



19PA-004

STAFF REPORT

APPLICANT/REPRESENTATIVE:

City Staff

REQUEST:

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

APPLICABLE LAND USE

REGULATIONS:

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

STAFF RECOMMENDATION:

Recommend Approval

EXHIBITS:

A – Draft Ordinance

STAFF:

Dustin Henry, AICP
Coastal Resources Manager
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Executive Summary:

Staff is requesting approval of a text amendment to the City of Galveston Dune Protection and Beach Access Plan (Chapter 29 of the Municipal Code) in order to incorporate changes requested by the Texas General Land Office (GLO) to a previously adopted ordinance (Ordinance 18-005), and to increase Beach User Fee Rates at Seawall Beach Urban Park.

Amendments to the City of Galveston's Dune Protection and Beach Access Plan must be certified as consistent with state law by the Texas General Land Office before becoming effective, therefore staff is also requesting authorization from City Council to submit the approved text amendment to the Texas General Land Office for consideration and certification.

Background:

Galveston City Council adopted Ordinance 18-005 on January 25, 2018, which represented an amendment to the City's Dune Protection and Beach Access Plan, and directed staff to submit it to the GLO for consideration and certification.

After reviewing the plan, staff from the GLO requested that the City incorporate map exhibits in the appendices that illustrate the Dune Conservation Area and Enhanced Construction Zone boundaries with more recently prepared exhibits that reflect more recent shoreline conditions.

Additionally, the GLO asked that the plan be changed to be consistent with Title 31, Chapter 15 Rule §15.17 of the Texas Administrative Code, and the City's Erosion Response Plan, which prohibits construction of new ground-level enclosures below base flood elevation (BFE) within the Dune Conservation Area.

Finally, staff is requesting that the Beach User Fee section be amended for Seawall Beach Urban Park to reflect proposed new rates for parking fees.

The Texas General Land Office (GLO) must certify that the proposed parking fee rates are consistent with the Texas Administrative Code, Title 31 Rule §15.8, regarding beach user fees.

Additionally, the Charter of the City of Galveston requires proposed fees for parking a motor vehicle and the method of collecting such fee be approved at an election by a majority of qualified voters.

Implementation of the proposed parking fee rates is contingent upon both of these approvals.

Analysis:

The first proposed amendment is to replace maps found in Exhibit B: Dune Conservation Area and Enhanced Construction Zone maps (which were last updated in 2011) with maps that depict data that more accurately represents conditions of the Galveston shoreline.

The second proposed amendment is to modify the Building Requirements section of the plan to be consistent with the City’s Erosion Response Plan, which prohibits new construction of a ground -level enclosure below base flood elevation (BFE) for those areas located within the Dune Conservation Area.

The third proposed amendment is to amend the Beach User Fees section for Seawall Beach Urban Park to reflect the following changes:

City of Galveston Dune Protection and Beach Access Plan (Municipal Code, Chapter 29)

S) Beach User Fees

- d. Seawall Beach Urban Park:** A recreational beach urban park with beach-related services and amenities.

The boundaries of the Seawall Beach Urban Park shall be defined as follows:

- Eastern Boundary: 1st Street
- Western Boundary: 103rd Street
- Northern Boundary: Northerly right-of-way line of Seawall Boulevard
- Southern Boundary: The Gulf of Mexico

1. Fee: ~~\$8.00 maximum~~ **Up to a maximum of \$16.00** per-vehicle per-day, through a ~~metered paid parking~~ system, permit system or a combination. (A maximum ~~\$25.00~~ **\$45.00** annual pass available.)
2. Parking Rates:
 - a. South side of the Urban Park (adjacent to the seawall structure) shall not exceed ~~\$8.00 per vehicle daily, \$2.00 per hour, with a minimum purchase of two (2) hours.~~ **\$8.00**
 - b. North side of Urban Park (northerly right-of-way of Seawall Boulevard) ~~shall not exceed \$2.00 per hour, with a minimum purchase of two (2) hours, first ½ hour is at no charge, \$1.00 per hour, not to exceed \$2.00 per hour in beach access zones, not to exceed \$8.00 per vehicle per day.~~ **shall not exceed \$2.00 per hour, with a minimum purchase of two (2) hours.**

Implementation:

If approved by City Council, these proposed amendments to the City’s Dune Protection and Beach Access Plan will be submitted to the Texas General Land Office (GLO) for consideration and certification. Amendments to the plan will not become effective until they have been certified as consistent with state law by the GLO.

Additionally, the proposed changes to parking fee rates at Seawall Beach Urban Park will not become effective until such time the fees and method of collecting such fees are voted upon favorably by a majority of qualified voters in an election.

Alternatives in Order of Priority, and Potential Fiscal Impacts:

Alternative	Potential Fiscal Impact
A. Approve the text amendment, and authorize staff to submit the draft City of Galveston Dune Protection and Beach Access Plan to the Texas General Land Office for consideration and certification.	Certification of Plan allows City to capture additional parking revenues at Seawall Beach Urban Park to fund development of additional amenities for beach patrons and the ongoing operations and maintenance of existing amenities.
B. Do not approve the text amendment.	City will be unable to increase parking fees at Seawall Beach Urban Park without the state approving an amendment to the City's Dune Protection and Beach Access Plan.

Recommendation:

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

Respectfully Submitted,



Dustin Henry, AICP
Coastal Resources Manager

January 16, 2019

Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date