

AGENDA
PLANNING COMMISSION
REGULAR MEETING
3:30 p.m. Tuesday, June 2, 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: May 19, 2020

Documents:

[2020-05-19 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. New Business And Associated Public Hearings

- A. 20P-010 (21618 Kennedy 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 Lot 60 & Adj 30 Ft Tr (60-1), Sea Isle, A Subdivision In The City And County Of Galveston, Texas. Applicant: Galveston Beach Houses, LLC, Gerald Meritt Property Owner: Lee And Kim McCurry

Documents:

[20P-010 - STAFF REPORT.PDF](#)

- B. 20P-018 (11375 Beachside Dr.) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A Single-Family Dwelling, Driveway, And

Perimeter Fence. The Legal Description Of The Property Is Lot 515, Beachside Village, Section 5, A Subdivision In The City And County Of Galveston, Texas. Applicant: Beachside Village Builders, Debbie Reinhart Property Owner: Jamie And Melissa Spicer

Documents:

[20P-018 - STAFF REPORT - FINAL.PDF](#)

9. Discussion And Action Items

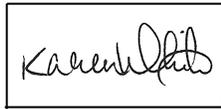
- Discussion of changes to Beachfront Construction and Dune Protection Permit staff reports (Staff)

Documents:

[20PA-012 - MEMO ON GLO COMMENT LETTERS.PDF](#)

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 28, 2020 at 11:00 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 – May 19, 2020

CALL MEETING TO ORDER

The meeting was called to order at 3:32 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, Assistant Coastal Resource Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The May 5, 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

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

20P-015 (18227 E De Vaca) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a single-family dwelling, driveway, and dune walkover. The property is legally described as Lot 60 (61-1), Indian Beach, Section 4, a Subdivision in the City and County of Galveston, Texas.

Applicant: Blake Moak

Property Owner: Blake and Jillian Moak

Staff presented the staff report.

Chairperson Cate Black opened the public hearing on case 20P-015. Applicant Blake Moak presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 20P-015 with staff's recommendations. Lisa Blair seconded, and the following votes were cast:

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

The motion passed.

20P-017 (24131 San Luis Road/FM 3005) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a single-family dwelling, driveway, and dune walkover. The property is legally described as Sur Tract 19, a Subdivision in the City and County of Galveston, Texas.

Applicant: Kai Adkins

Property Owner: Kai Adkins

Staff presented the staff report.

Chairperson Cate Black opened the public hearing on case 20P-017. Representative of the applicant ??? presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Bob Brown made a motion to approve case 20P-017 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:
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

DISCUSSION AND ACTION ITEMS

THE MEETING ADJOURNED AT 4:35 PM



20P-010

STAFF REPORT

ADDRESS:

21618 Kennedy Dr.

LEGAL DESCRIPTION:

The legal description of the property is Lot 60 and Adjacent 30 Ft Tr (60-1), Sea Isle, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Galveston Beach Homes, LLC, Gerald Meritt

PROPERTY OWNER:

Lee and Kim McCurry

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 applications for a Beachfront Construction Certificate/Dune Protection Permit when proposed construction activities 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 the area within 25-feet landward of the North Toe of the Critical Dune Area or within 200-feet landward of the Line of Vegetation for those beach areas where no dunes exist west of the terminus of the Seawall.

The applicant is requesting approval to construct a single-family dwelling and driveway within the Enhanced Construction Zone in an area approximately one-foot from the North Toe of the Critical Dune Area and 169-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 0.1377-acre lot located in the Sea Isle Subdivision. There is a single-family dwelling and unimproved road to the North, undeveloped lots to the east and west, and beach area to the South of the subject property. According to the Bureau of Economic Geology, the area is eroding at a rate of one to two 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	~1
...the Line of Vegetation	~169

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 partially conforms to the City of Galveston 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 one-foot of the North Toe of the Critical Dune Area and within the Enhanced Construction Zone. Paving or altering the ground below the lowest habitable floor is prohibited in the area between the Line of Vegetation and 25-feet landward of the North Toe of the Critical Dune Area. The applicant is proposing fibercete for the footprint material of the home located 25-feet landward of the North Toe of the Critical Dune Area and gravel for the proposed driveway material. The proposed stairs will be located in the Dune Conservation Area within 25-feet of the North Toe of the Critical Dune area. Therefore, the applicant is proposing pavers to be placed beneath the proposed stairs.

The applicant proposes to construct a deck within the Dune Conservation Area, which is prohibited without an exemption. The applicant provided a letter requesting an exemption to build in the Dune Conservation Area (DCA). The letter is submitted with this request in Attachment “C”.

Staff finds the applicant does not meet the following criteria provided in Section 4 of the City of Galveston Erosion Response Plan in order to amend existing regulations to allow an exemption from the prohibition on construction within or seaward of the Dune Conservation Area:

- Properties for which the owner has demonstrated to the satisfaction of the City that there is no practicable alternative to construction within or seaward of the Dune Conservation Area. For the purposes of this ERP, 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.

The construction of a proposed deck is avoidable in order to minimize adverse impacts to dunes and dune vegetation and allow natural dune fluctuations, migration, and recovery following coastal storm events. The Texas Administrative Code does not define a deck necessary for habitation. The Texas Administrative Code Rule 15.2 (38) defines a habitable structure as the area of a lot covered or by a structure used or usable for habitation. The habitable structure perimeter or footprint does not include incidental projecting eaves, balconies, ground-level paving, landscaping, open recreational facilities, or other similar features.

The survey provided by the applicant indicates a ‘not improved’ right-of-way as a means of ingress and egress to the proposed single-family dwelling. The City of Galveston Public Works Engineering Division and Fire Marshal provided comments listed in Attachment “C”. The comments indicate the ‘not improved’ road is not suitable for City fire truck access. The comments provided state that an all-weather access road suitable for City fire truck access shall be installed before any additional homes are permitted. The comments also address

concerns regarding a two-inch water line within the utility easement.

The applicant was informed of the comments provided by the City of Galveston Engineering Division and City Marshal and advised to schedule a pre-development meeting to discuss the comments provided by City staff. After speaking with City staff at a pre-development meeting on May 11, 2020, the applicant decided to move forward with the proposed beachfront construction application without revisions and requested a Planning Commission date.

The proposed construction is partially 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 within the Dune Conservation Area and seaward of the Dune Protection Line. No dunes or dune vegetation are proposed to be disturbed in the construction area. Therefore, 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.

Proposed construction is within the Dune Conservation Area and seaward of the Dune Protection Line. No dunes or dune vegetation are proposed to be disturbed in the construction area. Therefore, 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 partially 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 construction is within the Enhanced Construction Zone, which is an area defined as being 125-foot 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-010 with the following conditions:

Specific Conditions to Case 20P-010:

1. The applicant shall submit revised plans indicating the proposed deck will not disturb the Dune Conservation Area;
2. The applicant shall address the comments provided by the City of Galveston Engineering Division and Fire Marshal prior to the filing of a building permit;
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. The applicant does not propose to adversely impact dunes and dune vegetation and is prohibited from doing so.
 - b. The applicant proposes to construct a single-family residence with a deck within the Dune Conservation Area, which is prohibited without an exemption. The City must approve the applicant's determination that there is no practicable alternative to construction and that the proposed construction avoids and minimizes adverse impacts to dunes and dune vegetation to qualify for an exemption.
 - 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. In the area from 25 feet landward of the north toe of the dune to 150 feet landward of the north toe of the dune, 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 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. An enclosure may not be constructed below the base flood elevation within the Dune Conservation Area.
 - g. The City shall require the construction to be located as far landward as practicable.
 - 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.

Additionally, the GLO provided the following recommendations included in Attachment "E":

- m. 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

05/26/2020

Virginia Greb
Coastal Resources Assistant Manager

Date

Cathy

05/27/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”

Aerial Map

21618 Kennedy Dr.
Case #20P-010

BEG

Legend

End Point Rate (ft/yr)

- Eroding (-1ft or more)
- Stable (-1 to +1ft)
- Accreting (+1ft or more)

- ▭ Parcels
- - - Subdivisions



0 50 100 Feet

1 inch = 93 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.

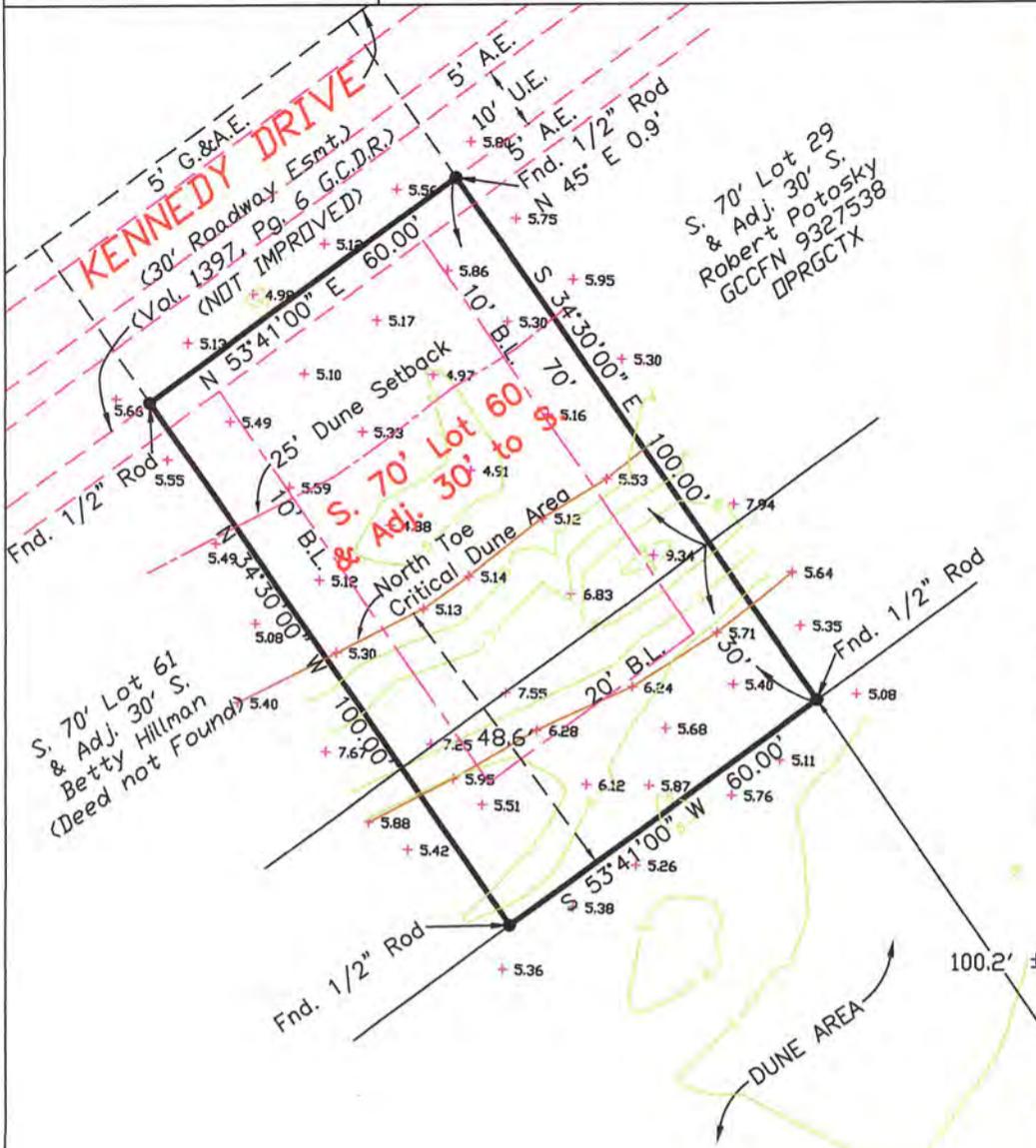
Map prepared by the City of Galveston Development
Services Department (VGreb) - 4/8/2020

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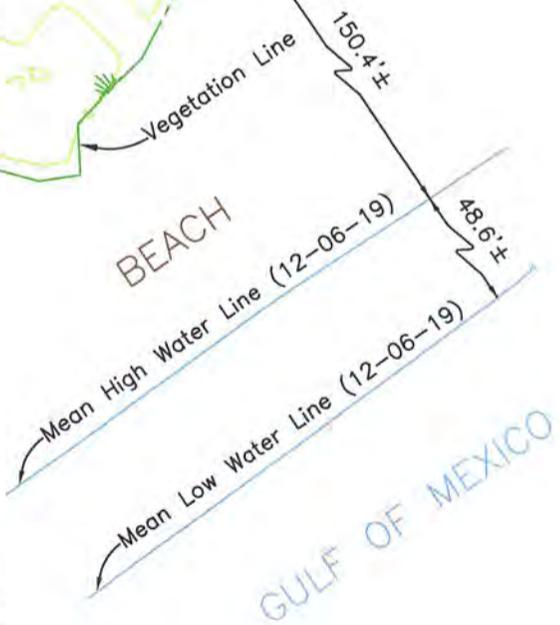
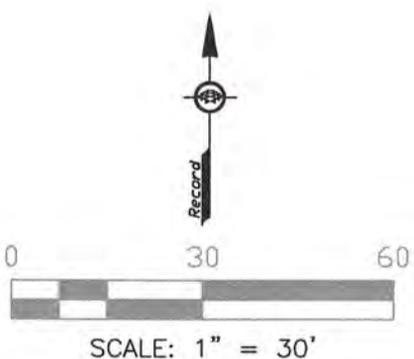
Attachment “B”
Topographic Survey



Survey of the South Seventy (70) feet of Lot Sixty (60) of SEA ISLE, a subdivision in the East two-third (2/3rd) of the West one-half (1/2) of Section Twelve (12), of the Hall and Jones Survey, Abstract 121, of Galveston Island in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 254-A, Page 76, and transferred to Plat Record 5, Map Number 52, of the Map Records in the Office of the County Clerk of Galveston County, Texas, together with a Thirty (30) foot strip of land adjoining Lot Sixty (60) on the South in Sea Isle.

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
 Brene Addison
 Registered Professional
 Land Surveyor No. 6598



- 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 DSHA and/or the local power company.
 - 4) Bearings are based on the monumentation of the South right-of-way line of Kennedy Drive.
 - 5) Elevation expressed hereon are based on NAVD 88 Datum.

Legend:

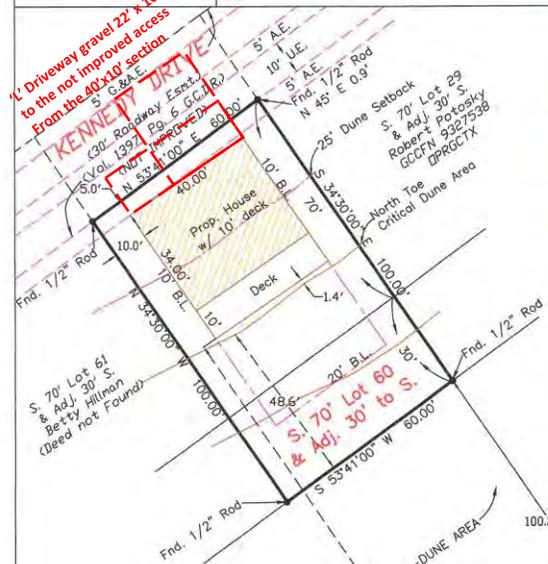
	Overhead Power
	Contour Line
	Contour Elevation (Typ.)
	Spot Elevation (Typ.)
	Building Line
	Easement Line
	B.L. Building Setback Line
	U.E. Utility Easement
	A.E. Aerial Easement

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: December 6, 2019
 Surveyed For: Galveston Beach Houses LLC

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.

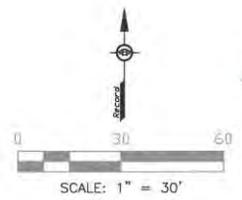
Attachment “C”
Site Plan
&
Drawings



Survey of the South Seventy (70) feet of Lot Sixty (60) of SEA ISLE, a subdivision in the East two-third (2/3rd) of the West one-half (1/2) of Section Twelve (12), of the Hall and Jones Survey, Abstract 121, of Galveston Island in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 254-A, Page 76, and transferred to Plat Record 5, Map Number 52, of the Map Records in the Office of the County Clerk of Galveston County, Texas, together with a Thirty (30) foot strip of land adjoining Lot Sixty (60) on the South in Sea Isle.

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Brene Addison
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Legend Diverhead Power Contour Line Contour Elevation (Typ.) Spot Elevation (Typ.) Building Line Easement Line B.L. Building Setback Line U.E. Utility Easement A.E. Aerial Easement		<p>TRICON LAND SURVEYING, LLC Mailing: 8341 Stewart Rd. #251 Galveston, TX 77551 409-497-2772 TriconLandSurveying.com T.B.P.L.S. Firm No. 10194309</p>
Drafting: LP Survey Date: December 6, 2019 Surveyed For: Galveston Beach Houses LLC		



City of Galveston
Planning and Development Division

02/25/2020

REF: 21618 Kennedy Drive Galveston TX 77554 Beachfront construction certificate dated 01/31/2020

Dear Sirs / Ladies:

In keeping with paragraph 4 of the City of Galveston Erosion Control we seek an Exemption for Construction in the Dune Conservation Area, there are no practicable alternatives to the proposed activity and the impacts cannot be avoided. Consider:

- 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, 40' allowing for the 10' building line in each side, to meet the building line requirements
- The house will be located as far north as possible respecting the building line requirement
- Parking will be below the house, will construct a partial impervious surface fibercrete, if approved, beneath the habitable structure elevated on pilings and 25' north of the dune's NT. Will locate a small storage area 10'x10' constructed of louvers (per FEMA) on the north west corner, under the habitable structure. Will also install a 6'x4' shower.
- 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,

Galveston Beach Houses LLC

www.galvestonbeachhousesllc.com

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 deposited 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

From: [Leslie Alquicira](#)
To: [Virginia Greb](#)
Subject: Fwd: 20P-010 - Summary - 21618 Kennedy Drive
Date: Friday, March 27, 2020 2:09:40 PM
Attachments: [image001.png](#)
[ATT00001.htm](#)
[\[Untitled\].pdf](#)
[ATT00002.htm](#)
[scan.pdf](#)
[ATT00003.htm](#)

Hi Vergie,

Sorry... we are not done with comments. we still have concerns. Please see email below, I'll keep you posted.

Leslie

Sent from my iPhone

Begin forwarded message:

From: Angelo Grasso
Date: March 27, 2020 at 1:50:55 PM CDT
To: Daniel Christodoss Leslie Alquicira

Cc: Chris Harrison
Subject: RE: 20P-010 - Summary - 21618 Kennedy Drive

Leslie: The following is information and concerns for the development of Lot 60 in the Sea Isle Subdivision:

- Information: There appears to be a 2 inch waterline within a utility easement that provides water to this particular lot, as well as the other 28 homes off of Kennedy Drive. I would not anticipate great water pressure for this particular lot.
- Information: There appears to be an 8 inch sanitary sewer line within a utility easement that provides sanitary sewer to this particular lot, as well as the other 28 off of Kennedy Drive.
- Concern: The nearest fire hydrant that could provide fire protection to this lot is located approximately 500 feet northwest of this lot. Will the Fire Department be able to provide adequate fire protection to this lot???
- There are 11 existing houses between Lot 60 and Jacinto Drive. The primary access for this lot and the 11 existing houses east of this lot is a narrow limestone roadway that ties into San Jacinto Drive. There appears to be a 30 foot Roadway Easement along the north side of this lot. When this lot is developed, the limestone roadway must be extended from the existing limestone road to Lot 60 by the applicant.

Please let me know whether you need any additional information. Angelo

From: Daniel Christodoss **Sent:** Thursday, March 26, 2020 2:37 PM **To:** Leslie Alquicira ; Angelo Grasso

Subject: RE: 20P-010 - Summary - 21618 Kennedy Drive Yes ma'am!

From: Leslie Alquicira **Sent:** Thursday, March 26, 2020 2:24 PM **To:** Daniel Christodoss; Angelo Grasso **Subject:** RE: 20P-010 - Summary - 21618 Kennedy Drive HOA?

From: Daniel Christodoss **Sent:** Thursday, March 26, 2020 2:22 PM **To:** Leslie Alquicira; Angelo Grasso **Subject:** RE: 20P-010 - Summary - 21618 Kennedy Drive **Importance:** High Leslie, Angelo and I left Chris Harrison a voice mail yesterday. Fire Marshall talked to Fire Chief and he

called and re-affirmed that the community will need to install an all-weather access road suitable for City fire trucks access before any additional homes will be permitted.

From: Leslie Alquicira **Sent:** Thursday, March 26, 2020 9:13 AM **To:** Daniel Christodoss; Angelo Grasso **Subject:** FW: 20P-010 - Summary - 21618 Kennedy Drive Hi Angelo, Please see email below from Planning and Coastal Services regarding Kennedy Drive. I have attached the plat for Sea Isle. Leslie

From: Leslie Alquicira **Sent:** Monday, March 23, 2020 4:24 PM **To:** Daniel Christodoss **Subject:** FW: 20P-010 - Summary - 21618 Kennedy Drive

From: Virginia Greb **Sent:** Monday, March 23, 2020 2:13 PM **To:** Leslie Alquicira **Subject:** FW: 20P-010 - Summary - 21618 Kennedy Drive Hi Leslie, Question for you, highlighted below. Thank you in advance, VG

From: Catherine Gorman **Sent:** Monday, March 23, 2020 2:04 PM **To:** Virginia Greb **Cc:** Dustin Henry

Subject: FW: 20P-010 - Summary - 21618 Kennedy Drive Approved with changes. Could you check with Public Works (Leslie?) to see if there are any issues constructed on a lot served by an unimproved right-of-way? Thanks - CG

From: Virginia Greb <VGreb@GalvestonTX.Gov> **Sent:** Monday, March 23, 2020 10:42 AM **To:** Catherine Gorman; Dustin Henry **Subject:** 20P-010 - Summary - 21618 Kennedy Drive Good morning, The summary for case 20P-010 is attached for your review. Thanks in advance, VG



**LOT 60
KENNEDY
DRIVE**

**21618
KENNEDY
DRIVE**

PICTURE OF LOT 60



PICTURE OF THE LIMESTONE ACCESS ROADWAY

1 inch = 100 feet



* EXISTING HOMES

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.

1 inch = 100 feet

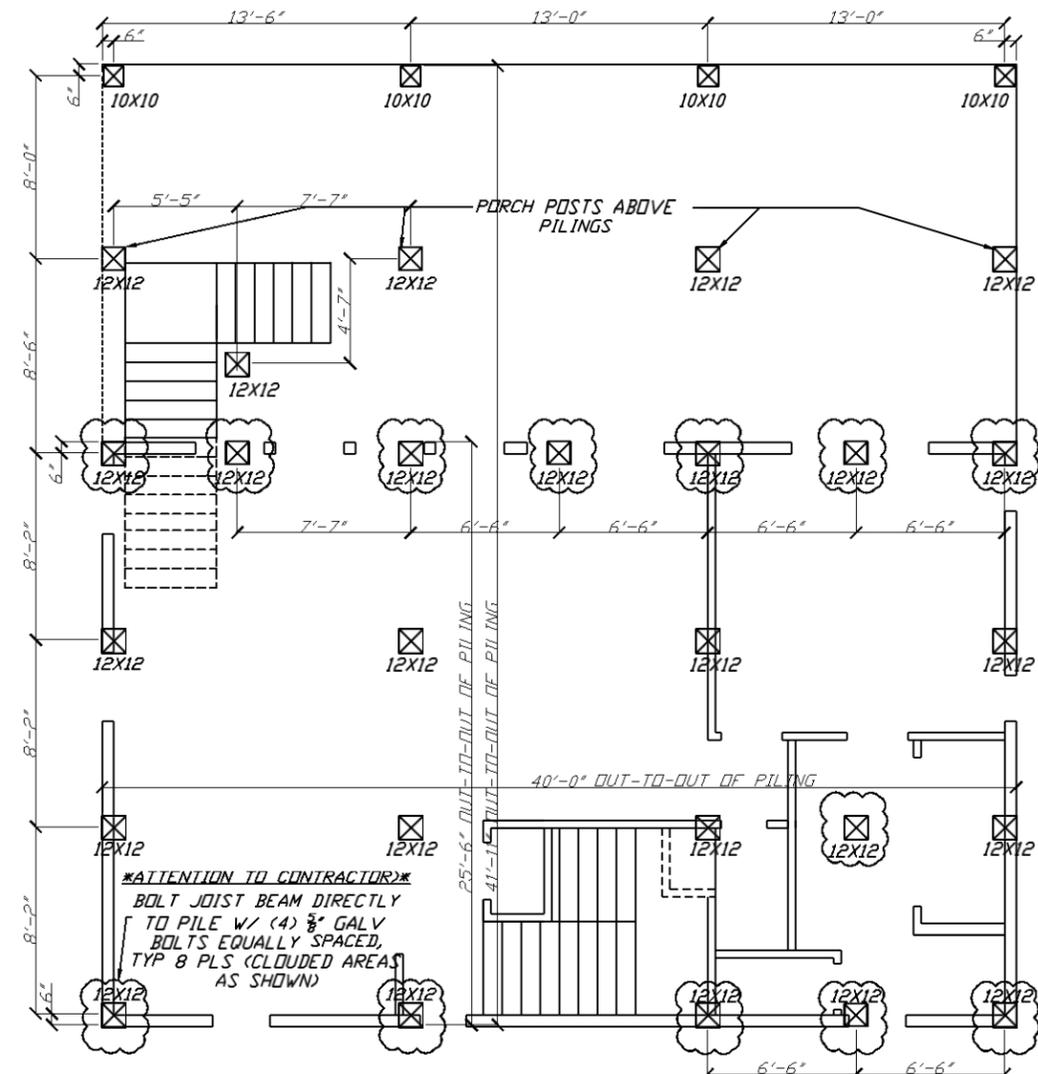


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



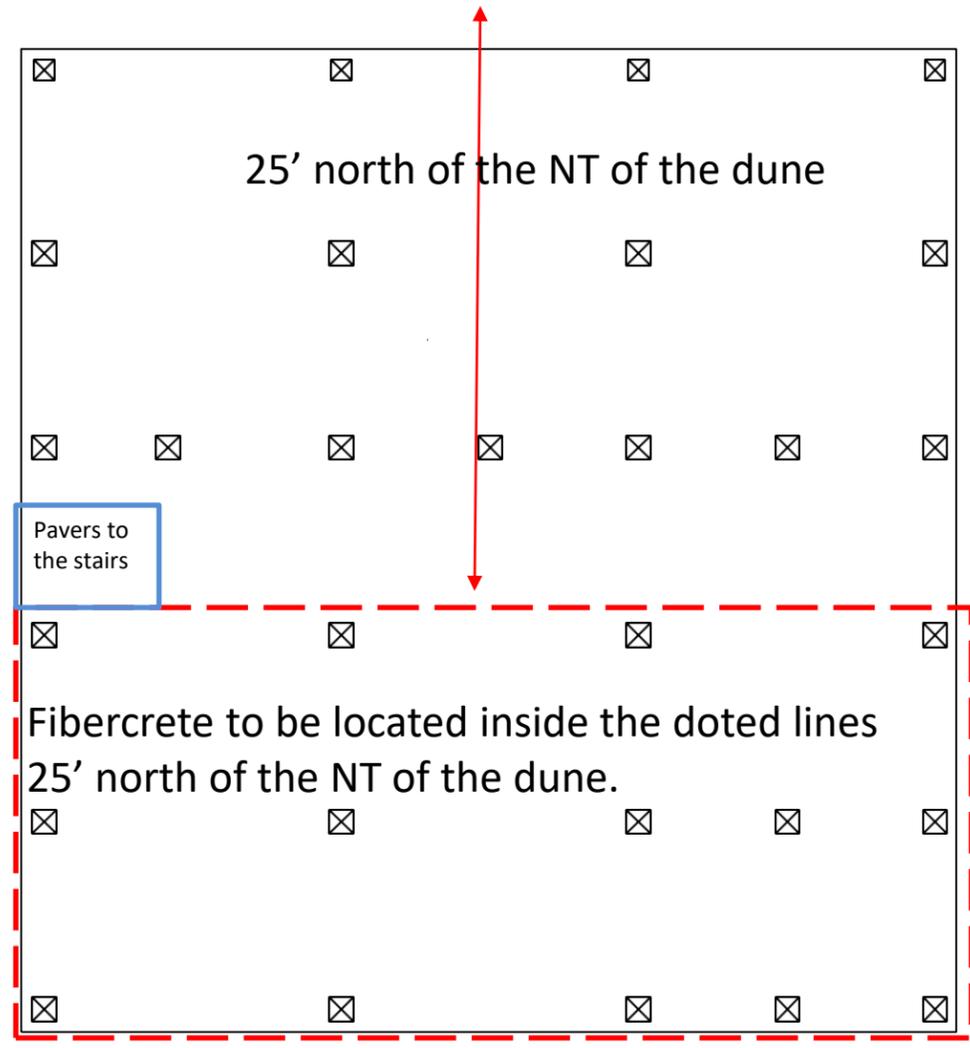

 SOUTHEAST TEXAS
 ENGINEERING AND
 INSPECTIONS, LLC
 (OFFICE) 409-741-8747
 (WES) 409-795-1415
 (TMM) 409-795-1181

 8017 HARBORSIDE DRIVE,
 DALLAS, TEXAS 75231
 SOUTHEASTTEXASENGINEERING.COM



PILE LAYOUT

12x12" TREATED SYP#2 DENSE/DRIVEN PILING, SEE DETAILS ON S90F20, TYP 26 PLS
 10x10" TREATED SYP#2 DENSE/DRIVEN PILING, SEE DETAILS ON S90F20, TYP 4 PLS
 13 PILINGs TO BE LEFT 11" HIGHER THAN TOP OF STRINGER FOR BOLTING JOIST BEAM (CLOUDED AREAS)



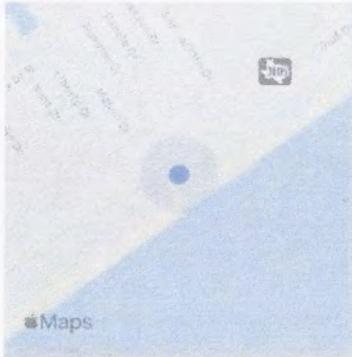
CONCRETE FOUNDATION LAYOUT


 SOUTHEAST TEXAS
 ENGINEERING AND
 INSPECTIONS, LLC
 (OFFICE) 409-741-8741
 (WES) 409-795-1415
 (TIM) 409-795-1181

 8017 HARBORSIDE DRIVE,
 GALVESTON, TX 77554
 SOUTHEASTTEXASENGINEERING.COM

Attachment “D”

Site Photos



Feb 18, 2020 at 4:31:43 PM
21619 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude:4.7meter
Speed:4.7km/h





Maps

Feb 18, 2020 at 4:31:59 PM
21619 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude: 3.5 meter
Speed: 6.0 km/h





Feb 18, 2020 at 4:32:58 PM
21606 Kennedy
Galveston TX 77554
United States
Altitude: 2.4 meter
Speed: 4.8 km/h





Feb 18, 2020 at 4:30:54 PM
21623 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude:3.1meter
Speed:5.1km/h





Feb 18, 2020 at 4:30:32 PM
21619 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude:3.2meter
Speed:0.2km/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: 21618 Kennedy Dr, Galveston
Legal Description: ABST 121 Hall & Jones Sur S 70 Ft of Lot 60 & ADJ 30 Ft TR (60-1) Sea Isle
Lot Applicant: Lee & Kim Merrit McCurry c/o Galveston Beach Houses, LLC – Gerald Meritt
Case Number: 20P-010
GLO ID No.: BDCOG-20-0084

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 10-foot by 40-foot gravel driveway. The construction is located partially within 200 feet of the line of vegetation, within the Enhanced Construction Zone, and within the Dune Conservation Area. According to the Bureau of Economic Geology, the area is eroding at a rate of one to two 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 applicant proposes to construct a single-family residence with a deck within the Dune Conservation Area, which is prohibited without an exemption. The City must approve the applicant's determination that there is no practicable alternative to construction and that the proposed construction avoids and minimizes adverse impacts to dunes and dune vegetation to qualify for an exemption.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 City of Galveston Erosion Response Plan § 5.

² City of Galveston Erosion Response Plan § 5.

- In the area from 25 feet landward of the north toe of the dune to 150 feet landward of the north toe of the dune, 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 An enclosure may not be constructed below the base flood elevation within the Dune Conservation Area.⁸
- The City shall require the construction to be located as far landward as practicable.⁹
- The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.¹⁰
- The City must ensure the proposed habitable structure is designed for feasible relocation.¹¹
- 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.¹²
- 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.¹³

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

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 City of Galveston Erosion Response Plan § 5.

⁹ 31 Tex. Admin. Code § 15.6(b) & City of Galveston Erosion Response Plan § 5.

¹⁰ 31 Tex. Admin. Code § 15.6(e)(3).

¹¹ 31 Tex. Admin. Code § 15.6(f)(2).

¹² 31 Tex. Admin. Code § 15.4(d).

¹³ 31 Tex. Admin. Code § 15.6(g).

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.¹⁴

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



20P-018

STAFF REPORT

ADDRESS:

11375 Beachside Dr.

LEGAL DESCRIPTION:

The legal description of the property is Lot 515, Beachside Village, Section 5 (2019), a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Beachside Village
Builders, Debbie Reinhart

PROPERTY OWNER:

Jamie and Melissa Spicer

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. 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 applications for a Beachfront Construction Certificate/Dune Protection Permit when proposed construction activities 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 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 within the Enhanced Construction Zone in an area approximately 25-feet from the North Toe of the Critical Dune Area and 153-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 0.3638-acre lot located in the Beachside Village Subdivision. Undeveloped lots are located to the North and East, beach access open space is located to the West, and beach area is located to the South of the subject property. According to the Bureau of Economic Geology, this area is eroding at a rate of ten to eleven 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	~25
...the Line of Vegetation	~153

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 partially 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 25-feet of the North Toe of the Critical Dune Area and within the Enhanced Construction Zone. The applicant is proposing fibercrete for the footprint of the proposed single-family dwelling and pavers for the driveway material.

The proposed construction is not located as far landward as practicable. According to the Texas Administrative code, all construction shall be located as far landward as practicable and shall not allow any construction that may aggravate erosion.

A perimeter fence is proposed at the North Toe of the Critical Dune Area. The proposed perimeter fence partly encroaches the Dune Conservation Area, which is the area from the Line of Vegetation to 25-foot landward of the North Toe of the Dune. Construction within this region is prohibited without an exemption. The applicant submitted an exemption request for review that can be found in Attachment “C”.

A future studio is indicated on the site plan. The applicant did not supply construction drawings for the proposed studio. Therefore, the proposed studio cannot be reviewed with this application. A separate application will be required.

The proposed construction is abuts 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.

The proposed construction of a the single-family dwelling is 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 of the single-family dwelling is landward of the Dune Conservation Area. 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.

Proposed construction of the single-family dwelling is landward of the Dune Conservation Area. Therefore, no adverse effects to dunes or dune vegetation are anticipated.

(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 abuts the Dune Conservation Area, which is 25-feet landward of the North Toe of the Critical Dune Area. It appears that construction could be located farther landward. According to the Texas Administrative code, all construction shall be located as far landward as practicable and shall not allow any construction that may aggravate erosion.

The proposed construction is within the Enhanced Construction Zone, which is an area defined as being 125-foot 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-018 with the following conditions:

Specific Conditions to Case 20P-018:

1. The applicant shall submit a revised plan relocating the proposed construction as far landward as practicable prior to the issuance of the Beachfront Construction/Dune Protection permit;
2. The site plan indicates a future studio. The applicant did not supply construction drawings for the proposed studio. A separate application for a proposed studio shall be required for review and consideration of approval;
3. Plans and certifications for proposed structures within the enhanced 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 GLO included in Attachment "E":
 - a. The proposed single-family residence is located 25 feet from the north toe of the dune complex and it appears that it could be located further landward. The City must require the applicant to locate the construction as far landward as practicable.
 - b. The proposed perimeter fence encroaches within the City of Galveston Dune Conservation Area, which is identified as the area from the line of vegetation to 25 feet landward of the north toe of the dune. Construction within this region is prohibited without an exemption. To qualify for an exemption, the City must approve the applicant's determination that there is no practicable alternative to construction within the Dune Conservation Area and that the proposed construction avoids and minimizes adverse impacts to dunes and dune vegetation.
 - c. In the area seaward of 25 feet from the north toe of the dune, paving or altering the ground in any manner, which includes mowing, grading, fertilizing, filling, or the use of fibercrete and crushed rock, is prohibited.
 - d. The application indicates that a 20-foot by 30-foot building will be constructed on site in the future but is not proposed in this application. The applicant may not construct this structure until a beachfront construction certificate and dune protection permit has been obtained from the City of Galveston to do so.
 - e. 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.
 - f. 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.
 - 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 FEMA minimum 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.

- I. 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.
- m. 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 land. Repairs are prohibited and the state may take action to remove the structure.

Additionally, the GLO provided the following recommendations included in Attachment "E":

- n. 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

Virginia Greb
Coastal Resources Assistant Manager

05/26/2020

Date

Cathy

Catherine Gorman, AICP
Assistant Planning Director / HPO

05/27/2020

Date

Attachment “A”

Aerial Map

**11375 Beachside Dr.
Case #20P-018
BEG**

Legend

End Point Rate (ft/yr)

- Eroding (-1ft or more)
- Stable (-1 to +1ft)
- Accreting (+1ft or more)

- Parcels
- Subdivisions



0 50 100 200 300 Feet

1 inch = 196 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.*

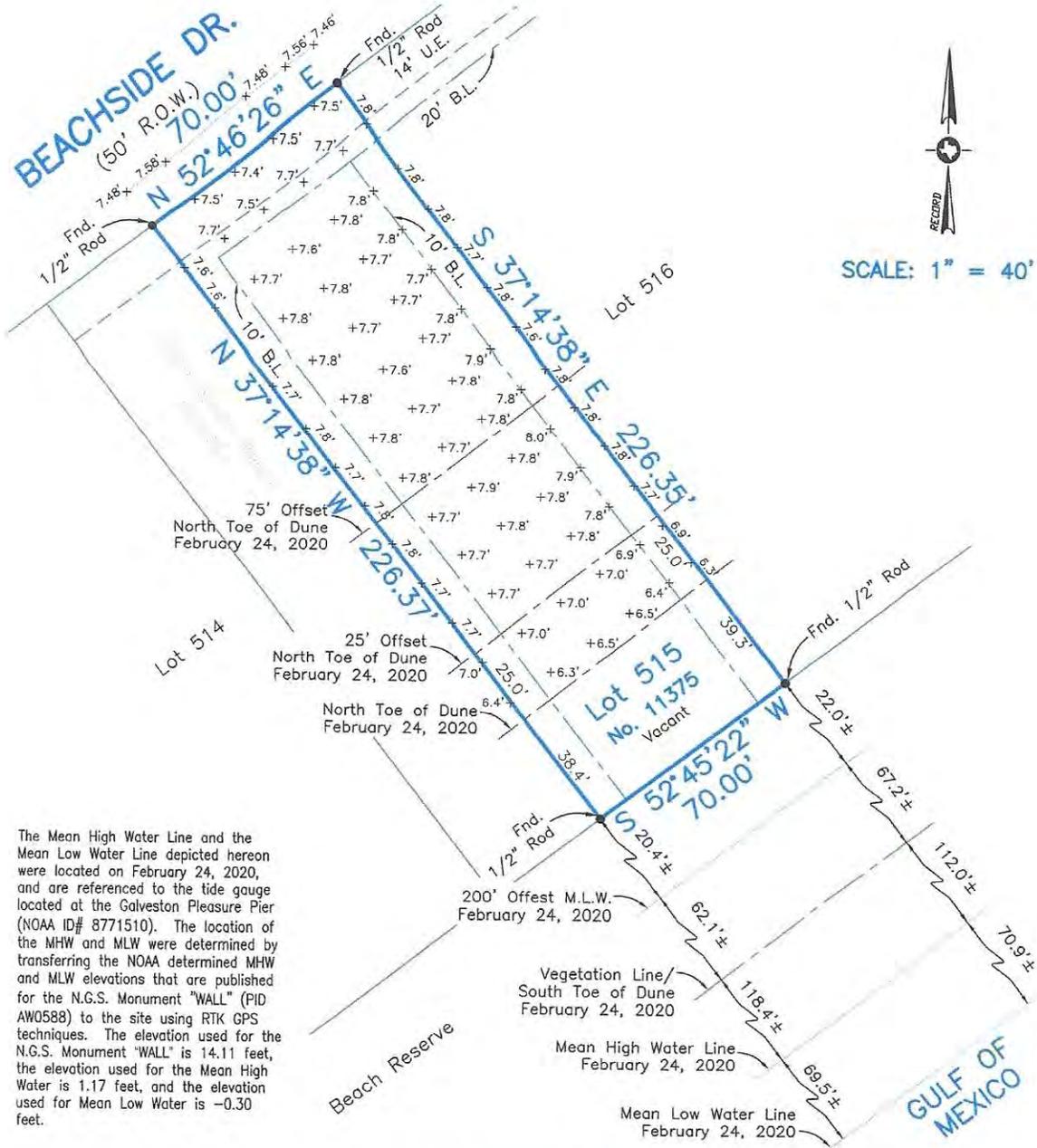
**Map prepared by the City of Galveston Development
Services Department (VGreb) - 5/11/2020**

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



SCALE: 1" = 40'

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 Five Hundred Fifteen (515), of BEACHSIDE VILLAGE, SECTION 5, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded under instrument No. 2018058575 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
 Brian S. House
 Registered Professional
 Land Surveyor No. 6520



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
FILE No.:	1641-5000-0515-000
DRAFTING:	AM
JOB No.:	20-0095

- 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 NAVD '88 Datum as tied to NGS Monument HGCS62.
 - 5) Surveyed without benefit of a Title Report.

Attachment “C”
Site Plan
&
Drawings



Proposed Beach house for
The Spicer Family
 11375 Beachside Drive
 Galveston, TX 77554

Drawing Index

A1	Title Page
A2	Site Plan
A3	Ground Floor Plan
A4	1st & 2nd Floor Plan
A5	Front Elevation
A6	Rear Elevation
A7	Left Side Elevation
A8	Right Side Elevation

Title Arch.-GLO Review 05/05/20		
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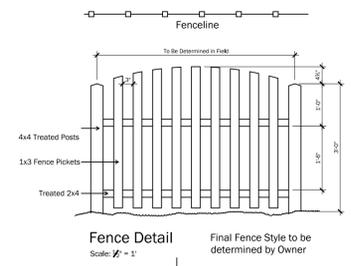
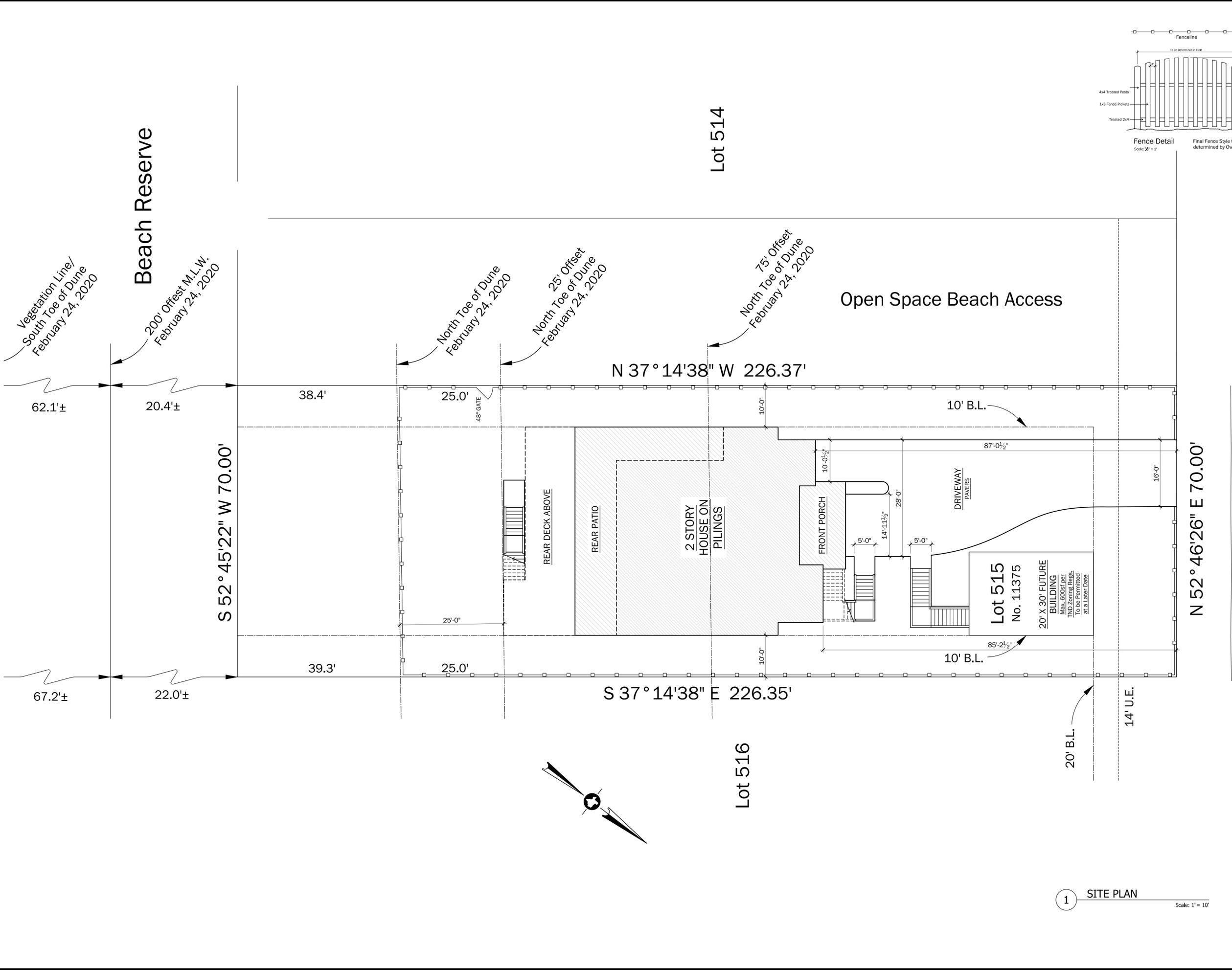
Culwell Designs
 Galveston, TX - 713-213-9804
 e-mail: culwelldesigns@att.net

Square Footage	
1st Floor:	2117
2nd Floor:	2009
3rd Floor:	n/a
Total Living SF:	4126
Decks Incl A/C Deck:	2366
Slab:	3019

Project Name and Address
 Proposed Beach house for
The Spicer Family
 11375 Beachside Drive
 Galveston, TX 77554

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 To the best of our knowledge, these plans, drawings and specifications 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. Culwell Designs, their employees, or subcontract labor personnel will not be liable for any human error after construction has been started. No warranties are given or implied as to the completeness or accuracy of these plans. All structural and foundation design is to be checked, verified and stamped by a licensed engineer. Windstorm Certified if applicable. These plans are the sole property of Culwell Designs and are for the sole use on a specific project and may not be used on any other project without written permission from Culwell Designs.

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Date 05/05/20	
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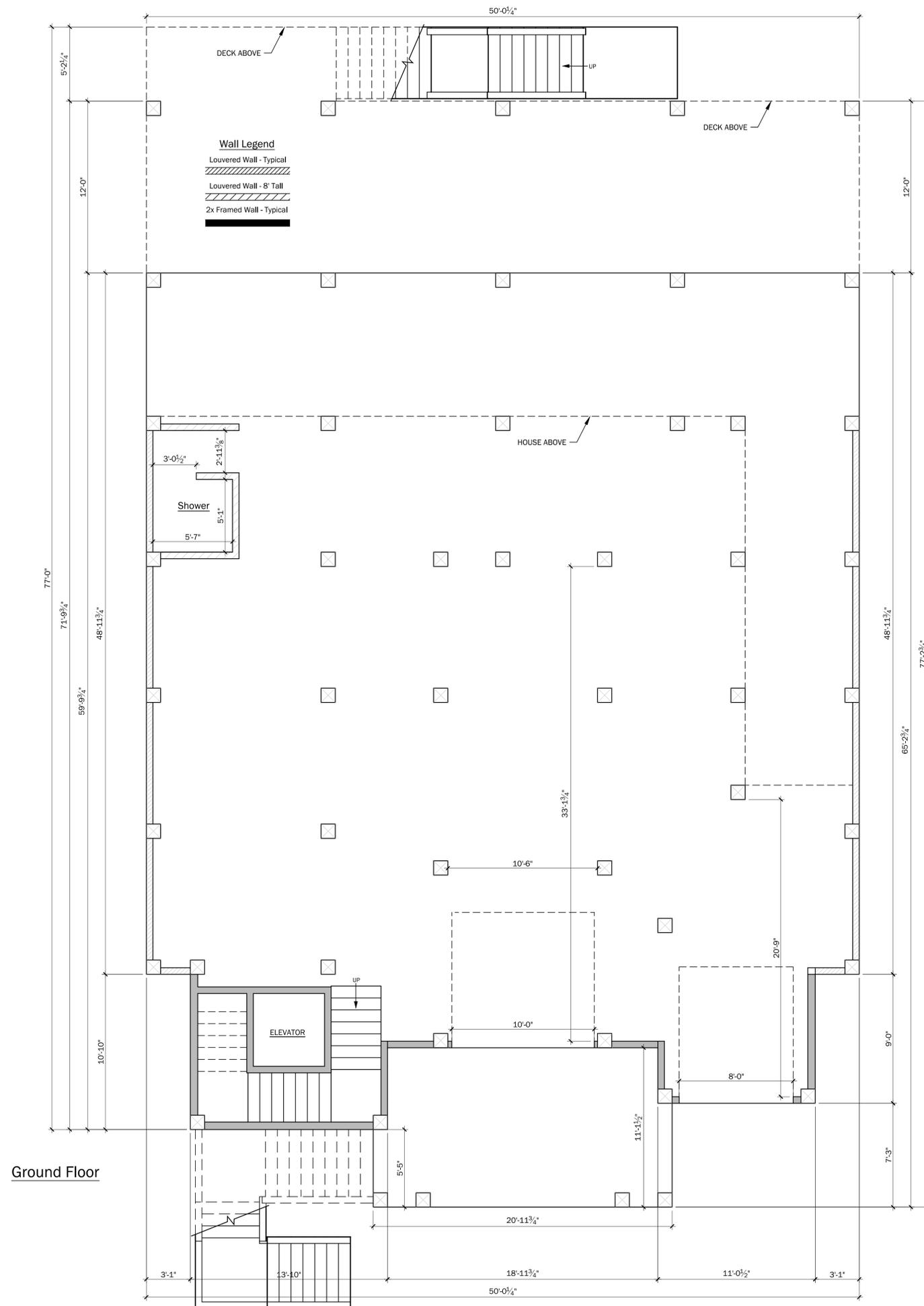
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Square Footage	
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Date: 05/05/20	A2
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1 FLOOR PLAN Scale: 1/4" = 1'-0"

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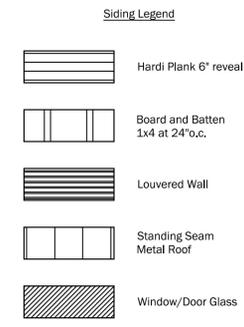
Square Footage	
1st Floor:	2117
2nd Floor:	2009
3rd Floor:	n/a
Total Living SF:	4126
Decks Incl A/C Deck:	2366
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Project Name and Address
Proposed Beach house for

The
Spicer Family
11375 Beachside Drive
Galveston, TX 77554

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Drawn By S. Culwell	Sheet A3
Date 05/05/20	of 8
Scale Shown	



Note:
 All Trim, Casing and Flashing to be applied first followed by siding
 All Window and Door Casing to be Hardi Trim
 All Trim to be Hardi Trim - Corner Trim 1x6 Freize 1x8
 All Siding to be Hardi Plank 6" Reveal
 Board and Batten to be Hardi Panel and Hardi Trim 1x4 @ 24" O.C.
 See Detail Sht A9 - Deck Trim
 Roof to be Standing Seam Metal

Title Arch.-GLO Review 05/05/20		
File Name Spicer 1 - 03-29-20		
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1 FRONT ELEVATION Scale: 1/4" = 1'-0"

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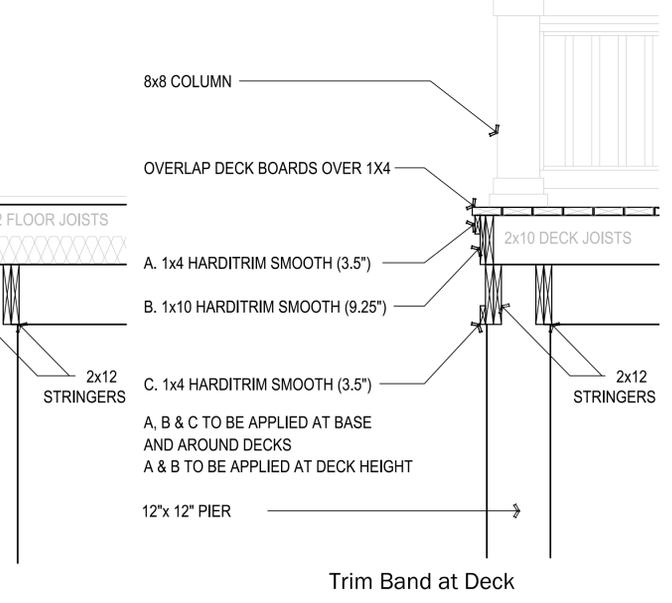
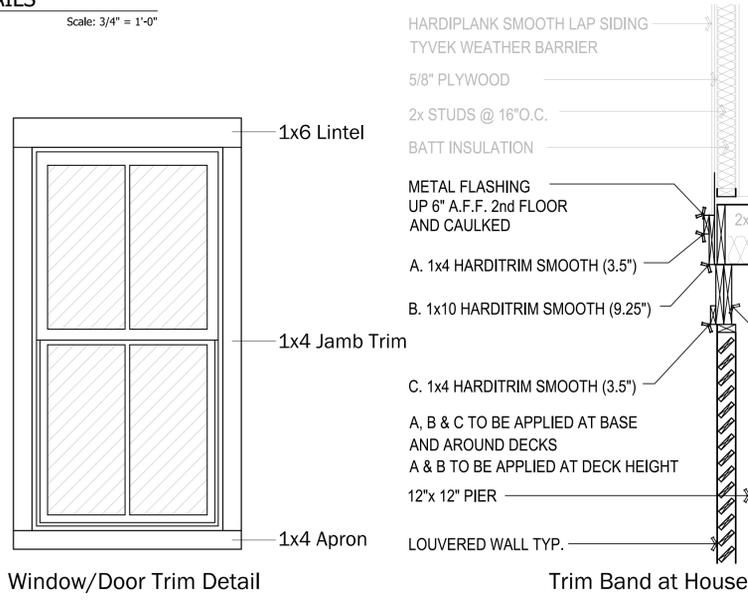
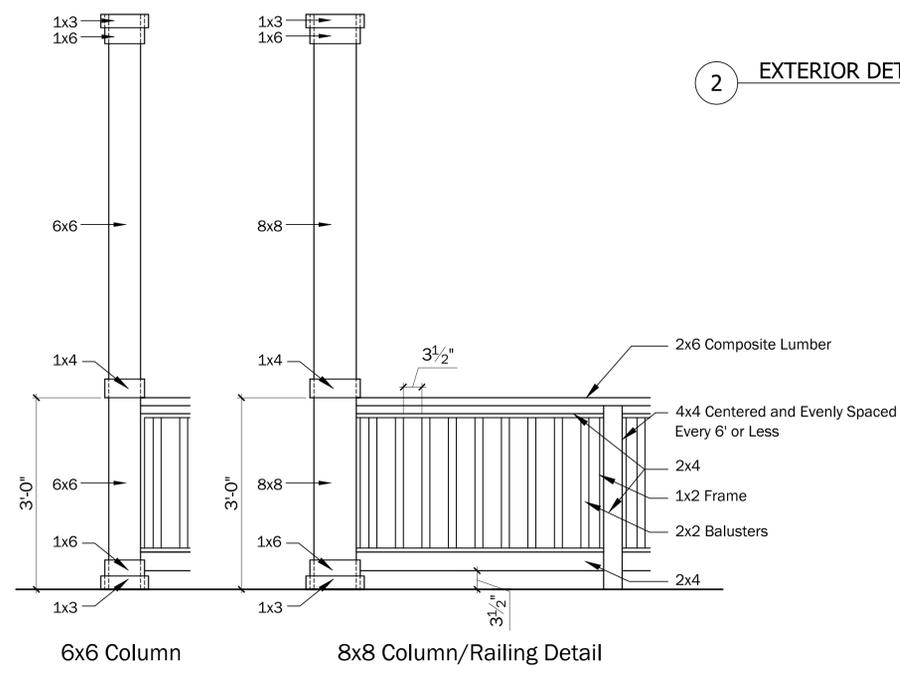
Square Footage

1st Floor:	2117
2nd Floor:	2009
3rd Floor:	n/a
Total Living SF:	4126
Decks Incl A/C Deck:	2366
Slab:	3019

Project Name and Address
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The Spicer Family
 11375 Beachside Drive
 Galveston, TX 77554

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2 EXTERIOR DETAILS Scale: 3/4" = 1'-0"



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Note:
 All Trim, Casing and Flashing to be applied first followed by siding
 All Window and Door Casing to be Hardi Trim
 All Trim to be Hardi Trim - Corner Trim 1x6 Freize 1x8
 All Siding to be Hardi Plank 6" Reveal
 Board and Batten to be Hardi Panel and Hardi Trim 1x4 @ 24" O.C.
 See Detail Sht A9 - Deck Trim
 Roof to be Standing Seam Metal

Siding Legend

-  Hardi Plank 6" reveal
-  Board and Batten 1x4 at 24" o.c.
-  Louvered Wall
-  Standing Seam Metal Roof
-  Window/Door Glass



1 REAR ELEVATION
 Scale: 1/4" = 1'-0"

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 e-mail: culwelldesigns@att.net

Square Footage	
1st Floor:	2117
2nd Floor:	2009
3rd Floor:	n/a
Total Living SF:	4126
Decks Incl A/C Deck:	2366
Slab:	3019

Project Name and Address
 Proposed Beach house for
 The Spicer Family
 11375 Beachside Drive
 Galveston, TX 77554

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Drawn By S. Culwell	Sheet
Date 05/05/20	A6
Scale Shown	of 8

Note:
 All Trim, Casing and Flashing to be applied first followed by siding

All Window and Door Casing to be Hardi Trim

All Trim to be Hardi Trim - Corner Trim 1x6 Freize 1x8

All Siding to be Hardi Plank 6" Reveal

Board and Batten to be Hardi Panel and Hardi Trim 1x4 @ 24" O.C.

See Detail Sht A9 - Deck Trim

Roof to be Standing Seam Metal



Siding Legend

	Hardi Plank 6" reveal
	Board and Batten 1x4 at 24" o.c.
	Louvered Wall
	Standing Seam Metal Roof
	Window/Door Glass

1 LEFT SIDE ELEVATION
 Scale: 1/4" = 1'-0"

Title Arch.-GLO Review 05/05/20		
File Name Spicer 1 - 03-29-20		
No.	Revision/Issue	Date
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 Galveston, TX - 713-213-9804
 e-mail: culwelldesigns@att.net

Square Footage	
1st Floor:	2117
2nd Floor:	2009
3rd Floor:	n/a
Total Living SF:	4126
Decks Incl A/C Deck:	2366
Slab:	3019

Project Name and Address
 Proposed Beach house for
 The
Spicer Family
 11375 Beachside Drive
 Galveston, TX 77554

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Drawn By S. Culwell	Sheet A7
Date 05/05/20	
Scale Shown	of 8



Siding Legend

-  Hardi Plank 6" reveal
-  Board and Batten 1x4 at 24" o.c.
-  Louvered Wall
-  Standing Seam Metal Roof
-  Window/Door Glass

Note:

All Trim, Casing and Flashing to be applied first followed by siding

All Window and Door Casing to be Hardi Trim

All Trim to be Hardi Trim - Corner Trim 1x6 Freize 1x8

All Siding to be Hardi Plank 6" Reveal

Board and Batten to be Hardi Panel and Hardi Trim 1x4 @ 24" O.C.

See Detail Sht A9 - Deck Trim

Roof to be Standing Seam Metal

1 RIGHT SIDE ELEVATION

Scale: 1/4" = 1'-0"

Title Arch.-GLO Review 05/05/20		
File Name Spicer 1 - 03-29-20		
No.	Revision/Issue	Date
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Culwell Designs

Galveston, TX - 713-213-9804
e-mail: culwelldesigns@att.net

Square Footage

1st Floor:	2117
2nd Floor:	2009
3rd Floor:	n/a
Total Living SF:	4126
Decks Incl A/C Deck:	2366
Slab:	3019

Project Name and Address

Proposed Beach house for

The
Spicer Family
11375 Beachside Drive
Galveston, TX 77554

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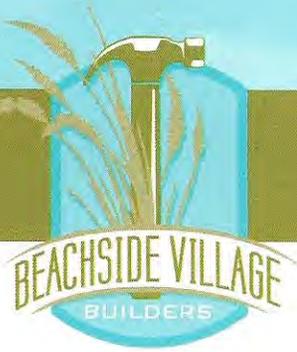
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Date 05/05/20	
Scale Shown	of 8



COASTAL DESIGN & CONSTRUCTION

6 May 2020

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

Re: 11375 Beachside

Dear Virginia,

Concerning the construction in the Dune Conservation Area for a perimeter fence, I am requesting an exemption from the prohibition so that the owners may be allowed to build a fence. There will be NO habitable structure, deck or paving done in this area. Please remember that every other beach front home in Beachside Village has a fence built in this area and it is a requirement of the subdivision regulations for this fence to be built. I also believe it's reasonable for each owner to be allowed to fence their property – both to keep their family and pets safe and confined within the space and to keep people and wildlife out of their property. The owners of this property have two very small young children.

It is my hope that you will see fit to accept the revised site plan and to grant the exemption such as to allow this owner to fence their yard.

Please let me know if you have any further questions of me.

Respectfully,

Debbie Reinhart

Attachment “D”

Site Photos



11375 Beachside
North



11375 Beachside
East



11375 Beachside
South



11375 Blachside
West



113~~9~~75 Beachside

Dune - East



11375 Beachside
Dune - west



11375 Beachside
LOV

Attachment “E”
GLO Comment Letter



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

May 18, 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: 11375 Beachside Dr., Galveston
Legal Description: Lot 515 Beachside Village Sec 5 (2019) ABST 121
Lot Applicant: Jamie & Melissa Spicer c/o Beachside Village Builders – Debbie Reinhart
Case Number: 20P-18
GLO ID No.: BDCOG-20-0141

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 paver driveway. The single-family residence is located within 200 feet of the line of vegetation, within the Enhanced Construction Zone, and 25 feet landward of the north toe of the dune complex. According to the Bureau of Economic Geology, the area is eroding at a rate of ten to eleven feet per year.

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

- The proposed single-family residence is located 25 feet from the north toe of the dune complex and it appears that it could be located further landward. The City must require the applicant to locate the construction as far landward as practicable.¹
- The proposed perimeter fence encroaches within the City of Galveston Dune Conservation Area, which is identified as the area from the line of vegetation to 25 feet landward of the north toe of the dune.² Construction within this region is prohibited without an exemption. To qualify for an exemption, the City must approve the applicant's determination that there is no practicable alternative to construction within the Dune Conservation Area and that the proposed construction avoids and minimizes adverse impacts to dunes and dune vegetation.³

¹ City of Galveston Erosion Response Plan § 5 & 31 Tex. Admin. Code § 15.6(b).

² City of Galveston Erosion Response Plan § 4.

³ City of Galveston Erosion Response Plan § 4.2.

- In the area seaward of 25 feet from the north toe of the dune, paving or altering the ground in any manner, which includes mowing, grading, fertilizing, filling, or the use of fibercrete and crushed rock, is prohibited.⁴
- The application indicates that a 20-foot by 30-foot building will be constructed on site in the future but is not proposed in this application. The applicant may not construct this structure until a beachfront construction certificate and dune protection permit has been obtained from the City of Galveston to do so.
- 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.⁵ A habitable structure is defined as a structure used or usable for habitation.⁶ 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.⁷
- The use of permeable materials, such as brick pavers, limestone, or gravel, is recommended for drives or parking areas.⁸
- 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.⁹
- The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.¹⁰
- The City must ensure the proposed habitable structure is designed for feasible relocation.¹¹
- 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.¹²

⁴ City of Galveston Beach Access and Dune Protection Plan § 29-90(m)(2).

⁵ City of Galveston Beach Access and Dune Protection Plan § 29-90(m)(2).

⁶ City of Galveston Beach Access and Dune Protection Plan § 29-54.

⁷ City of Galveston Erosion Response Plan § 5.

⁸ 31 Tex. Admin. Code § 15.5(b)(3).

⁹ 31 Tex. Admin. Code § 15.6(f)(4).

¹⁰ 31 Tex. Admin. Code § 15.6(e)(3).

¹¹ 31 Tex. Admin. Code § 15.6(f)(2).

¹² 31 Tex. Admin. Code § 15.4(d).

- 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.¹³

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 land. Repairs are prohibited and the state may take action to remove the structure.

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

¹³ 31 Tex. Admin. Code § 15.6(g).



MEMORANDUM

TO: Cate Black, Planning Commission Chair
Planning Commission

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

DATE: June 2, 2020

RE: **Comments from the GLO and from Other Departments & Utility Providers**

Comments from the Texas General Land Office

The General Land Office (GLO) requires local governments to forward a copy of a complete application for a Beachfront Construction Certificate/Dune Protection Permit for their review¹. When making the determination whether to approve an activity proposed in a Beachfront Construction Certificate/Dune Protection Permit application, a local government is required to review and consider the application and its consistency with state and local laws regarding dune protection and beach access, and additionally to consider the comments of the General Land Office.²

Development Services Department staff include a copy of the GLO comment letter on a proposed activity as an attachment to the staff report prepared for applications that are presented to the Planning Commission. Staff have customarily also copied the GLO comments in their entirety as recommended conditions of approval in staff reports to the Planning Commission.

Staff has recently become aware that this practice occasionally presents the Planning Commission with a conundrum, as occasionally some comments from the GLO are written as a suggestion or recommendation to the applicant, and do not necessarily reference a rule of the Texas Administrative Code or requirement of the City's Dune Protection and Beach Access Plan.

Moving forward, staff will continue to include a copy of the GLO comment letter as an attachment to the staff report; however, we will discontinue the practice of copying and pasting all GLO comments as recommended conditions of approval in staff reports. Only those comments that reference applicable TAC rules or requirements of the City's Dune Protection and Beach Access Plan will be incorporated into the staff report as recommended conditions of approval.

Comments from Other Departments & Utility Providers

The Director of Development Services, other City Departments, the county, and service or utility providers that may be affected by the project have the authority to review applications and add requirements to the submittal when it is reasonably foreseeable that additional information will be needed to resolve questions of compliance with the requirements of the Land Development Regulations or of other policies or plans of the City.³ When staff receives comments from the aforementioned reviewers, they are incorporated as recommended conditions of approval in staff reports for applications that go before the Planning Commission.

Planning Commission approval of an application is often times the first of several required approvals for a proposed development. As such, it is appropriate for the applicant to be informed at that time of any additional issues that need to be addressed prior to the issuing of the final building permit. Please note, these issues may not be related to Beachfront permitting but are being provided for the applicant's information.

¹ [31 Tex. Admin. Code § 15.3\(s\)\(6\)](#)

² [31 Tex. Admin. Code § 15.3\(s\)\(7\)](#) and [City of Galveston Dune Protection and Beach Access Plan § \(k\)\(2\)\(k\)](#)

³ [LDR Sec. 13.303\(E\)](#)