSET BAY
SAN LUIS PASS
SANDHILL
Enhanced Construction Zone
GULF
3' Contour

Seaweed Relocation

Sunrise Beach Cleaning

2724 61st St. #71

Galveston, TX 77551

Application narrative and applicant's justification for request:

Sunrise beach cleaning intend to perform the Beach Cleaning task.

SCHEDULE:
The cleaning will be monthly basis in October, November, December, January, February and March.
Twice a month in April, May and September.
Weekly in June, July and August.

Sunrise beach cleaning uses a Barber Beach Rake which only removes Seaweed without removing sand from the beach. A picture of the equipment is attached. The linear footage to be raked is approximately 3.700 feet. The relocation of the Seaweed will be distributed as evenly as possible throughout the entire length of the beach adjacent to the Sandhill Shores subdivision. The operator of the equipment will remove trash and debris from the beach and deposit them in appropriate receptacles.

We will have an experience and certified person watching for nesting sea turtles. Our staff are certified turtle monitor with certification attached, will observe the work to avoid disturbance of any nesting turtles.

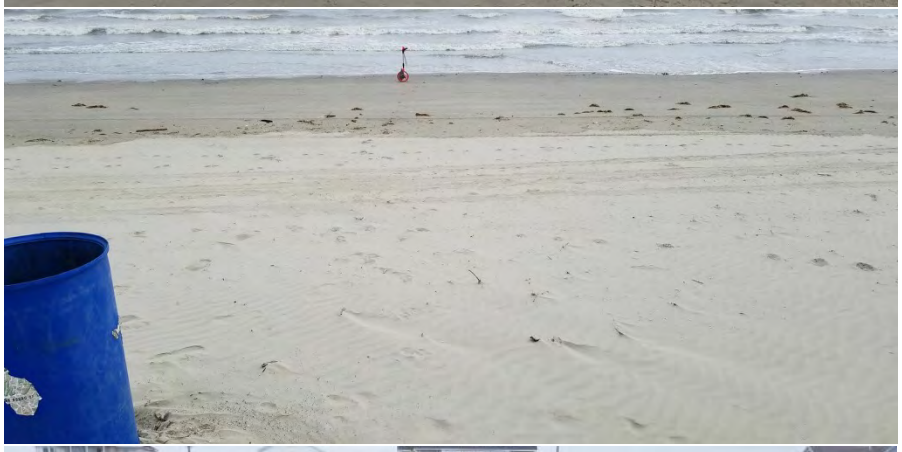
A Site plan/Map is attached, indicating the correct location of the Dune, line of vegetation and indicate the proposed location for the placement of the seaweed. Photographs starting from the east of the subdivision showing every 200 feet, beach looking west from the water to the Dunes and looking from the water line directly at the Dune are attached.

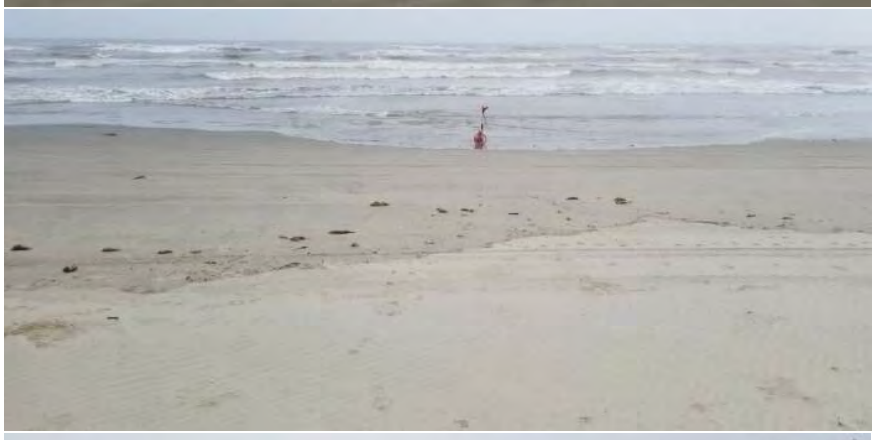
The proposed activity will not adversely affect the public or public access way or exacerbate erosion. The sand will remain between the line of vegetation and the mid high tide. The activity will not adversely weaken the Dune or Dune vegetation or reduce the protective function of the Dune. The activity in a significant reduction of sand. The activity will not significantly alter the beach profile on the line of vegetation.

Without relocating the seaweed on the beach, it is impossible for residents or tourists to enjoy the beach as it is full of seaweed, debris and insects. It is felt that this will be a significant contribution to the welfare and maintenance of the beach which will allow both residents and tourist to enjoy the beach and at the same time increase the image of Galveston Beaches to the public.

Attachment “C”

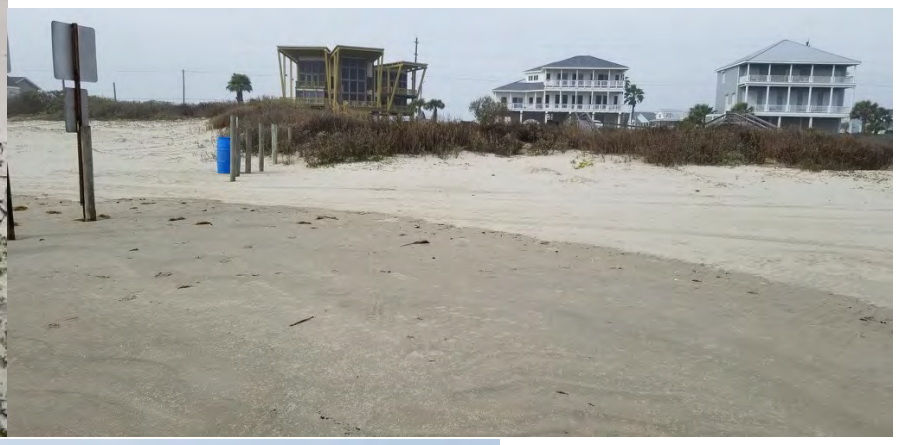
Site Photos





CITY

ITEMS LEFT
ON BEACH
OVERNIGHT
WILL BE
DISCARDED



Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 10, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	Sandhill Shores, Galveston
Legal Description:	ABST 121 Page 18, 19 & 22 Hall & Jones Sur TR 37-1 41.982 Acres
Lot Applicant:	Sandhill Shores Property Owners Association Inc c/o Sunrise Beach Cleaning – Santiago Mejia
Case Number:	20BF-011
GLO ID No.:	BDCOG-20-0023

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities monthly in January through March and October through December, twice monthly in April, May and September and weekly in June through August on approximately 3,700 linear feet of beach in front of the Sandhill Shores Subdivision. According to the Bureau of Economic Geology, the area is stable to eroding at a rate of 2 feet per year.

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

- The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed.[1] At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[2]

[1] 31 Tex. Admin. Code § 15.7(l).
[2] 31 Tex. Admin. Code § 15.7(l).

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach[3] or dedicated pedestrian pathways to the beach for public use.[4]

- The applicant shall avoid impacts to any dunes or dune vegetation.[5] The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. An additional permit shall be required if any adverse impacts to dunes occur.[6]

- The applicant is prohibited from placing trash collected by beach maintenance activities within the primary dune complex. All trash collected should be washed to remove sand particles and disposed of properly in an off-site location.

- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[9]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[10]

- The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by

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[3] 31 Tex. Admin. Code § 15.7(e)(2).
[4] City of Galveston Beach Access Plan Appendix A
[5] 31 Tex. Admin. Code § 15.4(f).
[6] 31 Tex. Admin. Code § 15.3(s)(1).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.7(l).
[10] 31 Tex. Admin. Code § 15.4(d).

the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20BF-012 STAFF REPORT

ADDRESS:
Pointe West Subdivision

LEGAL DESCRIPTION:
Property is legally described as Pointe West Sec 1 (2005), Beach Area (0-11), Pointe West Sec 2-A (2007), Common Area J (0-10), a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Sunrise Beach Cleaning, Santiago Mejia

PROPERTY OWNER:
Property Owners Association of Pointe West, c/o Deborah Hassell

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Site Plan, Narrative
C – Photos
D – GLO Comments

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the line of vegetation.

The applicant is requesting approval to conduct annual beach maintenance activities on approximately 6,000 linear feet of beach located to the south of the Pointe West Subdivision. The proposed beach maintenance area is seaward of the Dune Protection Line and within the Planning Commission review area. The applicant proposes to conduct beach maintenance during the following times: weekly beach maintenance activities during the months of June through August; twice-monthly beach maintenance activities during April, May, and September; and monthly beach maintenance activities January through March and October - December.

According to the Bureau of Economic Geology, the area is stable to eroding at a rate of one to three feet per year.

Site and Surrounding Area:
The subject site totals approximately 6,000 linear feet of beach located to the south of the Pointe West Subdivision. The Pointe West Subdivision is located to the North of the proposed beach maintenance area and beach area is located to the South, East, and West.

Analysis:
The table below summarizes details from the applicant site plan and narrative (Attachment "B") regarding the proposed annual beach maintenance area in linear feet:

Location	Linear Feet
Pointe West Subdivision	~6,000

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan, and Erosion Response Plan. The site plan and narrative, (Attachment "B"), are submitted with this request.

Staff has reviewed the application materials and no prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse impacts on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment "D" and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Staff finds that the proposed beach maintenance activity will not materially weaken dunes or materially damage dune vegetation as defined by these Technical Standards. The proposed beach maintenance activities are to be conducted at scheduled times.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed beach maintenance activities will be located seaward of the Dune Protection Line at scheduled times. Therefore, no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

Staff finds that the proposed activity will not materially weaken dunes or materially damage dune vegetation and no adverse effects to dunes or dune vegetation are expected. The proposed beach maintenance activities will be conducted at scheduled times.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston's requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City's requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

This standard does not apply. The applicant is proposing annual beach maintenance activities.

Staff Recommendation:
Staff recommends approval of 20BF-012 with the following conditions:

Specific Conditions to Case 20BF-012:

1. Removal or destruction of dune vegetation within the area seaward of the Dune Protection Line is prohibited (per Section C of the City's Dune Protection & Beach Access Plan). Chapter 8 of Municipal Code prohibits the operation of a motor vehicle upon, over, or across a sand dune (Sec. 8-4), and prohibits the operation or parking of a vehicle within ten feet of the dune line (Sec. 8-3(f)).

2. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "D":

    a. The applicant has submitted a schedule with different cleaning frequencies at different times of the year. However, the applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed. At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

    b. The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach or dedicated pedestrian pathways to the beach for public use.

    c. The applicant shall avoid impacts to any dunes or dune vegetation. The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles.

    d. The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide. Trash should be separated from the sand prior to being disposed in an off-site location.

    e. The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.

    f. The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from

the beach.

g. The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.

Additionally, the Texas General Land Office (GLO) provided the following recommendations, included in Attachment "D":

h. The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.

i. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. Non-organic material collected during beach maintenance activities, such as trash, may not be placed within the dune complex.

j. The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

k. In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

l. The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

Standard Conditions:

3. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

4. Any alterations to the project, as approved, shall return to the Planning Commission and/or Texas General Land Office for additional review and approval;

5. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

6. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb — 03/12/2020

Virginia Greb
Coastal Resources Assistant Manager

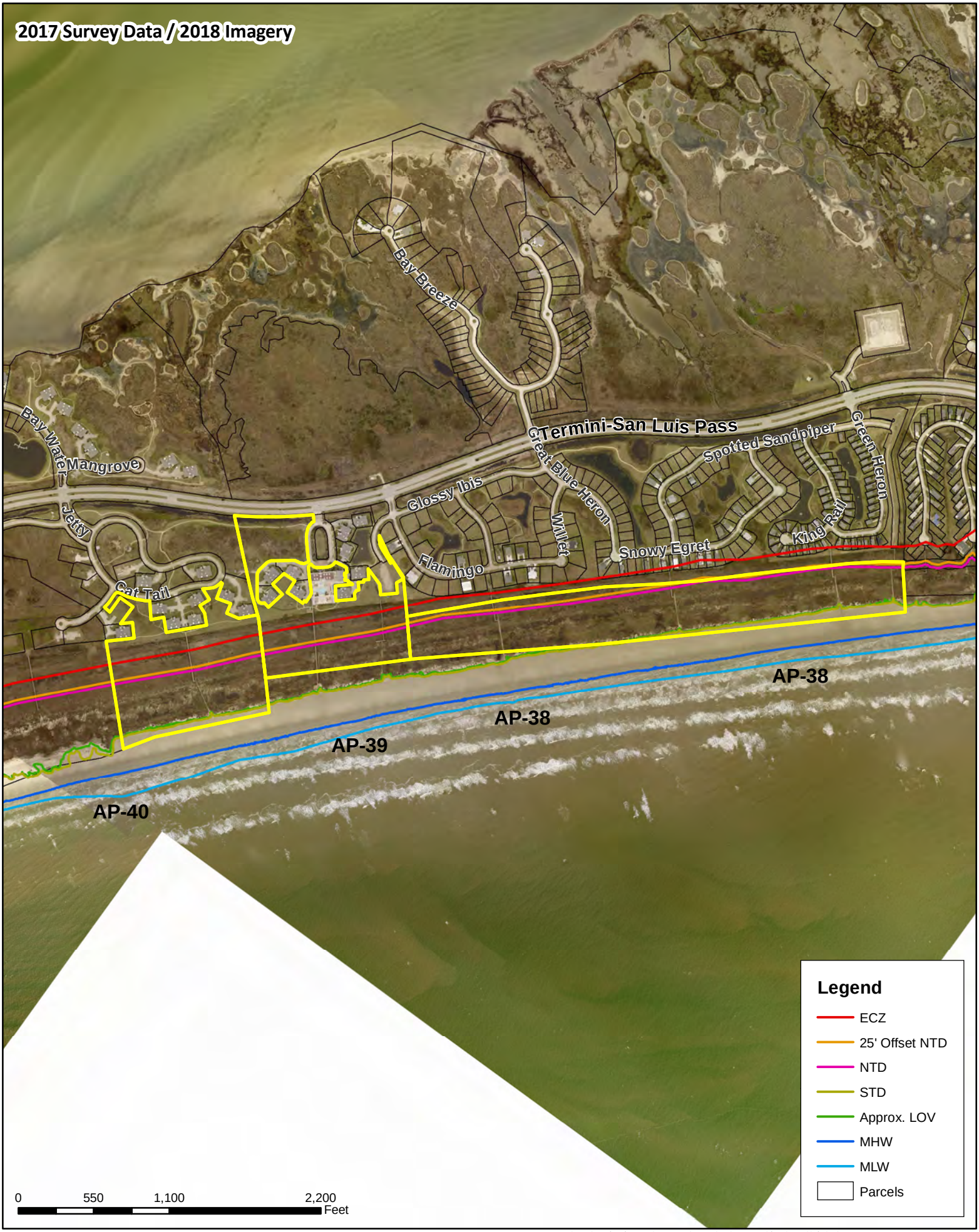
Date

3/12/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”
Aerial Map



Pointe West - Annual Beach Maintenance (Case #20BF-012)

Map prepared by the City of Galveston Development Services Department (VGreb) - 1/29/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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Attachment “B”

Site Plan

&

Narrative

Seaweed Relocation

POINTE WEST PROPERTY OWNERS ASSOCIATION.

4161 POINTE WEST DR. GALVESTON, TEXAS 77554.

February 1st, 2020

To whom it may concern:

This letter is to grant permission to Sunrise Beach cleaning to file with the City of Galveston a Beach Maintenance Application form on behalf of the Pointe West Property Owners Association. for the 2020 season.

Sunrise Beach Cleaning was our vendor for beach cleaning in 2019 and once we obtain our permit, we plan to use them again to clean the beach in 2020. Pointe West subdivision has approximately 6000 lineal feet of beach.

Please advise if any additional information is required.

Sincerely,

Deborah Hassell

Pointe West POA.

2724 61st St. #71
Galveston, TX 77551

Application narrative and applicant's justification for request:

Sunrise beach cleaning intend to perform the Beach Cleaning task.

SCHEDULE;
The cleaning will be monthly basis in October, November, December, January, February and March.
Twice a month in April, May and September.
Weekly in June, July and August.

Sunrise beach cleaning uses a Barber Beach Rake which only removes Seaweed without removing sand from the beach. A picture of the equipment is attached. The linear footage to be raked is approximately 6.000 feet. The relocation of the Seaweed will be distributed as evenly as possible throughout the entire length of the beach adjacent to the Pointe West subdivision. The operator of the equipment will remove trash and debris from the beach and deposit them in appropriate receptacles.

We will have an experience and certified person watching for nesting sea turtles. Our staff are certified turtle monitor with certification attached, will observe the work to avoid disturbance of any nesting turtles.

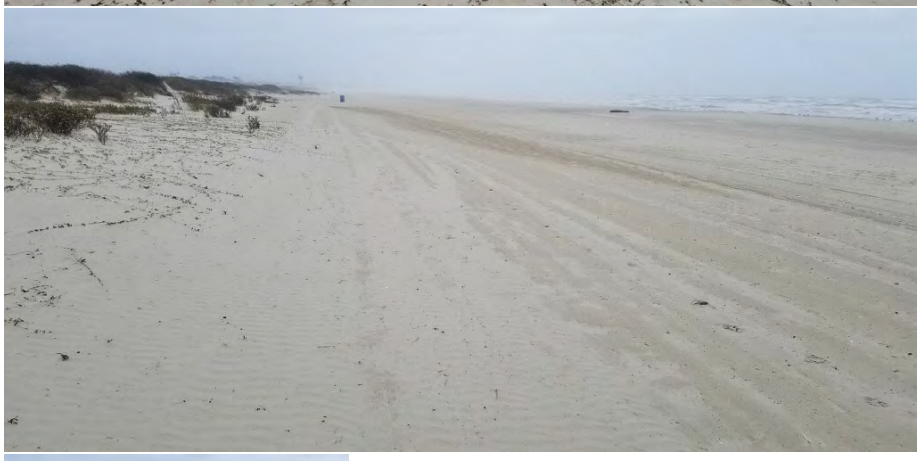
A Site plan/Map is attached, indicating the correct location of the Dune, line of vegetation and indicate the proposed location for the placement of the seaweed. Photographs starting from the east of the subdivision showing every 200 feet, beach looking west from the water to the Dunes and looking from the water line directly at the Dune are attached.

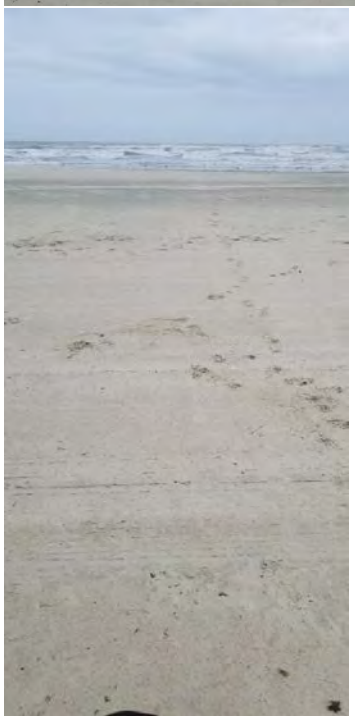
The proposed activity will not adversely affect the public or public access way or exacerbate erosion. The sand will remain between the line of vegetation and the mid high tide. The activity will not adversely weaken the Dune or Dune vegetation or reduce the protective function of the Dune. The activity in a significant reduction of sand. The activity will not significantly alter the beach profile on the line of vegetation.

Without relocating the seaweed on the beach, it is impossible for residents or tourists to enjoy the beach as it is full of seaweed, debris and insects. It is felt that this will be a significant contribution to the welfare and maintenance of the beach which will allow both residents and tourist to enjoy the beach and at the same time increase the image of Galveston Beaches to the public.

Attachment “C”

Site Photos





Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 25, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	Pointe West Subdivision, Galveston
Legal Description:	Pointe West Sec 1 (2005), ABST 121, Beach Area (0-11), Acres 31.907; Pointe West Sec 2-A (2007) ABST 121, Common Area J (0-10), Acres 20.895
Lot Applicant:	Property Owners Association of Pointe West – Deborah Hassell c/o Sunrise Beach Cleaning – Santiago Mejia
Case Number:	20BF-012
GLO ID No.:	BDCOG-20-0047

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to conduct beach maintenance activities monthly in January through March and October through December, twice monthly in April, May and September and weekly in June through August on approximately 6,000 linear feet of public beach in front of the Pointe West Subdivision. According to the Bureau of Economic Geology, the area is stable to eroding at a rate of one to three feet per year.

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

- The applicant has submitted a schedule with different cleaning frequencies at different times of the year. However, the applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed.[1] At such times that beach maintenance is required, the applicant may not conduct beach maintenance activities at a greater frequency than proposed. Should there be a need for additional beach maintenance conducted outside of the schedule provided in the application materials, an updated schedule must be provided to the City and GLO for review and approval prior to implementation.

[1] 31 Tex. Admin. Code § 15.7(l).

- The GLO encourages the removal of litter and other debris by handpicking or raking by hand and strongly discourages the use of machines.[2]

- The proposed beach maintenance activity must not restrict or interfere with public use of or access to the beach[3] or dedicated pedestrian pathways to the beach for public use.[4]

- The applicant shall avoid impacts to any dunes or dune vegetation.[5] The applicant may not rake over dune vegetation or operate machinery on dunes. Collected maintenance materials should be thinly spread and not placed in large piles. The GLO recommends placing collected maintenance materials in low areas, blowouts and breaches within the primary dune complex. If maintenance materials cannot be placed in the primary dune complex or its placement would adversely affect dunes and dune vegetation, the collected maintenance materials may be placed immediately adjacent to the line of vegetation provided its placement would not adversely affect public access. Non-organic material collected during beach maintenance activities, such as trash, may not be placed within the dune complex.

- The applicant must return any sand moved or redistributed due to beach maintenance activities to the area between the line of vegetation and mean high tide.[6] Trash should be separated from the sand prior to being disposed in an off-site location.

- The applicant's activities must not result in significant redistribution of sand or significantly alter the beach profile, materially weaken dunes or dune vegetation, or reduce the protective function of dunes.[7]

- The rake height should be adjusted to allow the rake teeth to draw man-made and naturally occurring debris into piles or windrows, while at the same time minimizing the amount of sand moved from the beach.[8]

- The applicant's beach maintenance activities must not result in the potential for increased flood damage to the site or adjacent property; result in runoff or drainage patterns that aggravate erosion; cause significant changes to dune hydrology; adversely affect dune complexes or dune vegetation; or significantly increase the potential for washovers or blowouts to occur.[9]

- The GLO recommends that the applicant conduct beach maintenance activities in accordance with the Galveston Park Board of Trustees Recommended Best Practices for Beach Maintenance.

- In addition to the requirements outlined above, the applicant must conduct activities in accordance with other local, state, or federal regulations and permits, such as permits issued by

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[2] 31 Tex. Admin. Code § 15.7(l).
[3] 31 Tex. Admin. Code § 15.7(e)(2).
[4] City of Galveston Beach Access Plan Appendix A
[5] 31 Tex. Admin. Code § 15.4(f).
[6] 31 Tex. Admin. Code § 15.7(l).
[7] 31 Tex. Admin. Code § 15.7(l).
[8] City of Galveston Beach Access Plan § 29-90(o)(6)(d)(1).
[9] 31 Tex. Admin. Code § 15.4(d).

the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers. This permit application does not authorize any activities within USACE jurisdiction.

- The beach maintenance activities appear to be proposed in an area where sea turtle nesting habitat is located. The GLO recommends that the applicant take measures to avoid violating the Endangered Species Act, such as utilizing a sea turtle monitor with appropriate training and notifying a nest patrol and detection program prior to cleaning the beach.

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
March 17, 2020

20P-006 STAFF REPORT

ADDRESS:
12618 W Buena Vista Dr.

LEGAL DESCRIPTION:
Property is legally described as Reserve 2 (0-2) Spanish Grant, Sec 11, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Sandcastle Construction, Ronnie Hansen

PROPERTY OWNER:
Mike & Sandra Chambers

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for construction of a single-family dwelling and driveway.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Topographic Survey
C – Site Plan & Drawings
D – Photos of Site
E – Comment Letter from GLO

STAFF:
Virginia Greb
Coastal Resource Asst. Mgr.
VGreb@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the North Toe of the Critical Dune Area or, for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the Line of Vegetation.

The applicant is requesting approval to construct a single-family dwelling and driveway in an area approximately 65-feet from the North Toe of the Critical Dune Area, which is landward of the Dune Protection Line, within the Planning Commission review area. According to the application materials, the proposed construction activities appear to be landward of dunes and dune vegetation. Therefore, no mitigation activities are proposed.

Site and Surrounding Area:

The subject site is a 0.1591-acre lot located in the Spanish Grant Subdivision. There are single-family dwellings to the North, East and West, and beach area to the South of the subject property. According to the Bureau of Economic Geology, between the 1950s and 2012 this beach area has experienced an average shoreline change rate of -8.5 to -7.5 feet per year.

Analysis:
The table below summarizes the applicant survey and site plan (Attachments "B" and "C") regarding the proposed new construction and the location of proposed construction in relation to on-site conditions:

Proposed Structure's Distance from:	Distance (Feet)
…North Toe of the Dune	~65
…the Line of Vegetation	~130

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan and Erosion Response Plan. The drawings, (Attachment "C"), are submitted with this request.

The proposed construction is landward of the Dune Protection Line and the Dune Conservation Area. Therefore, a ground floor enclosure is permitted. Note: the City's locally adopted flood ordinance requires ground floor enclosures to be no greater than 299 square feet as measured from the outside of the enclosure.

Staff reviewed the application materials and found no prohibited activities proposed seaward of the Dune Protection Line.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse affects on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed so as to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Attachment "E" lists the comments from the Texas General Land Office for this request. The comments are recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Given the proposed construction activities are taking place landward of the Dune Conservation Area, staff finds that the proposed construction will not materially weaken dunes or materially damage dune vegetation as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

Construction is not proposed within the Critical Dune Area. Therefore, this standard does not apply.

The proposed construction is within the Enhanced Construction Zone, which is an area defined as being 125-feet landward of the Dune Conservation Area along Galveston's Gulf coast with an aggregate shoreline change of -2 to -8 feet per year. The City's Erosion Response Plan requires the following additional construction standards for any proposed construction activities within the Enhanced Construction Zone:

- Plans and certifications for proposed structures shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05.

<u>Staff Recommendation:</u>
Staff recommends approval of 20P-006 with the following conditions:

Specific Conditions to Case 20P-006:

1. Plans and certifications for proposed structures within the enhance construction zone shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05;

2. Upon completion of the development, and prior to the issuance of a "Certificate of Occupancy," for those structures requiring Planning Commission approval, the permittee shall provide the Department of Planning and Community Development with a final survey indicating finished elevations, surfaces, drainage patterns, fences, dune walkovers and landscape detail, or certification by a registered professional engineer that all Permit conditions have been met. No "Certificate of Occupancy" shall be approved until the Department of Planning and Community Development approves a "Certificate of Completion," verifying that all Permit conditions have been satisfied.

3. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "E":

    a. Since the entire construction area is located from 25 feet landward of the North Toe of the Dune to

200 feet landward of the Line of Vegetation, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four-inches thick with sections separated by expansion joints or pervious material. A habitable structure is defined as a structure used or usable for habitation. The area beneath uncovered decks or stairs may not be paved.

b. The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.

c. The use of permeable materials such as brick, pavers, limestone, or gravel is recommended for drives or parking areas.

d. Construction activities must not restrict or interfere with the public's ability to use or access the beach.

e. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.

f. The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.

g. The City must ensure the proposed habitable structure is designed for feasible relocation.

h. The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.

i. The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach.

j. Please be advised that the line of vegetation is dynamic. Structures may not encroach on the public beach. If the structure becomes located seaward of the line of vegetation because of loss of elevation, the structure may be allowed to remain in place if it does not significantly interfere with public access to the beach or present a public health and safety risk. Structures located seaward of the line of vegetation and landward of the line of mean high tide will periodically be reassessed on a case-by-case basis, and owners may be allowed to make certain repairs under the Beach/Dune rules and local government plans.

k. If any part of a structure comes to be located seaward of the line of mean high tide, it becomes an unauthorized structure on state-owned lands. Repairs are prohibited and the state may take action to remove the structure.

Standard Conditions:

4. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

5. The applicant shall adhere to all comments/conditions received from city departments. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval;

6. All non-natural drainage from the dwelling shall be directed away from the beach and dunes, toward the street landward of the lot and to the drainage infrastructure in the subdivision, and drainage plans shall be submitted to the City of Galveston Public Works Department, Division of Engineering for approval;

7. The area seaward of the dwelling shall be designated a dune protection area, prohibiting any alteration of natural conditions in this area, except for any future proposed dune walkovers, approved by the Development Services Department and the Texas General Land Office under separate review;

8. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

9. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb 03/30/2020

Virginia Greb
Coastal Resources Assistant Manager

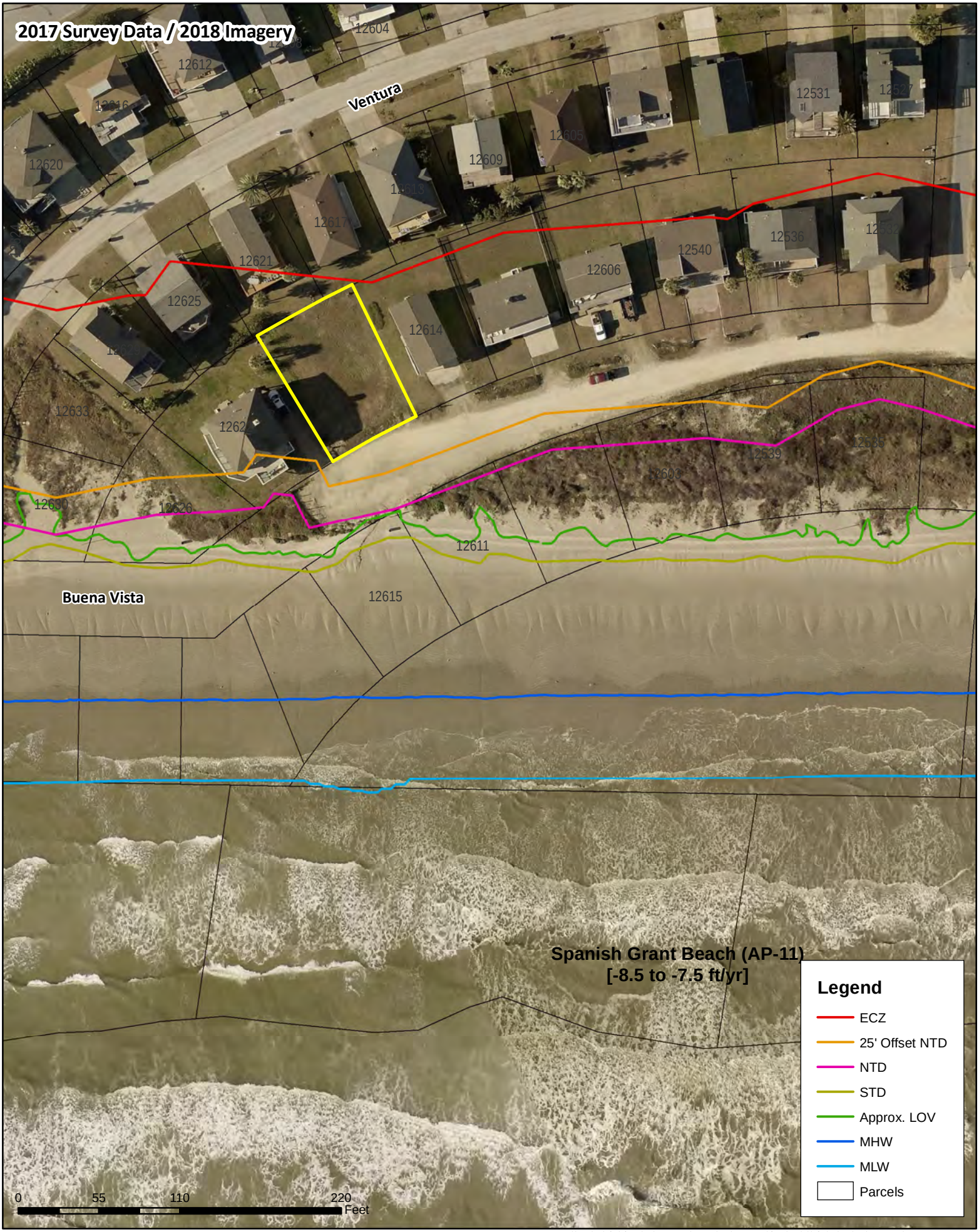
Date

03/30/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”
Aerial Map



12618 W Buena Vista Dr. (Case #20P-006)

Map prepared by the City of Galveston Development Services Department (VGreb) - 2/14/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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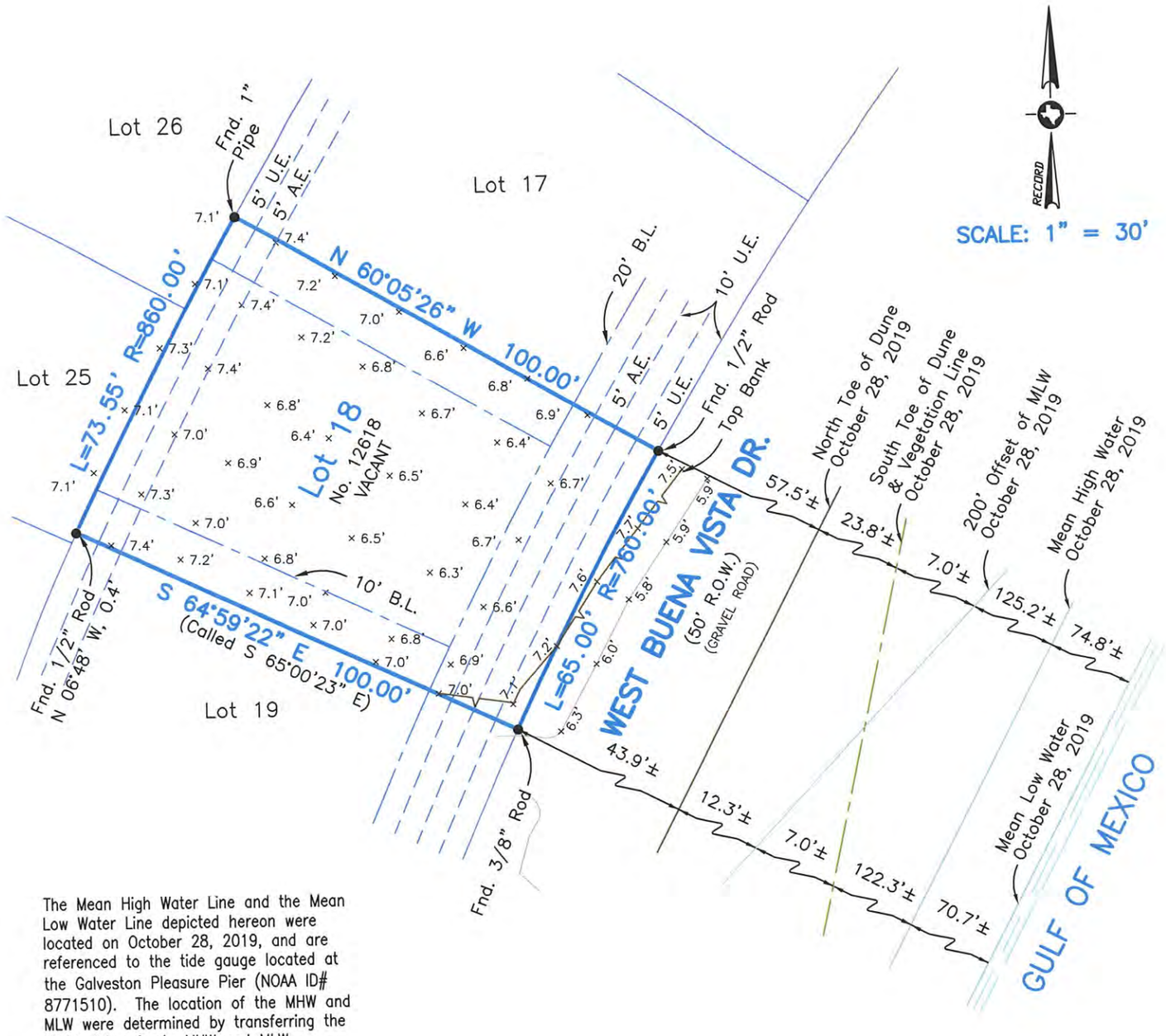
Attachment “B”
Topographic Survey



The Mean High Water Line and the Mean Low Water Line depicted hereon were located on October 28, 2019, and are referenced to the tide gauge located at the Galveston Pleasure Pier (NOAA ID# 8771510). The location of the MHW and MLW were determined by transferring the NOAA determined MHW and MLW elevations that are published for the N.G.S. Monument "WALL" (PID AW0588) to the site using RTK GPS techniques. The elevation used for the N.G.S. Monument "WALL" is 14.11 feet, the elevation used for the Mean High Water is 1.17 feet, and the elevation used for Mean Low Water is −0.30 feet.

Survey of Lot Eighteen (18) of SPANISH GRANT, SECTION 11, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 1616, Page 151, and transferred to Plat Record 8, Map No. 82, both of the Map Records in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brian S. House
Registered Professional
Land Surveyor No. 6520

STATE OF TEXAS
REGISTERED
BRIAN S. HOUSE
6520
PROFESSIONAL
LAND SURVEYOR

SURVEY DATE:	OCTOBER 28, 2019
FILE No.:	6672-0000-0018-000
DRAFTING:	AM
JOB No.:	19-0807

High Tide Land Surveying LLC.
8017 HARBORSIDE DRIVE
P.O. BOX 16142 (mailing)
GALVESTON, TX 77552
ph (409) 740-1517
Registration Number: 10193855
www.hightidelandsurveying.com

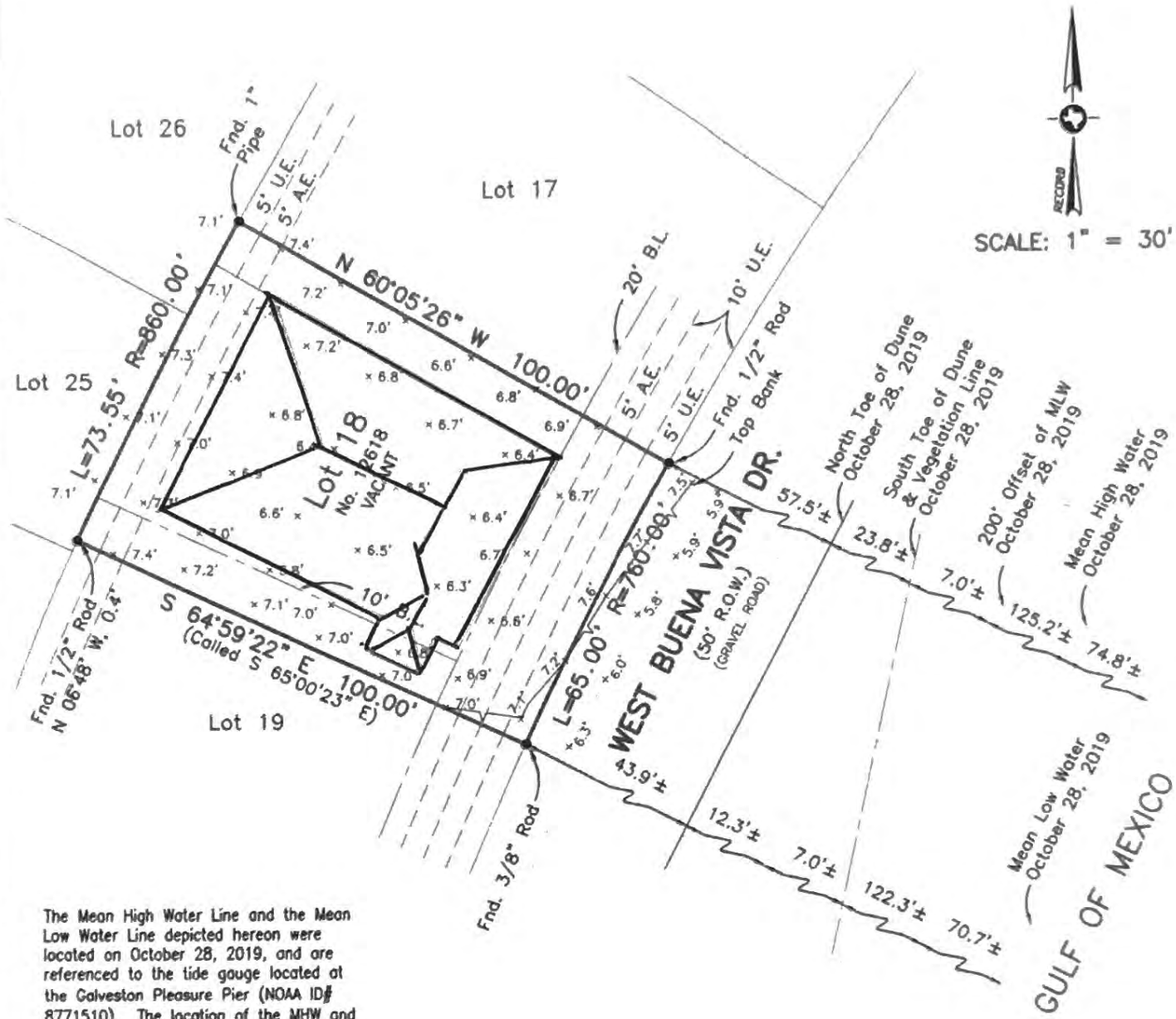
NOTES:
1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
2) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA (call your power company).
3) Bearings based on Monumentation, of North R.O.W. line of West Buena Vista Drive, being a 3/8" Rod at the Southeast corner of Lot 19, and a found 1/2 inch rod at the Southwest corner of Lot 16.
4) Elevations are shown in feet above Mean Sea Level NAVD '88 Datum as tied to NGS Monument HGCSD 62.
5) Surveyed without benefit of a Title Report.

Attachment “C”

Site Plan

&

Drawings



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Brian S. House

Brian S. House
Registered Professional
Land Surveyor No. 6520

STATE OF TEXAS
REGISTERED
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LAND SURVEYOR

SURVEY DATE:	OCTOBER 28, 2019
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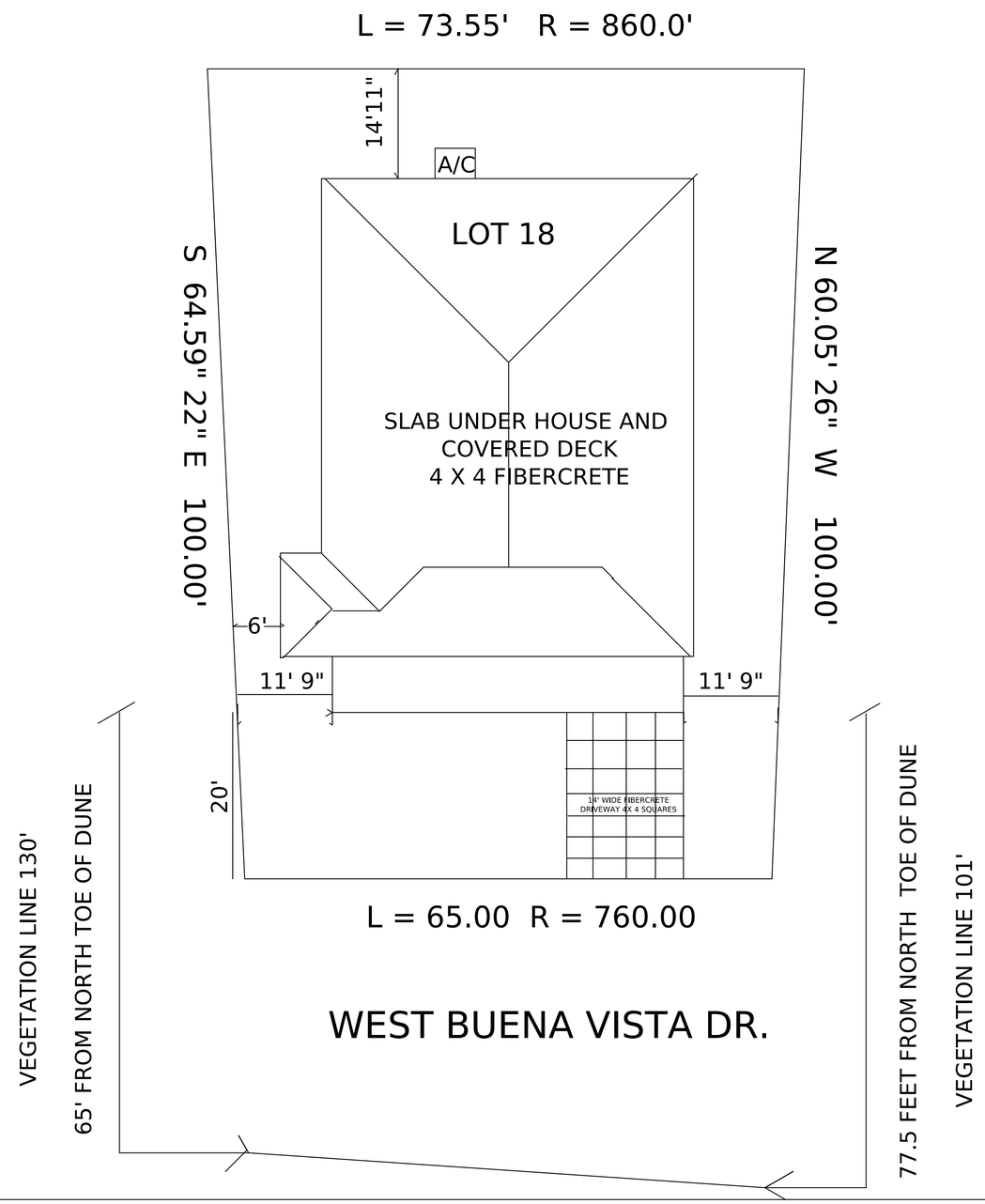


GENERAL NOTES

No.	REVISION/ISSUE	DATE

ORIENTATION	STAMP

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE DESIGNER

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER

Sandcastle Const.
4030 Spanish Main Blvd.
Galveston Tx, 77554
409-457-4208

PROJECT NAME:
Chambers Residence
12618 West Buena Vista Dr.
Galveston

CLIENT:
Mike Chambers

DRAWING:
Site Plan
A1

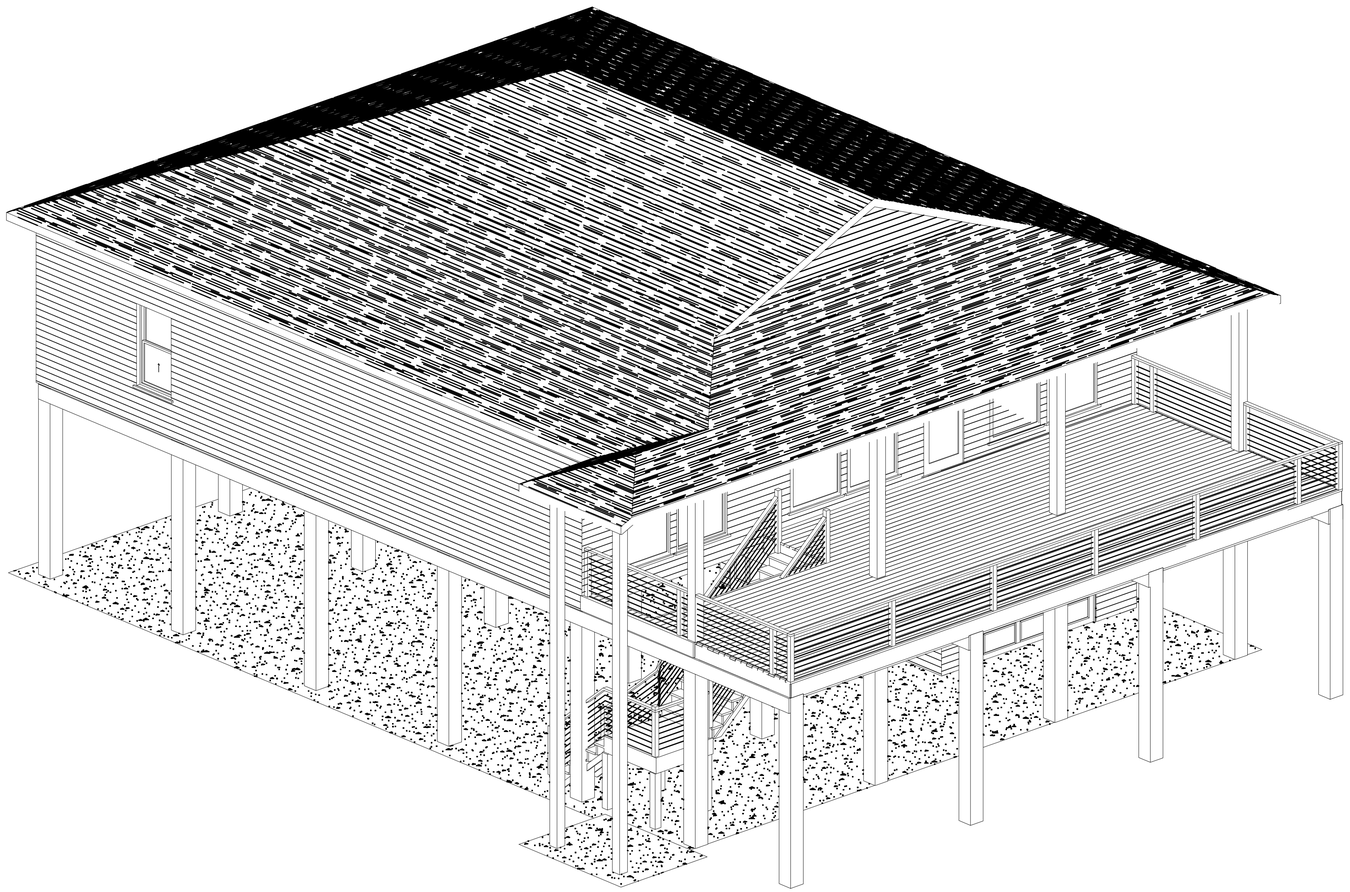
SCALE: 6" = 1'-0"
DATE:August 29,2019

DRAWN BY:
Ronnie Hansen

CHECKED BY:

APPROVED BY:

SHEET:



GENERAL NOTES

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SolidBuilder

Sandcastle Const.
4030 Spanish Main Blvd.
Galveston Tx, 77554
409-457-4208

PROJECT NAME:
Chambers Residence
12618 West Buena Vista Dr.
Galveston

CLIENT:
Mike Chambers

DRAWING:
3 D Elevation

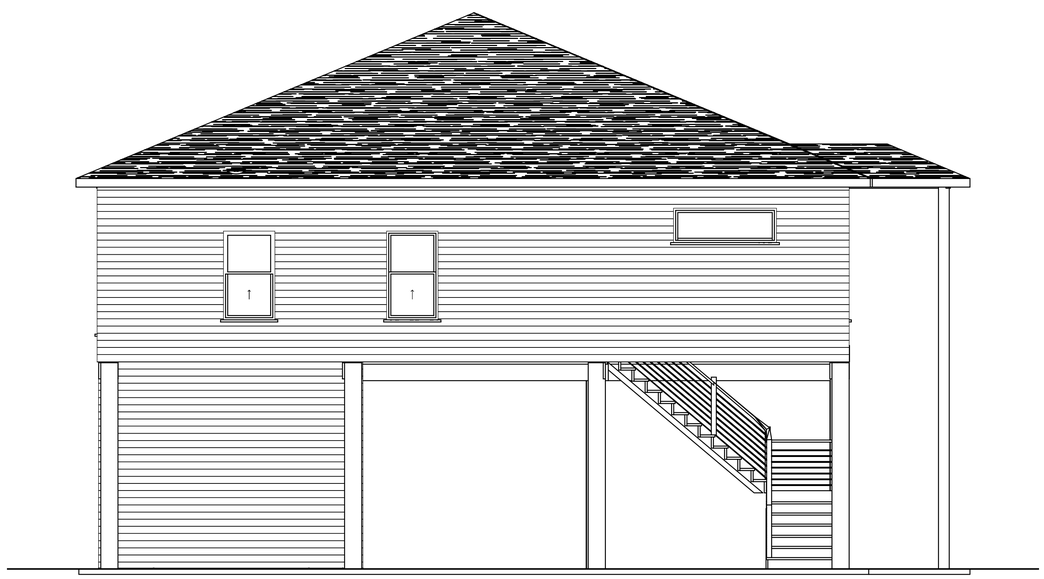
SCALE: 1/4" = 1'-0" | DATE:August 29,2019

DRAWN BY:
Ronnie Hansen

CHECKED BY:

APPROVED BY:

SHEET:



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Sandcastle Const.
4030 Spanish Main Blvd.
Galveston Tx, 77554
409-457-4208

PROJECT NAME:
Chambers Residence
12618 West Buena Vista Dr.
Galveston

CLIENT:
Mike Chambers

DRAWING:
Front & Rear Elevation

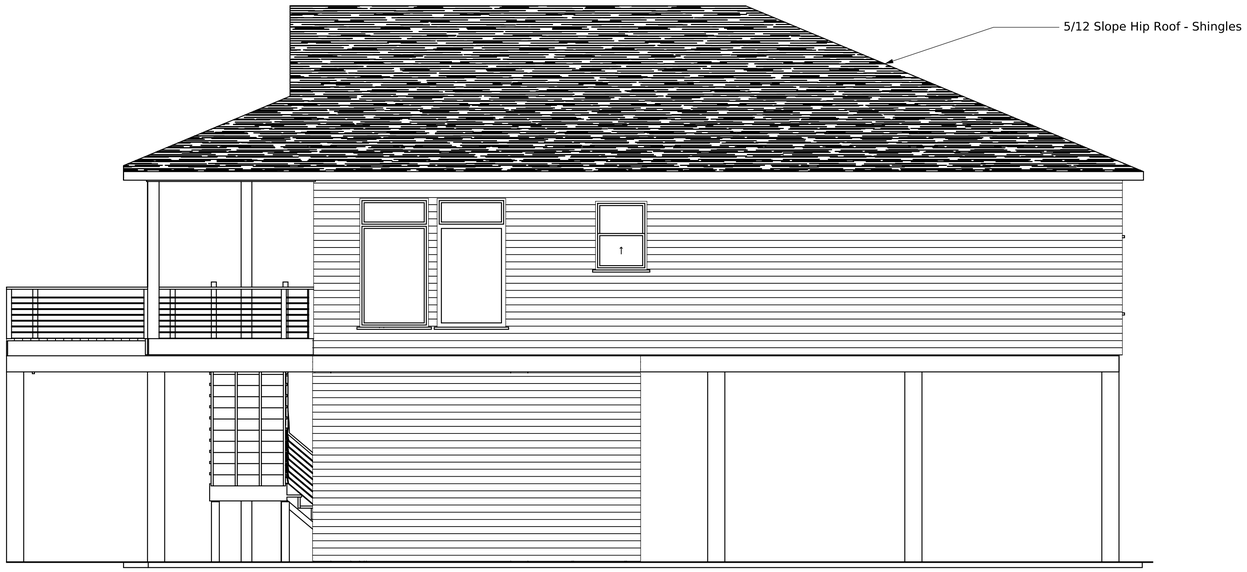
SCALE: 1/4" = 1'-0"
DATE:August 29,2019

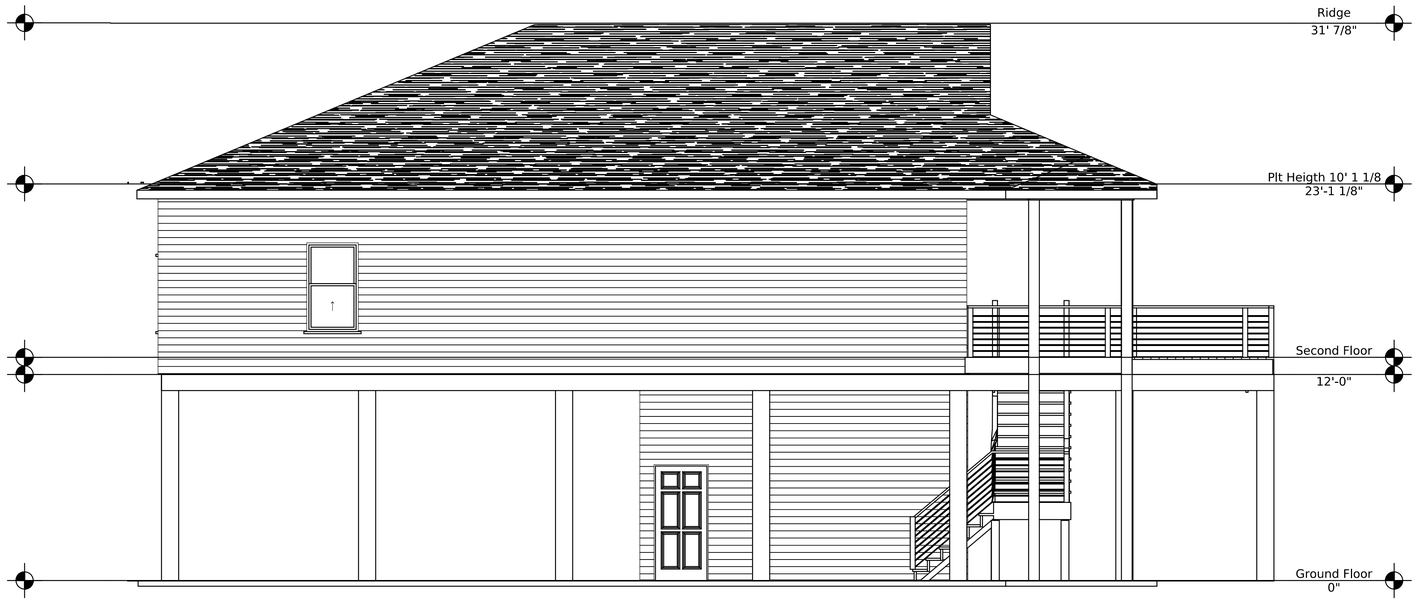
DRAWN BY:
Ronnie Hansen

CHECKED BY:

APPROVED BY:

SHEET:
A2





GENERAL NOTES

No.	REVISION/ISSUE	DATE

ORIENTATION

STAMP

ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE DESIGNER

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER

Sandcastle Const.
4030 Spanish Main Blvd.
Galveston Tx, 77554
409-457-4208

PROJECT NAME:
Chambers Residence
12618 West Buena Vista Dr.
Galveston

CLIENT:
Mike Chambers

DRAWING:
Right & Left Elevations

SCALE: 1/4" = 1'-0"

DATE:August 29,2019

DRAWN BY:
Ronnie Hansen

CHECKED BY:

APPROVED BY:

SHEET:

Attachment “D”
Site Photos

20P-006 – 12618 W. Buena Vista Dr.

Attachment “E”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 27, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	12618 W Buena Vista Dr, Galveston
Legal Description:	ABST 121 Page 61 Lot 18 Spanish Grant Sec 11
Lot Applicant:	Mike & Anna Chambers c/o Sandcastle Construction – Ronnie Hansen
Case Number:	20P-006
GLO ID No.:	BDCOG-20-0052

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to construct a single-family residence with a 14-foot wide fibercrete driveway. The construction is located within 200 feet of the line of vegetation, within the Enhanced Construction Zone, and adjacent to the Dune Conservation Area. According to the Bureau of Economic Geology, the area is eroding at a rate of eight to nine feet per year.

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

- Since the entire construction area is located from 25 feet landward of the north toe of the dune to 200 feet landward of the line of vegetation, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four-inches thick with sections separated by expansion joints or pervious material.[1] A habitable structure is defined as a structure used or usable for habitation.[2] The area beneath uncovered decks or stairs may not be paved.

- The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.[3]

[1] City of Galveston Erosion Response Plan § 4.
[2] City of Galveston Beach Access Plan § 29-54.
[3] City of Galveston Erosion Response Plan § 5.

- The use of permeable materials such as brick, pavers, limestone, or gravel is recommended for drives or parking areas.[4]

- Construction activities must not restrict or interfere with the public's ability to use or access the beach. [5]

- The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.[6]

- The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.[7]

- The City must ensure the proposed habitable structure is designed for feasible relocation.[8]

- The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.[9]

- The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach. [10]

Please be advised that the line of vegetation is dynamic. Structures may not encroach on the public beach. If the structure becomes located seaward of the line of vegetation because of loss of elevation, the structure may be allowed to remain in place if it does not significantly interfere with public access to the beach or present a public health and safety risk. Structures located seaward of the line of vegetation and landward of the line of mean high tide will periodically be reassessed on a case-by-case basis, and owners may be allowed to make certain repairs under the Beach/Dune rules and local government plans.

If any part of a structure comes to be located seaward of the line of mean high tide, it becomes an unauthorized structure on state-owned lands. Repairs are prohibited and the state may take action to remove the structure.[11]

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

---

[4] 31 Tex. Admin. Code § 15.5(b)(3).
[5] TNRC § 61.013
[6] 31 Tex. Admin. Code § 15.6(f)(4).
[7] 31 Tex. Admin. Code § 15.6(e)(3).
[8] 31 Tex. Admin. Code § 15.6(f)(2).
[9] 31 Tex. Admin. Code § 15.4(d).
[10] 31 Tex. Admin. Code § 15.6(g).

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20P-008 STAFF REPORT

ADDRESS:
11 Grand Beach Blvd.

LEGAL DESCRIPTION:
Property is legally described as Lot 17, Block 1, The Preserve at Grand Beach (2014), a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Galveston Custom Homes, Tom Tran

PROPERTY OWNER:
John & Ann Nguyen

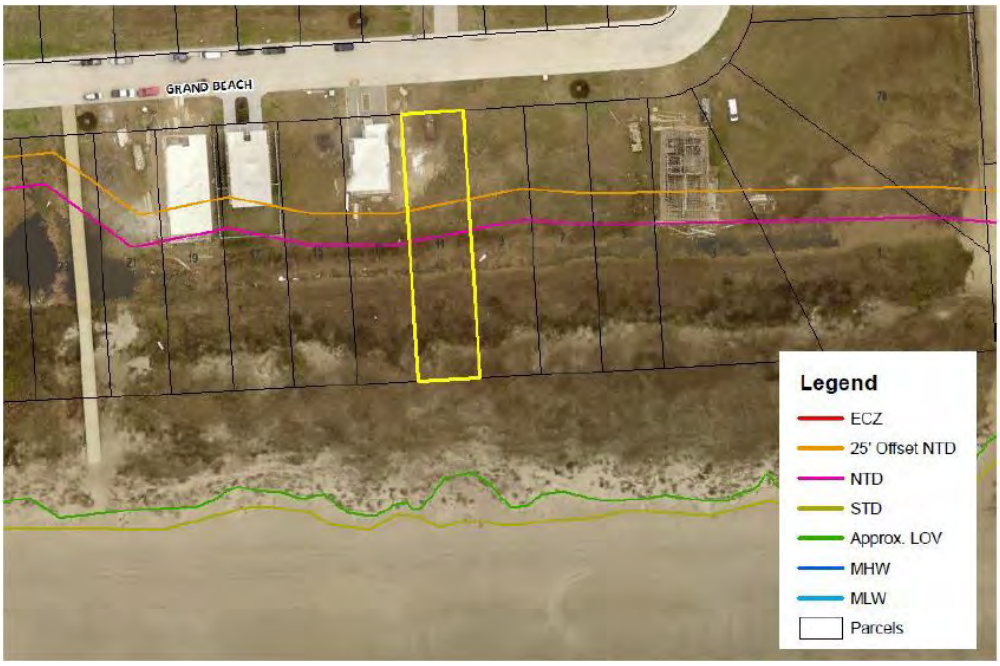
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for construction of a single-family dwelling, driveway, and perimeter fence.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Topographic Survey
C – Site Plan & Drawings
D – Site Photos
E – GLO Comment Letter

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the North Toe of the Critical Dune Area or, for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the Line of Vegetation.

The applicant is requesting approval to construct a single-family dwelling, driveway, and perimeter fence in an area approximately 60-feet from the North Toe of the Critical Dune Area and landward of the Dune Protection Line, which is within the Planning Commission review area. According to the application materials, the proposed construction activities appear to be landward of dunes and dune vegetation. Therefore, no mitigation activities are proposed.

Site and Surrounding Area:

The subject site is a 0.246-acre lot located in The Preserve at Grand Beach Subdivision. There are single-family dwellings to the North, East & West, and beach area to the South of the subject property.

According to the Bureau of Economic Geology, between the 1950s and 2012 this beach area has experienced an average shoreline change rate of -0.9 to +0.2 feet per year.

Analysis:

The table below summarizes the applicant survey and site plan (Attachments "B" and "C") regarding the proposed new construction and the location of proposed construction in relation to on-site conditions:

Proposed Structure's Distance from:	Distance (Feet)
…North Toe of the Dune	60'
…the Line of Vegetation	292'
…South Toe of the Dune	292'

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The proposed construction is landward of the Dune Protection Line and the Dune Conservation Area, therefore a ground floor enclosure is permitted. Note: the City's locally adopted flood ordinance requires ground floor enclosures to be no greater than 299 square feet as measured from the inside of the enclosure.

Staff has reviewed the application materials, and no proposed prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse effects on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Attachment "E" lists the comments from the Texas General Land Office for this request. The comments are recommended as specific conditions for this request, should the Planning Commission approve this request

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Given the proposed construction activities are taking place landward of the Dune Conservation Area, staff finds that the proposed construction will not materially weaken dunes or materially damage dune vegetation as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

The proposed structure will be placed abutting the 20-foot building line. The perimeter fence is proposed 60-feet landward of the North Toe of the Critical Dune Area.

Staff Recommendation:
Staff recommends approval of 20P-008 with the following conditions:

Specific Conditions to Case 20P-008:

1. No building permits for single-family residential construction in the development will be issued until a second point of vehicular ingress/egress has been constructed and satisfies the requirements of all City departments, unless the house is designed with a residential sprinkler system;

2. Upon completion of the development, and prior to the issuance of a "Certificate of Occupancy," for those structures requiring Planning Commission approval, the permittee shall provide the Department of Planning and Community Development with a final survey indicating finished elevations, surfaces, drainage patterns, fences, dune walkovers and landscape detail, or certification by a registered professional engineer that all Permit conditions have been met. No "Certificate of Occupancy" shall be approved until the Department of Planning and Community Development approves a "Certificate of Completion," verifying that all Permit conditions have been satisfied.

3. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "E":

    a. The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to construct single-family residence with a brick paver driveway and a perimeter fence. The proposed construction is located more than 200 feet landward from the 350-foot adjudicated public beach easement, which is the line of vegetation in this location, and adjacent to the Dune Conservation Area. According to the Bureau of Economic Geology, the area is stable.

    b. The applicant proposes to pave the area beneath the habitable structure with fibercrete pavers. A habitable structure is defined as a structure used or usable for habitation. The area beneath uncovered decks or stairs may not be paved.

    c. The applicant does not propose to pave or alter the ground the area seaward of 25 feet from the north toe of the dune in any manner, which includes mowing, grading, filling, fertilizing, or the use of fibercrete and crushed rock, and is prohibited from doing so.

    d. The applicant proposes to construct an enclosure beneath the habitable structure. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.

e. The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.

f. The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach.

Standard Conditions:

4. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

5. All non-natural drainage from the dwelling shall be directed away from the beach and dunes, toward the street landward of the lot and to the drainage infrastructure in the subdivision, and drainage plans shall be submitted to the City of Galveston Public Works Department, Division of Engineering for approval;

6. The area seaward of the dwelling shall be designated a dune protection area, prohibiting any alteration of natural conditions in this area, except for any future proposed dune walkovers, approved by the Development Services Department and the Texas General Land Office under separate review;

7. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

8. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb 03/30/2020

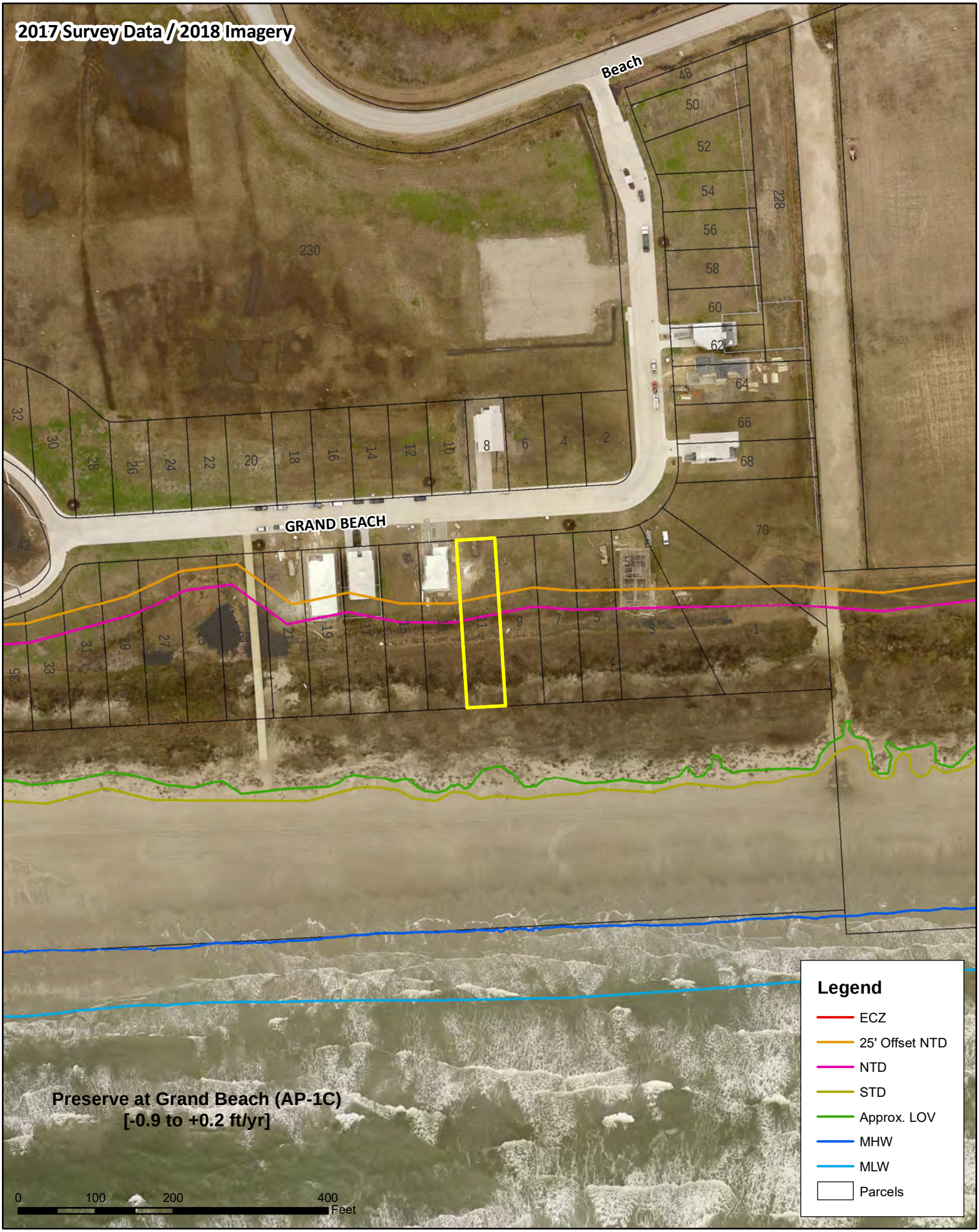
Virginia Greb Date
Coastal Resources Assistant Manager

_____ 03/30/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”
Aerial Map



11 Grand Beach Blvd (Case #20P-008)

Map prepared by the City of Galveston Development Services Department (VGreb) - 2/19/2020

Data Sources: Topographic Data from Atkins July 2017 wading depth surveys, 2018 Aerial Imagery and Parcel Data from Galveston CAD

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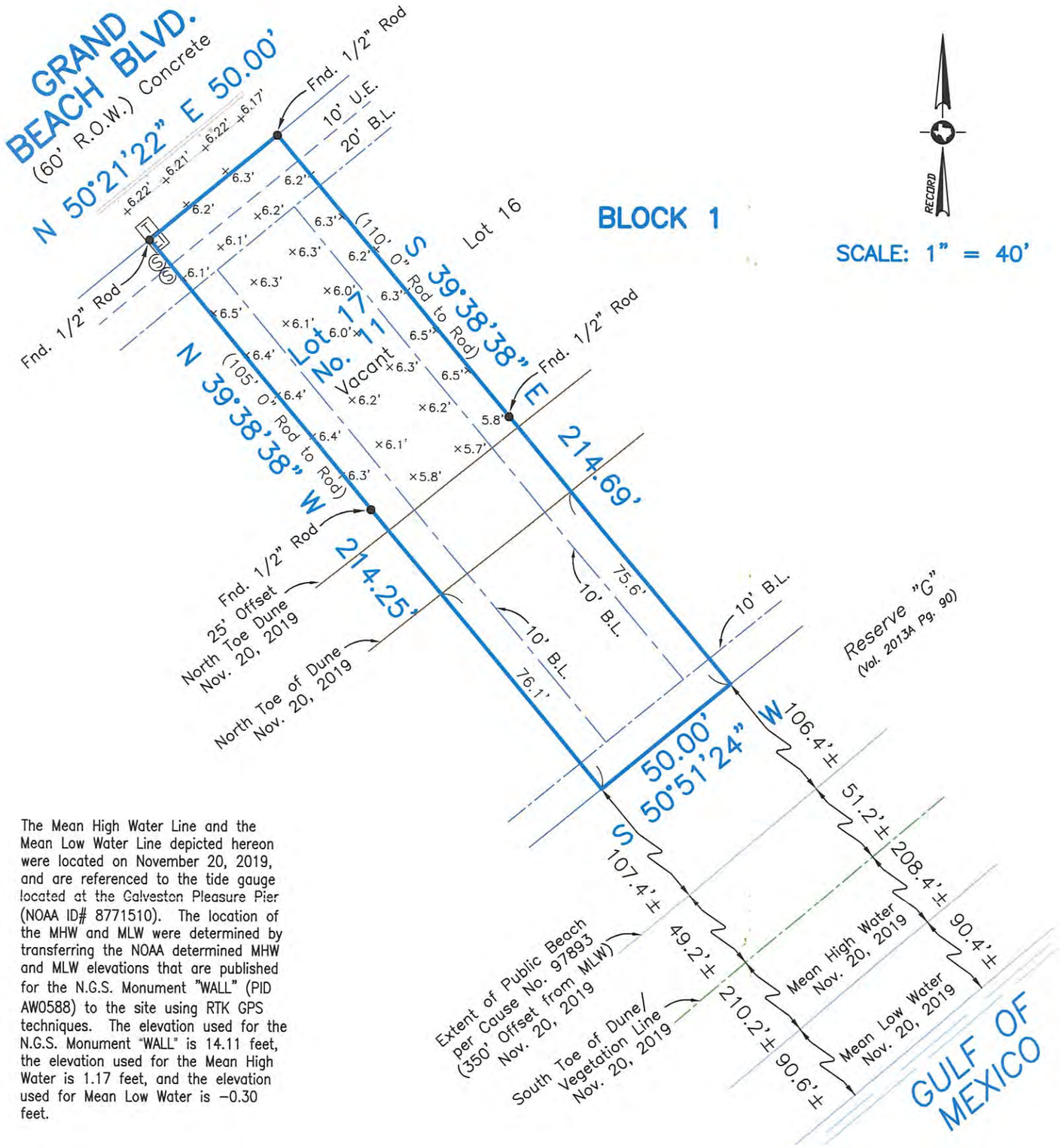
Attachment “B”

Topographic Survey



The Mean High Water Line and the Mean Low Water Line depicted hereon were located on November 20, 2019, and are referenced to the tide gauge located at the Galveston Pleasure Pier (NOAA ID# 8771510). The location of the MHW and MLW were determined by transferring the NOAA determined MHW and MLW elevations that are published for the N.G.S. Monument "WALL" (PID AW0588) to the site using RTK GPS techniques. The elevation used for the N.G.S. Monument "WALL" is 14.11 feet, the elevation used for the Mean High Water is 1.17 feet, and the elevation used for Mean Low Water is −0.30 feet.

Survey of Lot Seven-teen (17), in Block One (1), of THE PRESERVE AT GRAND BEACH, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in/under Plat Record 2013A, Map No. 90, of the Map Records in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brian S. House
Registered Professional
Land Surveyor No. 6520

STATE OF TEXAS
REGISTERED
BRIAN S. HOUSE
6520
PROFESSIONAL
LAND SURVEYOR

SURVEY DATE:	NOVEMBER 20, 2019
FILE No.:	5987-0001-0017-000
DRAFTING:	AM
JOB No.:	19-0899

High Tide Land Surveying LLC.
GALVESTON OFFICE
Registration Number: 10193855
(409) 740-1517 www.hightidelandsurveying.com
8017 HARBORSIDE DRIVE | GALVESTON, TX 77554
Mailing | P.O. BOX 16142 | GALVESTON, TX 77552

NOTES:
1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
2) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA (call your power company).
3) Bearings based on recorded plat.
4) Surveyed without benefit of a Title Report.

Attachment “C”

Site Plan

&

Drawings

Mr. & Mrs. Nguyen

11 GRAND BEACH BOULEVARD, LOT-17
THE PRESERVE AT GRAND BEACH, SUBDIVISION
GALVESTON, TX 77554

INDEX OF DRAWINGS:

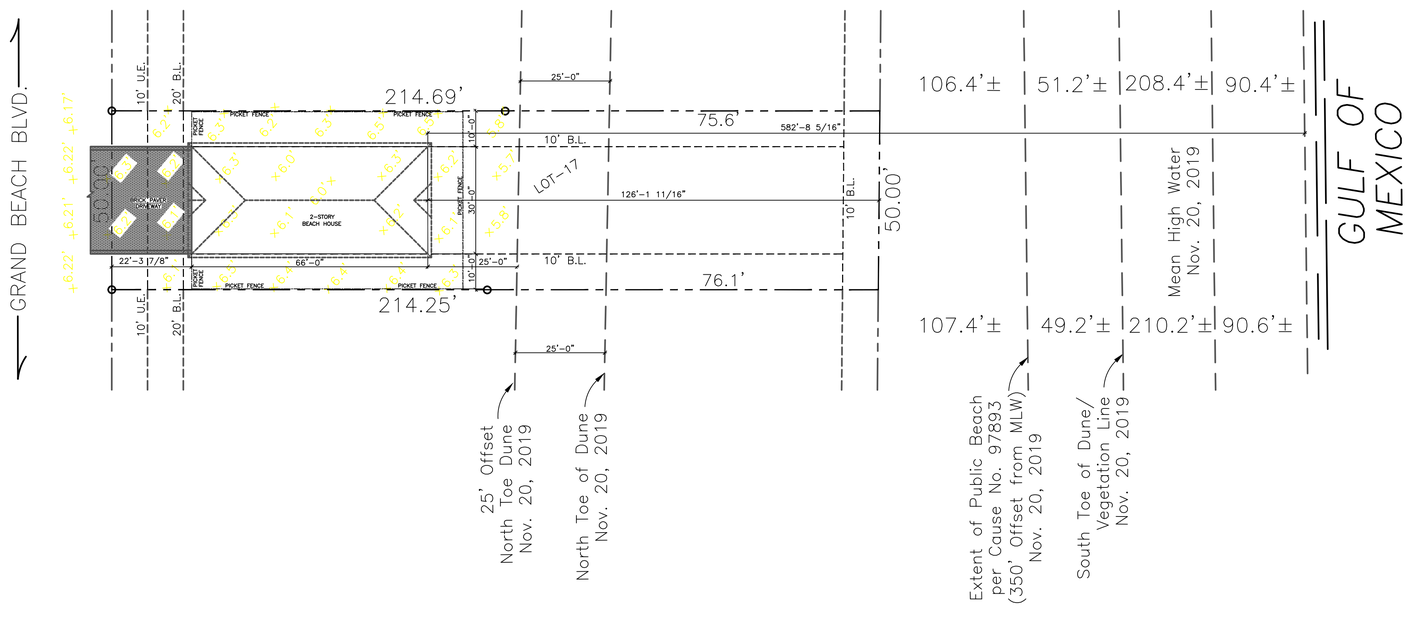
1. COVER SHEET / SITE PLAN
2. PILING LAYOUT & GROUND FLOOR PLAN
3. IST FLOOR PLAN
4. 2ND FLOOR PLAN
5. FRONT & RIGHT ELEVATIONS / ROOF PLAN
6. REAR & LEFT ELEVATIONS / ROOF PLAN
7. GROUND ELECTRICAL PLAN
8. IST & 2ND FLOOR ELECTRICAL PLAN
9. TYPICAL DETAILS

TOTAL LIVING:	2,565 SQ. FT.
IST FLOOR:	1,320 SQ. FT.
2ND FLOOR:	1,245 SQ. FT.
IST FL. FRONT COV. DECK:	314 SQ. FT.
IST FL. REAR COV. DECK:	360 SQ. FT.
2ND FL. FRONT COV. DECK:	314 SQ. FT.
2ND FL. REAR COV. DECK:	360 SQ. FT.
ENCLOSED GARAGE:	197 SQ. FT.

ALL WORK SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE WINDSTORM CODES LOCAL BUILDING CODES & ORDINANCES.

SITE PLAN

SCALE: 1"-20'-0"



General Notes

C & R DESIGN SERVICES
COMMERCIAL RESIDENTIAL

DISCLAIMER:

TO THE BEST OF OUR KNOWLEDGE, THESE PLANS AND DRAWINGS ARE DESIGNED TO COMPLY WITH THE OWNER'S WISHES AND CRITERIA. ANY CHANGES MADE TO THESE DRAWINGS AFTER FINAL PRINTS ARE MADE , WILL BE AT THE SOLE EXPENSE OF THE OWNER / CONTRACTOR.

THE OWNER / CONTRACTOR WILL BE RESPONSIBLE FOR VERIFICATION OF ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS.

C & R DESIGN SERVICES, THEIR EMPLOYEES, OR THEIR SUBCONTRACT LABOR PERSONAL WILL NOT BE LIABLE FOR ANY HUMAN ERROR AFTER THE CONSTRUCTION HAS BEEN STARTED.

NO WARRANTIES ARE GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY OF THESE PLANS.

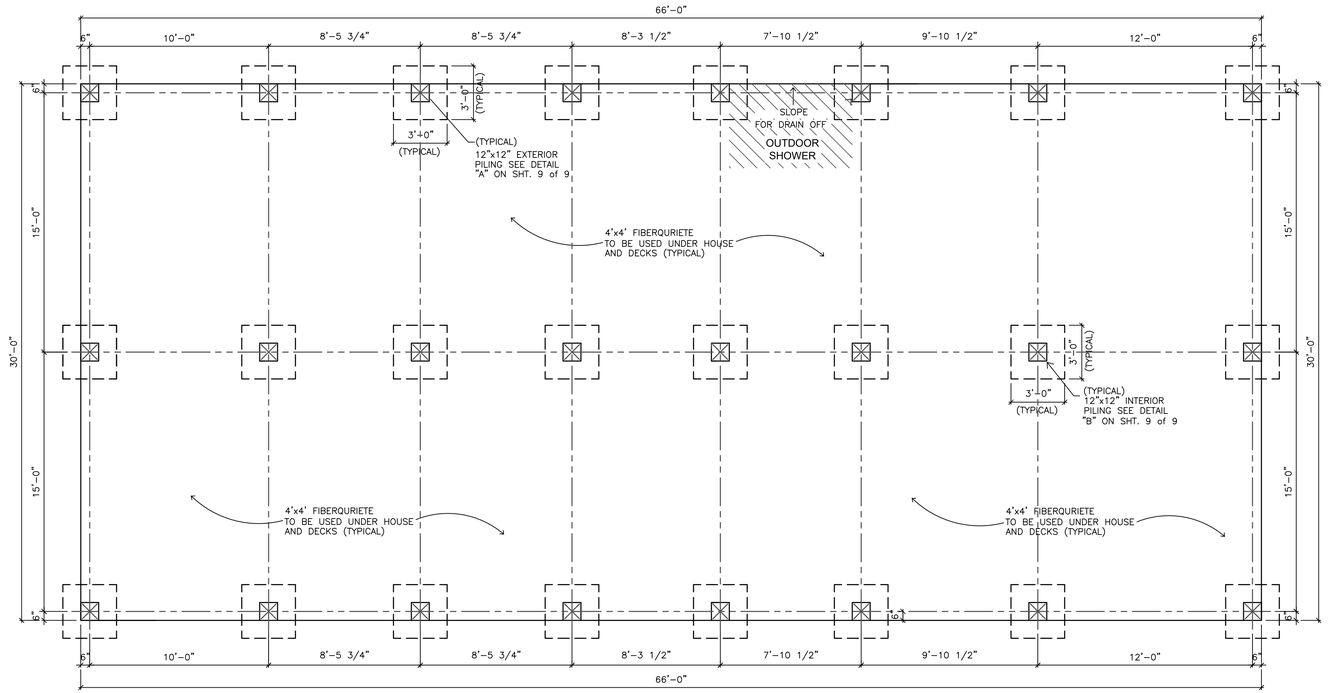
THESE PLANS ARE THE SOLE PROPERTY OF C & R DESIGN SERVICES AND ARE FOR THE SOLE USE ON A SPECIFIC PROJECT AND MAY NOT BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION FROM C & R DESIGN SERVICES.

No.	Revision/Issue	Date
1.		2/5/20
2.		2/24/20

Firm Name and Address
Chad Pourchot-designer
C&R Design Services,
Mailing: P.O. Box 1148,
Street: 3817 Avenue Q,
Santa Fe, TX 77510
409-925-4165

Project Name and Address
Mr. & Mrs. Nguyen
11 Grand Beach Boulevard,
Lot-17, Block-1
The Preserve At Grand Beach
Galveston, TX 77554

Sheet Name	Sheet
Cover Sheet/Site Plan	1 OF 9
Date: 01/23/20	
Scale: See Plan	



PILING LAYOUT PLAN

SCALE: 1/4" = 1'-0"

NOTE:

DESIGNER RECOMMENDS THAT THE BUILDER CONSULT AN ENGINEER FOR SPECIFIC GRADE BEAM SIZES, LOCATION AND REINFORCING AS WELL AS PILING LOCATIONS. C & R DESIGN SERVICES ASSUMES NO LIABILITY FOR FOUNDATION DESIGN AFTER CONSTRUCTION BEGINS.

NOTE:

1. 12"x12" PILING LENGTH AND EMBEDMENT DEPTH TO BE DETERMINED BY ENGINEER.

2. PILINGS SHALL BE NOTCHED AND BEAMS SHALL FULL BEAR ON THE PILING. NO MORE THAN ONE HALF THE THICKNESS OF THE PILING MAY BE NOTCHED.

3. BEAMS OR STRINGERS SHALL BE BOLTED TO PILINGS WITH FOUR 3/4" BOLTS.

4. BOLTS, NUTS AND WASHERS SHALL BE STAINLESS STEEL ONLY.

5. WHERE BEAMS ARE SPLICED, THE SPLICE OCCUR OVER A PILE. EACH BEAM END SHALL BE FASTENED TO A PILE WITH FOUR 3/4" BOLTS. BOLTS SHALL BE SPACED A MINIMUM OF 2 1/4" APART, AND SHALL BE LOCATED A MINIMUM OF 2" FROM THE ENDS AND EDGES OF EACH BEAM OR STRINGER.

6. BEAMS AND STRINGER SHALL BE FRAMED INTO THE TOPS OF PILINGS AND SHALL CONSIST OF A MINIMUM OF FOUR 2x12'S, HAVING A GRADE OF #1.

7. BEAMS AND STRINGERS SHALL BE TREATED WITH WOOD PRESERVATIVE.

8. WHERE FLOOR JOIST ARE SET ON THE TOP OF BEAMS OR STRINGERS, EVERY FLOOR JOIST SHALL BE ATTACHED TO BEAM WITH APPROVED FRAMING ANCHOR.

9. WHERE FLOOR JOIST ARE FRAMED DIRECTLY INTO BEAMS OR STRINGERS, A JOIST HANGER OR LEDGE STRIP SHALL BE PROVIDED. FLOOR JOIST SHALL BE ANCHORED AGAINST UPLIFT.

10. IF FLOOR JOIST ARE NOT CONTINUOUS, THE JOINT SHALL OCCUR OVER A BEAM OR STRINGER AND THERE SHALL BE A MINIMUM OF 12" LAP, SECURELY NAILED TOGETHER.

11. FLOOR JOIST SHALL HAVE MAXIMUM SPACING OF 16" O.C.

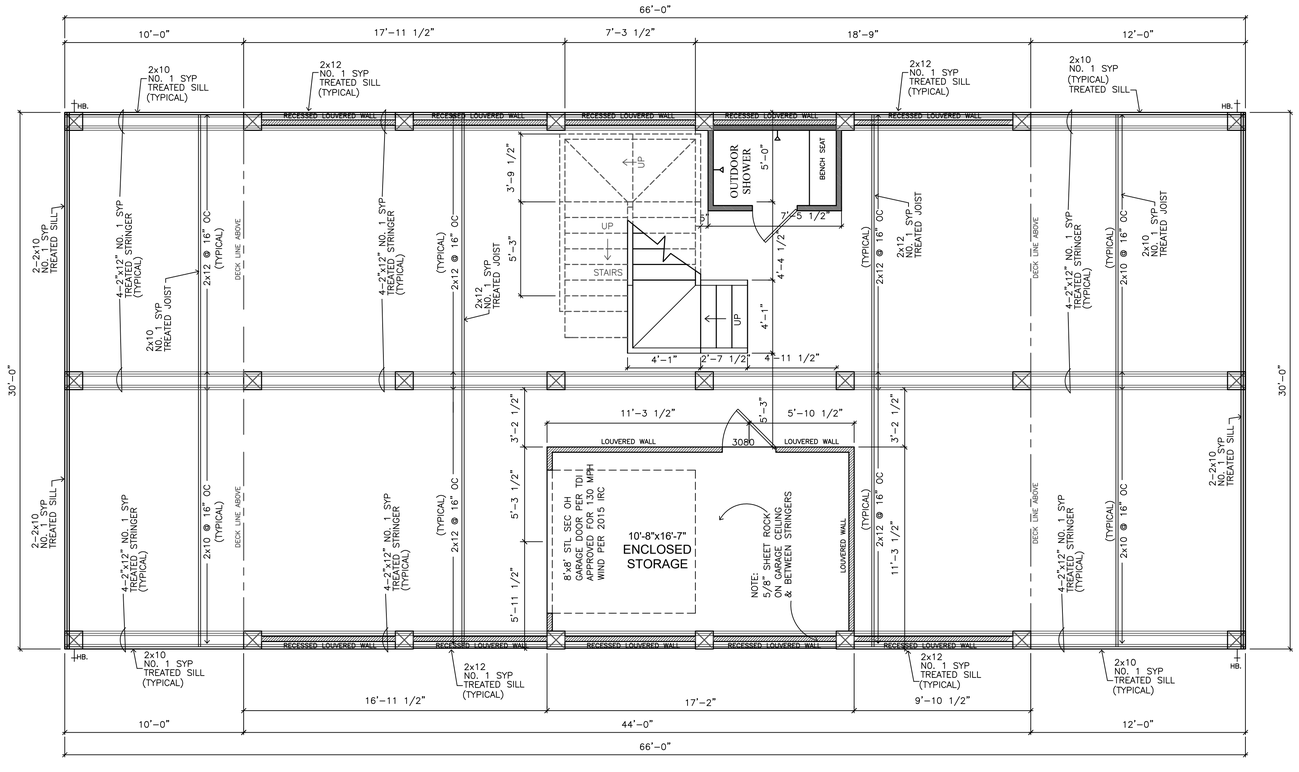
12. FLOOR JOIST SHALL BE DOUBLED BENEATH LOAD BEARING WALLS.

13. VENTS AT GROUND FLOOR TO BE SIZED ACCORDI.NG TO THE SQUARE FOOTAGE OF THE ENCLOSED AREA OF THE GROUND. VENTS SHALL BE INSTALLED 1 FOOT ABOVE GRADE.

14. CONSTRUCTION SHALL COMPLY WITH ASCE 7-05 & IRC 2015

15. R-19 COLD FLOOR INSULATION. INSULATION INSTALLED TO MAINTAIN PERMANENT CONTACT WITH UNDER SIDE OF SUB-FLOOR.

TOTAL LIVING:	2,565 SQ. FT.
IST FLOOR:	1,320 SQ. FT.
2ND FLOOR:	1,245 SQ. FT.
IST FL. FRONT COV. DECK:	314 SQ. FT.
IST FL. REAR COV. DECK:	360 SQ. FT.
2ND FL. FRONT COV. DECK:	314 SQ. FT.
2ND FL. REAR COV. DECK:	360 SQ. FT.
ENCLOSED GARAGE:	197 SQ. FT.



GROUND FLOOR PLAN

SCALE: 1/4" = 1'-0"

General Notes

C & R DESIGN SERVICES
COMMERCIAL/RESIDENTIAL

DISCLAIMER:

TO THE BEST OF OUR KNOWLEDGE, THESE PLANS AND DRAWINGS ARE DESIGNED TO COMPLY WITH THE OWNER'S WISHES AND CRITERIA. ANY CHANGES MADE TO THESE DRAWINGS AFTER FINAL PRINTS ARE MADE, WILL BE AT THE SOLE EXPENSE OF THE OWNER / CONTRACTOR.

THE OWNER / CONTRACTOR WILL BE RESPONSIBLE FOR VERIFICATION OF ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS.

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No.	Revision/Issue	Date
1.		2/18/20

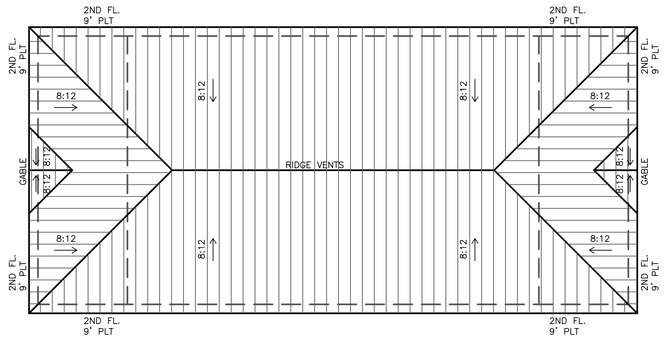
Firm Name and Address

Chad Pourchot-designer
C&R Design Services,
Mailing: P.O. Box 1148,
Street: 3817 Avenue Q,
Santa Fe, TX 77510
409-925-4165

Project Name and Address

Mr. & Mrs. Nguyen
11 Grand Beach Boulevard,
Lot-17, Block-1
The Preserve At Grand Beach
Galveston, TX 77554

Sheet Name: Grnd. Fl./Piling Plan	Sheet: 2 OF 9
Date: 01/23/20	
Scale: 1/4" = 1'-0"	



NOTE:

RIDGES, HIP AND VALLEY RAFTERS – 2x8 (MUST BE AT LEAST AS LARGE AS CONNECTING RAFTER CUTS)

COMMON AND JACK RAFTERS – 16" O.C. (2x6 MIN WITH MAX SPAN OF 11'–2")

PURLINS – SAME SIZE AS SUPPORTED RAFTERS

BRACES – 2x4–32" OC, 2–2x4 "T" BRACE IF OVER 8' LONG

COLLAR TIES – 2x6–EVERY RAFTER & INSTALLED ON UPPER 1/3 OF MATING RAFTERS @ 16" O.C.

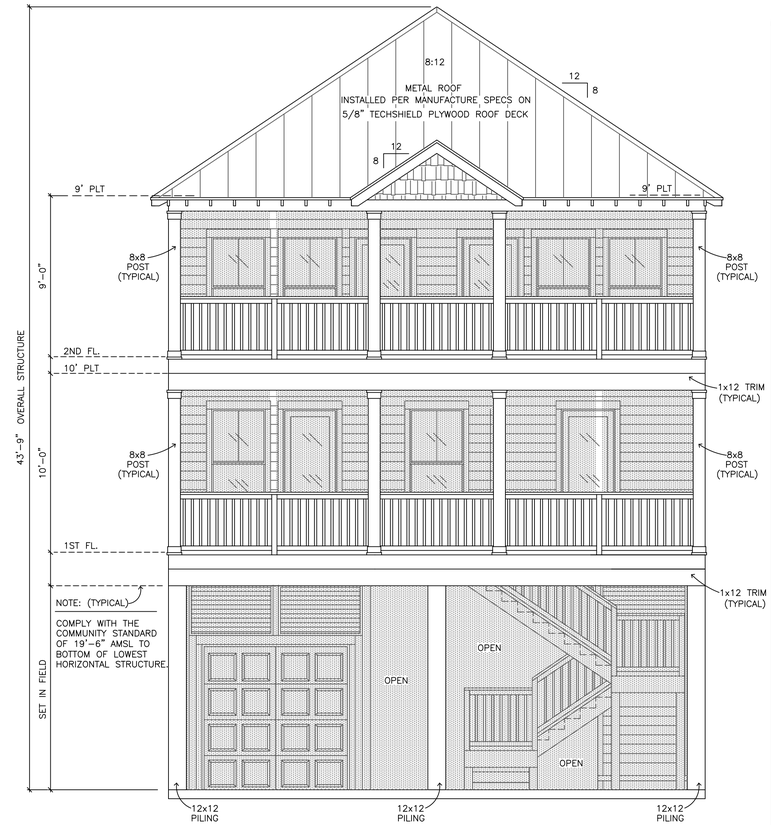
LUMBER LISTED ABOVE SHALL BE #2KD SYP

ATTIC VENTING – SOFFIT VENTS & RIDGE VENTS

HURRICANE STRAPS ACROSS RIDGES, HIPS, AND VALLEYS (SIMPSON MODEL LSTA)

ROOF PLAN

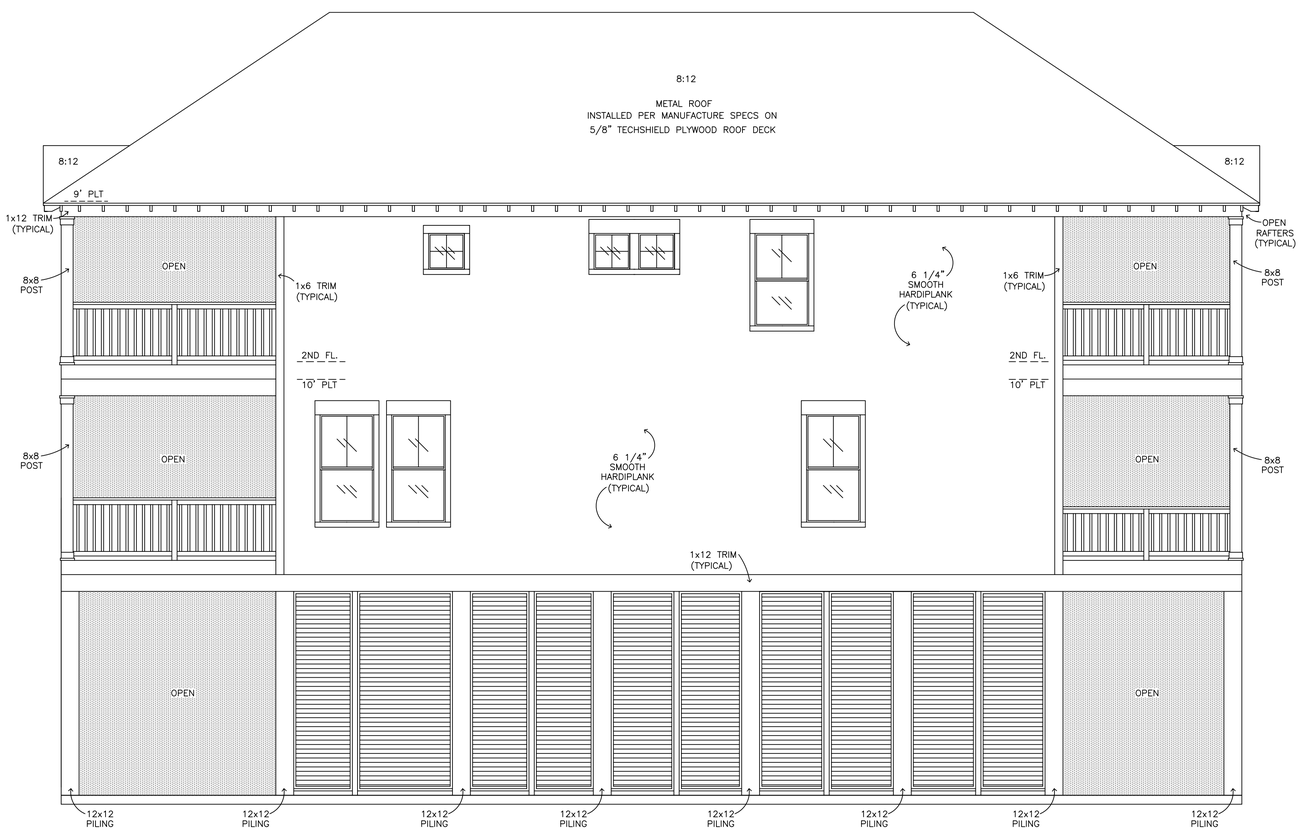
SCALE: 1/8" = 1'-0"



STREET SIDE

FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

General Notes

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C&R Design Services,
Mailing: P.O. Box 1148,
Street: 3817 Avenue Q,
Santa Fe, TX 77510
409–925–4165

Project Name and Address

Mr. & Mrs. Nguyen
11 Grand Beach Boulevard,
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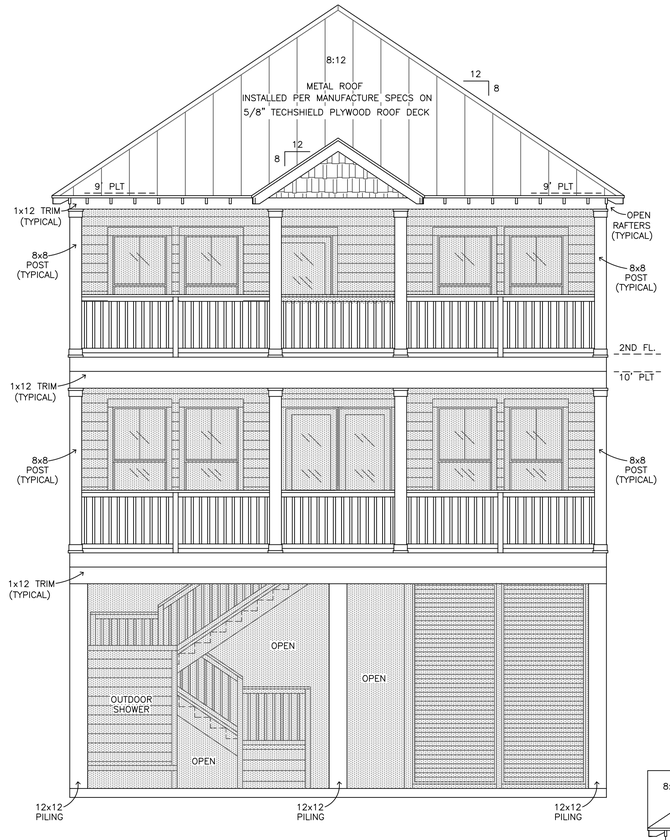
The Preserve At Grand Beach
Galveston, TX 77554

Sheet Name	Sheet
Roof Plan / Elevations	5 OF 9
Date: 01/23/20	
Scale: 1/4" = 1'–0"	



BEACH SIDE

REAR ELEVATION

SCALE: 1/4" = 1'-0"

NOTE:

RIDGES, HIP AND VALLEY RAFTERS – 2x8 (MUST BE AT LEAST AS LARGE AS CONNECTING RAFTER CUTS)

COMMON AND JACK RAFTERS – 16" O.C. (2x6 MIN WITH MAX SPAN OF 11'–2")

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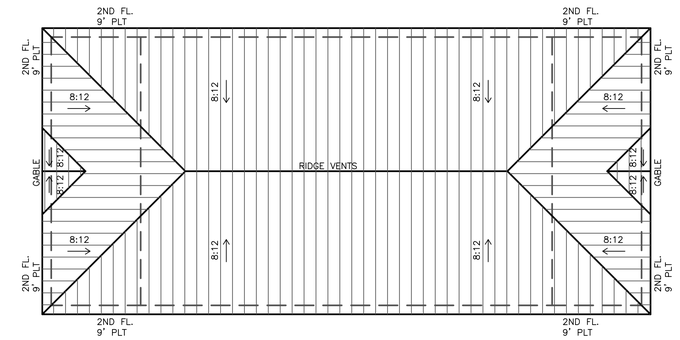
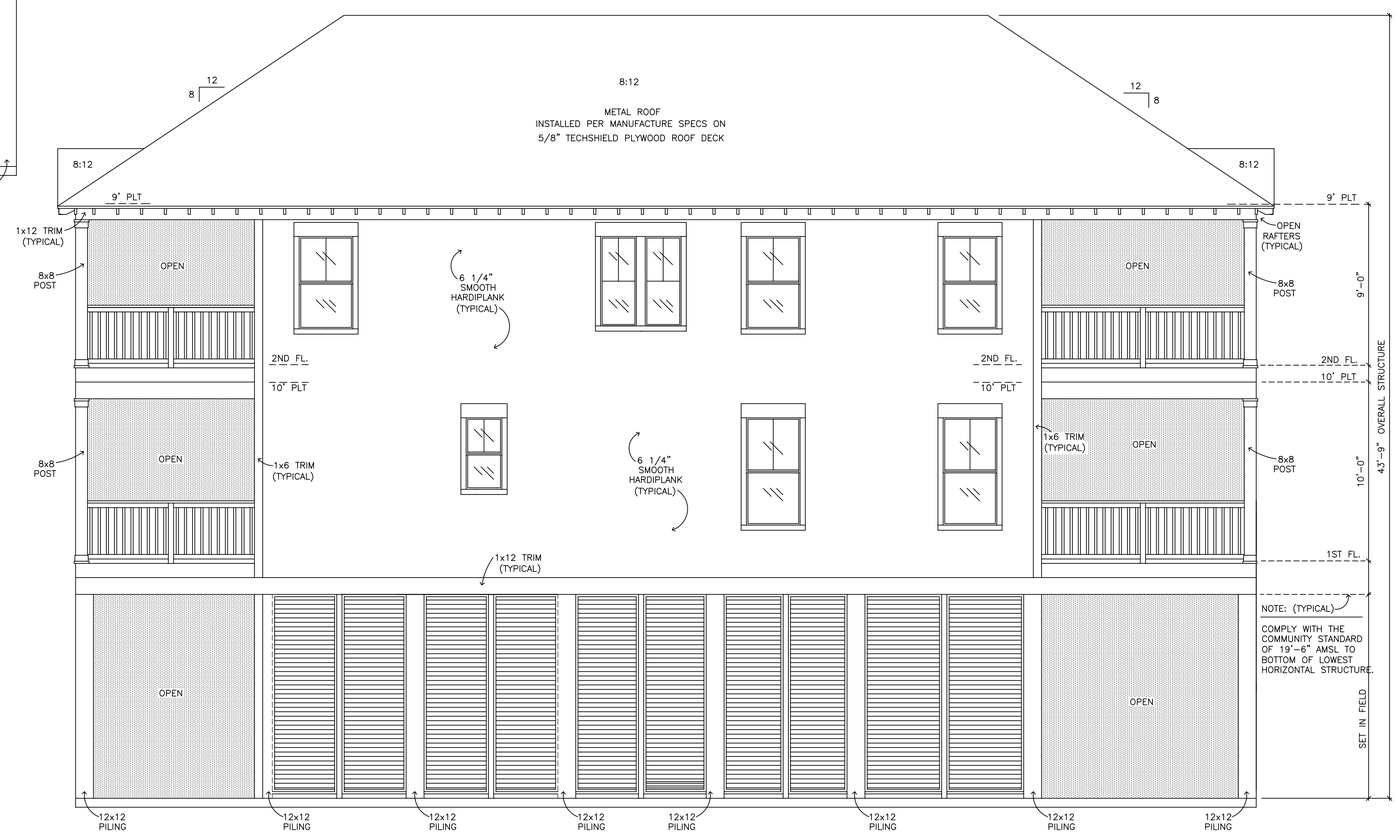
HURRICANE STRAPS ACROSS RIDGES, HIPS, AND VALLEYS (SIMPSON MODEL LSTA)

ROOF PLAN

SCALE: 1/8" = 1'-0"





LEFT ELEVATION

SCALE: 1/4" = 1'-0"

General Notes

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Galveston, TX 77554

Sheet Name	Sheet
Roof Plan / Elevations	6 OF 9
Date: 01/23/20	
Scale: 1/4" = 1'–0"	

Attachment “D”
Site Photos

Attachment “E”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 5, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	11 Grand Beach Boulevard, Galveston
Legal Description:	The Preserve at Grand Beach (2014) ABST 628, Block 1, Lot 17, Acres 0.246
Lot Applicant:	John & Ann Nguyen c/o Galveston Custom Homes – Tom Tran
Case Number:	20P-008
GLO ID No.:	BDCOG-20-0063

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to construct single-family residence with a brick paver driveway and a perimeter fence. The proposed construction is located more than 200 feet landward from the 350-foot adjudicated public beach easement, which is the line of vegetation in this location,[1] and adjacent to the Dune Conservation Area. According to the Bureau of Economic Geology, the area is stable.

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

- The applicant proposes to pave the area beneath the habitable structure with fibercrete pavers. A habitable structure is defined as a structure used or usable for habitation. [2] The area beneath uncovered decks or stairs may not be paved. [3]

- The applicant does not propose to pave or alter the ground the area seaward of 25 feet from the north toe of the dune in any manner, which includes mowing, grading, filling, fertilizing, or the use of fibercrete and crushed rock, and is prohibited from doing so.[4]

- The applicant proposes to construct an enclosure beneath the habitable structure. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are

[1] Galveston East Beach, Inc. v. The State of Texas (10th Judicial District Court, 1964).
[2] City of Galveston Beach Access Plan § 29-54.
[3] City of Galveston Beach Access Plan § 29-90(j)(1)(h)(3).
[4] City of Galveston Erosion Response Plan § 5 & City of Galveston Erosion Response Plan § 7.2.

breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.[5]

- The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.[6]

- The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach. [7]

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

[5] 31 Tex. Admin. Code § 15.6(f)(4).
[6] 31 Tex. Admin. Code § 15.6(e)(3).
[7] 31 Tex. Admin. Code § 15.6(g).

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20P-011 STAFF REPORT

ADDRESS:
11205 Bernice

LEGAL DESCRIPTION:
Property is legally described as Lot 12R (12-0) Replat of Lots 12 & 17, Block 5, Sunny Beach Extension, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Galveston Beach Homes, LLC, Curtis Meritt

PROPERTY OWNER:
Lee Nicholas

REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for construction of a single-family dwelling and driveway.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Topographic Survey
C – Site Plan & Drawings
D – Photos of Site
E – Comment Letter from GLO

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov

Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the North Toe of the Critical Dune Area or, for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the Line of Vegetation.

The applicant is requesting approval to construct a single-family dwelling and driveway in an area approximately 27-feet from the North Toe of the Critical Dune Area and within the Enhanced Construction Zone. This is landward of the Dune Protection Line and within the Planning Commission review area. According to the application materials, the proposed construction activities appear to be landward of dunes and dune vegetation. Therefore, no mitigation activities are proposed.

Site and Surrounding Area:

The subject site is a 0.1685-acre lot located in the Sunny Beach Subdivision. There are single-family dwellings to the North, East, and West, and beach area to the South of the subject property. According to the Bureau of Economic Geology, between the 1950s and 2012 this beach area has experienced an average shoreline change rate of -11.4 to -10.7 feet per year.

Analysis:
The table below summarizes the applicant survey and site plan (Attachments "B" and "C") regarding the proposed new construction and the location of proposed construction in relation to on-site conditions:

Proposed Structure's Distance from:	Distance (Feet)
…North Toe of the Dune	~27
…the Line of Vegetation	~95

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan and Erosion Response Plan. The drawings, (Attachment "C"), are submitted with this request.

The applicant is proposing to build within 27-feet of the North Toe of the Critical Dune Area and within the Enhanced Construction Zone. The applicant is proposing fibercrete beneath the home and a crushed gravel driveway. Staff reviewed the application materials and found no prohibited activities proposed seaward of the Dune Protection Line.

The proposed construction is landward of the Dune Protection Line and the Dune Conservation Area. Therefore, a ground floor enclosure is permitted in the area 25-feet landward of the North Toe of the Critical Dune Area. Note: the City's locally adopted flood ordinance requires ground floor enclosures to be no greater than 299 square feet as measured from the outside of the enclosure.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse affects on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Attachment "E" lists the comments from the Texas General Land Office for this request. Should the Planning Commission approve this request, the GLO comments are recommended as specific conditions for this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Given the proposed construction activities are taking place landward of the Dune Conservation Area, staff finds that the proposed construction will not materially weaken dunes or materially damage dune vegetation as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

Proposed construction is landward of the Dune Conservation Area. No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

The proposed structure is not located as far landward as practicable. In order to comply with this standard, the proposed structure shall be moved 40-feet landward.

The proposed construction is within the Enhanced Construction Zone, which is an area defined as being 125-feet landward of the Dune Conservation Area along Galveston's Gulf coast with an aggregate shoreline change of -2 to -8 feet per year. The City's Erosion Response Plan requires the following additional construction standards for any proposed construction activities within the Enhanced Construction Zone:

- Plans and certifications for proposed structures shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05.

<u>Staff Recommendation:</u>
Staff recommends approval of 20P-011 with the following conditions:
Specific Conditions to Case 20P-011:

1. In order to comply with city and state standards the applicant shall move the structure as far landward as practicable to meet the 20-foot building line. A building permit shall not be issued until the applicant provides revised drawings that reflect this change and satisfies the requirements of all City departments;

2. Plans and certifications for proposed structures within the enhance construction zone shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05;

3. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "E":

    a. The applicant does not propose to adversely impact dunes and dune vegetation and is prohibited from doing so.

    b. The proposed construction is located adjacent to the Dune Conservation area and it appears that it

could be located further landward. The City shall require the construction to be located as far landward as practicable.

c. In the area within 25 feet of the north toe of the dune, paving or altering the site, which includes mowing, grading, filling fertilizing, or the use of fibercrete and crushed concrete, is not proposed and is prohibited.

d. Since the construction is located more than 25 feet landward from the north toe of the dune and within the Enhanced Construction Zone, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four-inches thick with sections separated by expansion joints or pervious material. A habitable structure is defined as a structure used or usable for habitation. The area beneath uncovered decks or stairs may not be paved.

e. The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.

f. The use of permeable materials such as brick, pavers, limestone, or gravel is recommended for drives or parking areas.

g. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.

h. The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.

i. The City must ensure the proposed habitable structure is designed for feasible relocation.

j. The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.

k. The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach.

l. Please be advised that the line of vegetation is dynamic. Structures may not encroach on the public beach. If the structure becomes located seaward of the line of vegetation because of loss of elevation, the structure may be allowed to remain in place if it does not significantly interfere with public access to the beach or present a public health and safety risk. Structures located seaward of the line of vegetation and landward of the line of mean high tide will periodically be reassessed on a case-by-case basis, and owners may be allowed to make certain repairs under the Beach/Dune rules and local government plans. If any part of a structure comes to be located seaward of the line of mean high tide, it becomes an unauthorized structure on state-owned lands. Repairs are prohibited and the state may take action to remove the structure.

Standard Conditions:

4. Upon completion of the development, and prior to the issuance of a "Certificate of Occupancy," for those structures requiring Planning Commission approval, the permittee shall provide the Development Services Department with a final survey indicating finished elevations, surfaces, drainage patterns, fences, dune walkovers and landscape detail, or certification by a registered professional engineer that all Permit conditions have been met. No "Certificate of Occupancy" shall be approved until the Development Services Department approves a "Certificate of Completion," verifying that all Permit conditions have been satisfied;

5. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

6. The applicant shall adhere to all comments/conditions received from city departments. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval;

7. All non-natural drainage from the dwelling shall be directed away from the beach and dunes, toward the street landward of the lot and to the drainage infrastructure in the subdivision, and drainage plans shall be submitted to the City of Galveston Public Works Department, Division of Engineering for approval;

8. The area seaward of the dwelling shall be designated a dune protection area, prohibiting any alteration of natural conditions in this area, except for any future proposed dune walkovers, approved by the Development Services Department and the Texas General Land Office under separate review;

9. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

10. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb — 04/15/2020

Virginia Greb — Date

Coastal Resources Assistant Manager

04/15/2020

Catherine Gorman, AICP — Date

Assistant Planning Director / HPO

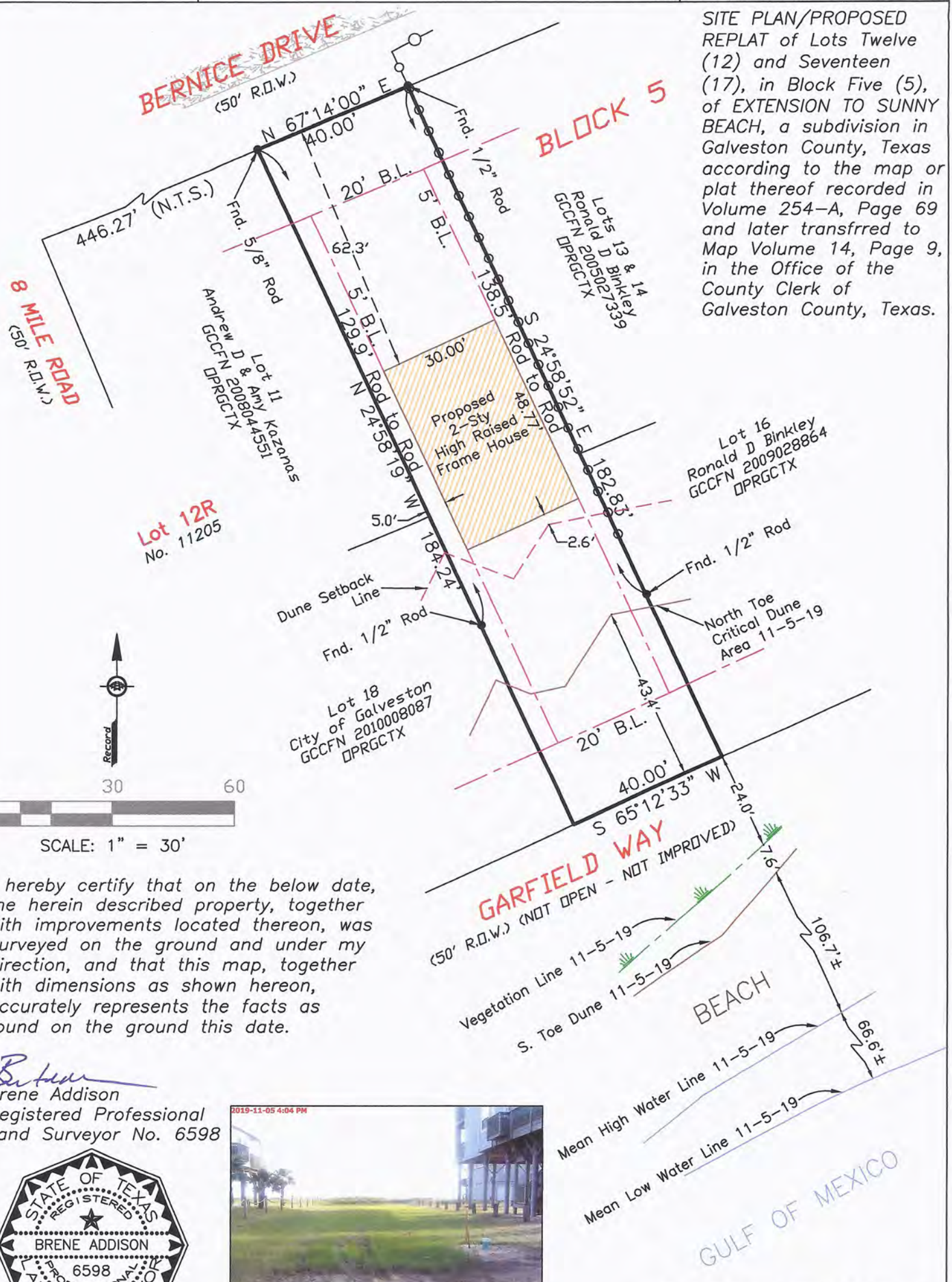
Attachment “A”
Aerial Map

Beachside
8 Mile
Bernice
Garfield
11225
11226
11209
11205
Trimble & Lindsey Sec 2
TRIMBLE & LINDSEY SEC 2
-11.02'
-11.12'
-11.15'
-11.22'
-11.35'
-11.22'
SUNNY BEACH EXTN
Sunny Beach Extn
Sunny Beach (AP-7)
[-11.4 to -10.7 ft/yr]

Attachment “B”
Topographic Survey

TLS Job No 19-0685	11205 Bernice Drive, Galveston, TX. 77554	Ref No: 6841-0005-0012-000

SITE PLAN/PROPOSED REPLAT of Lots Twelve (12) and Seventeen (17), in Block Five (5), of EXTENSION TO SUNNY BEACH, a subdivision in Galveston County, Texas according to the map or plat thereof recorded in Volume 254-A, Page 69 and later transfrred to Map Volume 14, Page 9, in the Office of the County Clerk of Galveston County, Texas.



I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brene Addison
Registered Professional
Land Surveyor No. 6598

STATE OF TEXAS
REGISTERED
BRENE ADDISON
6598
PROFESSIONAL
LAND SURVEYOR

Elevations expressed hereon are based on NAVD 88 Datum.

NOTES:
1) This property is subject to the building and zoning ordinances of the City of Galveston.
2) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
4) Bearings are based on the monumentation of South right-of-way line of Bernice Drive.

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

Legend:
- OHP — Overhead Power
- Concrete
- Rope Fence
- Veg. Line
- Dune Line

TRICON LAND SURVEYING, LLC
Mailing: 6341 Stewart Rd. #251
Physical: 2011 59th Street
Galveston, TX 77551
409-497-2772
TriconLandSurveying.com
T.B.P.L.S. Firm No. 10194309

Drafting: LP | Survey Date: November 5, 2019

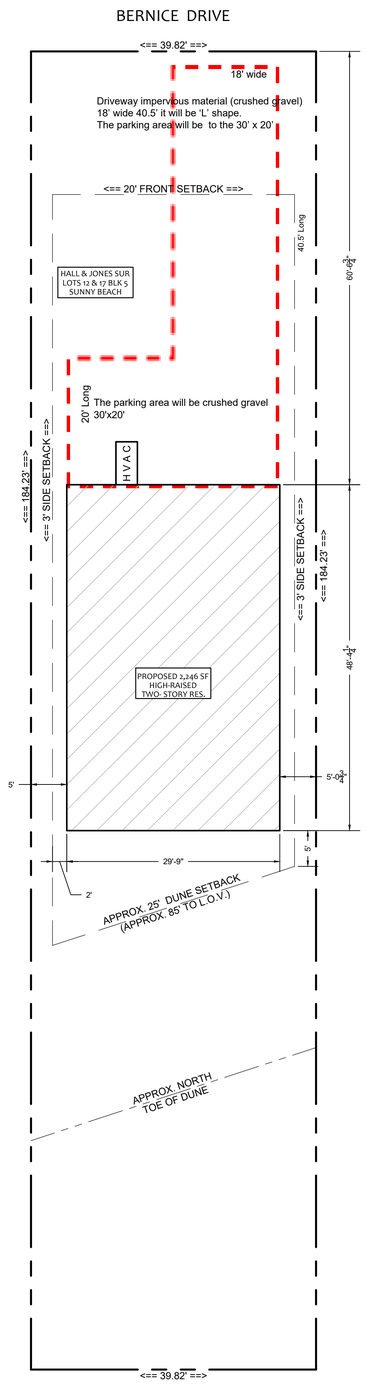
Surveyed for: Galveston Beach Houses LLC

Attachment “C”

Site Plan

&

Drawings



A SITE PLAN
SCALE: 1"=10'-0"

CODE REVIEW

Situs Address: 11205 Bernice Drive
Galveston 77554

Legal Description: Hall & Jones Survey
Lots 12 & 17, Block 7
Sunny Beach Subdiv.

Land Use: Residential Single Family (R-1)

Scope of Work: New Construction- 2 Story, High-Raised Single-Family House, 2,246 Interior Square Feet

Areas :

1st Floor Enclosed:	984 SF
1st Floor Open / Decks:	444 SF
2nd Floor Enclosed:	1,058 SF
2nd Floor Open / Decks:	215 SF
Total Enclosed Area:	2,042 SF
Total Open / Decks Area:	1,103 SF
Total Building Footprint :	1,455 SF

Applicable Codes:
- 2015 International Residential Code
- 2015 International Fire Code
- 2015 International Fuel Gas Code
- 2015 International Mechanical Code
- 2014 National Electrical Code
- 2015 International Plumbing Code
- 2015 International Energy Conservation Code

HOME BUILDER:
GALVESTON BEACH HOUSES LLC
Mr. Gerald Meritt
(281) 908-5290
geraldmeritt@aol.com

SHEET INDEX

A1	Site Plan
	Code Review
	Construction Details
A2	Floor Plans
A3	Elevations
A4	Elevations

Note: Engineering Plans by Others

REV. #	DATE	DESCRIPTION
1	10/07/2019	Design Documents
2	12/13/2019	Bid & Permit Documents
3	01/23/2020	Bid & Permit Documents
4		
5		
6		
7		

D A L DESIGNS

GALVESTON BEACH HOUSES LLC

GALVESTON BEACH HOUSES LLC
(281) 908 - 5290

100% FOR BID & PERMIT
01/23/2020

11205 BERNICE

SITE PLAN
CODE REVIEW
GENERAL DETAILS

Door Schedule

A 2'-6"x7'-0" Solid Core Ext. Security w/ Deadbolt & Keyed Knob (Selection per Owner) & Transom

B 2'-6"x7'-0" Exterior Door w/ Deadbolt & Keyed Knob (Selection per Owner)

C 2'-8"x7'-0" Hollow Core Interior

D 2'-4"x7'-0" Hollow Core Interior

E 2'-4"x7'-0" Hollow Core Pocket

F 2'-0"x7'-0" Hollow Core Interior
Sim. Cut Door to Fit Opening

Note: All Doors Shall Be 7'-0" High
All Windows at 7'-0"Header Ht

Window Schedule

1 **3'-0"x5'-0" Low-E, Double Paned SH** (See Notes 2,3) w/ 12" Transom Above

2 **3'-0"x5'-0" Low-E, Double Paned SH** (See Notes 2,3)

3 2'-0"x3'-0" Low-E, Double Paned Fixed

4 **4'-0"x5'-0" Low-E, Double Paned SH** (See Notes 2,3)

5 1'-0"x3'-0" Fixed Transom
Sim. Set between Cainet Base & Uppers

Note: All Windows Ply-Gem 1500 Series Vinyl-Clad. Windows in **Boldface,** Above, are Egress Windows per Manufacturer Specifications.

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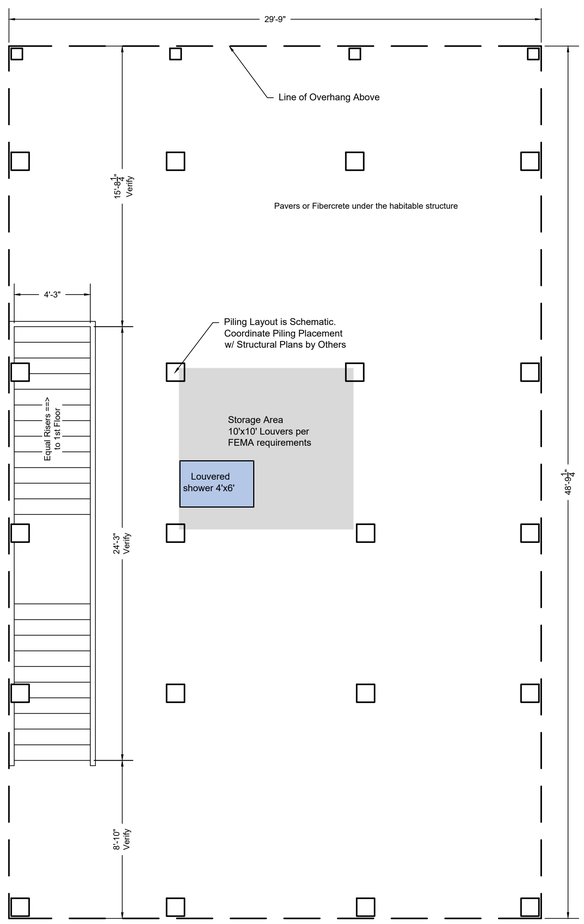
1	10/07/2019	Design Documents
2	12/13/2019	Bid & Permit Documents
3	01/23/2020	Bid & Permit Documents
4		
5		
6		
7		



A GROUND FLOOR
SCALE: 1/4"=1'-0"

DIMENSION
FLOOR PLANS

SHEET A2 OF 4

D A L DESIGNS

GALVESTON BEACH HOUSES LLC

GALVESTON BEACH HOUSES LLC
(281) 908 - 5290

100% FOR BID & PERMIT
01/23/2020

11205 BERNICE

REV. #	DATE	DESCRIPTION
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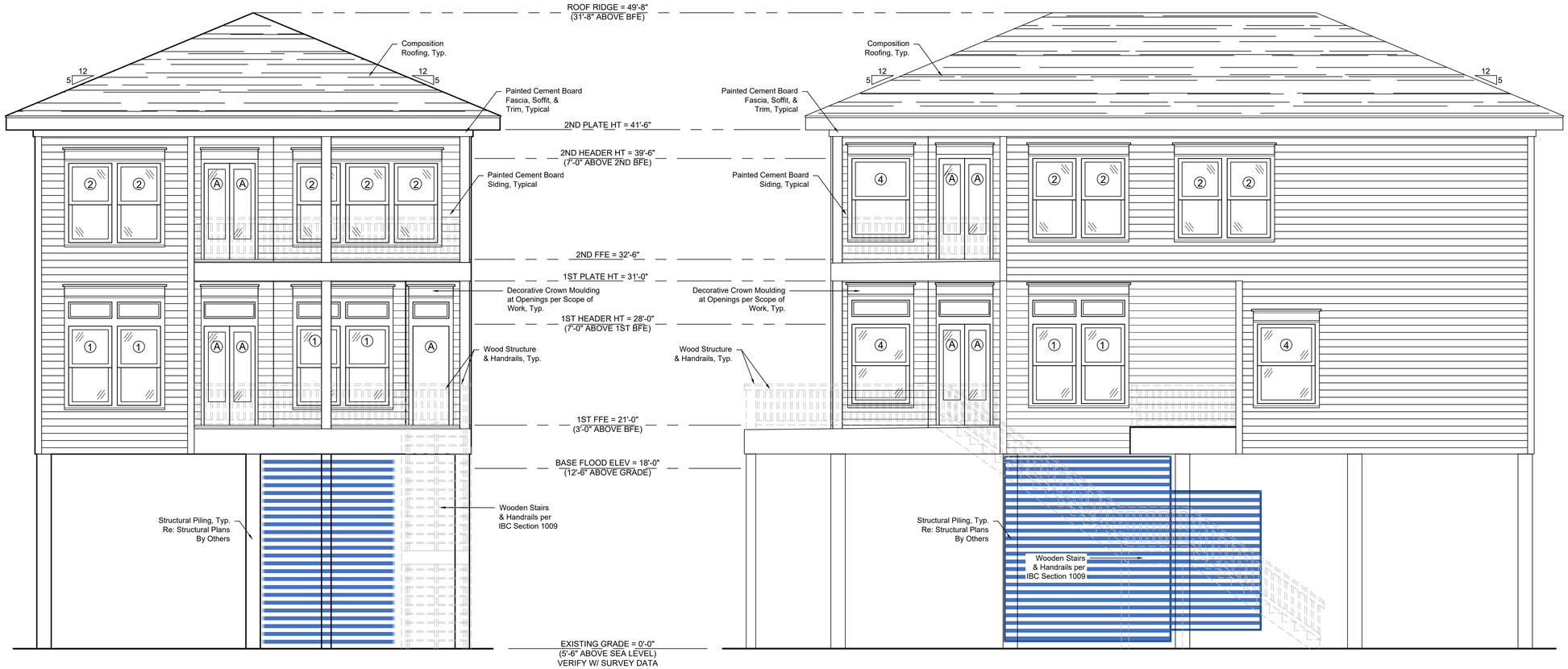

A SOUTH ELEVATION
SCALE: 1/4"=1'-0"

B EAST ELEVATION
SCALE: 1/4"=1'-0"

D A L DESIGNS

GALVESTON BEACH HOUSES LLC

(281) 908 - 5290

100% FOR BID & PERMIT

01/23/2020

11205 BERNICE

ELEVATIONS

SHEET A3 OF 4

REV. #	DATE	DESCRIPTION
1	10/07/2019	Design Documents
2	12/13/2019	Bid & Permit Documents
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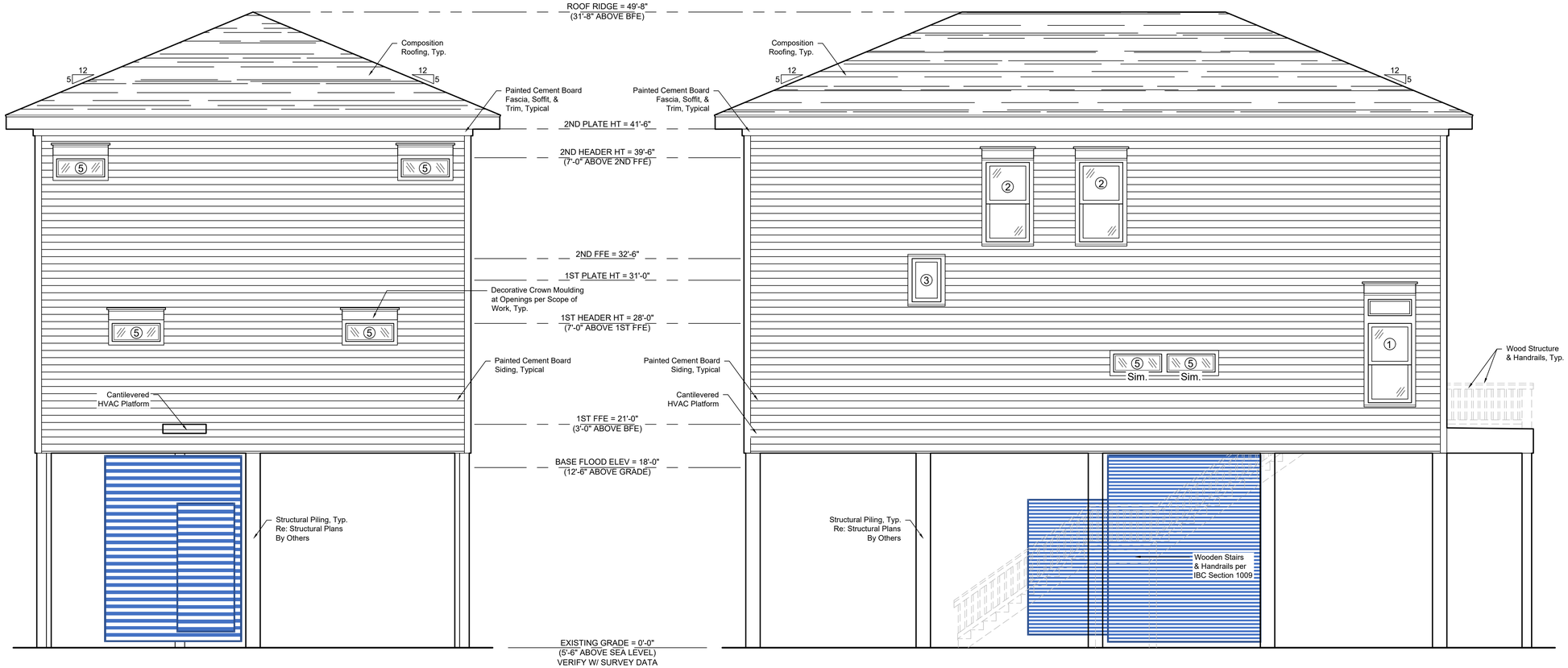


A NORTH ELEVATION
SCALE: 1/4"=1'-0"

B WEST ELEVATION
SCALE: 1/4"=1'-0"

ELEVATIONS

SHEET A4 OF 4

D A L DESIGNS

GALVESTON BEACH HOUSES LLC

GALVESTON BEACH HOUSES LLC

(281) 908 - 5290

100% FOR BID & PERMIT

01/23/2020

11205 BERNICE

City of Galveston 02/23/2020
Planning and Development Division

REF: 11205 Bernice Drive Galveston TX 77554 Beachfront construction certificate dated 01/31/2020

Dear Sirs / Ladies:

- We worked with our clients at designing the house such that will meet their requirements and minimize the footprint, especially in the north / south direction.
- The house living space has been extended to fit in the east west direction, 30' allowing for the 5' building line in each side, to meet the building line requirements and narrow lot
- The house will be located as far north as possible respecting the building line requirement, allowing for parking as Bernice Dr is very narrow
- Ground level proposed work;
    - Fibercrete under the habitable structure, if approved, the rectangular area will be 31' commencing from the north wall up to 17' from the south corner of the house and 30' wide.
    - The section under the south decking will not be paved, it will be rectangular and 17' by 30' wide.
    - We propose to locate a small storage area 10'x10' constructed of louver walls (per FEMA) on the north west corner under the habitable structure. Will also construct a 6'x4' shower with louver walls.
- The proposed activity will not materially weaken dunes or materially damage dune vegetation, we will implement the following actions as part of the construction plan;

    1) Lot preparation; will clearly mark and fence the dunes and will not allow access, storage of material, disposal, machinery / vehicle / personnel traffic over and near the dune.

    2) Pile Driving; will access the most seaward row of pilings from the north to not disturb the dune / vegetation

3) Construction; will ensure that all the crews are aware of the requirements related to the dune / vegetation. As noted, no traffic over the dune, no storage of materials,

   proper disposal of materials using the north side of the lot. The temporary fence and signage will be maintained during the construction phase.

4) Waste disposal management; all waste will be stored and deposed using a container to be located north of the site and or other approved methodologies, but always using the northward side of the lot. Daily cleanup of the areas around the dune.

5) Delivery; final clean up and removal of the temporary fence and signage

Do not hesitate in contacting me at geraldmeritt@aol.com for questions and comments.

Gerald Meritt

Good Afternoon,

Please address the following comments to continue the review process for case 20P-011:

- The proposed driveway on the site plans falls outside of the habitable structure.
- Submit a revised site plan that indicates the proposed driveway is not wider than the proposed single-family dwelling.

If you have questions, contact the coastal resources division.
We are happy to help.

From: Curtis Meritt
Sent: Monday, March 23, 2020 3:32 PM
To: Virginia Greb <VGreb@GalvestonTX.Gov>
Cc: Dustin Henry <DHenry@GalvestonTX.Gov>
Subject: Re: 20P-011 - Additional Information Needed - 11205 Bernice

The driveway will be gravel, from under the house to the street.

Regards,

Gerald Meritt
281 908 5290

On Mar 23, 2020, at 3:05 PM, Virginia Greb <VGreb@galvestontx.gov> wrote:

Good Afternoon,

Please address the following comments to continue the review process for case 20P-011:

- The proposed driveway on the site plans falls outside of the habitable structure.
- What material is proposed for the driveway?
    - The narrative and application indicate fibercrete and the site plan indicates crushed gravel.

At this time, the case is scheduled for April 21, 2020.
The schedule is subject to change in response to the pandemic.
You will be notified closer to the date.
Stay tuned to the City of Galveston website for up-to-date information.
https://www.galvestontx.gov/

If you have questions, contact the coastal resources division.
We are happy to help.

From: Curtis Meritt
Sent: Monday, March 23, 2020 1:56 PM
To: Virginia Greb <VGreb@GalvestonTX.Gov>
Cc: Dustin Henry <DHenry@GalvestonTX.Gov>
Subject: Re: 20P-011 - Additional Information Needed - 11205 Bernice

Can you please let me know what is the current status of the application above?

Gerald Meritt
281 908 5290

On Mar 10, 2020, at 3:15 PM, wrote:

I am resending the application with the corrections as well as the GLO letter to further explain.

Ground level proposed work;

- **Fibercrete under the habitable structure**, if approved, the rectangular area will be 31' commencing from the north wall up to 17' from the south corner of the house and 30' wide.
- **The area under the south decking will not be paved**, it will be rectangular and 17' by 30' wide.
- We propose to locate a small storage area 10'x10' constructed of louver walls (per FEMA) on the north west corner, under the habitable structure. Will include a louvered shower 6'x4'.

I hope that the above clarifies the plans.

Regards,

From: Virginia Greb <VGreb@GalvestonTX.Gov>
Sent: Thursday, February 27, 2020 4:31 PM
To: Curtis Meritt
Cc: Dustin Henry <DHenry@GalvestonTX.Gov>
Subject: 20P-011 - Additional Information Needed - 11205 Bernice

Mr. Meritt,

Case 20P-011, 11205 Bernice, is being reviewed by city staff.

Please address the highlighted and redlined comments listed on the attached documents.
See attached.

The legal description listed on the application does not match the survey and the application is missing the property owners initials.

Indicate on the building plans where fibercrete is being proposed and where pavers are proposed.

If you have questions, contact the coastal resources division.
We are happy to help.

<image001.png>

Virginia Greb, Assistant Coastal Resource Manager
Development Services Department
P.O. Box 779 Galveston, TX 77553 | 823 Rosenberg Suite 401 Galveston, TX 77550
O: 409.797.3660 | D: 409.797.3545 | F: 409.877.1560 | vgreb@galvestontx.gov

Get social! Follow @cityofgalveston On Facebook, Twitter, & Instagram

Attachment “D”
Site Photos

United States

Speed:0.3km/h

Feb 24, 2020 at 11:45:01 AM
11205 Bernice Dr
Galveston TX 77554
United States
Altitude:2.2meter
Speed:0.2km/h

Feb 24, 2020 at 11:47:13 AM
11207 Bernice Dr
Galveston TX 77554
United States
Altitude:2.1meter
Speed:0.2km/h
Maps

Maps
Feb 24, 2020 at 11:47:27 AM
11207 Bernice Dr
Galveston TX 77554
United States
Altitude:2.1meter
Speed:4.8km/h

Feb 24, 2020 at 11:44:47 AM
11202 Bernice Dr
Galveston TX 77554
United States
Altitude:2.1meter
Speed:1.6km/h

Attachment “E”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 19, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	11205 Bernice, Galveston
Legal Description:	ABST 121 Hall & Jones Sur Lot 12R (12-0) Rplt of Lots 12 and 17 Blk 5 Sunny Beach Extn
Lot Applicant:	Lee Nicholas c/o Curtis Meritt
Case Number:	20P-011
GLO ID No.:	BDCOG-20-0085

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to construct a single-family residence with a fibercrete driveway. The construction is located within 200 feet of the line of vegetation, within the Enhanced Construction Zone, and adjacent to the Dune Conservation Area. According to the Bureau of Economic Geology, the area is eroding at a rate of eleven to twelve feet per year.

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

- The applicant does not propose to adversely impact dunes and dune vegetation and is prohibited from doing so.

- The proposed construction is located adjacent to the Dune Conservation area and it appears that it could be located further landward. The City shall require the construction to be located as far landward as practicable. [1]

- In the area within 25 feet of the north toe of the dune, paving or altering the site, which includes mowing, grading, filling fertilizing, or the use of fibercrete and crushed concrete, is not proposed and is prohibited. [2]

[1] 31 Tex. Admin. Code § 15.6(b) & City of Galveston Erosion Response Plan § 5.
[2] City of Galveston Erosion Response Plan § 5.

- Since the construction is located more than 25 feet landward from the north toe of the dune and within the Enhanced Construction Zone, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four-inches thick with sections separated by expansion joints or pervious material.[3] A habitable structure is defined as a structure used or usable for habitation.[4] The area beneath uncovered decks or stairs may not be paved.

- The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.[5]

- The use of permeable materials such as brick, pavers, limestone, or gravel is recommended for drives or parking areas.[6]

- The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.[7]

- The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.[8]

- The City must ensure the proposed habitable structure is designed for feasible relocation.[9]

- The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.[10]

- The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach. [11]

Please be advised that the line of vegetation is dynamic. Structures may not encroach on the public beach. If the structure becomes located seaward of the line of vegetation because of loss of elevation, the structure may be allowed to remain in place if it does not significantly interfere with public access to the beach or present a public health and safety risk. Structures located seaward of the line of vegetation and landward of the line of mean high tide will periodically be reassessed on a case-by-case basis, and owners may be allowed to make certain repairs under the Beach/Dune rules and local government plans.

---

[3] City of Galveston Erosion Response Plan § 5.
[4] City of Galveston Beach Access Plan § 29-54.
[5] City of Galveston Erosion Response Plan § 5.
[6] 31 Tex. Admin. Code § 15.5(b)(3).
[7] 31 Tex. Admin. Code § 15.6(f)(4).
[8] 31 Tex. Admin. Code § 15.6(e)(3).
[9] 31 Tex. Admin. Code § 15.6(f)(2).
[10] 31 Tex. Admin. Code § 15.4(d).
[11] 31 Tex. Admin. Code § 15.6(g).

If any part of a structure comes to be located seaward of the line of mean high tide, it becomes an unauthorized structure on state-owned lands. Repairs are prohibited and the state may take action to remove the structure.[12]

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

Planning Commission
Coastal Resources Division
City of Galveston
April 21, 2020

20P-014 STAFF REPORT

ADDRESS:
24313 San Luis Pass Road / FM 3005

LEGAL DESCRIPTION:
Property is legally described as Lot 2, Kristiansand Beach (2012), a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
DE Custom Homes Inc.,
Doug Ender

PROPERTY OWNER:
Richard and Karen Killmartin

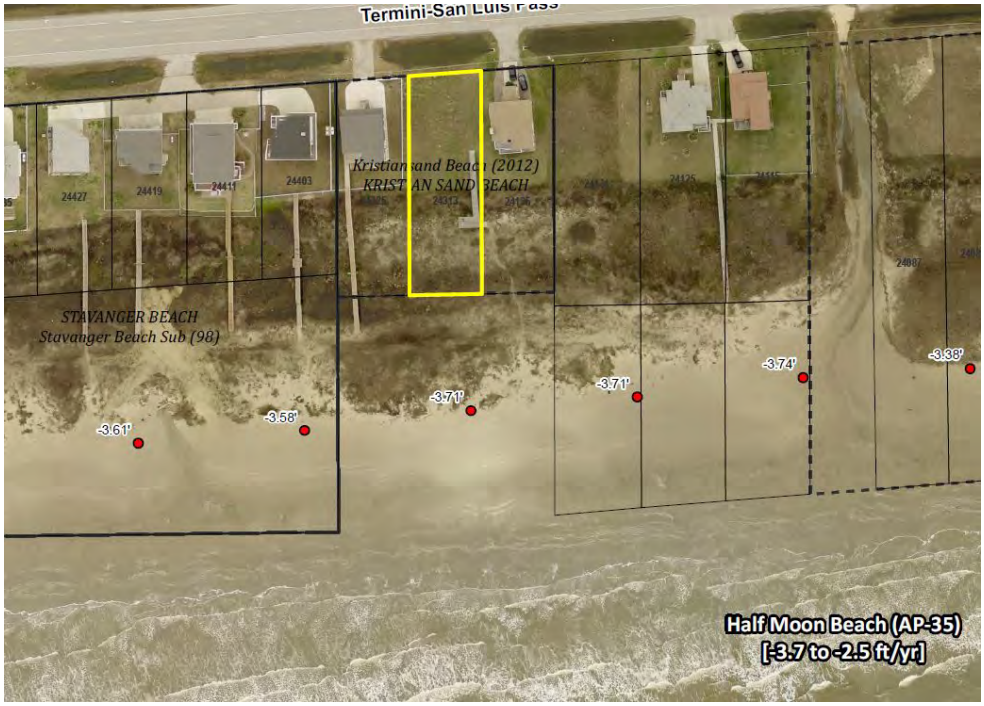
REQUEST:
Beachfront Construction Certificate/Dune Protection Permit for construction of a single-family dwelling and driveway.

APPLICABLE LAND USE REGULATIONS:
Chapter 29, Article 2, Beach Access Dune Protection and Beachfront Construction Regulation.

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Aerial Map
B – Topographic Survey
C – Site Plan & Drawings
D – Photos of Site
E – Comment Letter from GLO

STAFF:
Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



Note: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.

Executive Summary:

The City of Galveston's Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval of applications for a Beachfront Construction Certificate/Dune Protection Permit when the proposed construction activities will occur in areas within or seaward of the Dune Conservation Area or up to 50-feet landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-feet landward of the North Toe of the Critical Dune Area or, for those beach areas where no dunes exist west of the terminus of the Seawall, within 200-feet landward of the Line of Vegetation.

The applicant is requesting approval to construct a single-family dwelling and driveway within the Enhanced Construction Zone in an area approximately 27-feet from the North Toe of the Critical Dune Area and 265-feet from the Line of Vegetation. This is landward of the Dune Protection Line and within the Planning Commission review area. According to the application materials, the proposed construction activities appear to be landward of dunes and dune vegetation. Therefore, no mitigation activities are proposed.

Site and Surrounding Area:

The subject site is a 0.35-acre lot located in the Kristiansand Beach Subdivision. FM-3005 is located to the North, single-family dwellings are located to the East and West, and beach area is located to the South of the subject property. According to the Bureau of Economic Geology, between the 1950s and 2012 this beach area has experienced an average shoreline change rate of -3.7 to -2.5 feet per year.

Analysis:
The table below summarizes the applicant survey and site plan (Attachments "B" and "C") regarding the proposed new construction and the location of proposed construction in relation to on-site conditions:

Proposed Structure's Distance from:	Distance (Feet)
…North Toe of the Dune	~27
…the Line of Vegetation	~265

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request conforms to the City of Galveston's Dune Protection and Beach Access Plan and Erosion Response Plan. The drawings, (Attachment "C"), are submitted with this request.

The applicant is proposing to build within 27-feet of the North Toe of the Critical Dune Area and within the Enhanced Construction Zone. The applicant is proposing fibercrete for the footprint and driveway material. Staff reviewed the application materials and found no prohibited activities proposed seaward of the Dune Protection Line.

A shared dune walkover is located on the property that does not comply with city and state standards. The applicant does not have plans to improve the existing dune walkover. It appears the walkover was constructed in 2011. At that time, the adjacent home located at 24135 FM-3005 was proposed for construction on a single tract of land, case 11P-02. The tract was later subdivided into three lots, case 11P-126.

Section (e) (10) of The City of Galveston Dune Protection and Beach Access Plans states the following: Permittees must relocate walkovers to follow any landward migration of the public beach or seaward migration of the dunes and maintain the walkover height to approved levels, the Department of Planning and Community Development may inspect and require the dune walkover compliance within a reasonable period of time. Notwithstanding this, compliance should not cause renewed damage to existing post locations within dunes or swales from construction or construction equipment.

Staff will coordinate with the applicant to ensure the future compliance of the dune walkover.

The proposed construction is landward of the Dune Protection Line and the Dune Conservation Area. Therefore, a ground floor enclosure is permitted in the area 25-feet landward of the North Toe of the Critical Dune Area. Note: the City's locally adopted flood ordinance requires ground floor enclosures to be no greater than 299 square feet as measured from the outside of the enclosure.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;

b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;

c. The activity shall not result in significant changes to dune hydrology;

d. The activity shall not result in adverse affects on dune complexes or dune vegetation;

e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or

f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed so as to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Attachment "E" lists the comments from the Texas General Land Office for this request. Should the Planning Commission approve this request, the GLO comments are recommended as specific conditions for this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Given the proposed construction activities are taking place landward of the Dune Conservation Area, staff finds that the proposed construction will not materially weaken dunes or materially damage dune vegetation as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City's Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

Proposed construction is landward of the Dune Conservation Area. No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(4) The applicant's mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.

No construction activities seaward of the Dune Protection Line are proposed with this request and no adverse effects to dunes or dune vegetation are expected.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

The application conforms to the City of Galveston requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City requirements for the management of the public beach.

(6) The structure is located as far landward as practicable.

The proposed structure is not located as far landward as practicable. In order to comply with city and state standards the applicant shall move the structure as far landward as practicable to meet the 20-foot building line.

The proposed construction is within the Enhanced Construction Zone, which is an area defined as being 125-feet landward of the Dune Conservation Area along Galveston's Gulf coast with an aggregate shoreline change of -2 to -8 feet per year. The City's Erosion Response Plan requires the following additional construction standards for any proposed construction activities within the Enhanced Construction Zone:

- Plans and certifications for proposed structures shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05.

Staff Recommendation:
Staff recommends approval of 20P-014 with the following conditions:

Specific Conditions to Case 20P-014:

1. In order to comply with city and state standards the applicant shall move the structure as far landward as practicable to meet the 20-foot building line. A building permit shall not be issued until the applicant provides revised drawings that reflect this change and satisfies the requirements of all City departments;

2. A building permit for the driveway shall not be applied for until a TxDOT driveway permit has been issued and satisfies the requirements of all City departments;

3. Plans and certifications for proposed structures within the enhance construction zone shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05;

4. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "E":

    a. Paving or altering the area between the line of vegetation and 25 feet landward of the north toe of the dune is not proposed and is prohibited.

    b. Since the entirety of the construction is located within the Enhanced Conservation Zone, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot-by-four-foot sections, four inches thick with sections separated by expansion joints, or pervious material. A habitable structure is defined as a structure used or usable for habitation. The area beneath uncovered decks or stairs may not be paved.

    c. The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.

    d. The proposed construction is located directly adjacent to the Dune Conservation Area and it appears that it could be located further landward. The City must ensure the proposed construction is located as far landward as practicable.

    e. The applicant proposes to construct an outdoor shower beneath the habitable structure. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.

    f. The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.

    g. The City must ensure the proposed habitable structure is designed for feasible relocation.

h. The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.

i. The proposed construction activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.

Additionally, the GLO provided the following recommendations included in Attachment "E":

j. The use of permeable materials, such as brick pavers, limestone, or gravel, is recommended for drives or parking areas.

Standard Conditions:

5. Upon completion of the development, and prior to the issuance of a "Certificate of Occupancy," for those structures requiring Planning Commission approval, the permittee shall provide the Development Services Department with a final survey indicating finished elevations, surfaces, drainage patterns, fences, dune walkovers and landscape detail, or certification by a registered professional engineer that all Permit conditions have been met. No "Certificate of Occupancy" shall be approved until the Development Services Department approves a "Certificate of Completion," verifying that all Permit conditions have been satisfied;

6. Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

7. The applicant shall adhere to all comments/conditions received from city departments. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval;

8. All non-natural drainage from the dwelling shall be directed away from the beach and dunes, toward the street landward of the lot and to the drainage infrastructure in the subdivision, and drainage plans shall be submitted to the City of Galveston Public Works Department, Division of Engineering for approval;

9. The area seaward of the dwelling shall be designated a dune protection area, prohibiting any alteration of natural conditions in this area, except for any future proposed dune walkovers, approved by the Development Services Department and the Texas General Land Office under separate review;

10. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

11. The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION

Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb 04/15/2020

Virginia Greb
Coastal Resources Assistant Manager

Date

04/15/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”
Aerial Map

24313 San Luis Pass Rd.
Case #20P-014

BEG

Legend

End Point Rate (ft/yr)

- Eroding (-1ft or more)
- Stable (-1 to +1ft)
- Accreting (+1ft or more)
- Parcels
- Subdivisions

0 50 100 200 Feet

1 inch = 132 feet

Data Sources:

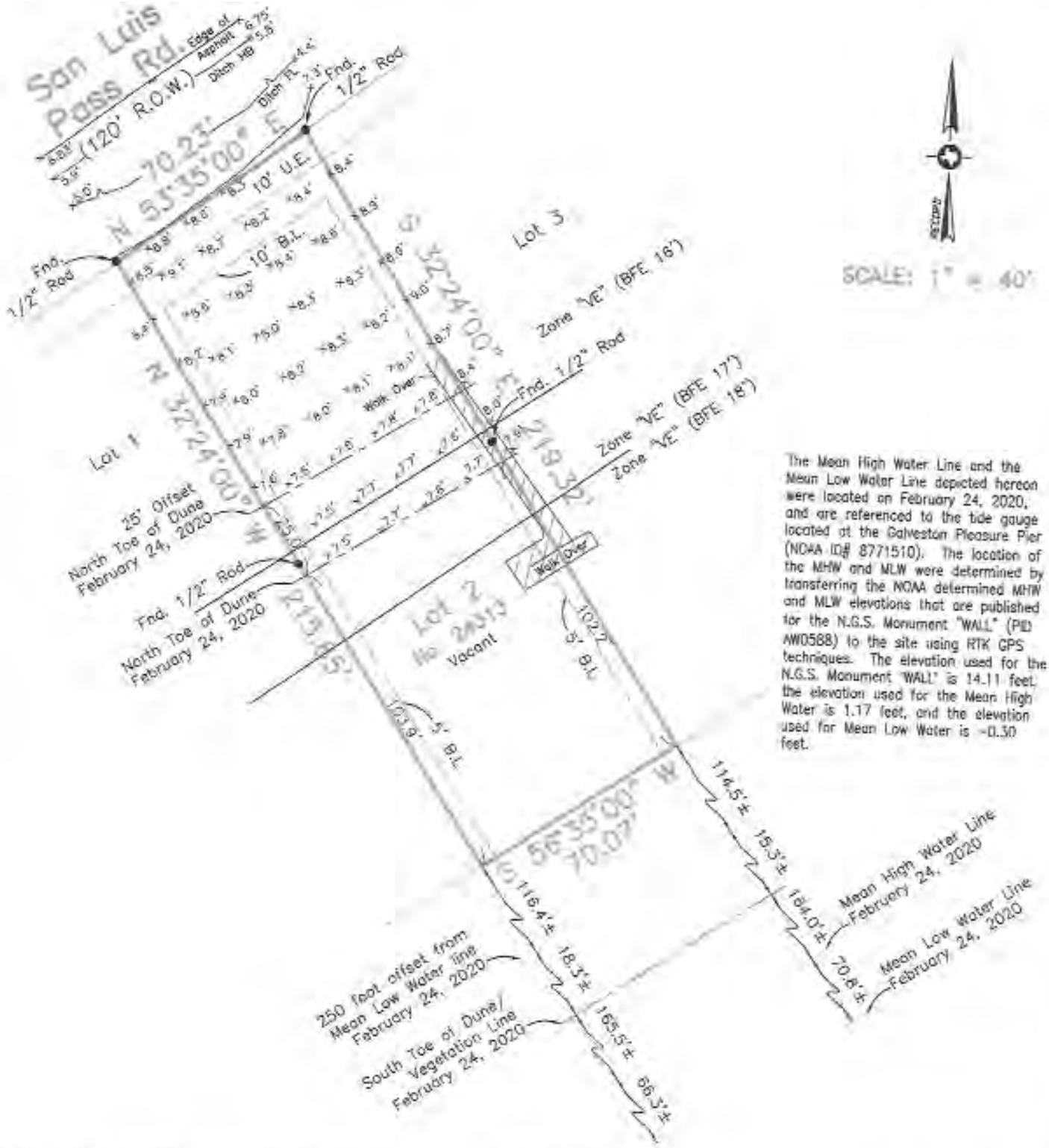
2018 Aerial Imagery and Parcel Data from Galveston CAD, Shoreline Change Data from U.T. Bureau of Economic Geology, Flood Insurance Rate Map from FEMA.

Map prepared by the City of Galveston Development Services Department (VGreb) - 3/26/2020

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases.

Attachment “B”
Topographic Survey



The Mean High Water Line and the Mean Low Water Line depicted hereon were located on February 24, 2020, and are referenced to the tide gauge located at the Galveston Pleasure Pier (NOAA ID# 8771510). The location of the MHW and MLW were determined by transferring the NOAA determined MHW and MLW elevations that are published for the N.G.S. Monument "WALL" (PID AW0588) to the site using RTK GPS techniques. The elevation used for the N.G.S. Monument "WALL" is 14.11 feet, the elevation used for the Mean High Water is 1.17 feet, and the elevation used for Mean Low Water is -0.30 feet.

Survey of Lot Two (2) of KRISTIANSAND BEACH, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Plat Record 2011A, Map No. 86, of the Map Records in the Office of the County Clerk of Galveston County, Texas.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brian S. House
Registered Professional
Land Surveyor No. 6520

STATE OF TEXAS
REGISTERED
BRIAN S. HOUSE
6520
PROFESSIONAL
LAND SURVEYOR

High Tide
Land Surveying LLC.

GALVESTON OFFICE
Registration Number: 10193855
(409) 740-1517 www.hightidelandsurveying.com
8017 HARBORSIDE DRIVE / GALVESTON, TX 77554
Mailing / P.O. BOX 16142 / GALVESTON, TX 77552

SURVEY DATE:	FEBRUARY 24, 2020
F.B. No.:	4432-0000-0002-000
DRAFTING:	AM
Job No.:	20-0094

NOTES:

1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
2) This property is subject to any restrictions of record as established by the City, Plat, or Subdivision Covenants and Restrictions; may also be subject to easements and setbacks for utility services and power lines as individually recorded or established by OSHA (call your power company).
3) Bearings based on recorded plat.
4) Elevations are shown in feet above Mean Sea Level NAVD '88 Datum as tied to NGS Monument HGCSD 62.
5) Surveyed without benefit of a Title Report.

Attachment “C”

Site Plan

&

Drawings

TOTAL LIVING:	2,690 SQ. FT.
1ST FLOOR:	1,297 SQ. FT.
2ND FLOOR:	1,393 SQ. FT.
1ST FL. FRONT COV. DECK:	181 SQ. FT.
1ST FL. REAR COV. DECK:	455 SQ. FT.
2ND FL. REAR COV. DECKS:	249 SQ. FT.
GRND. FL.ELEVATOR SPACE:	26 SQ. FT.

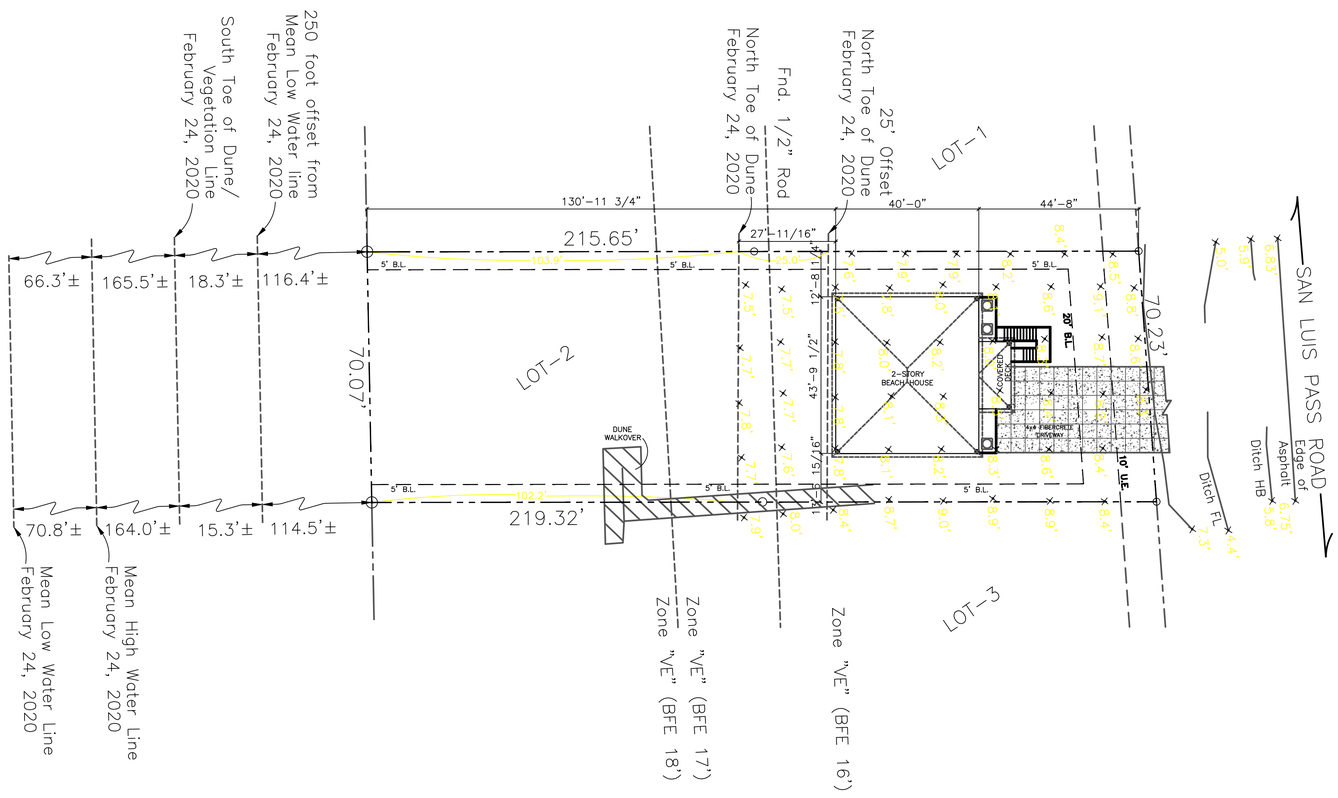
ALL WORK SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE WINDSTORM CODES LOCAL BUILDING CODES & ORDINANCES.

Mr. & Mrs. Kilmartin

24313 SAN LUIS PASS ROAD, LOT-2
KRISTIANSAND BEACH SUBDIVISION
GALVESTON COUNTY, TEXAS

INDEX OF DRAWINGS:

1. COVER SHEET / SITE PLAN
2. FOUNDATION PLAN
3. GROUND FLOOR PLAN
4. STRINGER & JOIST PLAN
5. 1ST FLOOR PLAN
6. 1ST FLOOR JOIST PLAN
7. 2ND FLOOR PLAN
8. 2ND FLOOR CEILING JOIST PLAN
9. 1ST & 2ND FLOOR WINDOW & DOOR PLAN
10. FRONT RIGHT ELEVATIONS / ROOF PLAN
11. REAR & LEFT ELEVATIONS / ROOF PLAN
12. GROUND FLOOR ELECTRICAL PLAN
13. 1ST & 2ND FLOOR ELECTRICAL PLAN
14. TYPICAL DETAILS



SITE PLAN

SCALE: 1"-20'-0"

General Notes

C & R DESIGN SERVICES
COMMERCIAL/RESIDENTIAL

DISCLAIMER:

TO THE BEST OF OUR KNOWLEDGE, THESE PLANS AND DRAWINGS ARE DESIGNED TO COMPLY WITH THE OWNER'S WISHES AND CRITERIA. ANY CHANGES MADE TO THESE DRAWINGS AFTER FINAL PRINTS ARE MADE , WILL BE AT THE SOLE EXPENSE OF THE OWNER / CONTRACTOR.

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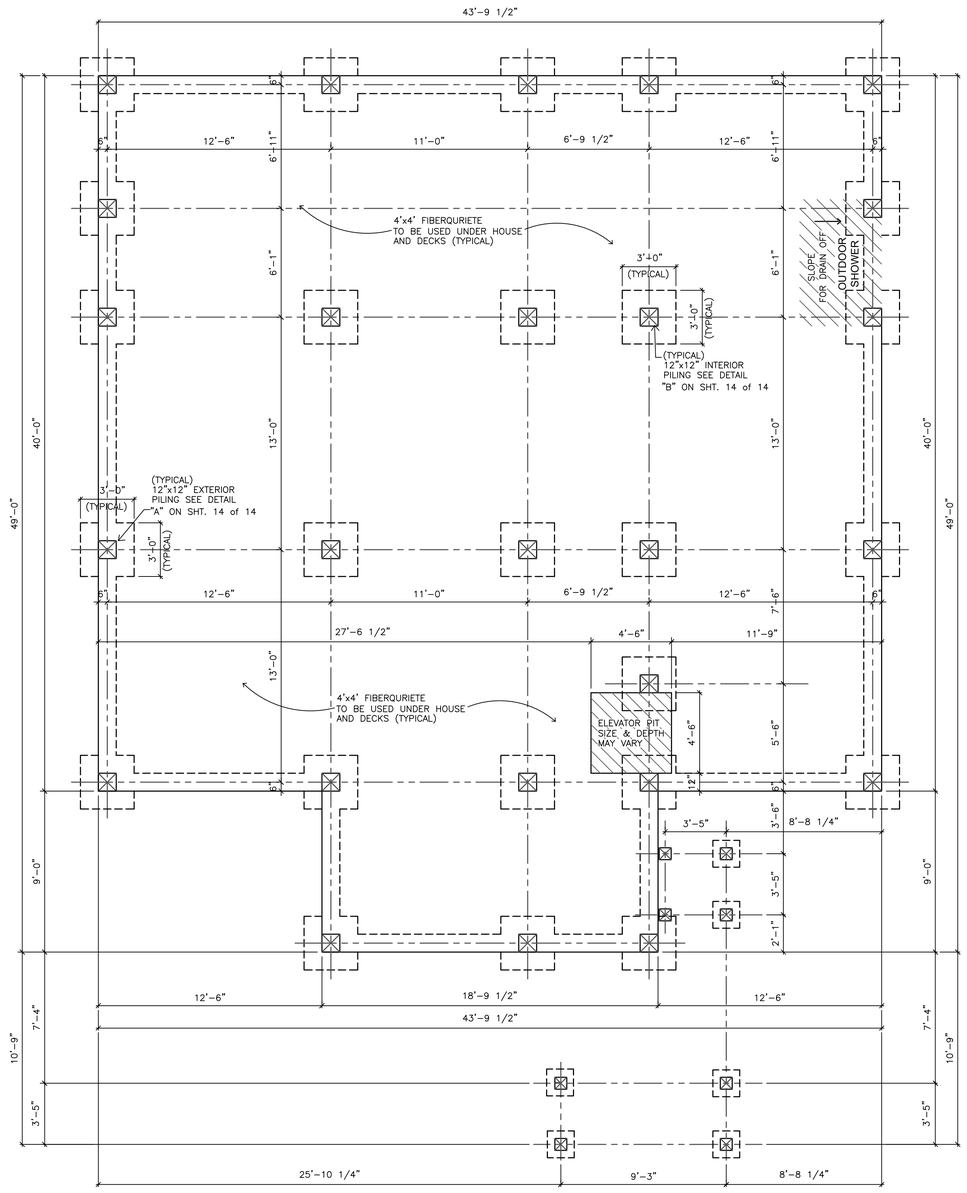
2.		3/26/20

Firm Name and Address
Chad Pourchot, designer
C&R Design Services,
Mailing: P.O. Box 1148
Street: 3817 Avenue Q
Santa Fe, TX 77510
409-925-4165

Project Name and Address
Mr. & Mrs. Kilmartin
24313 San Luis Pass Road, Lot-2 ,
Kristiansand Beach Subdivision,
Galveston County, TX

Sheet Name: Cover Sheet/Site Plan	Sheet: 1 OF 14
Date: 12/17/19	
Scale: See Plan	



NOTE:

DESIGNER RECOMMENDS THAT THE BUILDER CONSULT AN ENGINEER FOR SPECIFIC GRADE BEAM SIZES, LOCATION AND REINFORCING AS WELL AS PILING LOCATIONS. C & R DESIGN SERVICES ASSUMES NO LIABILITY FOR FOUNDATION DESIGN AFTER CONSTRUCTION BEGINS.

NOTE:

1. 12"x12" PILINGS. LENGTH OF PILINGS AND DEPTH OF EMBEDMENT BELOW GRADE TO BE DETERMINED BY ENGINEER.

2. PILINGS SHALL BE NOTCHED AND BEAMS SHALL FULL BEAR ON THE PILING. NO MORE THAN ONE HALF THE THICKNESS OF THE PILING MAY BE NOTCHED.

3. BEAMS OR STRINGERS SHALL BE BOLTED TO PILINGS WITH FOUR 3/4" BOLTS.

4. BOLTS, NUTS AND WASHERS SHALL BE STAINLESS STEEL ONLY.

5. WHERE BEAMS ARE SPLICED, THE SPLICE OCCUR OVER A PILE. EACH BEAM END SHALL BE FASTENED TO A PILE WITH FOUR 3/4" BOLTS. BOLTS SHALL BE SPACED A MINIMUM OF 2 1/4" APART, AND SHALL BE LOCATED A MINIMUM OF 2" FROM THE ENDS AND EDGES OF EACH BEAM OR STRINGER.

6. BEAMS AND STRINGER SHALL BE FRAMED INTO THE TOPS OF PILINGS AND SHALL CONSIST OF A MINIMUM OF FOUR 2x12'S, HAVING A GRADE OF #1.

7. BEAMS AND STRINGERS SHALL BE TREATED WITH WOOD PRESERVATIVE.

8. WHERE FLOOR JOIST ARE SET ON THE TOP OF BEAMS OR STRINGERS, EVERY FLOOR JOIST SHALL BE ATTACHED TO BEAM WITH APPROVED FRAMING ANCHOR.

9. WHERE FLOOR JOIST ARE FRAMED DIRECTLY INTO BEAMS OR STRINGERS, A JOIST HANGER OR LEDGE STRIP SHALL BE PROVIDED. FLOOR JOIST SHALL BE ANCHORED AGAINST UPLIFT.

10. IF FLOOR JOIST ARE NOT CONTINUOUS, THE JOINT SHALL OCCUR OVER A BEAM OR STRINGER AND THERE SHALL BE A MINIMUM OF 12" LAP, SECURELY NAILED TOGETHER.

11. FLOOR JOIST SHALL HAVE MAXIMUM SPACING OF 16" O.C.

12. FLOOR JOIST SHALL BE DOUBLED BENEATH LOAD BEARING WALLS.

13. CONSTRUCTION SHALL COMPLY WITH ASCE 7-05 & IRC 2015

14. R-19 COLD FLOOR INSULATION. INSULATION INSTALLED TO MAINTAIN PERMANENT CONTACT WITH UNDER SIDE OF SUB-FLOOR.

FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

REFER TO ENGINEERING NOTES

General Notes

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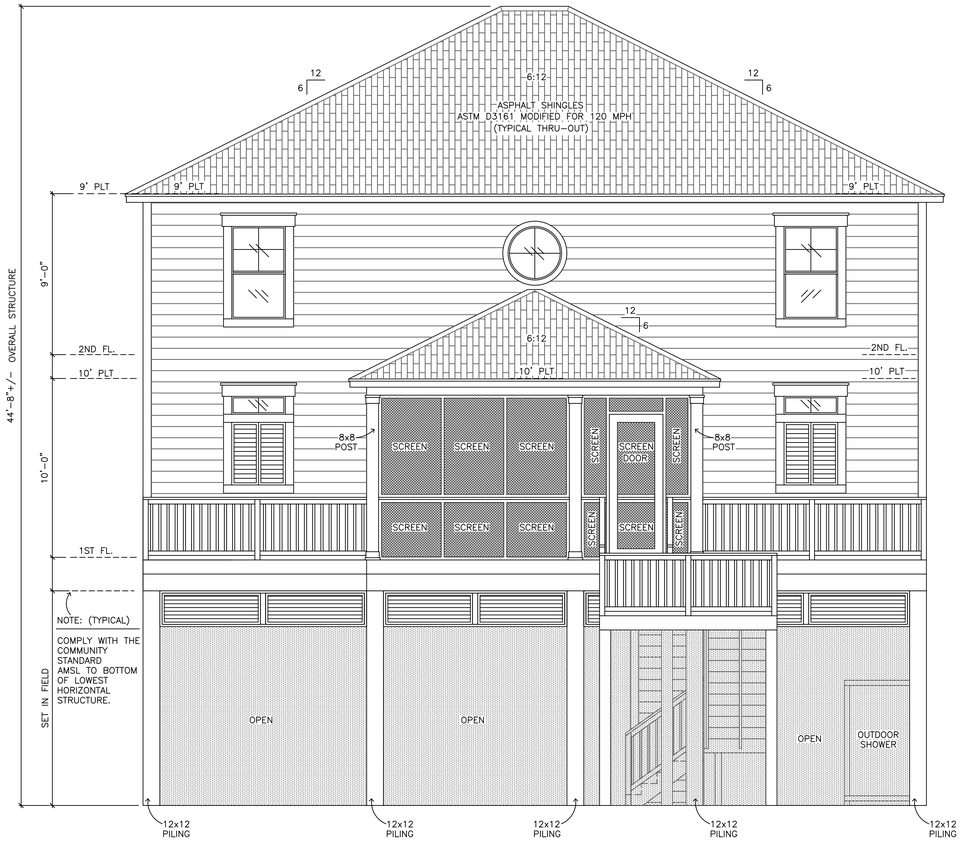
C&R Design Services,
Mailing: P.O. Box 1148
Street: 3817 Avenue Q
Santa Fe, TX 77510
409-925-4165

Project Name and Address

Mr. & Mrs. Kilmartin
24313 San Luis Pass Road, Lot-2 ,
Kristiansand Beach Subdivision,
Galveston County, TX

Sheet Name	Sheet
Foundation Plan	2 OF 14
Date: 12/17/19	
Scale: 1/4" = 1'-0"	



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

NOTE:

RIDGES, HIP AND VALLEY RAFTERS – 2x8 (MUST BE AT LEAST AS LARGE AS CONNECTING RAFTER CUTS)

COMMON AND JACK RAFTERS – 16" O.C. (2x6 MIN WITH MAX SPAN OF 11'-2")

PURLINS – SAME SIZE AS SUPPORTED RAFTERS

BRACES – 2x4–32" OC, 2–2x4 "T" BRACE IF OVER 8' LONG

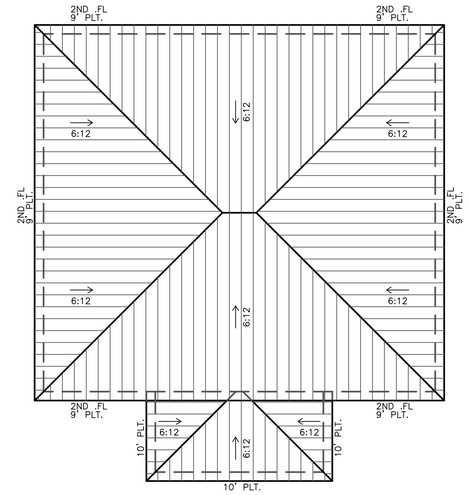
COLLAR TIES – 2x6–EVERY RAFTER & INSTALLED ON UPPER 1/3 OF MATING RAFTERS @ 16" O.C.

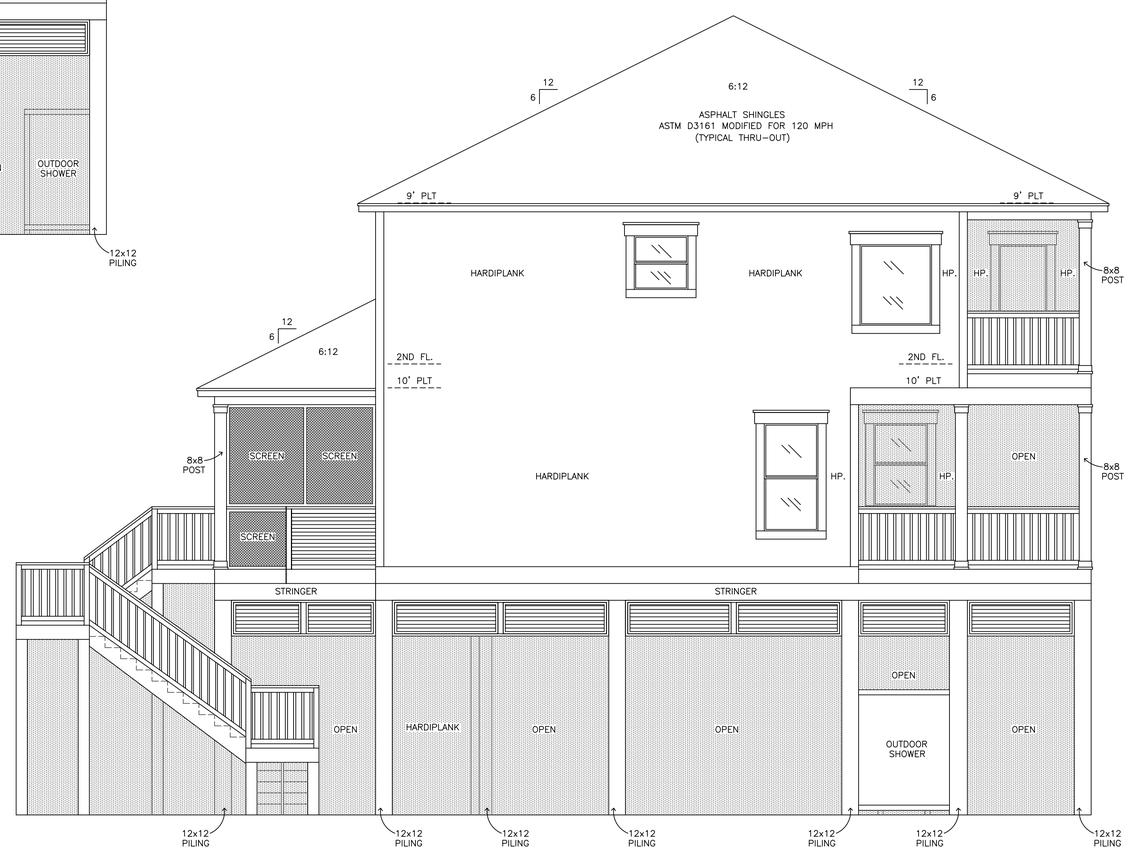
LUMBER LISTED ABOVE SHALL BE #2KD SYP

HURRICANE STRAPS ACROSS RIDGES, HIPS, AND VALLEYS (SIMPSON MODEL LSTA)

ROOF PLAN

SCALE: 1/8" = 1'-0"





RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

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409–925–4165

Project Name and Address

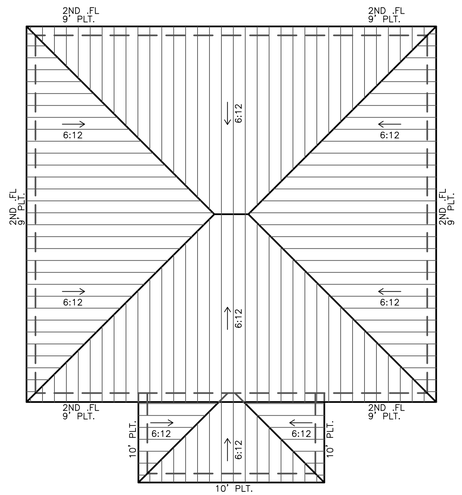
Mr. & Mrs. Kilmartin
24313 San Luis Pass Road, Lot–2 ,
Kristiansand Beach Subdivision,
Galveston County, TX

Sheet Name: Exterior Elev./Roof Plan

Date: 12/17/19

Scale: 1/4" = 1'-0"

Sheet: 10 OF 14



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LUMBER LISTED ABOVE SHALL BE #2KD SYP

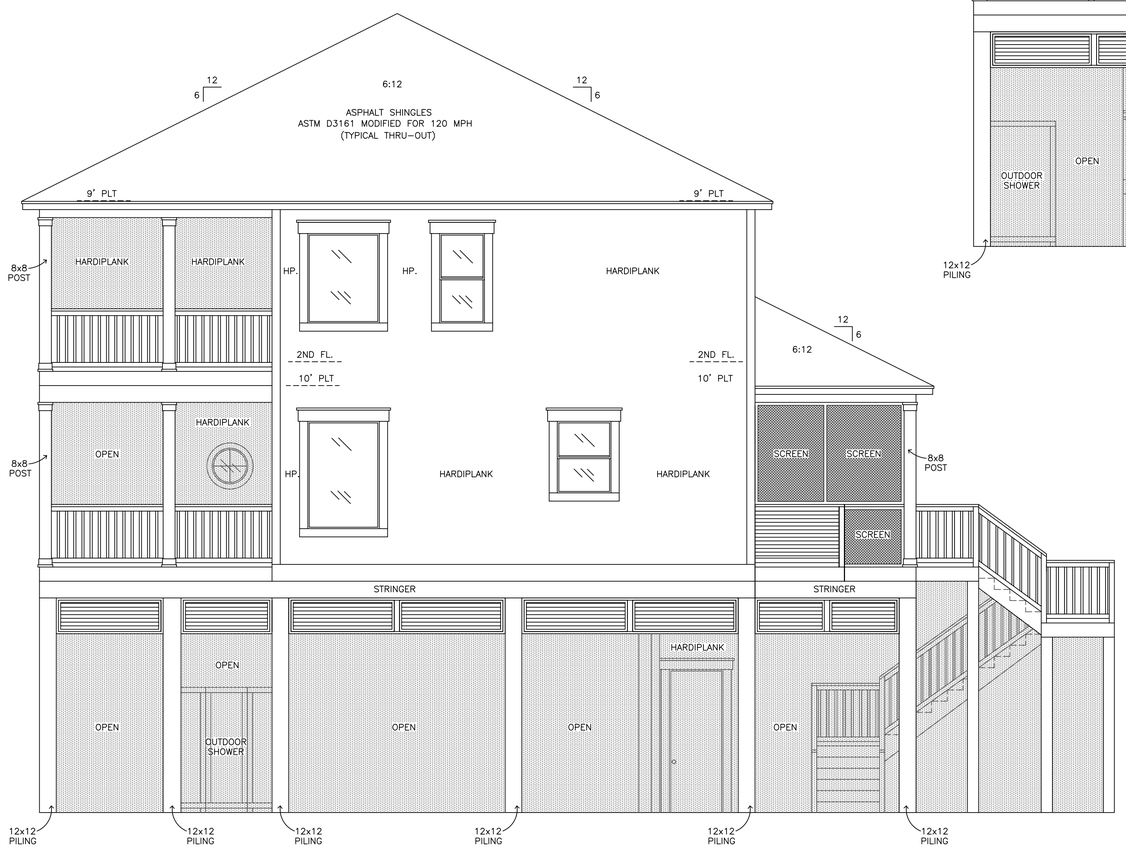
HURRICANE STRAPS ACROSS RIDGES, HIPS, AND VALLEYS (SIMPSON MODEL LSTA)

ROOF PLAN

SCALE: 1/8" = 1'-0"

REAR ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

General Notes

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24313 San Luis Pass Road, Lot–2 ,
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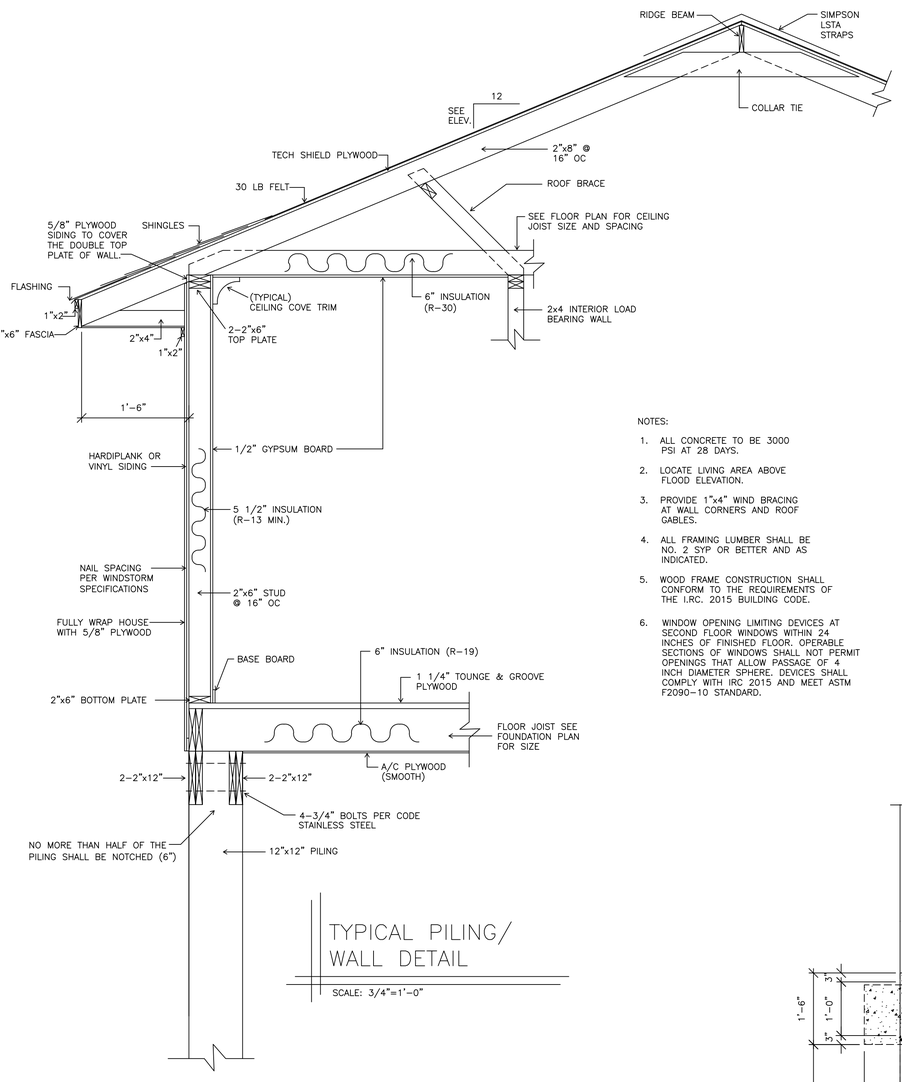
Galveston County, TX

Sheet Name
Exterior Elev./Roof Plan

Date
12/17/19

Scale
1/4" = 1'–0"

Sheet
11 OF 14

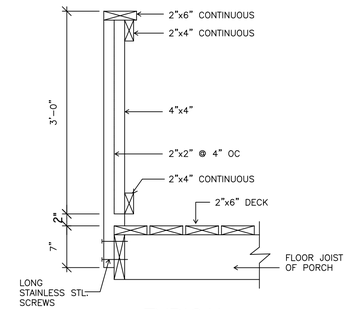


TYPICAL PILING/ WALL DETAIL

SCALE: 3/4"=1'-0"

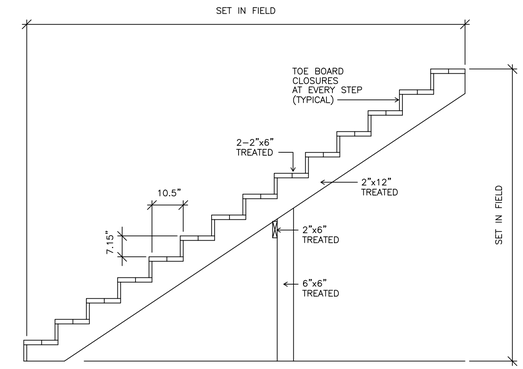
NOTES:

1. ALL CONCRETE TO BE 3000 PSI AT 28 DAYS.
2. LOCATE LIVING AREA ABOVE FLOOD ELEVATION.
3. PROVIDE 1"x4" WIND BRACING AT WALL CORNERS AND ROOF GABLES.
4. ALL FRAMING LUMBER SHALL BE NO. 2 SYP OR BETTER AND AS INDICATED.
5. WOOD FRAME CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF THE I.RC. 2015 BUILDING CODE.
6. WINDOW OPENING LIMITING DEVICES AT SECOND FLOOR WINDOWS WITHIN 24 INCHES OF FINISHED FLOOR. OPERABLE SECTIONS OF WINDOWS SHALL NOT PERMIT OPENINGS THAT ALLOW PASSAGE OF 4 INCH DIAMETER SPHERE. DEVICES SHALL COMPLY WITH IRC 2015 AND MEET ASTM F2090-10 STANDARD.



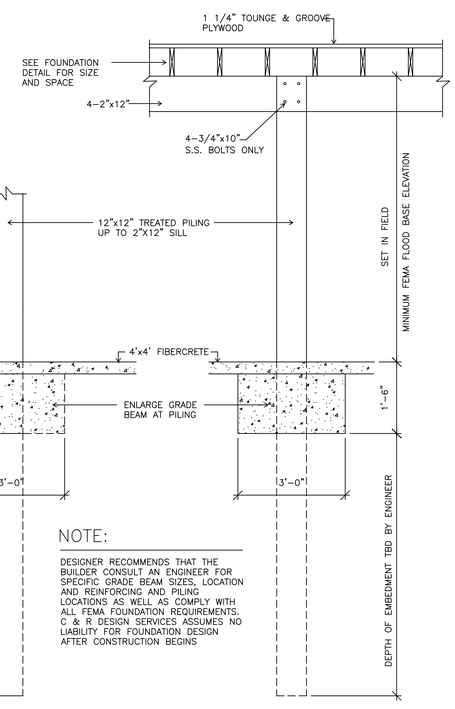
TYPICAL RAILING DETAIL

SCALE: 1"=1'-0"



TYPICAL STAIR DETAIL

SCALE: 1/2"=1'-0"



NOTE:

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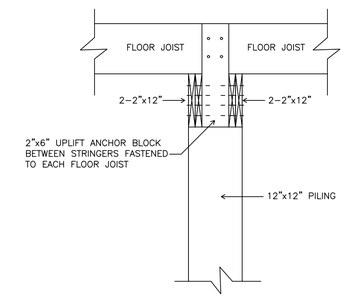
DETAIL "A"

SCALE: 1/2"=1'-0"

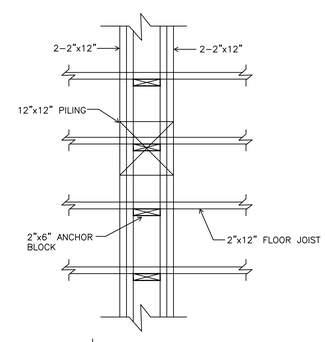
DETAIL "B"

SCALE: 1/2"=1'-0"



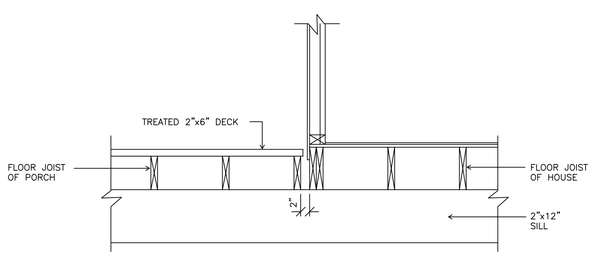
DETAIL "C"

SCALE: 3/4"=1'-0"



DETAIL "D"

SCALE: 3/4"=1'-0"



TYPICAL HOUSE TO PORCH SECTION

SCALE: 3/4"=1'-0"

REFER TO ENGINEERING NOTES

General Notes

C & R DESIGN SERVICES
COMMERCIAL/RESIDENTIAL

DISCLAIMER:

TO THE BEST OF OUR KNOWLEDGE, THESE PLANS AND DRAWINGS ARE DESIGNED TO COMPLY WITH THE OWNER'S WISHES AND CRITERIA. ANY CHANGES MADE TO THESE DRAWINGS AFTER FINAL PRINTS ARE MADE, WILL BE AT THE SOLE EXPENSE OF THE OWNER / CONTRACTOR.

THE OWNER / CONTRACTOR WILL BE RESPONSIBLE FOR VERIFICATION OF ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS.

C & R DESIGN SERVICES, THEIR EMPLOYEES, OR THEIR SUBCONTRACT LABOR PERSONAL WILL NOT BE LIABLE FOR ANY HUMAN ERROR AFTER THE CONSTRUCTION HAS BEEN STARTED.

NO WARRANTIES ARE GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY OF THESE PLANS.

THESE PLANS ARE THE SOLE PROPERTY OF C & R DESIGN SERVICES AND ARE FOR THE SOLE USE ON A SPECIFIC PROJECT AND MAY NOT BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION FROM C & R DESIGN SERVICES.

No.	Revision/Issue	Date
1.		3/26/20

Firm Name and Address
Chad Pourchot, designer
C&R Design Services,
Mailing: P.O. Box 1148
Street: 3817 Avenue Q
Santa Fe, TX 77510
409-925-4165

Project Name and Address
Mr. & Mrs. Kilmartin
24313 San Luis Pass Road, Lot-2 ,
Kristiansand Beach Subdivision,
Galveston County, TX

Sheet Name: Typical Details
Date: 12/17/19
Scale: 1/4" = 1'-0"
Sheet: 14 OF 14

From: Doug Ender
To: Virginia Greb
Subject: Fwd: walkover at dunes
Date: Friday, March 20, 2020 2:37:53 PM

Hi Virginia,
See the note below from our client.
Debbie

On Fri, Mar 20, 2020 at 2:31 PM Richard Kilmartin wrote:

> Thank you. I don't even know how to determine who owns it. I would be just as happy to have it gone but I believe the neighbor is a rental and may feel differently. I wondered from the start how the "gentleman's" walkover agreements would work with it being on the line. Thank you for working through it for us. Have a good weekend!
> Richard
>
> Sent from my iPhone
>
> > On Mar 20, 2020, at 2:26 PM, Doug Ender
> > wrote:
> >
> > Hi Richard and Karen,
> > I assumed you had nothing to do with the walkover being built improperly.
> > I just wanted to be sure before I went to bat for you. I don't think you should be held responsible for something you didn't do. I will keep you posted.
> > Debbie
> >
> > **Douglas Ender**
> > DE Custom Homes Inc
> >
> > On Fri, Mar 20, 2020 at 1:23 PM Richard Kilmartin < wrote:
> >
> > > I guess I am unaware of what the "situation" encompasses.
> > >
> > > This walkover was in place prior to our purchasing the property. We have no plans to alter it at this time and understanding that any alterations would need appropriate approvals.
> > >
> > > Thank you,
> > > Richard and Karen Kilmartin
> > > Sent from my iPhone
> > >
> > > On Mar 20, 2020, at 2:04 PM, Doug Ender

wrote:

Received this statement from the coastal division. Have you been made aware of this situation? Was this existing when you purchased the property? Please reply with your knowledge of it so I can forward it to them.
Thank you
Debbie

"**Are there plans for the existing dune walkover on the property that does not meet city and state standards?"**

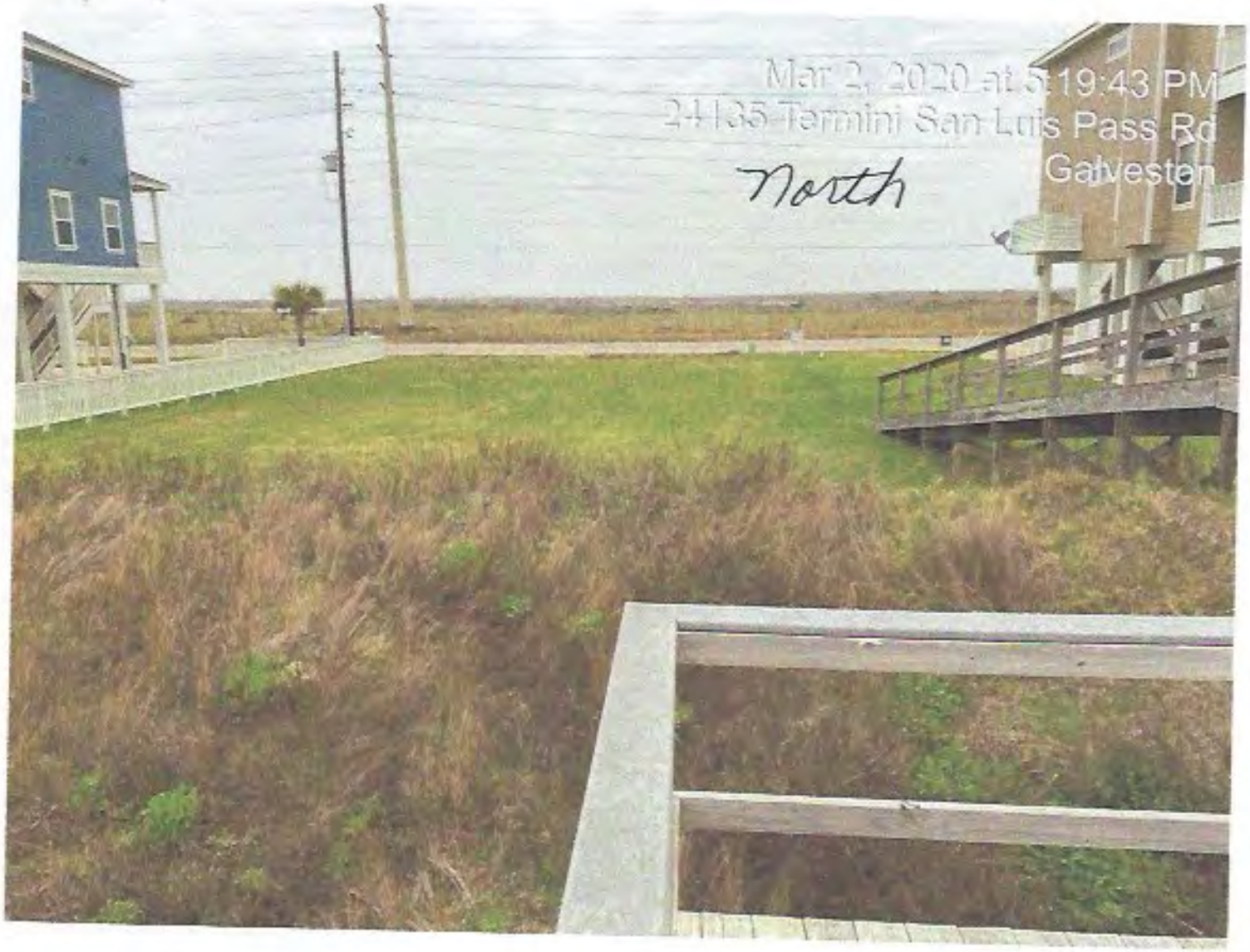
Douglas Ender
DE Custom Homes Inc

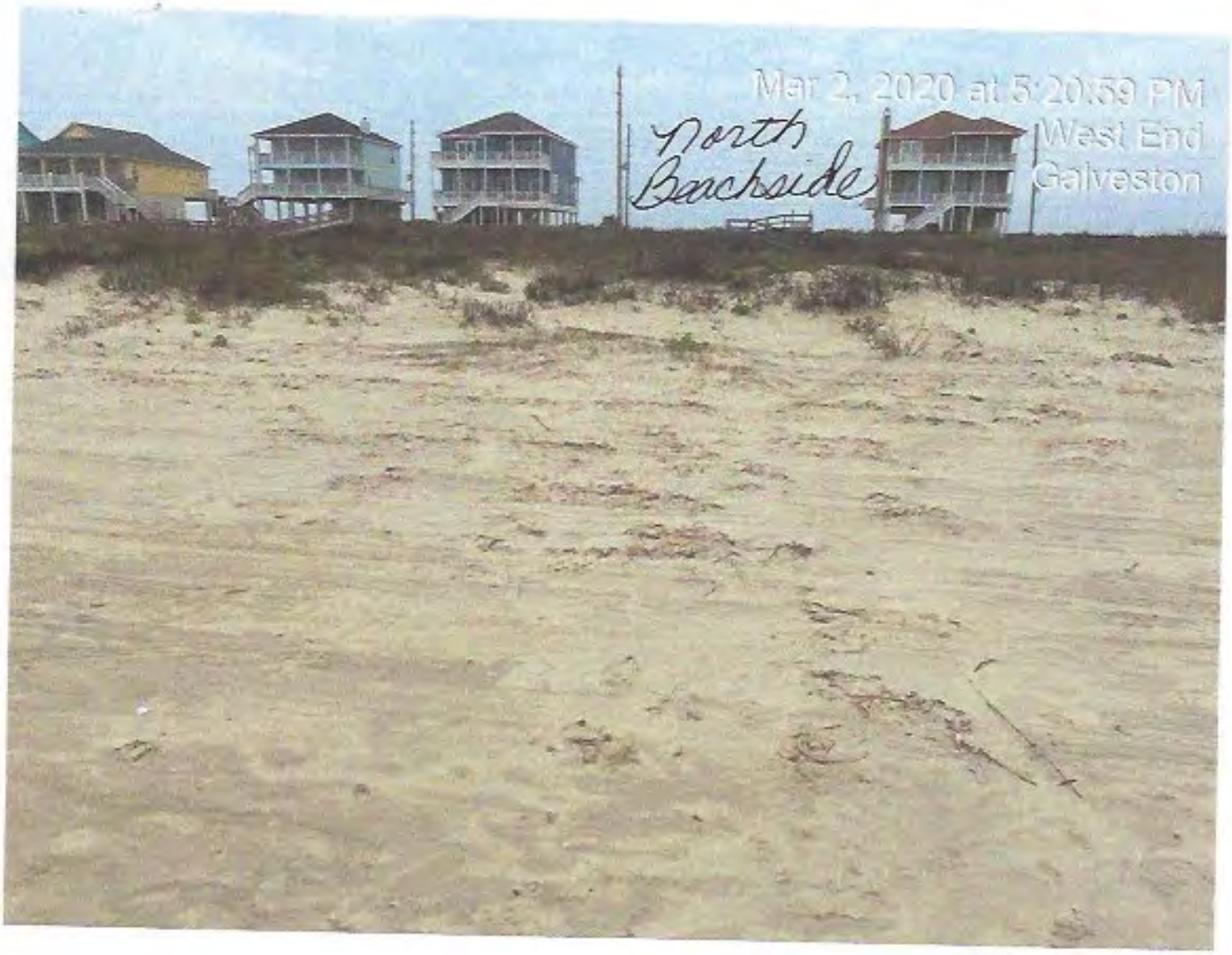
Attachment “D”
Site Photos

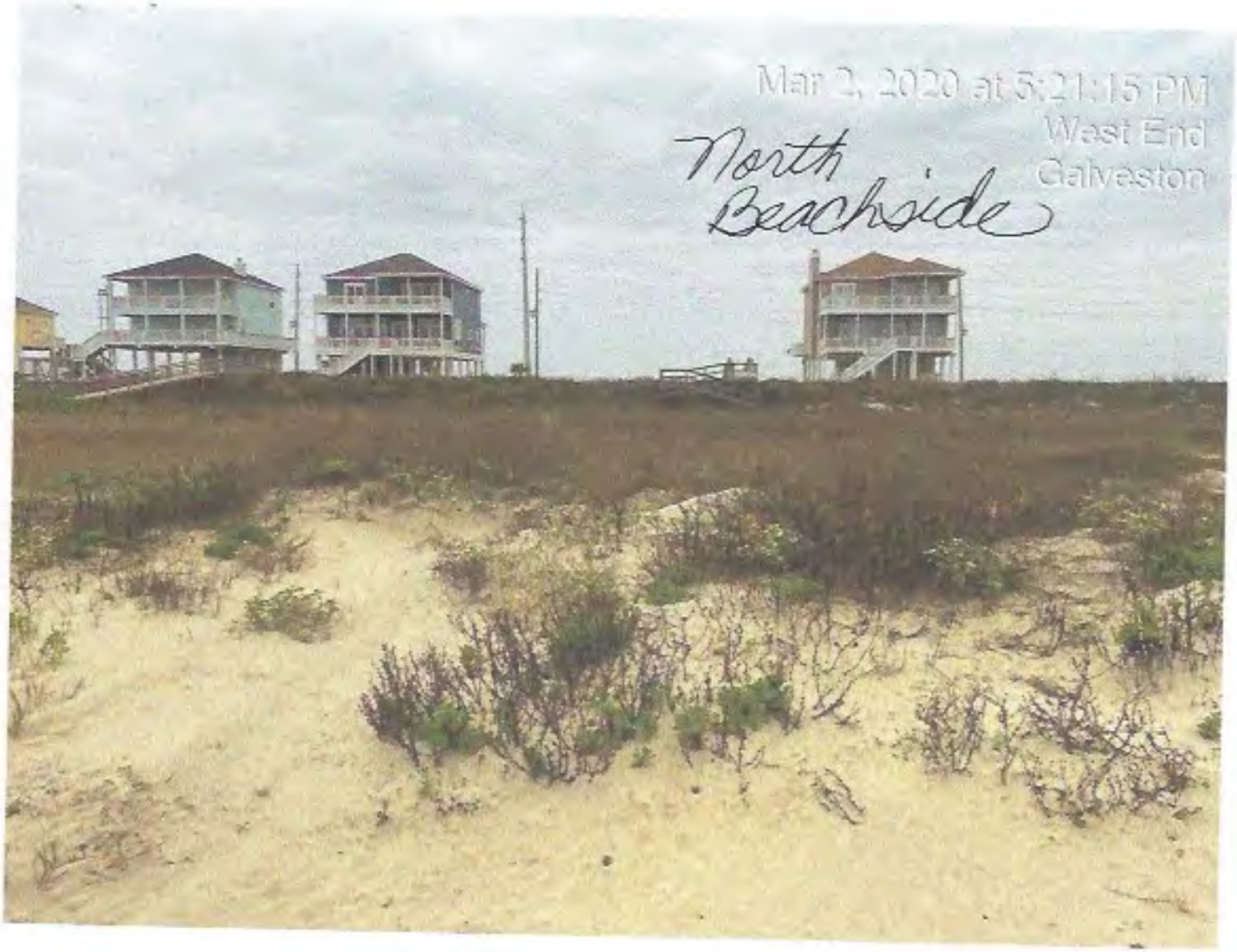
Mar 2, 2020 at 5:17:41 PM
23608–23662 Termini San Luis Pass Rd
Galveston
South

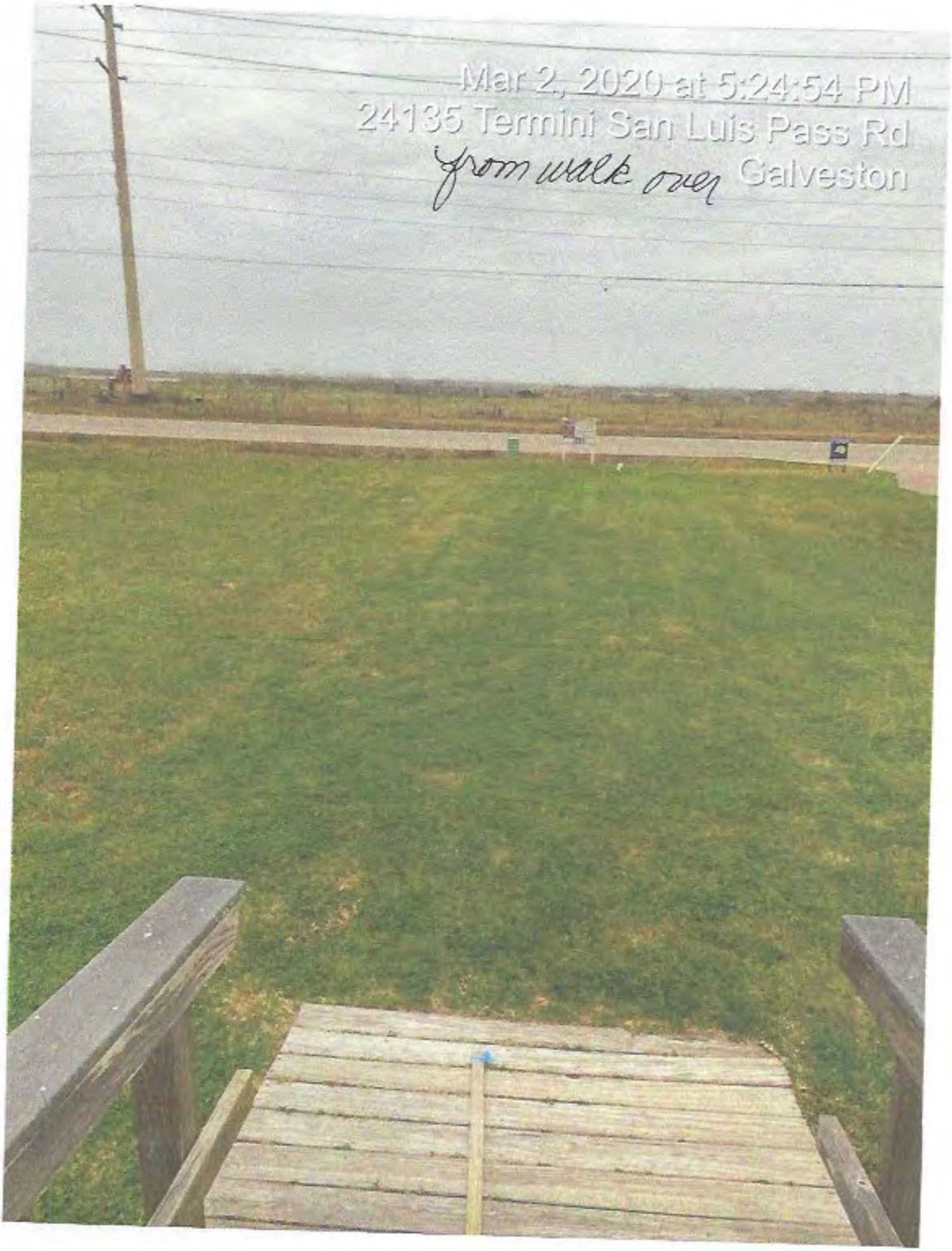
Mar 2, 2020 at 5:18:18 PM
24135 Termini San Luis Pass Rd
West
Galveston

Mar 2, 2020 at 5:19:01 PM
24135 Termini San Luis Pass Rd
Galveston
East


Mar 2, 2020 at 5:19:43 PM
24135 Termini San Luis Pass Rd
Galveston
North


Mar 2, 2020 at 5:20:59 PM
West End
Galveston
North
Beachside


Mar 2, 2020 at 5:21:15 PM
West End
Galveston
North
Beachside


Mar 2, 2020 at 5:24:54 PM
24135 Termini San Luis Pass Rd
from walk over
Galveston

Attachment “E”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 27, 2020

Via Electronic Mail

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address:	24313 San Luis Pass Rd, Galveston
Legal Description:	Kristiansand Beach (2012) ABST 121, Lot 2, Acres 0.35
Lot Applicant:	Richard & Karen Killmartin c/o DE Custom Homes Inc. – Doug Ender
Case Number:	20P-14
GLO ID No.:	BDCOG-20-0099

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to construct a single-family residence with a 45-foot by 25-foot fibercrete driveway. The proposed construction is located more than 200 feet landward from the line of vegetation, within the Enhanced Construction Zone, and adjacent to the Dune Conservation Area. According to the Bureau of Economic Geology, the area is eroding at a rate of three to four feet per year.

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

- Paving or altering the area between the line of vegetation and 25 feet landward of the north toe of the dune is not proposed and is prohibited.[1]

- Since the entirety of the construction is located within the Enhanced Conservation Zone, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four inches thick with sections separated by expansion joints, or pervious material.[2] A habitable structure is defined as a structure used or usable for habitation.[3] The area beneath uncovered decks or stairs may not be paved.

[1] City of Galveston Beach Access and Dune Protection Plan § 29-90(m)(2).
[2] City of Galveston Erosion Response Plan § 5.
[3] City of Galveston Beach Access and Dune Protection Plan § 29-54.

- The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.[4]

- The use of permeable materials, such as brick pavers, limestone, or gravel, is recommended for drives or parking areas.[5]

- The proposed construction is located directly adjacent to the Dune Conservation Area and it appears that it could be located further landward. The City must ensure the proposed construction is located as far landward as practicable.[6]

- The applicant proposes to construct an outdoor shower beneath the habitable structure. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.[7]

- The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.[8]

- The City must ensure the proposed habitable structure is designed for feasible relocation.[9]

- The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.[10]

- The proposed construction activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.[11]

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,

Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

---

[4] City of Galveston Erosion Response Plan § 5.
[5] 31 Tex. Admin. Code § 15.5(b)(3).
[6] City of Galveston Erosion Response Plan § 5 & 31 Tex. Admin. Code § 15.6(b).
[7] 31 Tex. Admin. Code § 15.6(f)(4).
[8] 31 Tex. Admin. Code § 15.6(e)(3).
[9] 31 Tex. Admin. Code § 15.6(f)(2).
[10] 31 Tex. Admin. Code § 15.4(d).
[11] 31 Tex. Admin. Code § 15.6(g).

Planning Commission
Planning and Development Division
City of Galveston
March 17, 2020

20P-009 STAFF REPORT

ADDRESS:
1521 Broadway/Avenue J

LEGAL DESCRIPTION:
Property is legally described as the east 25 feet and 10 inches of Lot 2 and west 28 feet and seven inches of Lot 3 (2-1), Block 135, in the City and County of Galveston, Texas.

APPLICANTS/REPRESENTATIVES:
Louis and Susan Cutaia

PROPERTY OWNERS:
Same

ZONING DISTRICT:
Residential, Single-Family, Historic District (R-3-H)

HISTORIC DISTRICT:
East End

REQUEST:
Request for designation as a Galveston Landmark

STAFF RECOMMENDATION:
Approval with Conditions

EXHIBITS:
A – Applicant's Submittal
B – Supplemental Research
C – Survey Sheet

STAFF:
Karen White
Planning Technician
409-797-3608
kwhite@galvestonTX.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
16				

Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Residential, Single-Family, Historic District (R-3-H)	Residential
North	Residential, Single-Family, Historic District (R-3-H)	Vacant
South	Urban Neighborhood, San Jacinto Neighborhood Conservation District (UN-NCD-1)	Residential
East	Residential, Single-Family, Historic District (R-3-H)	Residential
West	Residential, Single-Family, Historic District (R-3-H)	Residential

Executive Summary

The applicants are requesting designation of the above referenced address, as a Galveston Landmark.

Analysis

As per Article 10 of the Land Development Regulations, the following criteria should be considered during the Landmark Designation review process:

1. **The character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Galveston, Galveston County, the State of Texas, or the United States.**
   The Peter M. Gengler House was built in 1925 and designed by architect R. R. Rapp. The house was owned by grocery company executive Peter M. Gengler until his death in 1945, then by his widow, Leoni Pauline Gengler until her death in 1968. The home was subsequently used as an office for a local contractor until it was purchased by its current owners in 1996. The current owners began restoring the property in 2002 (Jane Chapin, "On Candlelight Tour: Peter Gengler Home 1521 Broadway").

   The home is a brick-veneer bungalow with National Folk and Craftsman stylistic influences, and it features an arched entry with brick piers. According to the *Galveston Architecture Guidebook* (Stephen Fox and Ellen Beasley), during the late 19th century, Broadway was "the most valuable real estate in town not only because it fronted on the city's major east-west thoroughfare but also because it was on some of the highest ground that Galveston Island had to offer." The East End neighborhood attracted Galveston's most notable residents.

2. **Representative of an established and familiar visual feature of a neighborhood, community, or city.**
   The Peter M. Gengler House has been an established visual feature of the community since its construction in 1925. The house was featured on the Galveston Historical Foundation's Home Tour in 2006.

3. **Association with the lives of people significant in the city, region, state or national past.**

According to his obituary, Peter M. Gengler was born on February 17, 1868 to "pioneer Galvestonians" John and Margaret Gengler. John Gengler and his brother, Peter Gengler, had founded the Gengler Store in 1851. According to a write-up in The Daily News, Gengler's began as a fruit and vegetable cart and went on to become "one of the oldest groceries in the United States operated by the same family and in the same city" before shutting its doors in 1946.

In 1914, Peter M. and his brother, James Gengler, bought George D. Morgan's shares in Peter Gengler Co. In 1916, Joseph L. Gengler, a descendent of the elder Peter, also sold his shares to Peter M., who then served as the president of the firm until his death in 1945.

Peter M. was known for taking care of his employees and the Galveston community. He allowed employees to earn a commission on top of their salary and quietly donated bread and cake to the Galveston Orphans' Home and holiday food baskets to various community organizations including John Sealy Hospital, St. Mary's Infirmary, Ursuline Convent, and the Rosenberg Woman's Home (Casey Edward Greene, "Gengler's known for quality products good service").

Peter M. and his then-wife, Theresa Schulte, commissioned R. R. Rapp to design the two-bedroom, brick-veneer bungalow in 1925. According to an article provided by the applicants, the firm of R. R. Rapp was founded in 1921 and is one of the oldest architectural firms in Texas.

4. **Retention of historic integrity, meaning that the property possesses several, and usually most, of the following aspects of integrity: location, design, setting, materials, workmanship, feeling or association.**
   The Peter M. Gengler House retains its historic integrity and retains its original location, design, setting, materials, workmanship, feeling, and association. According to a script from 32nd Annual Galveston Historic Home Tour, original features include the oak floors, beveled glass in the entry door, living room fireplace, glass-fronted cabinets, picture molding, and kitchen vent hood.

Financial Incentives for Historic Properties

Due to the fact that it is located within the East End Historic District, the property is not eligible for the Financial Incentive for Historic Properties for new Galveston Landmarks.

Other Reviews

The Landmark Commission heard this request at the March 16, 2020, meeting. City Council has the final decision regarding the request for a Landmark Designation. The request will be heard at the regular meeting of May 28, 2020.

Staff recommends approval with the following condition:

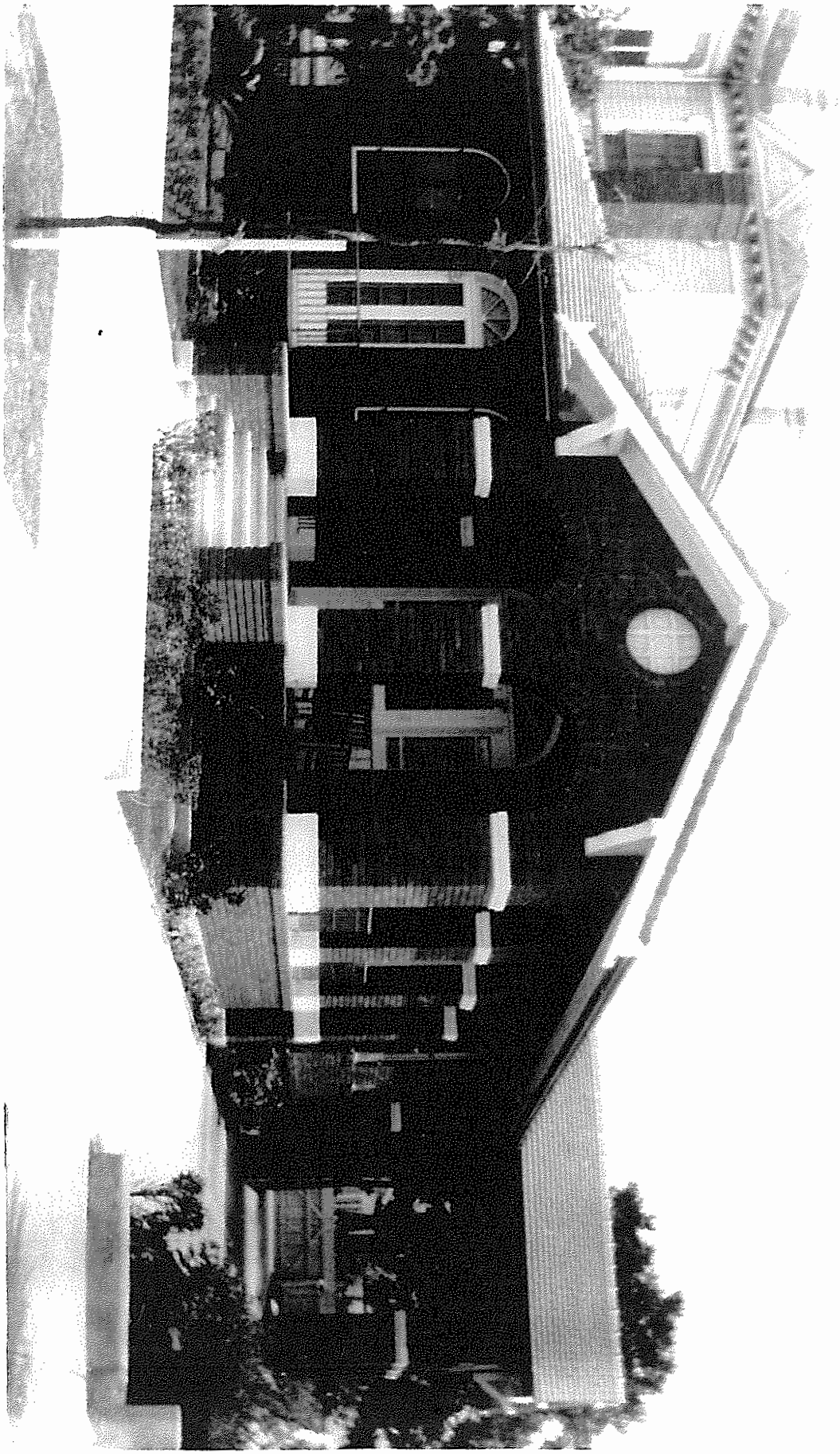
Standard Condition:

1. As with all properties containing a Historic Overlay Designation, including Landmark Designations, exterior alterations to the property will be subject to review and approval by the Landmark Commission and must conform to the Design Standards for Historic Properties of Galveston, Texas.

Respectfully Submitted:

_____	3/10/2020
Karen White Planning Technician	Date
_____	3/11/2020
Catherine Gorman, AICP Assistant Director/HPO	Date

Exhibit A



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East End Historical District Association

Vol 29 No.12 Donald Peak, Editor www.eastendhistoricgalveston.org Dec. 2003

DECEMBER EVENTS & MEETINGS

EAST END HISTORICAL DISTRICT BOARD OF DIRECTORS MEETING

Thursday, Dec. 4th, 2003

Meeting at our Cottage
1501 Postoffice
7:30PM
Reception 7:00PM
Everyone welcome!

* * * * * *

UNIVERSITY AREA ROUNDTABLE

5:30 .PM, Monday, Dec. 16, 427 Market Street University Episcopal Center. Program to be announced, call 762-8641 for details.

ART WALK
SATURDAY , 6-9PM JANUARY 24th
DOWNTOWN BOUTIQUES, GALLERIES
FREE FOOD, MUSIC, DRINKS. START YOUR NEW YEARS BY CELEBRATING THE WORLD OF ART.

DECEMBER 5TH CANDLELIGHT HOME TOUR

Volunteers & Docents Needed!

1621 Ball 1521 Broadway
1527 Postoffice 1702 Postoffice
East End Cottage, Postoffice & 15th
Sacred Heart Church, Broadway & 14th

Please contact Mike Gilbert at 763-2597
[See Peter Gengler Home story on Page 2 by Jane Chapin]

SAFEE PROGRAM NEEDS YOUR SUPPORT

RON GILROY, CHAIRMAN OF SAFFEE PROGRAM URGES SUPPORT OF THIS PROJECT DURING THE NEXT FISCAL YEAR OF 2004. THE SUCCESS OF THIS SERVICE IN PREVENTING CRIME IS SELF EVIDENT, AS SHOWN ONT HE CHART ON PAGE 2. SIGN UP NOW FOR THIS VITAL SURVEILLANCE SERVICE FOR THE EAST END DISTRICT

CARRIAGE HOUSE CLOCK SHOPPE
SPECIALIZE IN ANTIQUE CLOCKS
WORK GUARANTEED
CLOCK REPAIR
RON & CYNTHIA GILROY
NAWCC # 98464
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ON CANDLELIGHT TOUR: PETER GENGLER HOME 1521 BROADWAY

By Jane Chapin

In 1925 lifelong Galvestonian Peter M. Gengler commissioned architect Raymond R. Rapp to design the two bedroom brick bungalow at 1521 Broadway. Notice the arched windows, fanlight above the door and sidelights. Gengler's obituary printed in the Galveston News, 3 December, 1945, states he "was born February 17, 1868, the son of John and Margaret Gengler, pioneer Galvestonians. His father, with his brother, Peter Gengler, the elder, were original founders of the Gengler Store, which served the city continuously for the past 94 years. Peter, at age 12, gave up his schooling at St. Mary's University, to seek a job. His first job was at $8 per month as office boy, which allowed him time to play around his uncle's store. After the death of his uncle he and his brother James bought out the interest of George Morgan, secretary of the Gengler Store. Peter then became secretary of the firm. In 1916 Joseph L. Gengler, President of the company sold his interest to his cousins, Peter and James and Peter became President, a position he retained until his death." The Gengler Store was noted for extending credit, and had a large delivery service. Peter Gengler's widow, Leoni, remained owner of the bungalow until her death in 1968. The house was sold to a local contractor, Steve Malkin who used the home as office space. The current owners purchased the property in 2002 and began restoration.

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Memberships include an evaluation and training with one of our personal trainers.

527 21st Street @ Church
409.621.2878

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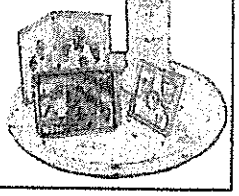
PHOTO RESTORATION

Reproduce Treasured Family Photos

* Enhance for fading and discoloration
* Remove scratches, spots and cracks
* Duplicate photos for family members

Bob Chapin
750-8232



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"Home Care Pros"
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Bathrooms
Fireplaces
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Decks
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Painting

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409-762-5215

RAPP FASH SUNDIN/INCORPORATED has its origin in the firm of R.R. Rapp, Architect, founded in 1921. It is one of the oldest architectural firms in Texas.

Rapp, Sr. first rode to his projects in a Model T and had no radio.

The evolution of architecture and planning is equally as dramatic as that of transportation and communication.

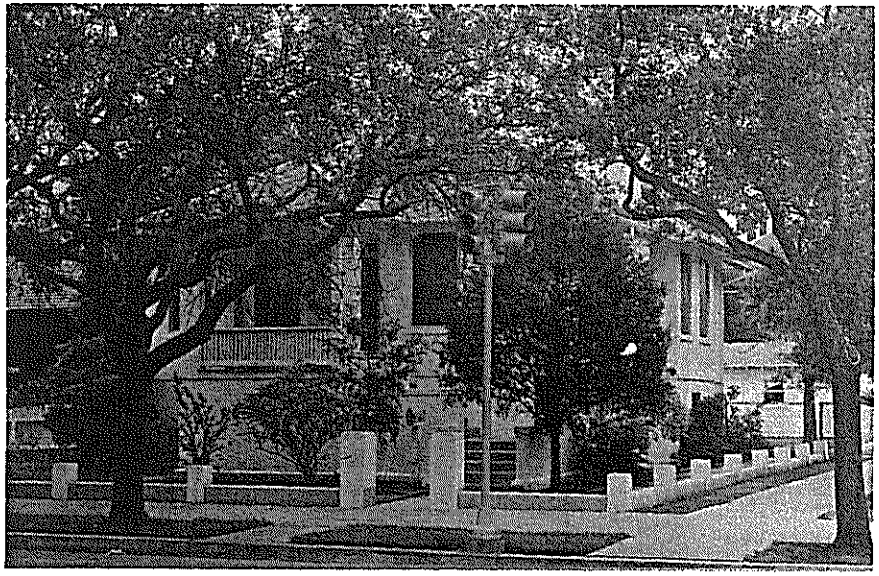
Clients expect more now than they did a half century ago. Expertise in management of the construction dollar is probably the top priority. Design sophistication follows closely in a technically oriented and concerned society.

RAPP FASH SUNDIN is dedicated to providing its Clients that same individual service and reliability as in the past.

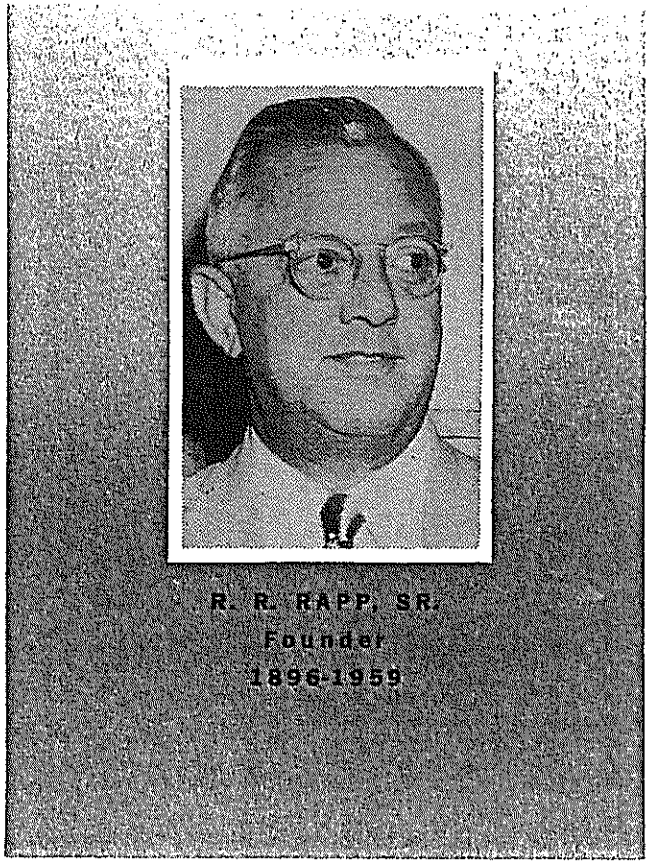
Each project begins with a basic understanding of the Client's requirements; functional, economic and esthetic.

Creative, imaginative design and management procedures are applied to bring about a unique solution that best serves the Client's need, within the budget and with shorter design and construction times.

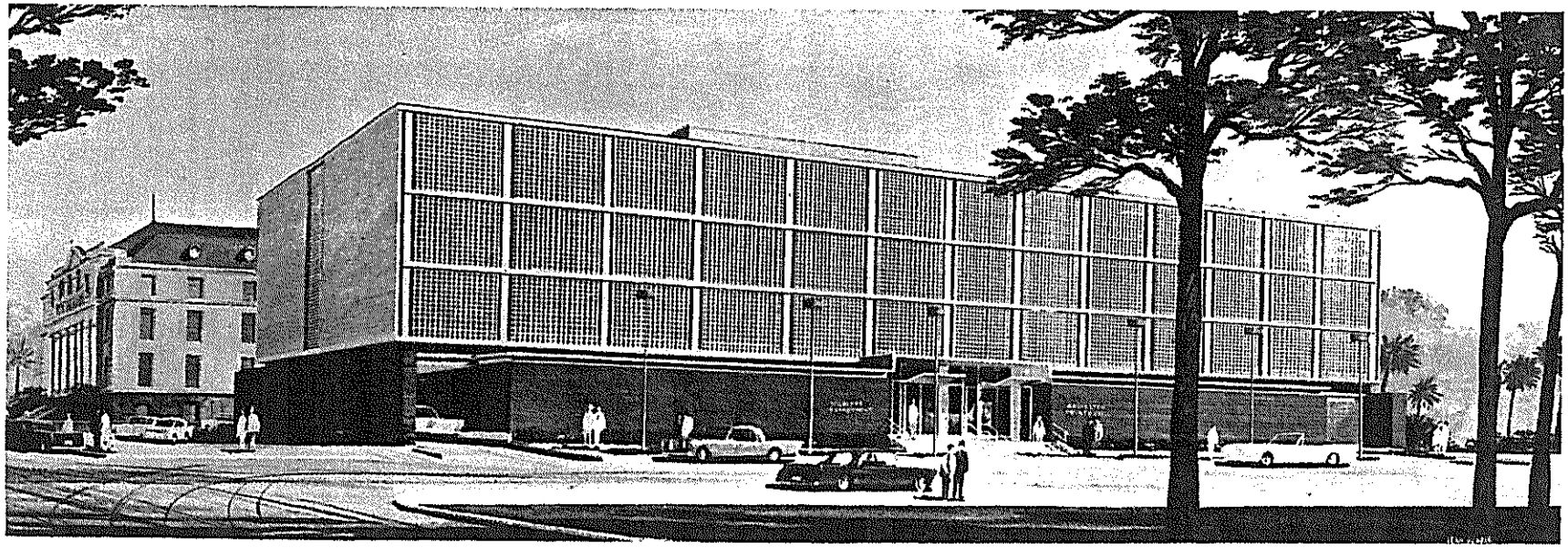
Each successfully completed project should draw its attractiveness from utility as well as appearance and thus be a small step in improving man's environment.



Residence for Jules Damiani, Galveston
Commission No. 1, 1921



County Jail, Galveston, 1961 - 1962



THE GENGLER HOME
1521 BROADWAY

This two bedroom Bungalow was built for Mr. and Mrs. P. M. Gengler in March 1925 by Architect Raymond R. Rapp, which at the time was one of the most complete architectural firms to be found in this section of the State. At the time Mr. Gengler contracted this house to be built he was the owner of the state's oldest and most famous grocery store located here in Galveston. The store was originally built by his grandfather, Peter Gengler in 1851. It developed to such an extent that it was ranked as one of the best stocked and equipped food emporiums in the United States by the 1880's.

Grandson and the original owner of this house Peter Gengler, was born here in Galveston in February, 1868, one of several children of John and Margaret Gengler. His father was one of the joint owners of the original Gengler store, but left this business during the Civil War, becoming a successful ship captain and blockade runner. Financial difficulties came to the Gengler family and at the age of 12 Peter gave up his schooling to go into the family business and later took complete control of the store.

Mrs. Peter Gengler lived in this house until the late 1960's long after Mr. Gengler's death. In 1996 the current owner Louis Cutaia purchased the house and in August 2002 started the restoration process with the help of Felipe Valencia. With only a few modern touches in the Kitchen and Bath the house was returned to its original look.

2-3. 135

DESCRIPTION AND ESTIMATE of the Present Cash Value

Of the 1 story Tile roofed B.V. frame building,
Situated on Lot No. 2-3 in Block No. 135 No. 519-21 (1521) J BROADWAY Street,
in the City of Galveston, owned by P. M. Gengler.

Occupancy:
Basement & cement for
First Floor by 102 Bowling Balls owned STEVEN MALKIN for display OFF. WOOD FL.
Second Floor by V for
Third Floor by for FILE BRD 10-1521

DESCRIPTION:

When built? Orig 1925 Last repaired or painted? ~~May today~~
Is it on leased ground? No. When does lease expire?
What is used for lighting? Elect. Is gasoline used?
Size of building? See dia. 32X60, 16X10, 16X7, 4X28 & 14X16 [30X58, 4X14 & 10X16 = 1956 SF.
Plastered 1 & Bath rm Plastered & Tile
Number of rooms Rough ceiled and papered 7 Halls 2 Bath room 1
Ceiled and painted
Number closets? 6 Porches? 2 & port. cochere Mantels and grates? 1
Number of flues and construction thereof? 2 Br. good.
Is public Fire Hydrant within 500 feet? ✓ Within 1000 feet?
The above described building would cost, at present value of materials and labor 1925 $
$ $
Deduct for depreciation from age, use or location per cent $
Making the present Cash Valuation $

OTHER IMPROVEMENTS:

1 Story Garage & Sect. house 9X10 & 18X20 ft. New 1923 $
$
$
$
$ $
Deduct for depreciation from age, use or location per cent $ $
Making the present Cash Value $

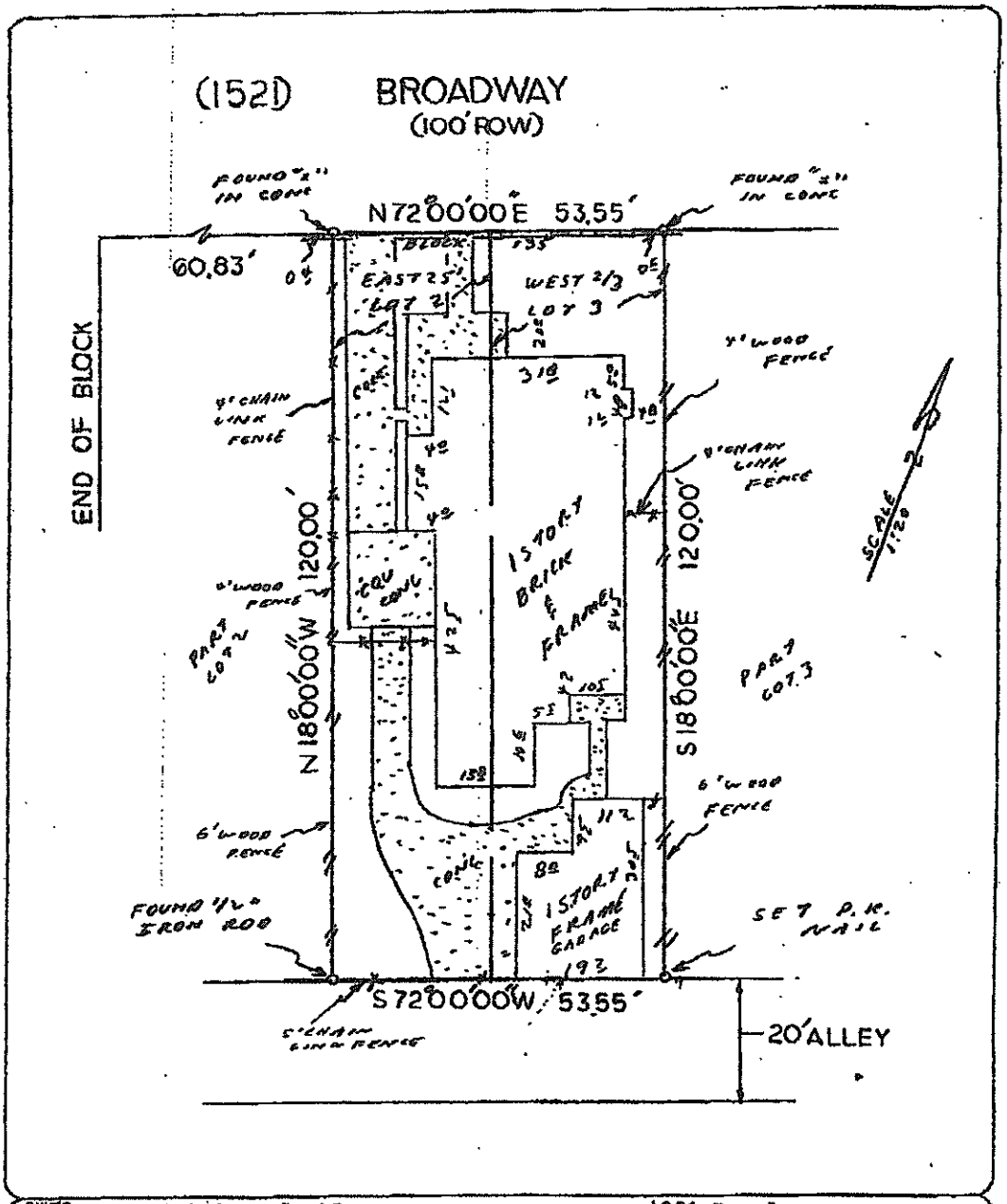
REMARKS:

G.A.X. 4/8/25 pay cost (16 c.c.m.) No roof tile or floor and some brickwork to be done
Sep 30 Day " " 15 c.c.m. including tax
" 9-3-40 " "

INSPECTOR.

Galveston, Texas, 5 day of May 1925

Gdd Fwd FM400 AK-2-22-83 Jeff-Dis



BUYER Louis Cutaia and wife, Charlene Cutaia

1521 Broadway

DESCRIBED PROPERTY

The East 25 feet of Lot 2 and the West 2/3rds of Lot 3, Block 135 located in the City and County of Galveston, Texas.

T.L.C. Inc.
P.O. Box 1697
Pearland, TX 77588

997-1565

G. F. 93205541
Date: 7-20-95
Inv. # 11079
JOB# 7-127-95

STATE OF TEXAS REGISTERED ROBERT ADAMS 1002 PROFESSIONAL LAND SURVEYOR

I do hereby certify that this survey was this day made on the ground of the property legally described hereon, (or on the attached sheet), and is correct, and there are no encroachments unless shown, and was done by me or under my supervision, and conforms to or exceeds the current standards as adopted by the Texas Board of Professional Land Surveying.

Note: There are no natural drainage courses on this property.

Note: This property does not lie in a flood hazard zone according to H.U.D./F.I.A. #485464 0026D 8-15-83 ZONE A12

Robert Adams

LB
LB
RA

Script
32nd Annual Galveston Historic Home Tour
May 6, 7, 13 & 14, 2006

1925 Peter M. Gengler Home
1521 Broadway

Front Porch:

- Peter M. Gengler was born in Galveston in 1868 to John and Margaret Schreiber Gengler. He would attend private schools, however, it seems that he left school at the age of 12 to get a job. Starting out as an office boy for the law firm of Wheeler and Rhodes, Gengler would eventually take over the family business, a well-known and profitable venture that his father and uncle, also named Peter, had founded.
- In 1914, Peter and his cousin James acquired controlling interest in the Gengler grocery store. Peter held the position of president until his death, and the Gengler store continued to expand, offering customers credit and building a large and efficient delivery service.
- Gengler served as district chairman of the "Liberty Loan Drives" and was a member of the American Defense Society during World War I. He would later serve as the president of the Galveston Merchants Association.
- Gengler commissioned Galveston architect Raymond R. Rapp to build his home at 1521 Broadway in 1925.
- His widow, Leoni Pauline Gengler remained in the bungalow until her death in 1968.

Please watch your step and enjoy the tour inside.

Entry Foyer:

- The Current homeowners purchased the home in 1995.
- The Oak floors are original.
- The beveled glass in the entry door is original.
- The wood on the closet door is rare Tiger Pine.
- The chairs are antique "king" and "queen" chairs from c. 1800. They were purchased at an estate auction.
- The watercolor on the wall was done by local artist, Carlotta Barker.
- The ornate coral vase on the table was purchased in Mexico in 1937.
- The icon on the wall by the door is from the Vatican.

Living Room:

- The fireplace is original and is in working condition
- The glass-fronted cabinets are original.
- Here and throughout the house, the picture molding is original.
- The table and chairs is made from recycled teak from Indonesia.
- The curio table holds a collection of toy soldiers.

Please watch your step and continue through the butler's pantry to the kitchen

- The wine closet was originally a closed-in closet.
- The butlers' pantry was originally the food pantry for the kitchen.

Kitchen:

- The vent hood is original to the house.
- The rest of the kitchen has been re-modeled, including enlarging the doorway from the breakfast room.
- The pelicans were painted by the next door neighbor.
- The homeowners' sister did the glass painting.
- The utility room was originally a screened porch. The current owners had it enclosed.

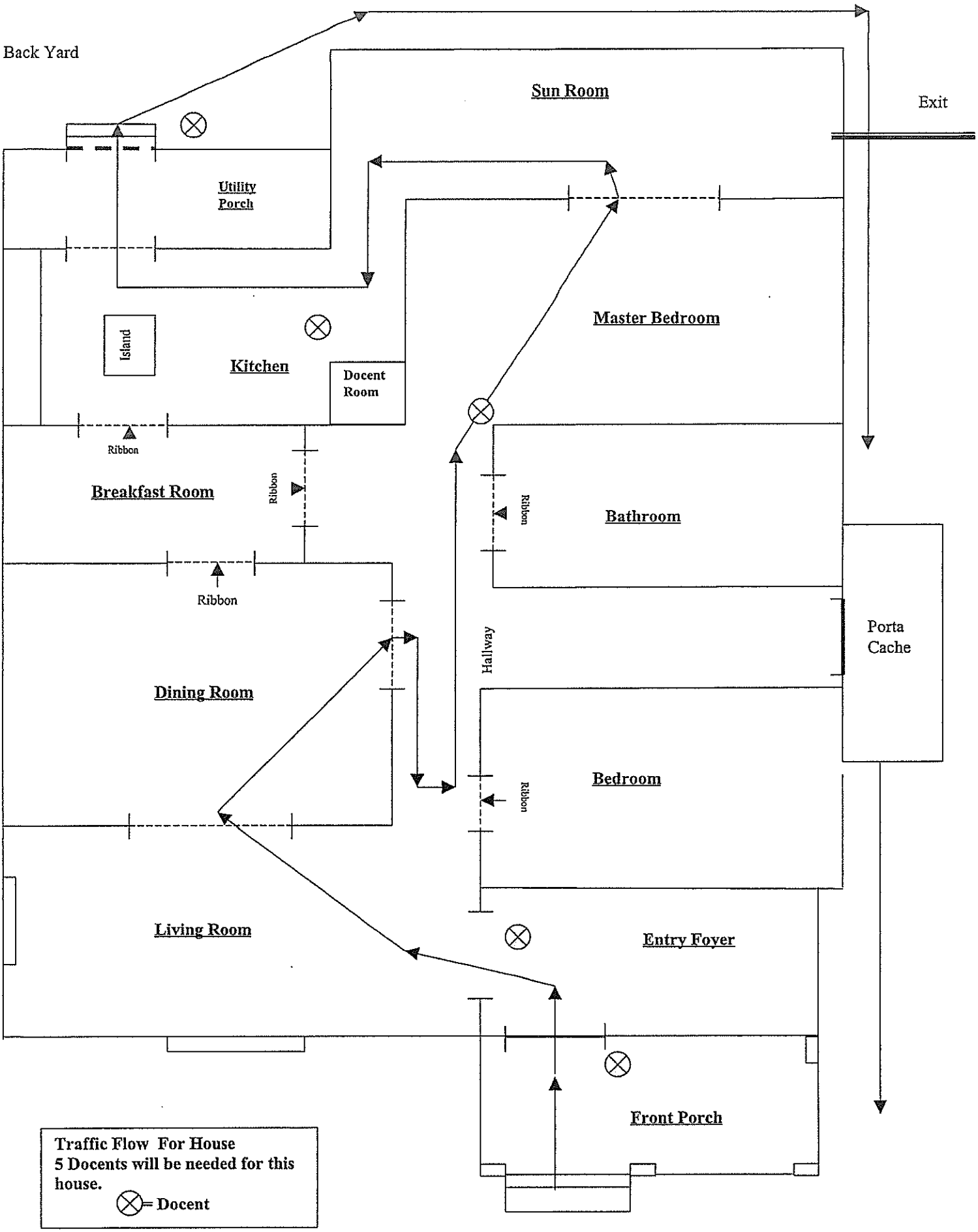
Please watch your step and exit to the backyard

Backyard:

- When the current owners purchased the house, there was a garage in the backyard. The building was removed and the lovely deck was built on its foundation.
- The columns are made from pinion clay from Mexico.
- The landscaping was done by the homeowners
- The fountain was purchased in Houston.

Please exit to the front of the house.

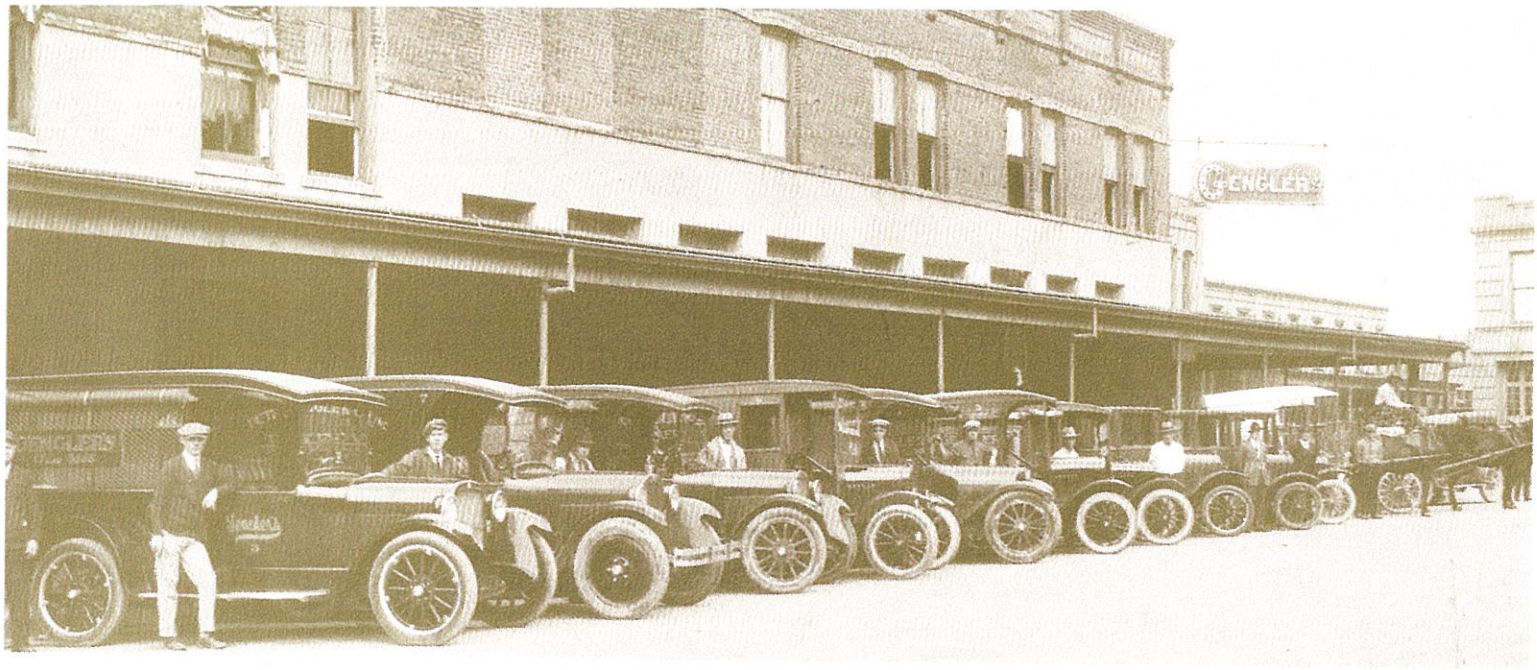
Enjoy the rest of your tour.



1925 Peter M. Gengler House 1521 Broadway

1940. Scottish Rite Temple Centennial. Names listed on Page 14

1926. Louis C. Van Name, Gengler's secretary-treasurer, in his office.



1922. Gengler's delivery force. The store delivered and extended credit.

1924. Interior of Gengler's, then the state's oldest and most famous grocery store.

1885 Peter Gengler Home
1428 Market ✓

By Jane Chapin
With compilations from History of Galveston and
Galveston Daily News, June 16, 1923

Galveston County Tax Assessors Records show that the property located at 1428 Market (lots 13,14 and West ½ 12) was owned by Peter Gengler from 1880 although he was not taxed for any structures on these lots. In 1886 Peter Gengler was taxed for an improvement valued at $6050. Research finds Peter Gengler engaged Nicholas J. Clayton in 1885 to design a home for his family at a cost of $8000. The Galveston Insurance Board Records show the house was built in the summer of 1885.

Peter and John Gengler immigrated from Bohlendorff, Germany and began their grocery business from a horse-drawn wagon. By 1851 they opened a wooden store which developed "to such an extent that it should rank as one of the best stocked and equipped food emporiums in the United States" by the 1880's.

Peter Gengler died in Boerne, Texas, in October, 1887, leaving his wife and four sons to carry on the business. His sons, Matt, Charles and Joseph managed the store after their father's death. In 1898, the company incorporated and this organization remained until 1914 when his nephews, Peter M. and James C. Gengler, bought controlling interest.

"Peter M. Gengler was born in Galveston, February, 1868, one of several children of John and Margaret (Schreiber) Gengler. His father was one of the joint owners of the original Gengler store, but left this business during the Civil War, becoming a successful ship captain and blockade runner." Financial difficulties came to the Gengler families and at age 12 Peter gave up his schooling to go into the family business. and

Peter's brother..."James, who by this time was already attending high school, found himself obliged to seek employment. His first job was as an office boy for Wheeler and Rhodes, a prominent law firm of that period...In 1888, he secured his first position in the District Clerk's office...in 1906, he ran for the first time and was successfully elected as District Clerk of Galveston County."

Exhibit B

Gengler's known for quality products good service

By Casey Edward Greene
Jun 21, 2010

GALVESTON — Customer loyalty may seem quaint and old fashioned today during the current recession when millions of employees have lost their jobs. Yet Peter M. Gengler Co. which operated in Galveston for almost a century (1851-1946) built its reputation and clientele on the basis of quality selection and excellent customer service.

Gengler's was one of the oldest groceries in the United States operated by the same family and in the same city. Historical sources preserved in the Rosenberg Library's Galveston and Texas History Center attest to the firm's excellence.

In 1851 Peter and John Gengler sold fruits and vegetables from a horse cart relying on word-of-mouth advertising. They were immigrants sons of Nicholas Gengler who arrived at Galveston in 1843 with his family from Prussia.

The brothers moved their business to a frame building at the northeast corner of 20th and Market streets in 1854. By the Civil War the firm was well known throughout Texas.

John Gengler left the business at that time to become a ship's captain and a successful blockade runner. After the war he returned to the grocery business working until paralysis set in several years before his death in 1897. Peter Gengler remained with his firm until his death in Boerne in 1887.

His sons Matthew Charles and Joe Gengler then took charge. The grocery was now called "Peter Gengler Dealer in Staple and Fancy Groceries Wines etc." according to an advertisement in The Daily News in January 1888.

The brothers opened a new two-story brick building in August 1893 at the original location. Their watchword was "business as usual" according to an advertisement in The Daily News: "The sons left on deck by their father are faithful to the charge and vie with each other to sustain the reputation achieved by him."

Before the advent of telephones employees visited households and took orders for groceries. Telephone service began in Galveston in 1878. The technology ultimately enabled linking customers' needs with business products and services. The telephone would prove essential

to Gengler's success.

In 1893 Gengler's built a new two-story brick building on the site of the original store. The new grocery featured attractive window displays.

The firm incorporated May 23 1898 under the name Peter Gengler Co. with $35000 in capital stock. Its officers were Joseph L. Gengler George D. Morgan and J.P. Alvey. It resumed operations quickly after the 1900 Storm for its downtown location had protected the business from destruction.

In 1908 Peter Gengler Co. opened a bakery. The firm advertised in 1914 that it was "the largest finest wholesale and retail grocery in Texas if not the entire South." It boasted the ability to deliver 500 to 600 orders daily and 800 to 900 orders on Saturdays. The grocery now owned 12 delivery wagons and two cars.

In 1916 Joseph L. Gengler sold his share in the firm to Peter M. Gengler who became president and served in this capacity until his death almost three decades later.

Born in Galveston in 1868 Peter M. Gengler was a nephew of the original Peter Gengler. He entered business at a young age. In 1914 he and his brother James purchased George D. Morgan's share of the business. Its motto was now "Galveston's Greatest Grocery."

The trade magazine Progressive Grocer March 1924 (preserved in the Galveston and Texas History Center) highlighted Peter M. Gengler Co. The article note the firm grossed more than $750000 it relied on the telephone to conduct 65 percent of its transactions and that it refused to engage in cost-cutting.

Peter Gengler Co. celebrated its 75th anniversary June 16 1926. The Daily News honored the firm with a special edition. Gengler's took out a full-page advertisement touting its "square and fair dealing" with the public and provision of fine products and superior customer service.

By its 75th anniversary Gengler's had refined customer service to an art. Three clerks called customers to take orders which they assembled in the shipping room. Clerks carefully reviewed orders before they were shipped. Delivery trucks each one assigned to a particular district shipped out orders. Gengler's reserved several delivery trucks for the sole purpose of handling rush orders.

The firm's bakery could produce 700 loaves of bread every 30 minutes. The cake department was an example of fine customer service. A customer phoned in his or her order the day before then awaited a van which delivered the cake.

Peter M. Gengler looked after his employees. Many worked there for decades an expression of their loyalty. The president allowed them to earn a percentage commission on sales above their regular salary.

Gengler's gave quietly to the local community. It donated bread and cake annually to the Galveston Oprhans' Home. It provided food baskets every Thanksgiving and Christmas to community organizations including John Sealy Hospital St. Mary's Infirmary Ursuline Convent and the Rosenberg Woman's Home.

However the grocery business nationally was changing. The supermarket arose during the Great Depression as a means of providing customers with convenience and lower prices under one roof. The first supermarket in the United States King Kullen appeared in New York City in 1930.

Its Galveston competitors now included multiple locations operated by A.&P. Food Stores and Piggly Wiggly (the latter chain founded by Galveston resident C.P. Evans). Continuing to portray itself as a venerable and dependable institution served to isolate Gengler's from thrifty shoppers who were demanding self-service convenience value and savings.

After World War II supermarkets continued to grow in popularity with the advent of suburbia. Peter M. Gengler died in December 1945 at age 77 and left no heirs. Gengler's lasted until the end of September 1946.

An editorial in The Daily News Dec. 9 1945 provided a fitting epitaph for both the man and his business:

"The career of Peter M. Gengler was all the more notable because he was a self-made man and it stands as an inspiration for all. His rise to a position of esteem and respect in the community not only paralleled but was a part of the rise and growth of Galveston itself."

Casey Edward Greene is head of special collections at Rosenberg Library.

(0) comments

Exhibit C

1521 BROADWAY, GALVESTON, TX 77550

HHM-12666

Parcel ID	689508	Year Built	1925	High = Individually Eligible/Listed; Contributing Medium = Contributing Low = Non-Contributing
District	East End Historic District	Priority Rating	High	
Building Faces	N	Architect	R.R. Rapp	

DESCRIPTION

Type	Single-Family House Massed Plan
Stylistic Influences	National Folk, Craftsman
Stories	1
Exterior Wall Materials	Brick
Foundation Type	Raised basement, Brick
Landscape Features	Concrete curb, Concrete wall
Description Notes	Porte Cochere attached

ROOF

Roof Shape	Hipped, Front-gabled
Roof Materials	Spanish tile
Roof Features	Exposed rafters, Wide eaves
Gable End Treatment	Same as wall treatment
Gable End Openings	Windows
Gable End Features	Decorative brackets

WINDOWS & DOORS

Window Types	Double-hung, Jalousie
Window Frame Materials	Wood
Window Light Configuration	6/6, 5
Window Features	Wood shutters, Transoms
Door Materials	Wood
Door Types	Single door primary entrance
Door Features	Sidelights, Transom light

CHIMNEYS

No. of Chimneys	1
Chimney Material	Brick
Chimney Placement	External, Central
Chimney Features	Chimney cap

PORCH

Porch Type	Partial width, One story, Wrap-around
Porch Location	Front
Porch Roof	Front gable
No. of Porch Bays	5
Porch Support Type	Brick piers
Porch Features	Metal balustrade
Porch Notes	Arched entry

INTEGRITY

Condition	Good

TX_GalvestonCounty_1521_Broadway_1.jpg

Planning Commission
Planning and Development Division
City of Galveston
April 21, 2020

20P-007 STAFF REPORT

ADDRESS:
Adjacent to 2 Hammock Trail

LEGAL DESCRIPTION:
Request for a License to Use for one front stair and part of a retaining wall constructed in the right of way. Adjacent property is legally described as Lot 134, Evia Phase One (2005), a Subdivision, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Ted Shook

ADJACENT PROPERTY OWNER:
Karen Flowers and Ted Shook

EASEMENT OWNER:
City of Galveston

ZONING:
Traditional Neighborhood (TN)

REQUEST:
License to Use

APPLICABLE REGULATIONS:
Section 13.202 of the LDR
Chapter 32-5 of the City Code of Ordinances

STAFF RECOMMENDATION:
Approval

EXHIBITS:
A – Applicant's Submittal

STAFF:
Daniel Lunsford, Planner
(409) 797-3659
dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
40				

Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

City Department Notification Responses:
No objections.

Background Information
The house located at 2 Hammock Trail was built in 2019-2020. During construction, it was discovered that one stair and part of a retaining wall were built into the city right-of-way. This pattern of encroachment is a known feature of the Evia neighborhood due to the elevation difference between the lots and the adjacent streets.

Executive Summary
The applicant is requesting a Permanent License to Use in order to retain the existing structures in the right-of-way.

Physical Characteristics

The lots in the Evia subdivision are raised significantly higher than the surrounding streets, and often require a retaining wall, and staircase to connect the houses to the sidewalks. The existing one-story frame and siding structure sits approximately five (5) feet from the Hammock Trail right-of-way. During construction, however, one stair of the front porch staircase and part of the associated retaining wall was found to encroach into the Hammock Trail right-of-way.

License to Use

A License to Use (LTU) is required prior to placing items within or otherwise obstructing City right-of-ways in accordance with Chapter 32-5 of the City Code of Ordinances.

Staff Recommendation

Staff recommends Case 20P-007, request regarding a License to use the public right-of-way be approved, subject to the following conditions:

Specific to Case 20P-007:

1. The applicant shall be responsible for any damage to the right-of-way area caused by the maintenance of the existing structure, and should the right-of-way be damaged in any way, the applicant shall repair the area;
2. The licensee shall ensure that future construction or improvements do not increase the degree of encroachment in any way;

Standard Conditions:

3. The Licensee shall adhere to all comments/conditions received from City departments and shall obtain all required permits, construction documents, and inspections. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval. Failure to comply with all comments/conditions may result in penalties and/or revocation of this permit;
4. The cleaning of the debris from the site shall be the responsibility of the Licensee;
5. The Licensee and all of the Licensee's rights granted are conditioned that owners of utility facilities, whether publicly or privately owned, have at all times access to the property made subject of the License, together with the right to enter the property and excavate for the purpose of repairing, replacing, locating and maintaining such utility facilities, if any;
6. The Licensee shall execute the License to Use Agreement within 90-days from the date the Planning Commission approved the License to Use, otherwise the Agreement shall be of no further effect and shall be considered as having been canceled fully;
7. Licensee undertakes and promises to hold the City of Galveston harmless and to indemnify and defend it against all suits judgments, costs, expenses and damages that may arise or grow out of the use or grant of the license to use city right-of-way under this agreement regardless of fault;
8. The City does retain the right and option to cancel the License and terminate all rights of the License upon ninety (90) days written notice of such cancellation and termination, sent to Licensee at the mailing address provided herein; and, Licensee agrees and shall be obligated to vacate the property made subject of the license and to remove all improvements and/or obstruction located thereon at Licensee's own expense prior to the expiration of said 90-day notification period.

Respectfully Submitted,

Daniel Lunsford

March 12, 2020

Daniel Lunsford
Planner

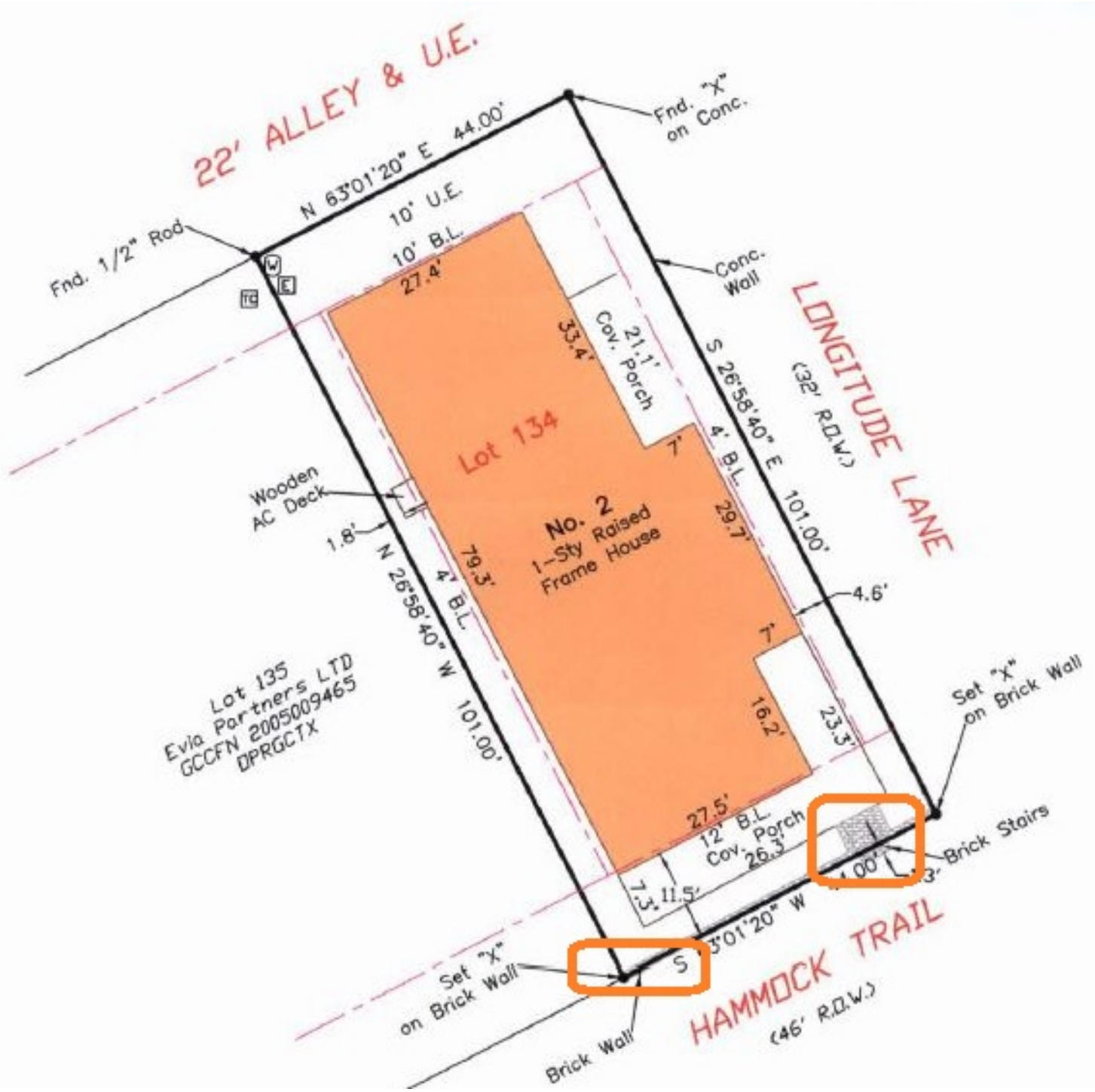
Date

March 12, 2020

Catherine Gorman , AICP
Assistant Planning Director / HPO

Date

ATTACHMENT A



As-Built Survey Showing Encroachments

2020-02-05 4:02 PM

2020-02-05 4:01 PM

Planning Commission
Planning and Development Division
City of Galveston
April 21, 2020

20P-012 STAFF REPORT

ADDRESS:
Adjacent to 1602 16th Street

LEGAL DESCRIPTION:
Adjacent property is legally described as M.B. Menard Survey, North One-Half of Lot 1 (3001-1), Southeast Block 46, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
James Pope

ADJACENT PROPERTY OWNER:
James Pope

EASEMENT OWNER:
City of Galveston

ZONING:
Urban Neighborhood, Neighborhood Conservation District (UN-NCD-1)

REQUEST:
License to Use

APPLICABLE REGULATIONS:
Section 13.202 of the LDR
Chapter 32-5 of the City Code of Ordinances

STAFF RECOMMENDATION:
Approval

EXHIBITS:
A – Applicant's Submittal
B – Department and Utility Comments

STAFF:
Daniel Lunsford, Planner
(409) 797-3659
dlunsford@galvestontx.gov

Public Notice and Comment:
Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

Sent	Returned	In Favor	Opposed	No Comment
20				

City Department Notification Responses:
Police Chief Vernon Hale and Fire Chief Charles Olson : concerns about a permanent encroachment to the right-of-way as a solution to an intermittent, temporary issue.

Background Information
The house located at 1602 16th Street was built sometime after 1899 according to historic Sanborn insurance rate maps. The owner obtained a permit to raise the house to approximately fourteen (14) feet above grade in 2016. The western face of the house lies along the 16th Street right-of-way; however, the applicant wishes to add a walkway along that side to access the side of the house for repairs and to install storm protection when needed. This walkway will encroach three (3) feet into the 16th Street right-of-way if approved.

Executive Summary

The applicant is requesting a Permanent License to Use to add a walkway along the 16th Street right-of-way.

Physical Characteristics

The existing one-story frame and siding structure lies immediately adjacent to the 16th Street right-of-way. The proposed walkway would run along the entire west side of the existing house, into the 16th Street right-of-way, approximately fourteen (14) feet above grade (refer to Attachment A). There is approximately 12.5 feet of clearance between the bottom of the existing house and the ground.

License to Use

A License to Use (LTU) is required prior to placing items within or otherwise obstructing City right-of-ways in accordance with Chapter 32-5 of the City Code of Ordinances.

Staff Recommendation

The proposed walkway encroaches three feet into the right-of-way directly above an existing sidewalk; however, the encroachment will be located over twelve feet above grade. No city departments or outside utilities expressed objections related to their respective functions, nor did Centerpoint Energy object to the encroachment.

Staff recommends Case 20P-012, request regarding a License to use the public right-of-way be approved, subject to the following conditions:

Specific to Case 20P-012:

1. The applicant shall be responsible for any damage to the right-of-way area caused by the maintenance of the existing structure, and should the right-of-way be damaged in any way, the applicant shall repair the area;
2. The licensee shall ensure that future construction or improvements do not increase the degree of encroachment in any way;
3. The proposed walkway shall be built as high above existing grade as is practicable;

Standard Conditions:

4. The Licensee shall adhere to all comments/conditions received from City departments and shall obtain all required permits, construction documents, and inspections. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval. Failure to comply with all comments/conditions may result in penalties and/or revocation of this permit;
5. The cleaning of the debris from the site shall be the responsibility of the Licensee;
6. The Licensee and all of the Licensee's rights granted are conditioned that owners of utility facilities, whether publicly or privately owned, have at all times access to the property made subject of the License, together with the right to enter the property and excavate for the purpose of repairing, replacing, locating and maintaining such utility facilities, if any;
7. The Licensee shall execute the License to Use Agreement within 90-days from the date the Planning Commission approved the License to Use, otherwise the Agreement shall be of no further effect and shall be considered as having been canceled fully;
8. Licensee undertakes and promises to hold the City of Galveston harmless and to indemnify and defend it against all suits judgments, costs, expenses and damages that may arise or grow out of the use or grant of the license to use city right-of-way under this agreement regardless of fault;
9. The City does retain the right and option to cancel the License and terminate all rights of the License upon ninety (90) days written notice of such cancellation and termination, sent to Licensee at the mailing address provided herein; and, Licensee agrees and shall

be obligated to vacate the property made subject of the license and to remove all improvements and/or obstruction located thereon at Licensee's own expense prior to the expiration of said 90-day notification period.

Respectfully Submitted,

Daniel Lunsford

April 13, 2020

Daniel Lunsford
Planner

Date

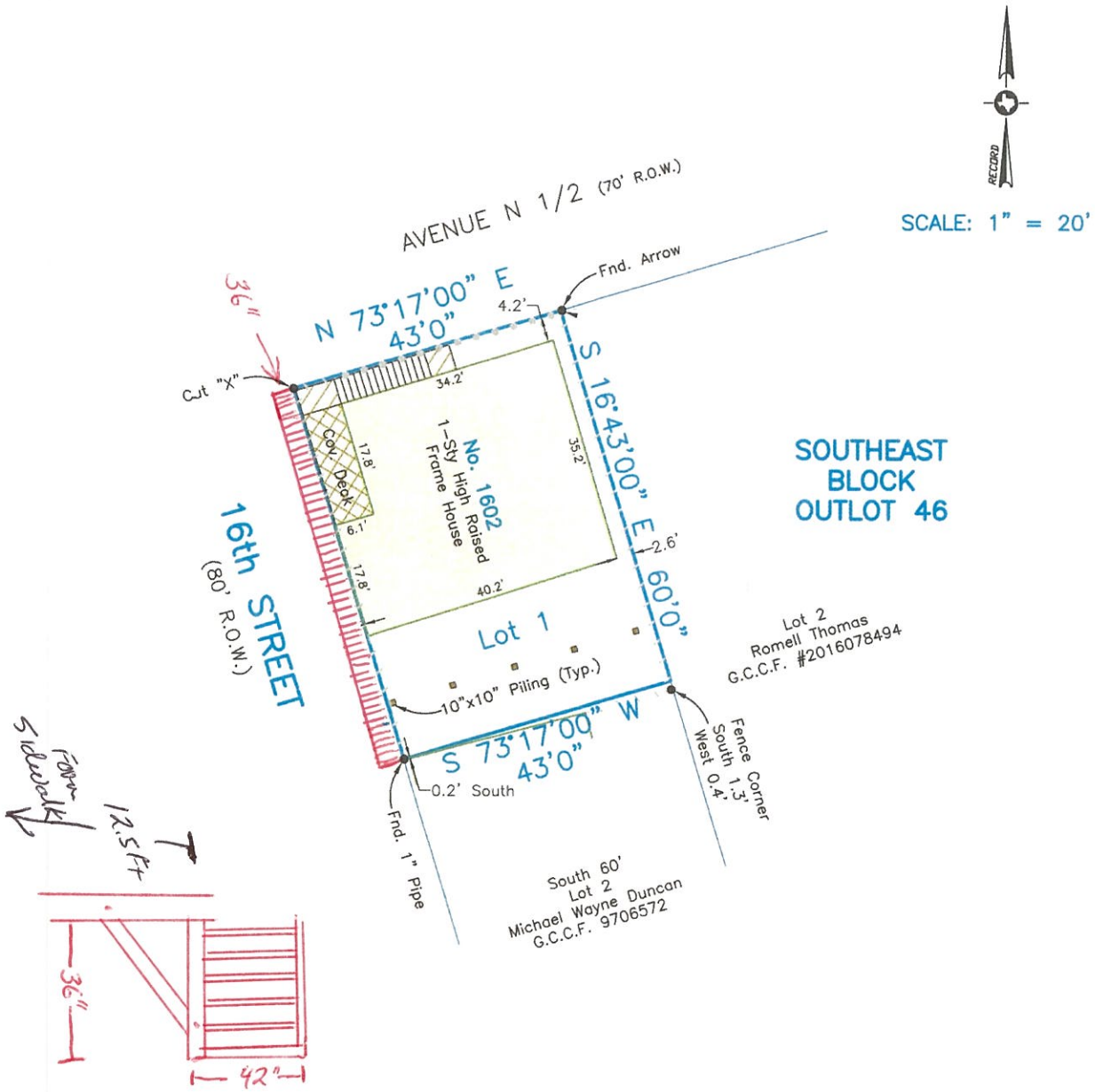
April 13, 2020

Catherine Gorman , AICP
Assistant Planning Director / HPO

Date

ATTACHMENT A

SCHOOL
SPEED
LIMIT
20
12.5'
Jun 26, 2018 at 3:49:44 PM



Survey of the North 1/2 of Lot One (1) in the Southeast Block of OUTLOT 46, in the City and County of Galveston, Texas. This survey is based on the Map of the City of Galveston in common use.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brian S. House
Registered Professional
Land Surveyor No. 6520

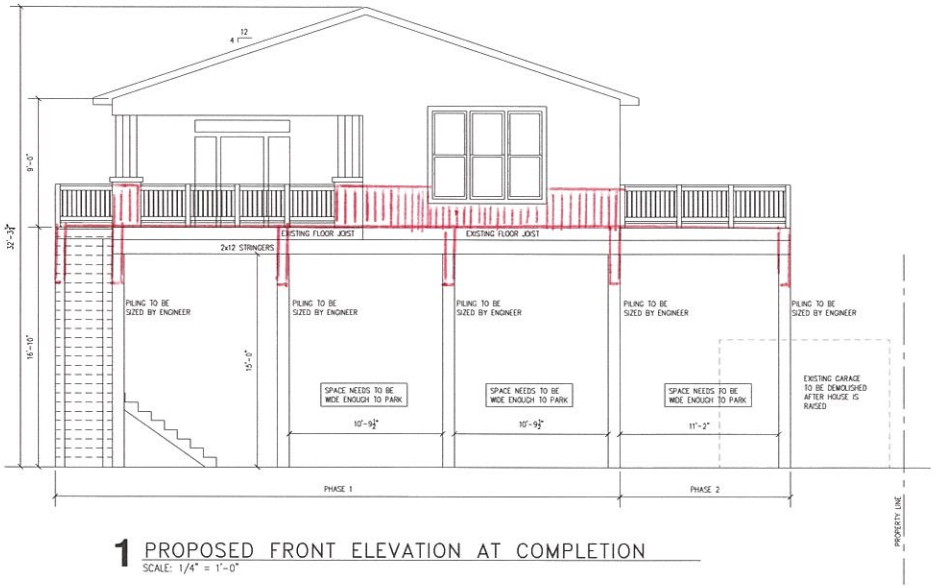
STATE OF TEXAS
REGISTERED
BRIAN S. HOUSE
6520
PROFESSIONAL
LAND SURVEYOR

SURVEY DATE:	OCTOBER 31, 2019
FILE No.:	3510-0046-3001-001
DRAFTING:	RGW
JOB No.:	19-0820

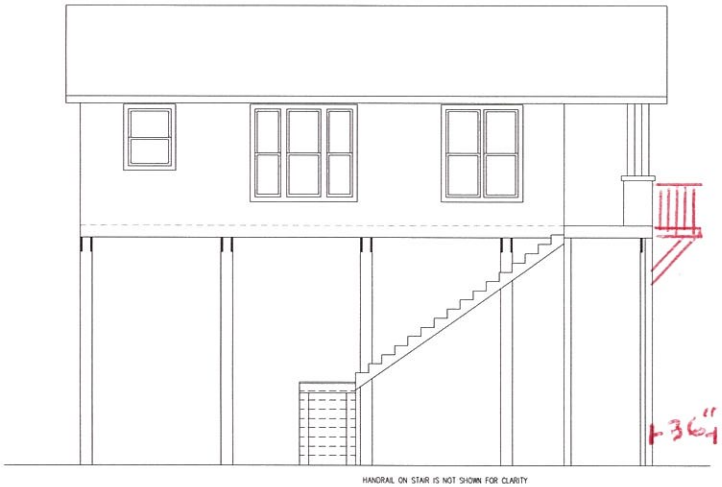
High Tide
Land Surveying LLC.

GALVESTON OFFICE
Registration Number: 10193855
(409) 740-1517 www.hightidelandsurveying.com
8017 HARBORSIDE DRIVE | GALVESTON, TX 77554
Mailing | P.O. BOX 16142 | GALVESTON, TX 77552

NOTES:
1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
2) This property is subject to any restrictions of record as established by the City, Plat, or Subdivision Covenants and Restrictions; may also be subject to easements and setbacks for utility services and power lines as individually recorded or established by OSHA (call your power company).
3) Bearings based on Monumentation of South R.O.W. line of Avenue N 1/2, being a found "X" at the Northwest corner of Lot 1 and a found 1/2 inch rod at the Northeast corner of Lot 7
4) Texan Title Insurance Company
Insured: James Pope
G.F. No.: GV1971592
Issued: November 2, 2019

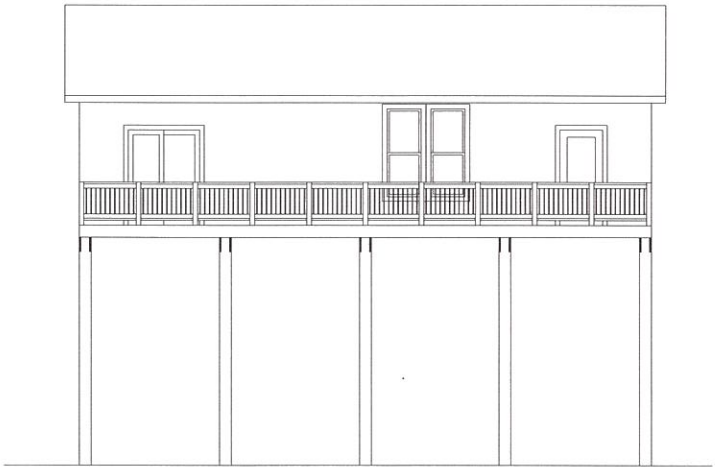


1 PROPOSED FRONT ELEVATION AT COMPLETION
SCALE: 1/4" = 1'-0"



HANDRAIL ON STAIR IS NOT SHOWN FOR CLARITY

2 PROPOSED LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



3 PROPOSED RIGHT SIDE ELEVATION AT COMPLETION
SCALE: 1/4" = 1'-0"

PHASE 1

CZQ Drafting Services, Inc.
8715 POWER ROAD
SANTA FE, TEXAS
409-927-4054

RAISING OF HOUSE FOR JAMES POPE
1602 - 16TH STREET, GALVESTON, TEXAS

DATE: 12 FEBRUARY, 2016

SHEET NO.
A1.1

From:	Charles Olsen Sr.
To:	Hale, Vernon; Daniel Lunsford
Subject:	RE: 20P-012 Request for encroachment into right-of-way
Date:	Wednesday, March 18, 2020 12:11:38 PM
Attachments:	image001.png image002.png

Exactly, I agree with Chief Hale statement.

From: Hale, Vernon <VHale@GalvestonTX.Gov>
Sent: Wednesday, March 18, 2020 12:10 PM
To: Daniel Lunsford <DLunsford@GalvestonTX.Gov>; Charles Olsen Sr. <COlsen@GalvestonTX.Gov>
Subject: RE: 20P-012 Request for encroachment into right-of-way

My objection is that they are requesting a permanent encroachment on the Right of way for repairs and intallations that have a defined timeline.

V. L. Hale III
Chief Of Police
Galveston Police Department,
O: 409.765.3798 | C: 409.370.4594| vhale@galvestontx.gov
Visit us online at www.galvestontx.gov/police | Follow us on Facebook & Twitter
@ChiefHaleGPD

From: Daniel Lunsford <DLunsford@GalvestonTX.Gov>
Sent: Wednesday, March 18, 2020 12:06 PM
To: Hale, Vernon <VHale@GalvestonTX.Gov>; Charles Olsen Sr. <COlsen@GalvestonTX.Gov>
Subject: RE: 20P-012 Request for encroachment into right-of-way

Gentlemen,

If an objection is expressed by a city department, it must be noted in the staff report. Can you articulate your specific objections in regards to police and fire safety and/or operations for the staff report?

Much appreciated!

From: Hale, Vernon <VHale@GalvestonTX.Gov>
Sent: Wednesday, March 18, 2020 12:02 PM
To: Charles Olsen Sr. <COlsen@GalvestonTX.Gov>; Daniel Lunsford <DLunsford@GalvestonTX.Gov>; Angelo Grasso <AGrasso@GalvestonTX.Gov>; Centerpoint ROW <lrow@centerpointenergy.com>; Chris Harrison <CHarrison@GalvestonTX.Gov>; David Ewald <DEwald@GalvestonTX.Gov>; Dilcia Jimenez-Vazquez <DJimenez@GalvestonTX.Gov>; Leslie Alquicira <LAlquicira@GalvestonTX.Gov>; Mike Shahan <MShahan@GalvestonTX.Gov>; Mike Telplacido - AT&T <mt1565@att.com>; Robert Fearrington

<RFearrington@txgas.com>
Subject: RE: 20P-012 Request for encroachment into right-of-way

Chief typed exactly what I was responding with. A permanent fix for temporary issues does not make sense to me. He could do scaffolding rather than ladder. However, as stated I will leave it to the experts and go with your decision.

V. L. Hale III
Chief Of Police
Galveston Police Department,
O: 409.765.3798 | C: 409.370.4594| vhale@galvestontx.gov
Visit us online at www.galvestontx.gov/police | Follow us on Facebook & Twitter
@ChiefHaleGPD

From: Charles Olsen Sr. <COlsen@GalvestonTX.Gov>
Sent: Wednesday, March 18, 2020 11:38 AM
To: Hale, Vernon <VHale@GalvestonTX.Gov>; Daniel Lunsford <DLunsford@GalvestonTX.Gov>; Angelo Grasso <AGrasso@GalvestonTX.Gov>; Centerpoint ROW <lrow@centerpointenergy.com>; Chris Harrison <CHarrison@GalvestonTX.Gov>; David Ewald <DEwald@GalvestonTX.Gov>; Dilcia Jimenez-Vazquez <DJimenez@GalvestonTX.Gov>; Leslie Alquicira <LAlquicira@GalvestonTX.Gov>; Mike Shahan <MShahan@GalvestonTX.Gov>; Mike Telplacido - AT&T <mt1565@att.com>; Robert Fearrington <RFearrington@txgas.com>
Subject: RE: 20P-012 Request for encroachment into right-of-way

Daniel,

I think we need to leave this decision up to the experts, such as yourself. In my opinion, we should not approve.

Sincerely,
Charles Olsen, Fire Chief
Galveston Fire Department
823 - 26th Street, Galveston, TX 77550
O: 409.797.3850 | C: 409.370.4583 | colsen@galvestontx.gov

From: Hale, Vernon
Sent: Wednesday, March 18, 2020 11:23 AM
To: Daniel Lunsford; Angelo Grasso; Centerpoint ROW; Charles Olsen Sr.; Chris Harrison; David Ewald; Dilcia Jimenez-Vazquez; Leslie Alquicira; Mike Shahan; Mike Telplacido - AT&T; Robert Fearrington
Subject: RE: 20P-012 Request for encroachment into right-of-way

They want a permanent deck to make repairs and installations ?

V. L. Hale III
Chief Of Police
Galveston Police Department,

O: 409.765.3798 | C: 409.370.4594| vhale@galvestontx.gov
Visit us online at www.galvestontx.gov/police | Follow us on Facebook & Twitter
@ChiefHaleGPD

From: Daniel Lunsford <DLunsford@GalvestonTX.Gov>
Sent: Tuesday, March 17, 2020 12:47 PM
To: Angelo Grasso <AGrasso@GalvestonTX.Gov>; Centerpoint ROW <lrow@centerpointenergy.com>; Charles Olsen Sr. <COlsen@GalvestonTX.Gov>; Chris Harrison <CHarrison@GalvestonTX.Gov>; David Ewald <DEwald@GalvestonTX.Gov>; Dilcia Jimenez-Vazquez <DJimenez@GalvestonTX.Gov>; Hale, Vernon <VHale@GalvestonTX.Gov>; Leslie Alquicira <LAlquicira@GalvestonTX.Gov>; Mike Shahan <MShahan@GalvestonTX.Gov>; Mike Telplacido - AT&T <mt1565@att.com>; Robert Fearrington <RFearrington@txgas.com>
Subject: 20P-012 Request for encroachment into right-of-way
Importance: High

Hello all,

Attached are exhibits for a license to sue the public right of way request at 1602 16th Street here in Galveston. The applicant wishes to build a three foot wide deck approximately twelve feet above grade in order to access the front of the house for repairs or to install hurricane protection.

Note that there are overhead electrical and possibly telecom lines along 16th Street on the same side of the street, as shown in the attached photo. The distance between those poles and the proposed deck will be about ten feet.

Please review and respond with comments or concerns by March 26th. Thanks!

Daniel Lunsford, Planner
Development Services Department
P.O. Box 779 Galveston, TX 77553 | 823 Rosenberg Galveston, TX 77550
O: 409.797.3660 | D: 409.797.3659 | F: 409.877.1560 | dlunsford@galvestontx.gov

Get social! Follow @cityofgalveston On Facebook, Twitter, & Instagram

CenterPoint Energy Houston

April 6, 2020

James Pope
P.O. Box 17182
Galveston, TX 77552

Re: Letter of No Objection For A Proposed Balcony
Job No. 92952A

Dear James Pope:

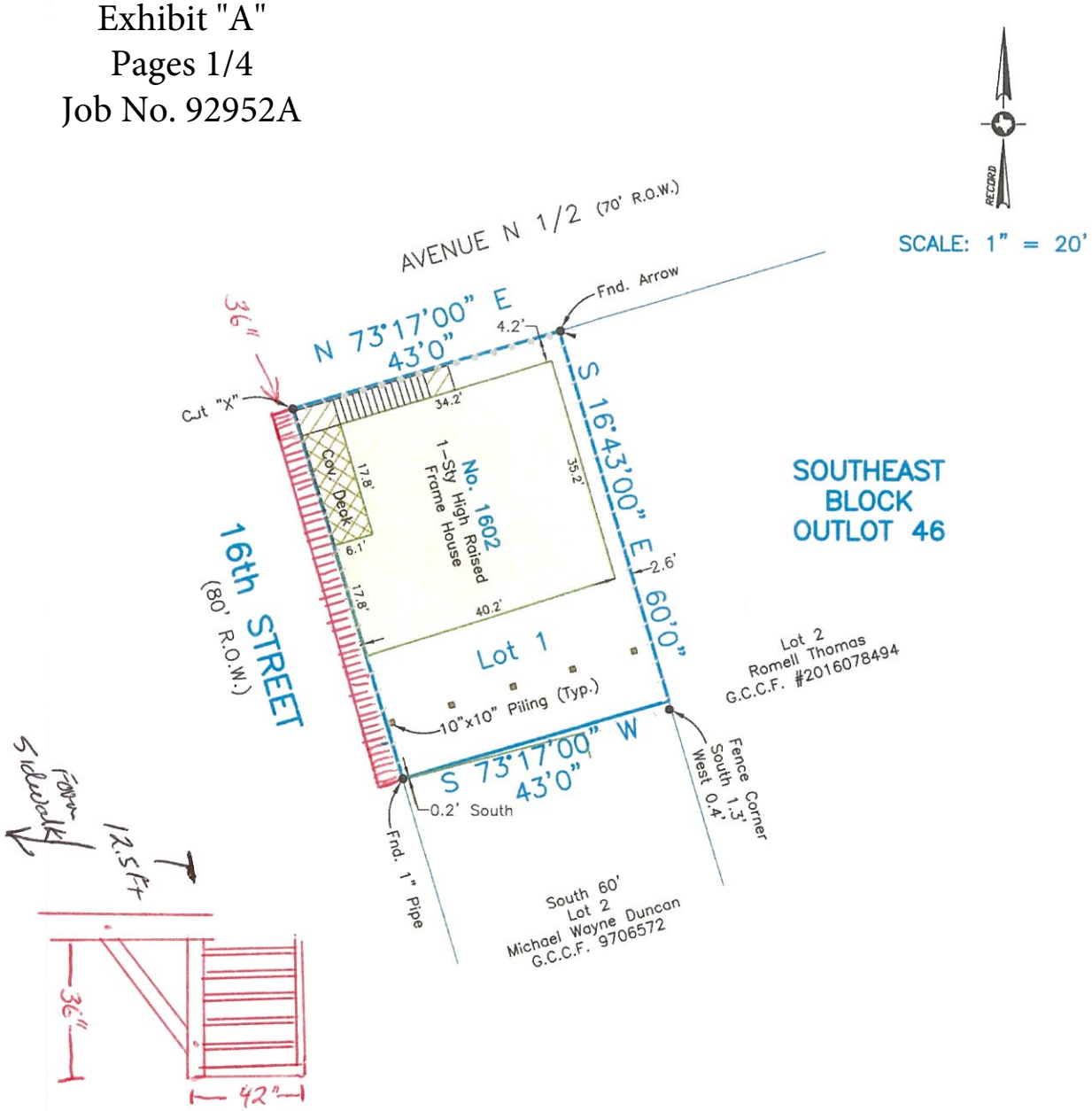
CenterPoint Energy Houston Electric, LLC, herein called "CenterPoint Energy", has investigated the request for the north one-half (1/2) of Lot 1, in the Southeast Block of Outlot Forty-Six (46) of the City of Galveston, an unrecorded subdivision situated in the Michael Menard Survey, Abstract 628, Galveston County, Texas, being the same property described in a deed from Phyllis Ann Meier Tijerina et al., to James A. Pope, dated September 23rd, 2015 and filed for record under County Clerk's File No. 2015061434 in the Official Public Records of said County and State. CenterPoint Energy has determined that it has facilities located within 16th Street Road Right of Way. Based on the drawing provided and shown on Exhibit "A", attached hereto and made a part hereof, said balcony has adequate clearance between existing CenterPoint Energy facilities within said 16th Street Road Right of Way. Therefore, CenterPoint Energy will interpose no objection to the request as filed.

Sincerely,

Wesley Maresh

Wesley Maresh
Right of Way Agent
Land Management
713-207-6212

Exhibit "A"
Pages 1/4
Job No. 92952A



Survey of the North 1/2 of Lot One (1) in the Southeast Block of OUTLOT 46, in the City and County of Galveston, Texas. This survey is based on the Map of the City of Galveston in common use.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brian S. House
Registered Professional
Land Surveyor No. 6520

STATE OF TEXAS
REGISTERED
BRIAN S. HOUSE
6520
PROFESSIONAL
LAND SURVEYOR

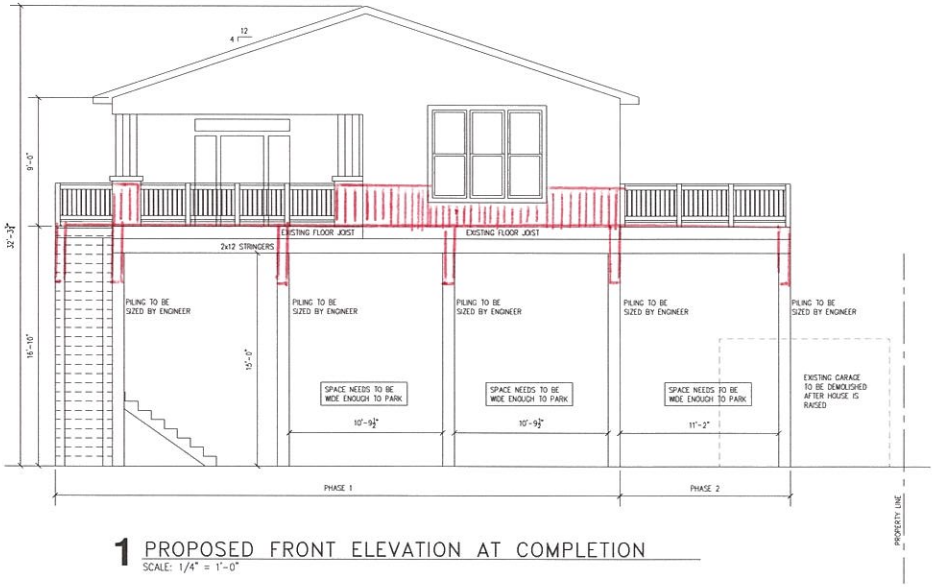
SURVEY DATE:	OCTOBER 31, 2019
FILE No.:	3510-0046-3001-001
DRAFTING:	RGW
JOB No.:	19-0820

High Tide
Land Surveying LLC.

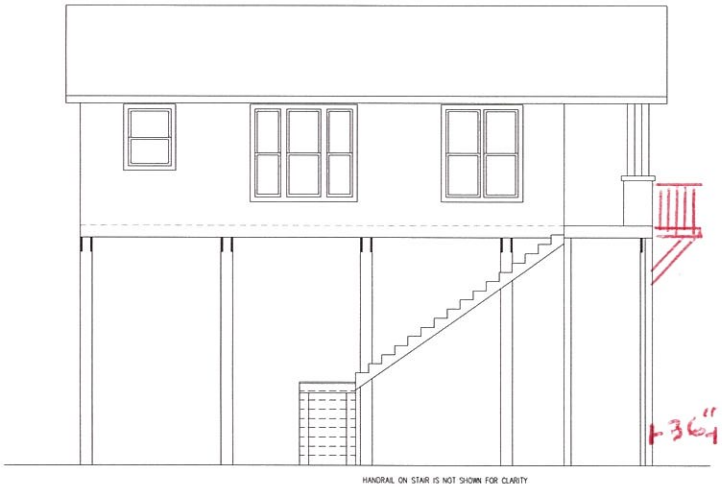
GALVESTON OFFICE
Registration Number: 10193855
(409) 740-1517 www.hightidelandsurveying.com
8017 HARBORSIDE DRIVE | GALVESTON, TX 77554
Mailing | P.O. BOX 16142 | GALVESTON, TX 77552

NOTES:
1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
2) This property is subject to any restrictions of record as established by the City, Plat, or Subdivision Covenants and Restrictions; may also be subject to easements and setbacks for utility services and power lines as individually recorded or established by OSHA (call your power company).
3) Bearings based on Monumentation of South R.O.W. line of Avenue N 1/2, being a found "X" at the Northwest corner of Lot 1 and a found 1/2 inch rod at the Northeast corner of Lot 7
4) Texan Title Insurance Company
Insured: James Pope
G.F. No.: GV1971592
Issued: November 2, 2019

Exhibit "A"
Pages 2/4
Job No. 92952A

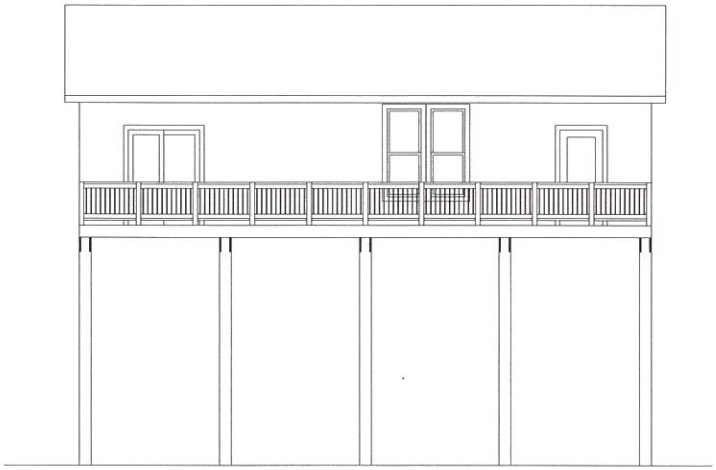


1 PROPOSED FRONT ELEVATION AT COMPLETION
SCALE: 1/4" = 1'-0"



HANDRAIL ON STAIR IS NOT SHOWN FOR CLARITY

2 PROPOSED LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



3 PROPOSED RIGHT SIDE ELEVATION AT COMPLETION
SCALE: 1/4" = 1'-0"

PHASE 1

CZQ Drafting Services, Inc.
8715 POWER ROAD
SANTA FE, TEXAS
409-927-4054

RAISING OF HOUSE FOR JAMES POPE
1602 - 16TH STREET, GALVESTON, TEXAS

DATE: 12 FEBRUARY, 2016

SHEET NO.
A1.1

Exhibit "A"
Pages 3/4
Job No. 92952A

Exhibit "A"
Pages 4/4
Job No. 92952A

Planning Commission
Planning and Development Division
City of Galveston
April 21, 2020

20P-013 STAFF REPORT

ADDRESS:
Adjacent to 1928 Avenue K

LEGAL DESCRIPTION:
Adjacent property is legally described as M.B. Menard Survey, South Eighty Feet of Lot 14 (14-1), Block 139, Galveston Outlots, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:
Brian Broesche

ADJACENT PROPERTY OWNER:
Brian Broesche

EASEMENT OWNER:
City of Galveston

ZONING:
Single-Family Residential, Lost Bayou Historic District (R-3-H)

REQUEST:
License to Use

APPLICABLE REGULATIONS:
Section 13.202 of the LDR
Chapter 32-5 of the City Code of Ordinances

STAFF RECOMMENDATION:
Denial

EXHIBITS:
A – Applicant's Submittal

STAFF:
Karen White
Planning Technician
409-797-3608
kwhite@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
21				

City Department Notification Responses
No objections.

Background
The property locate at 1928 Avenue K is a single-family residence. According to the applicant, placing an HVAC unit on the east side of the structure would block a walkway that provides access to a side entryway, and placing the HVAC unit in the backyard would be disruptive to occupants of the master bedroom and/or living room as well as neighbors in an adjacent property. The applicant is also proposing a picket fence to screen the HVAC unit and its platform.

Executive Summary
The applicant is requesting a Permanent License to Use in order to install an HVAC unit, 4'x4' platform, and picket fence in the public right of way adjacent to 1928 Avenue K. The HVAC and fence would be approximately 14 feet from the curb, encroaching approximately two feet into the right of way.

Physical Characteristics

The proposed wooden platform would be approximately 16 square feet and is designed to match the X railing on an existing porch. The platform would be clad in lattice. Please see Attachment A for more details.

The proposed fence would a picket fence with 1.5" to 2" gaps between slats.

License to Use

A License to Use (LTU) is required prior to placing items within or otherwise obstructing City rights-of-way in accordance with Chapter 32-5 of the City Code of Ordinances.

Other Reviews

Due to the location within a historic district, the Landmark Commission will review this request on April 21, 2020.

Staff Recommendation

Staff recommends Case 20LC-013, request regarding a License to Use the public right-of-way, be denied. While the proposed picket fence would screen the HVAC unit and platform, the *Design Standards* recommend that utility equipment be located to the rear of the building, when possible. Staff does not find that the applicant has sufficiently demonstrated that locating the HVAC unit in the backyard is unfeasible.

However, if the Landmark Commission finds that the request is appropriate, the following conditions may be appropriate:

Specific to Case 20LC-013:

1. The applicant shall be responsible for any damage to the right-of-way area caused by the maintenance of the existing structure, and should the right-of-way be damaged in any way, the applicant shall repair the area;
2. The licensee shall ensure that future construction or improvements do not increase the degree of encroachment in any way;
3. The fence shall be a six-foot privacy fence with two feet of lattice;

Standard Conditions:

4. The Licensee shall adhere to all comments/conditions received from City departments and shall obtain all required permits, construction documents, and inspections. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval. Failure to comply with all comments/conditions may result in penalties and/or revocation of this permit;
5. The cleaning of the debris from the site shall be the responsibility of the Licensee;
6. The Licensee and all of the Licensee's rights granted are conditioned that owners of utility facilities, whether publicly or privately owned, have at all times access to the property made subject of the License, together with the right to enter the property and excavate for the purpose of repairing, replacing, locating and maintaining such utility facilities, if any;
7. The Licensee shall execute the License to Use Agreement within 90-days from the date the Planning Commission approved the License to Use, otherwise the Agreement shall be of no further effect and shall be considered as having been canceled fully;
8. Licensee undertakes and promises to hold the City of Galveston harmless and to indemnify and defend it against all suits judgments, costs, expenses and damages that may arise or grow out of the use or grant of the license to use city right-of-way under this agreement regardless of fault; and

9. The City does retain the right and option to cancel the License and terminate all rights of the License upon ninety (90) days written notice of such cancellation and termination, sent to Licensee at the mailing address provided herein; and, Licensee agrees and shall be obligated to vacate the property made subject of the license and to remove all improvements and/or obstruction located thereon at Licensee's own expense prior to the expiration of said 90-day notification period.

Respectfully Submitted,

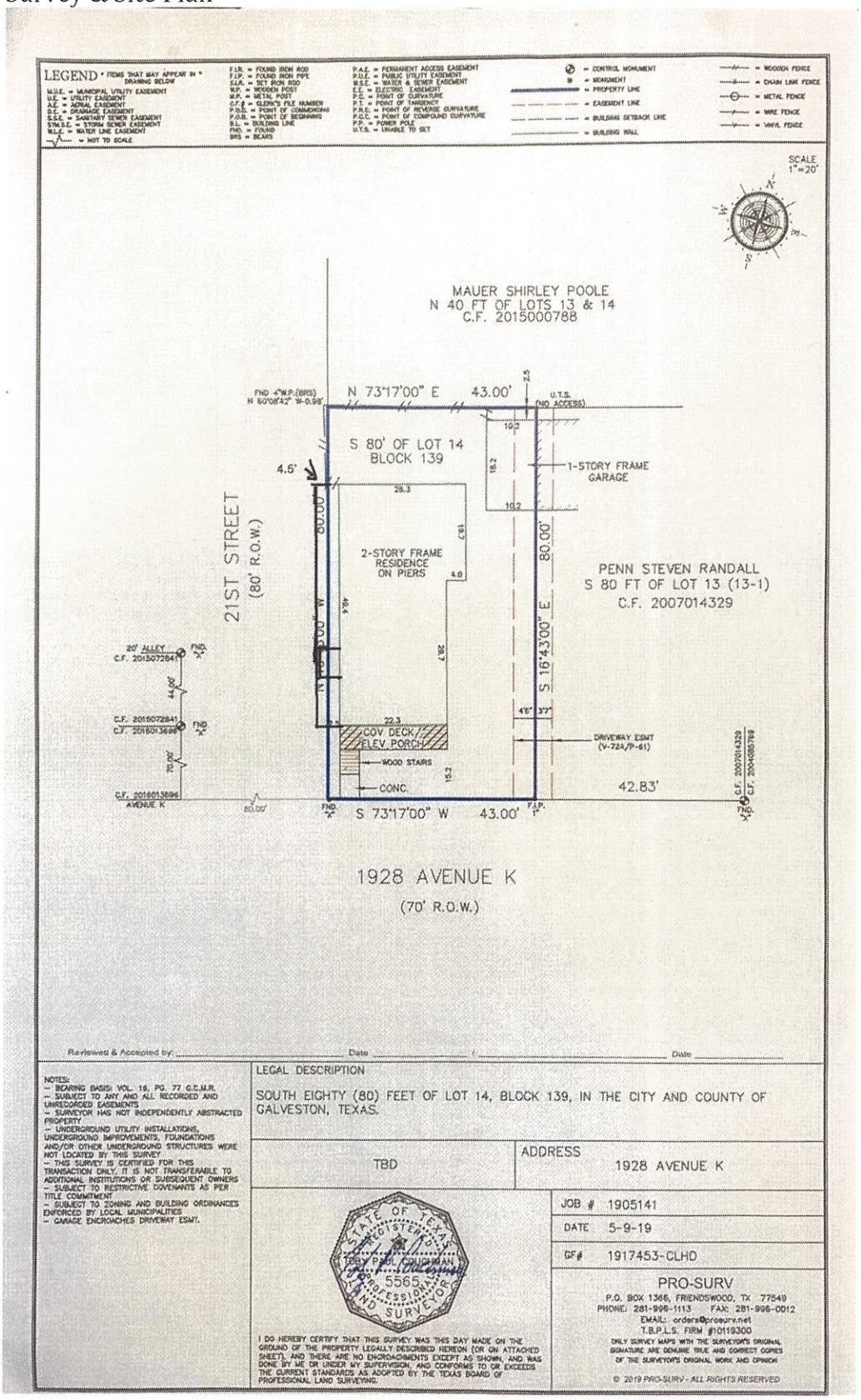
_____	4/2/2020
Karen White Planning Technician	Date
_____	4/15/2020
Catherine Gorman, AICP Assistant Director/Historic Preservation Officer	Date

Attachment A

IV. Detailed Narrative
Property 1928 Ave K, Lot 14, Block 139.
I would like to get permission to Install an A/C Condenser on the 20th street side of the property. The property line is 2.5' off of the house and I would like to build a 4' x 4' a/c platform and picket fence that is 2' past the property line. The a/c and fence would be up to 4.5' off the house, 2' past the property line, and 14' from the street.

Proposed location- West Side of 1928 Ave K
1928 Ave K is 18'8" from the street. The property line is 16'2" from the street.

Survey & Site Plan



NOTES:
-- BEARING BASIS: VOL. 19, PG. 77 G.E.M.R.
-- SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
-- SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
-- UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
-- THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
-- SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT
-- SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES
-- GARAGE ENCROACHES DRIVEWAY ESMT.

LEGAL DESCRIPTION

SOUTH EIGHTY (80) FEET OF LOT 14, BLOCK 139, IN THE CITY AND COUNTY OF GALVESTON, TEXAS.

TBD	ADDRESS 1928 AVENUE K

STATE OF TEXAS REGISTERED TROY PAUL COUCHMAN 5565 PROFESSIONAL LAND SURVEYOR

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

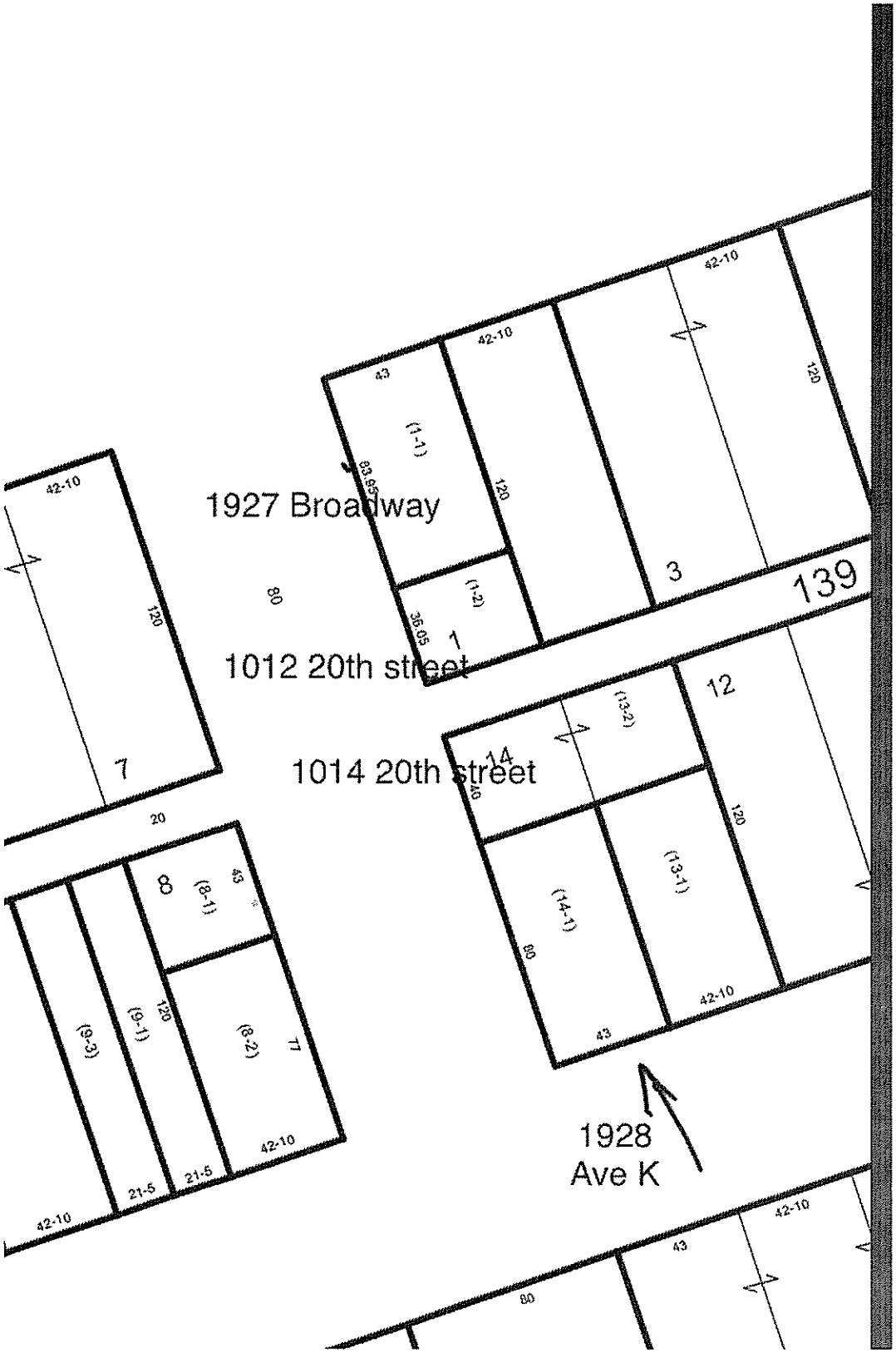
JOB #	1905141
DATE	5-9-19
GF#	1917453-CLHD

PRO-SURV
P.O. BOX 1366, FRIENDSWOOD, TX 77549
PHONE: 281-996-1113 FAX: 281-996-0012
EMAIL: orders@proesurv.net
T.B.P.L.S. FIRM #10119300

ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION

© 2019 PRO-SURV - ALL RIGHTS RESERVED

20th street plat map to show that the neighbor's property lines are the same distance off of 20th street as 1928 Ave K



Examples of neighbors that are over the property line.

1014 20th street
Fence is 15'6" from the street

181 182 183 184 185 186 187 188

1012 20th street

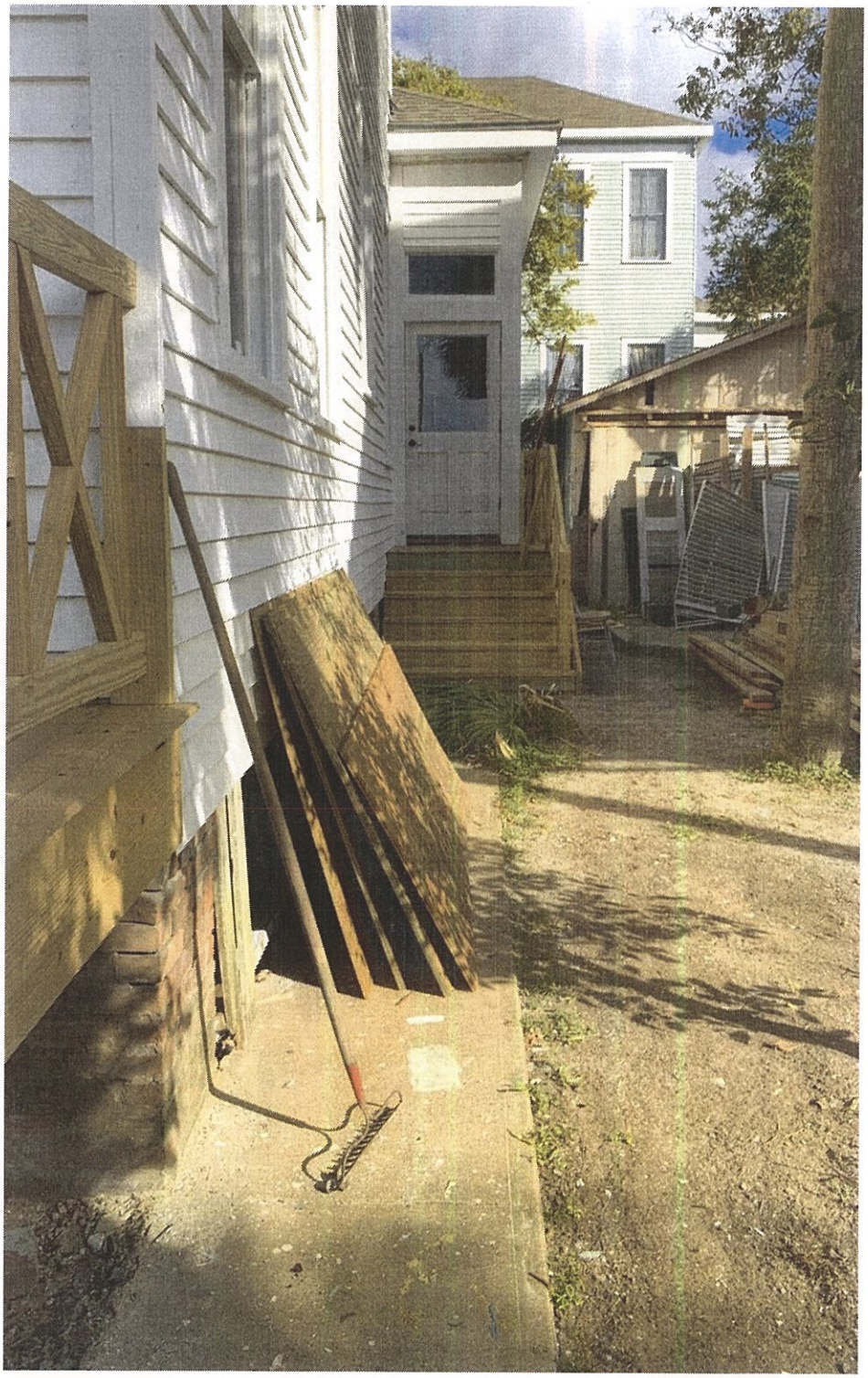
Front porch is built 14' from the street.

1927 Broadway

The house is located 16' 5" from the street.

189 190 191 192 193 194 195 196 197 198
203 204 205 206 207 208 209

All areas on the east side of the house will block the walkway to the side door or the walkway to the backyard. Placement in the backyard will be directly located outside of the master bedroom and/or the living room. A backyard location could also disturb the neighbor located directly behind the property at 1014 20th street.



A/c platform screen:
This style railing w/ wood lattice, to screen the a/c platform.

Picket Fence Design:
Fence would be built with 1.5"- 2" gaps between slats to be more consistent with a side yard picket fence and with the fence detail to look like the picture below.