

AGENDA
PLANNING COMMISSION
REGULAR MEETING
3:30 p.m. Tuesday, May 5, 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 videoconference 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 Minutes: April 21, 2020

Documents:

[2020-04-21 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. Old Business And Associated Public Hearings
 - A. 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

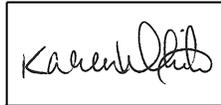
Documents:

[19BF-086 - MEMO.PDF](#)

9. Discussion And Action Items

10. 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 May 1, 2020 at 10:00 A.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 – April 21, 2020

CALL MEETING TO ORDER

The meeting was called to order at 1:33 p.m.

ATTENDANCE

Members Present via Videoconference: Jeff Antonelli, Cate Black, Lisa Blair, Bob Brown, Eugene Cook, Jeffrey Hill, Carol Hollaway, CM John Paul Listowski

Members Absent: None

Staff Present: Tim Tietjens, Development Services Director; Catherine Gorman, AICP, Assistant Director/HPO

Staff Present via Telephone: Dustin Henry, AICP, Coastal Resource Manager; Virginia Greb, Coastal Resource Assistant Manager; Daniel Lunsford, Planner; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The March 3, 2020 minutes were approved as presented.

COVID-19 UPDATE

Staff updated the Commission and the public on the City's steps to reduce the spread of COVID-19.

MEETING FORMAT

Staff explained the adjusted meeting format to the Commission and the public.

PUBLIC COMMENT

Eugene Cook presented to the Commission regarding ongoing measures to reduce the spread of COVID-19.

CONSENT AGENDA

BEACH MAINTENANCE – PARK BOARD OF TRUSTEES

19BF-085 - (R.A. Appfel 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

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

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

Staff presented the consent agenda.

Carol Hollaway requested that case 19BF-086 be considered separately.

Chairperson Cate Black called for questions or comments from the Commission.

Chairperson Cate Black made a motion to approve cases 19BF-085, 19BF-087, and 19BF-088 with staff's recommendations and the following change:

- The Park Board's Best Practices document be included with the action letter.

Jeff Antonelli seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway

Opposed: None

Abstain: None

Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

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

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to continue case 19BF-086 until the regular meeting of May 5, 2020 in order to review newly submitted materials. Vice-Chairperson Jeffrey Hill seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway

Opposed: None

Abstain: None

Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

BEACH MAINTENANCE – EXTREME INUNDATION

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.

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: Brittini Gualandri / Peggy Rapp

Property Owner: Riviera I, Riviera II, West Beach Grand Council of Co-Owners

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 Brittini Gualandri

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

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

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 Association (TBCIA), c/o Craig Vance

Property Owner: Terramar Beach Community Improvement Assn

Staff presented the consent agenda.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to approve cases 20BF-006, 20BF-017, 20BF-019, 20BF-021, and 20BF-022 with staff's recommendations. Bob Brown seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway

Opposed: None

Abstain: None

Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

BEACH MAINTENANCE – BEACH CLEANING

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.

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

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.

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

Staff presented the consent agenda.

Chairperson Cate Black called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve cases 20BF-003, 20BF-010, 20BF-011, and 20BF-012 with staff's recommendations. Bob Brown seconded, and the following votes were cast:

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

The motion passed.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

BEACHFRONT

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

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 20P-006 with staff's recommendations. Eugene seconded, and the following votes were cast:

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

The motion passed.

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

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to approve case 20P-008 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

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

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to approve case 20P-011 with staff's recommendations. Vice-Chairperson Jeffrey Hill seconded, and the following votes were cast:

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

The motion passed.

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

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Bob Brown made a motion to approve case 20P-014 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

LANDMARK DESIGNATION

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.

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Chairperson Cate Black made a motion to recommend approval of case 20P-009 with staff's recommendations. Bob Brown seconded, and the following votes were cast:

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

The motion passed.

LICENSE TO USE

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

Staff presented the staff report and noted that of forty (40) notices of public hearing sent, two (2) were returned in favor.

Chairperson Cate Black called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 20P-007 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

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

Staff presented the staff report and noted that of forty (20) notices of public hearing sent, three (3) had been returned in favor and one (1) had been returned without comment.

Staff presented the applicant's prepared statement, Vice-Chairperson Jeffrey Hill's question for the applicant, and the applicant's response to Vice-Chairperson Jeffrey Hill's question (attached).

Chairperson Cate Black called for questions or comments from the Commission.

Vice-Chairperson Jeffrey Hill made a motion to deny case 20P-012. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

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

Staff presented the staff report.

Staff presented the applicant's prepared statement, Vice-Chairperson Jeffrey Hill's question for the applicant, and the applicant's response to Vice-Chairperson Jeffrey Hill's question (attached).

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to deny case 20P-013 per staff's recommendation. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

DISCUSSION AND ACTION ITEMS

THE MEETING ADJOURNED AT 4:02 PM

Planning Commissioner Questions
April 21, 2020

Case Number	Question	Answer
Beach Maintenance	<p>CH: All cases pertaining to beach maintenance permits are missing the referenced Galveston Park Board of Trustee's "Best Practices for Beach Maintenance." This document is either referenced in the applicant's narrative, as is the case with the Park Board's applications, or by the GLO in their comment letter and subsequent conditions. Would you please make this document available to the Planning Commissioners as well as to the applicants? I believe that any referenced document that is part of conditions specified for approval should be included in the applicants' case packets to make them complete.</p>	<p>The "Best Practices" document was emailed to the Commission on 4/16.</p>
	<p>JH: Clarification regarding "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." How does the GLO define what is "heavy enough" to impact the public's ability to use the public beach easement?</p>	<p>There is not a definition to determine what 'heavy' means in a GLO or City guide.</p> <p>The definition is broad in order for each coastal city and Planning Commission to determine what 'heavy' means for their community by exercising their professional judgement.</p> <p>Example: Can the public and city emergency and/or maintenance crews access the beach? Can the public walk over the seaweed or debris?</p> <p>The GLO intention is for beach maintenance to occur to remove an influx of seaweed or debris in order for the public to access the beach - not to maintain for aesthetic purposes only.</p>
19BF-085	<p>CH: Pages 4 and 5 of the GLO comment letter is missing.</p>	<p>An updated staff report has been uploaded to Agenda Center.</p>
20P-006	<p>JH: Per Specific Condition 3.a., "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."</p>	<p>The site plan provided indicates a fibercrete driveway, which is permitted.</p> <p>The plans provided indicate the stairs will be located beneath the roof of the habitable structure. Therefore, the proposed fibercrete beneath the stairs is a permitted activity.</p>

	<p>On the plans submitted, I see fibercrete under the stairway and a paved concrete driveway. Is the applicant fully aware of the changes we are asking for and set to comply with same?</p>	
	<p>CB: Case 20P-006 has both fibercrete and concrete driveways shown (looks like they corrected one but not the other, or the other should have been removed?)</p>	<p>See above. The site plan indicating concrete was part of the original submittal and has since been revised to specify fibercrete. The original site plan has been removed from the packet so as to prevent confusion.</p>
<p>20P-012</p>	<p>JH: I share the concerns of Chiefs Hale and Olsen. For the applicant: is there some reason he cannot use a temporary scaffolding/ladder when he needs to make repairs or shutter for storms? Why is he adding a permanent structure for such infrequent uses? Can the applicant add any information that might convince me that we should allow this?</p>	<p>From Applicant: It would be difficult to obtain a temporary LTU from the city for the ROW use at short notice. Cost of scaffolding, man lift or even finding affordable contractor just before a storm is difficult as we learned for hurricane Ike. At 62 years of age I would not feel safe on a 25 ladder attempting to securing plywood on the windows. As an essential employee (E-1) for the City of Galveston it might also be difficult to remove myself from needed tasks during that time.</p> <p>The small walk extension from the porch will be permanent. A minimal foot print over the sidewalk allowing me access. My home is across from Austin Middle School. School children stand near and under my home daily (when school is in session) finding some shade or cover from the rain waiting on parents or rides. That small over hang would even help them. Even the GISD police officer stands there when he's not providing traffic control. Respectfully I would ask your favorable approval.</p>
<p>20P-013</p>	<p>JH: Can the applicant demonstrate in a sufficient manner that locating the HVAC unit in the backyard is unfeasible? An a/c simply being beside a master bedroom or living room is not sufficient reason to push a unit into a ROW. People all over the city have a/c units outside their bedrooms.</p>	<p>From Applicant: I can try to get pictures if you like, but I need to get back over there to take them. The right side of the house has a walkway that leads up to the side door that the A/c would Block. Behind the side door and still on the right side of the house, it would be in the way of the pathway to the backyard. There is only a 4 foot space between the carport and the house. On the back of the house there will be stairs coming down off of the rear door on one side and the electrical meter is on the other side of the house. I hope this helps. Thanks</p>



19BF-001

MEMORANDUM

TO: Cate Black, Planning Commission Chair
Planning Commission

FROM: Dustin Henry, AICP – Coastal Resources Manager
Development Services Department

DATE: April 30, 2020

RE: **19BF-086 (Stewart Beach, 201 Seawall Boulevard)** Beachfront Construction Certificate/Dune Protection Permit for Annual Beach Maintenance, including the redistribution of stockpiled sand and seaweed. 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
Property Owner: City of Galveston

At the April 21, 2020 Planning Commission meeting, this above referenced request was deferred to the May 5, 2020 meeting in order for the applicant to participate. The staff report is attached.

This was the first deferral and there were no costs associated with the request.



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.

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-foot landward of the Dune Protection Line. The Dune Protection Line is defined as the area within 25-foot 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-foot 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
Coastal Resources Manager

March 13, 2020

Date



Catherine Gorman, AICP
Assistant Planning Director / HPO

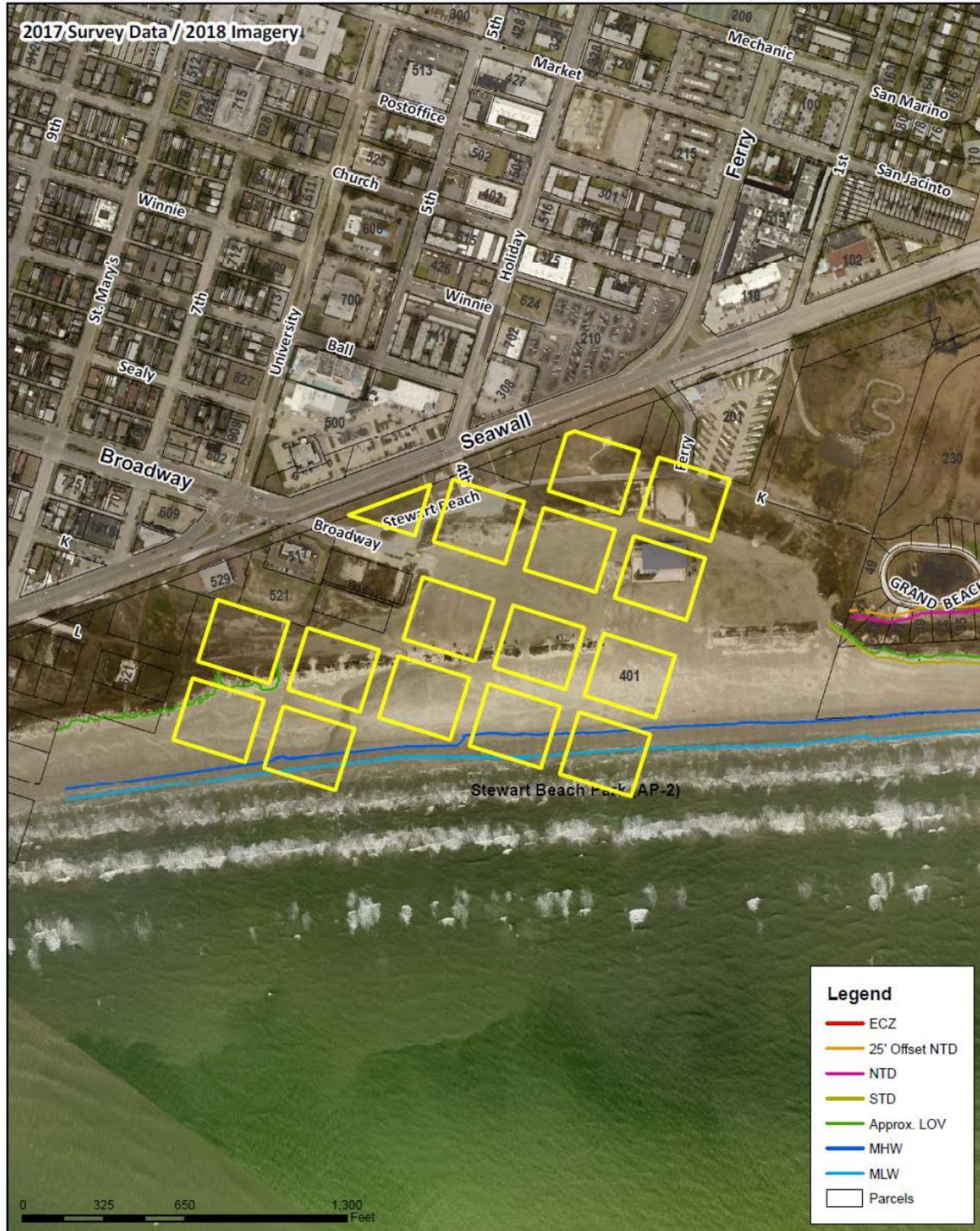
March 13, 2020

Date

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 (VGrab) - 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 only 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**



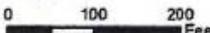
The stockpiling of seaweed will not result in a hinderance to public access. The piles would never exceed 20' from the existing Line of Vegetation (LOV).

Stewart Beach Park Corps of Engineers Seaweed Placement Areas #SWG-2014-00448
 Page 73 of 85 of Permitted Plan Maps (pg. 79 of PDF) Attachment Page 1 of 2 (West Stewart Beach)

PERMITTED PLANS

JUL 08 2015



 <p>Elements shown on this plan set are schematic for permitting purposes only. Not for construction.</p> <p>Datum: NAD 83 Projection: State Plane Zone: Texas South Central Units: Feet</p>		<ul style="list-style-type: none"> — 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 	<p>Notes:</p> <ol style="list-style-type: none"> 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. <div style="text-align: right;">  </div>	<div style="text-align: center;">  <p>Aerial Site Plan</p> <p>After the Fact Permit SWG-2014-00448 Galveston Island Park Board of Trustees Galveston, TX Page 73 of 85</p> </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">Prepared By: Atkins/VORO5913</td> <td style="font-size: small;">Scale: 1" = 200'</td> </tr> <tr> <td style="font-size: x-small;">Job No.: 100043412</td> <td style="font-size: x-small;">Date: 1/7/2015 Revision: 7/8/2015</td> </tr> </table>	Prepared By: Atkins/VORO5913	Scale: 1" = 200'	Job No.: 100043412	Date: 1/7/2015 Revision: 7/8/2015
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Stewart Beach Park Corps of Engineers Seaweed Placement Areas #SWG-2014-00448
 Page 74 of 85 of Permitted Plan Maps (pg. 80 of PDF) Attachment Page 2 of 2 (East Stewart Beach)



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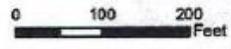
Elements shown on this plan set are schematic for permitting purposes only. Not for construction.

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.



ATKINS

Aerial Site Plan

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

Prepared By: Atkins/VORO5913

Scale: 1" = 200'

Job No.: 100043412

Date: 1/7/2015 Revision: 7/6/2015

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.



City of Galveston
Coastal Resources Division
Stewart Beach Park Beach Maintenance
Vegetation Mitigation Plan
January 13, 2020
Page 2

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.



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 ft².

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. The vegetation relocation would also benefit the Babe's Beach area with a source for vegetation growth.

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

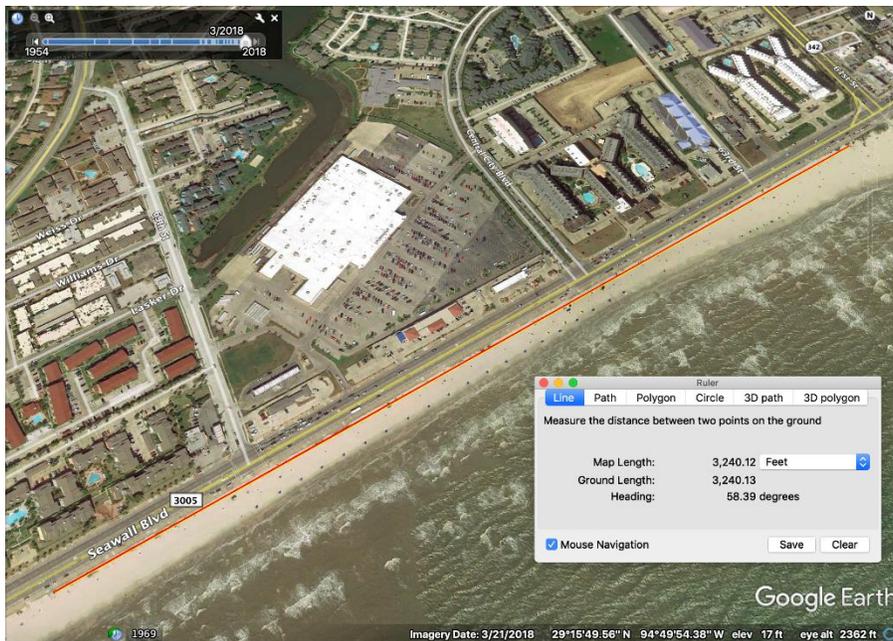


Exhibit B



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 beach¹ 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

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.
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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