Planning Commission
Coastal Resources Division
City of Galveston
March 17, 2020

20BF-017 STAFF REPORT

ADDRESS:
11945-11949 FM-3005

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

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

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

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

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

STAFF RECOMMENDATION:
Approval with Conditions

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

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

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

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Executive Summary:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specific Conditions to Case 20BF-017:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standard Conditions:

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

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

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

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

ERP PRACTICABLE DEFINITION

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

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)

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

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

Respectfully Submitted,

Virginia Greb 03/12/2020

Virginia Greb
Coastal Resources Assistant Manager

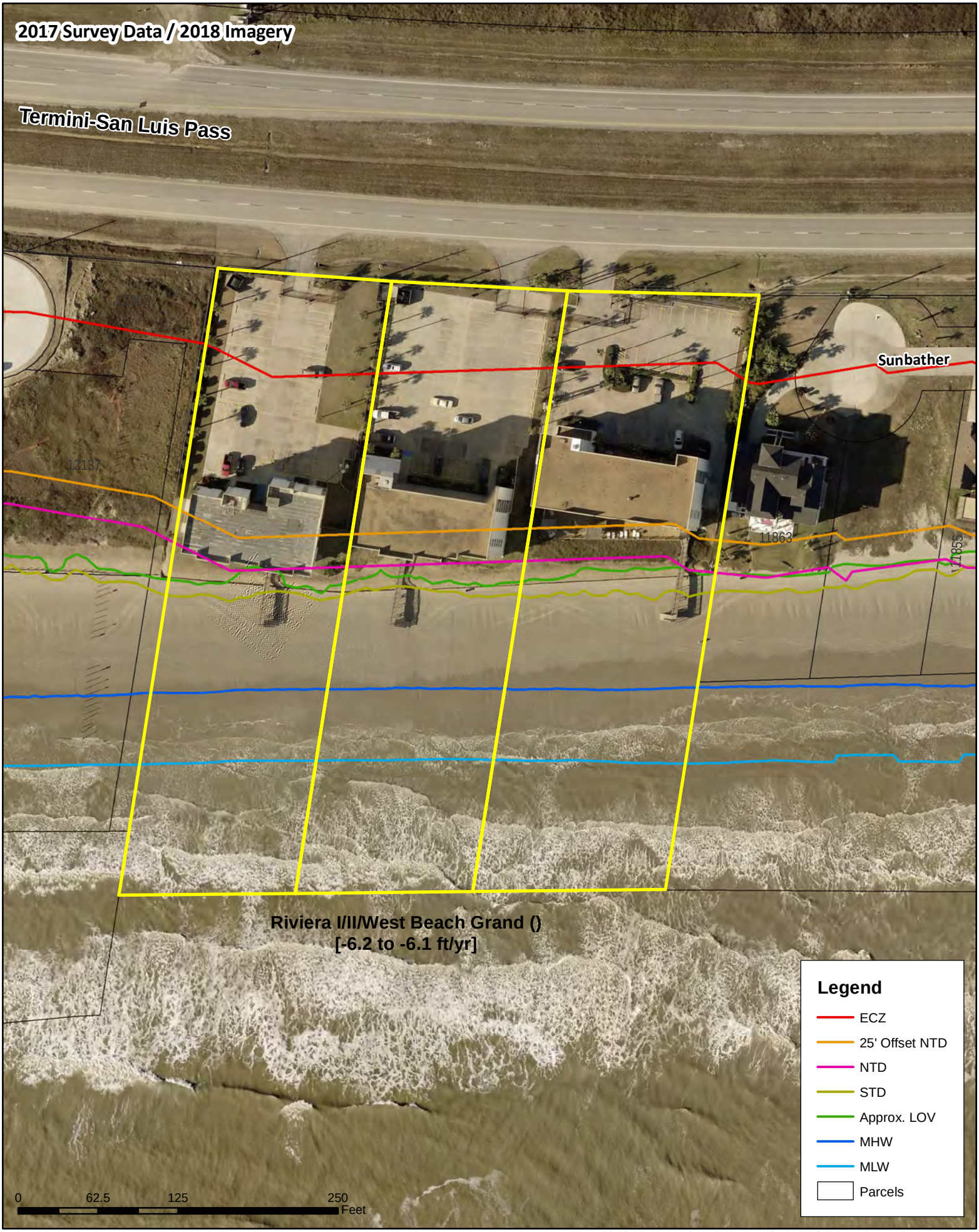
Date

03/12/2020

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”
Aerial Map



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

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

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

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Attachment “B”

Site Plan

&

Narrative

Survey of Bruce Tracts

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

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

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

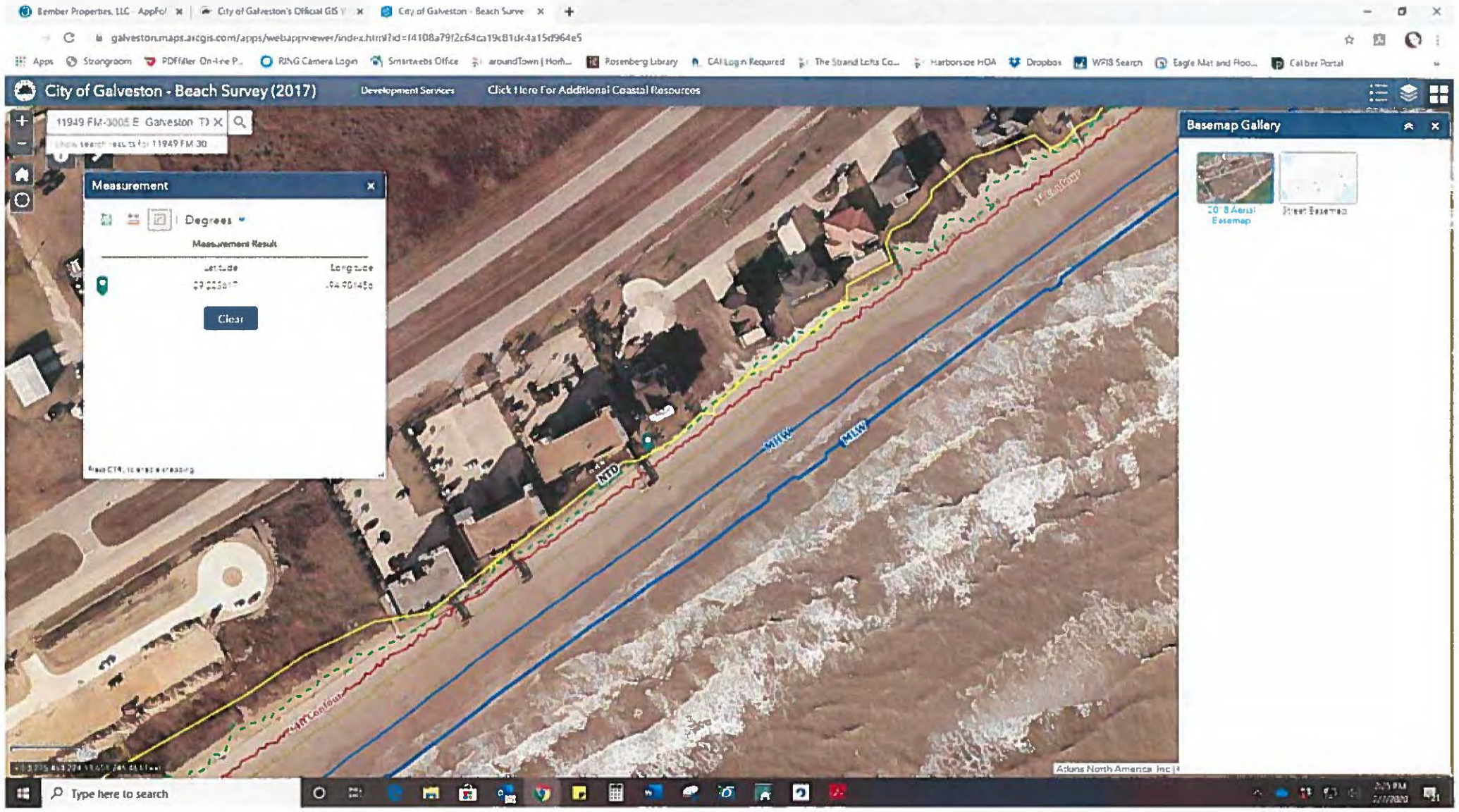
I hereby certify that on the below date, the hereon described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date

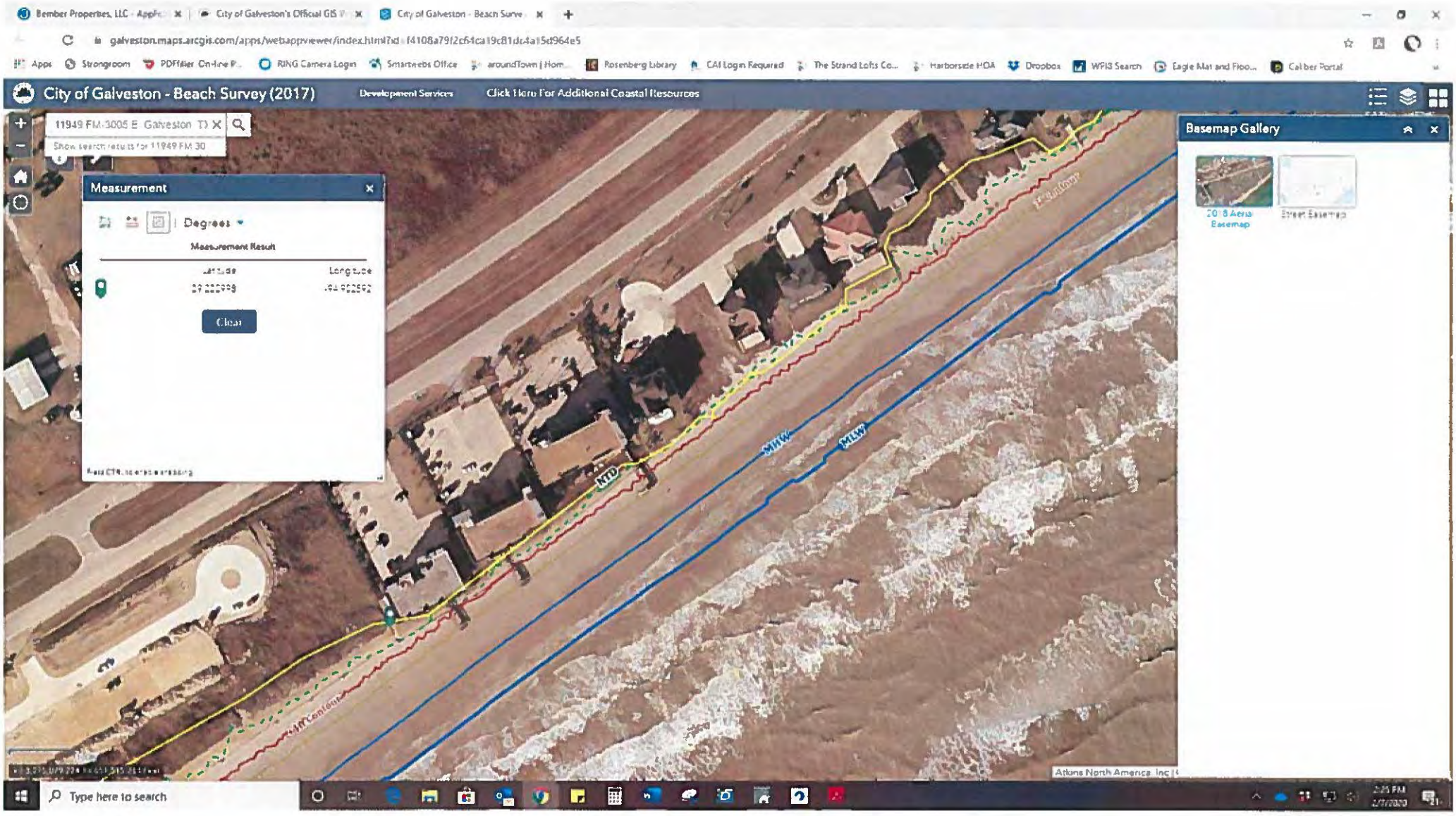
Bruce S. Hayes
Registered Professional
Land Surveyor No. 6570

STATE OF TEXAS
BRUCE S. HAYES
6570
REGISTERED
LAND SURVEYOR

High Tide Land Surveying LLC

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


City of Galveston - Beach Survey (2017)
Development Services
Click Here For Additional Coastal Resources
11949 FM-3005 E Galveston TX
Measurement
Degrees
Measurement Result
Latitude
Longitude
Clear
Basemap Gallery
2018 Aerial Basemap
Street Basemap
NTD
MHW
MLW
Atkins North America, Inc.
Type here to search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Measurement
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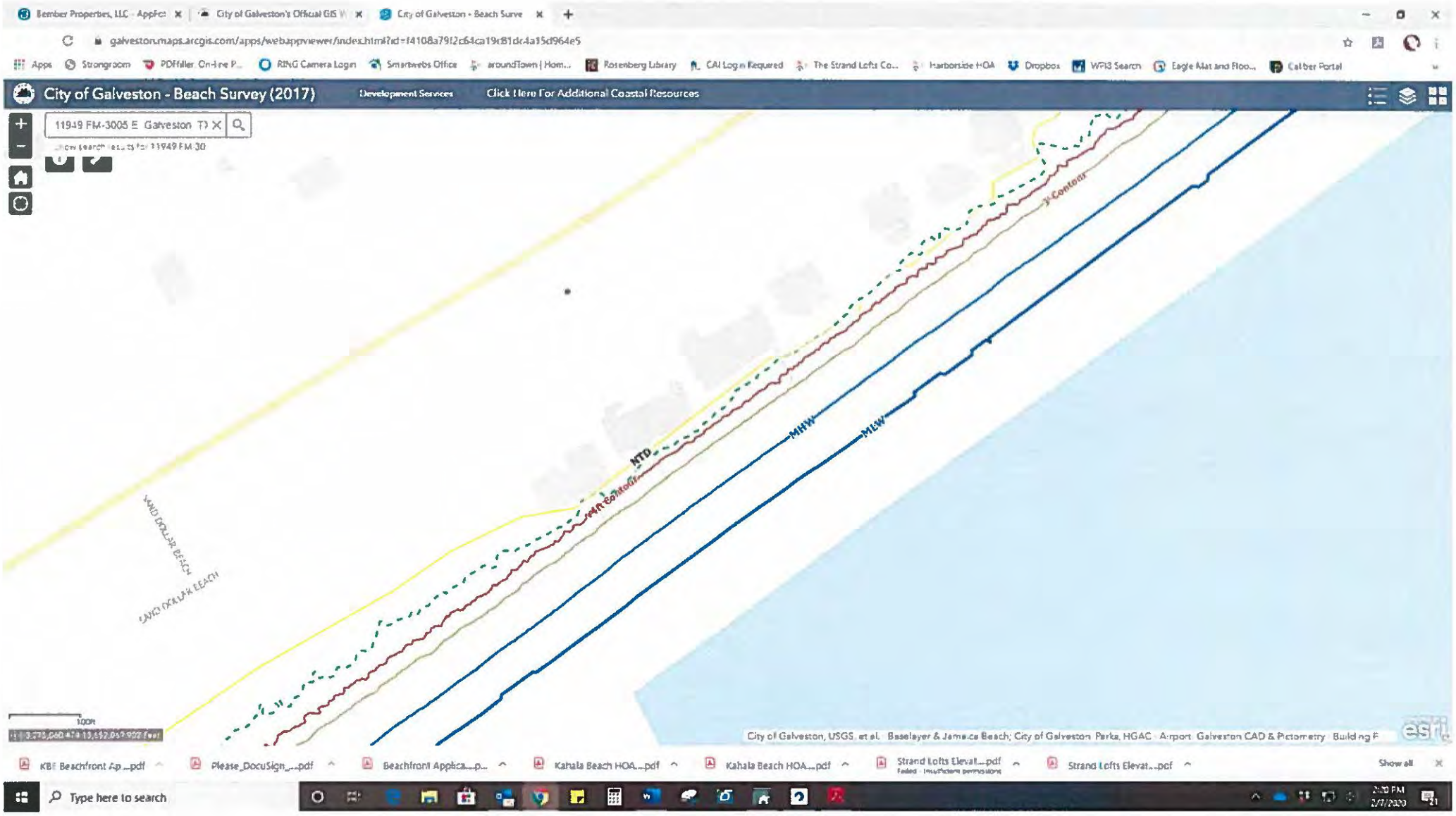
City of Galveston - Beach Survey (2017)
Development Services
Click Here For Additional Coastal Resources
11949 FM-3005 E Galveston TX
MTD
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3' Contour
LAND OF LA JOLLA BEACH
City of Galveston, USGS, et al. Baselayer & Jamaica Beach; City of Galveston Parks, HGAC Airport Galveston CAD & Pictometry Building F

Rapp Management
Co., Inc. AAMC

RESIDENTIAL COMMERCIAL

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

2020 Annual Beach Maintenance Application Written Statement

February 7, 2020

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

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

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

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

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

Pictures of the current beach conditions are attached.

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

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

Sincerely,

Brittni Gualandri

Property Manager

Rapp Management Co., Inc.

brittni@rappmanagement.com

Office: 409-763-4323

Cell: 409-789-7520

Attachment “C”

Site Photos

Attachment “D”

GLO Comment Letter

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

February 26, 2020

Via Electronic Mail

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

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

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

Dear Ms. Greb:

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

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

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

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

[1] 31 Tex. Admin. Code § 15.7(l).

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

cc: Dustin Henry, Coastal Resources Manager