

MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

**SHORE PROTECTION ACT
STAFF'S FINDINGS & RECOMMENDATIONS**

August 23, 2019

TO: Shore Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Rick Gardner
Mr. Zach Harris
Mr. Bill Hodges
Mr. Chad Barrow

FROM: Department Staff to the Committee

APPLICANT: The Inn of Lake City, Inc.
100 Red Fern Place
Flowood, MS 39232

AGENT: Tracy Morelan
Ussery-Rule Architects, P.C.
1804-A Frederica Road
St. Simons Island, GA 31522

LOCATION: King & Prince Hotel, 201 Arnold Road, St. Simons Island, Georgia 31522

PROJECT: The applicant proposes to construct a new Americans with Disabilities Act (ADA) compliant crosswalk with a ramp and stairs, abandon the existing crosswalk, a spa and spa equipment storage area, and install brick and concrete paver walkways within the State's Shore Protection Act Jurisdiction.

APPLICABLE LAW: Official Code of Georgia Annotated (O.C.G.A.) § 12-5-230 *et seq.* Shore Protection Act (SPA).

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Shore Protection Committee ran from July 16, 2019 through August 15, 2019. No comments were received.

FINDINGS: Department Staff to the Committee make the following findings regarding this application:

Project Scope and Justification: O.C.G.A. § 12-5-238:

1. The existing swimming pools and related pool structures, pool decking, pool facility, children's sandbox structure, and outdoor dining terrace with associated walkways were authorized under SPA Permit #411 issued on December 16, 2011.

2. On November 21, 2018, the Department issued a Letter of Permission (LOP) authorizing temporary activities associated with the repurposing of the parking lot on the northern portion of the lot.
3. The applicant's property is approximately 153,410 sq.ft. (3.52 acres), of which approximately 40,105 sq.ft. (0.92 acres) is located within the state's SPA Jurisdictional Area.
4. The area landward of jurisdiction consists of landscaping, a pool, concrete walkways, parking lot, and the King & Prince Hotel.
5. The area seaward of the property boundary includes a seawall and rock revetment.
6. The portion of the parcel within jurisdiction currently consists of a swimming pool, pool decks, a children's sand box structure, pergola structures, a grill hut, fencing, an outdoor dining area, maintained lawns, landscaping, native planting area(s), asphalt, stone, boardwalks, concrete walkways, and a pool equipment building. Total impacts within jurisdiction are approximately 22,285 sq.ft. (56%).
7. Within jurisdiction, the applicant proposes to construct an outdoor spa within the footprint of the existing hardscaped children's sandbox play structure (242 sq.ft.).
8. Additional proposed hardscape includes the construction of a spa equipment storage area adjacent to the existing pool equipment building (50 sq.ft.), the addition of pool paver decking (108 sq.ft.) surrounding the proposed spa, the addition of a new brick and concrete walkway (21 sq.ft.) for additional boardwalk access, and a new concrete walkway and retaining wall (96 sq.ft.) that will provide direct access to the proposed ADA compliant crosswalk.
9. As proposed, the total jurisdictional impacts of the existing and proposed impacts would be approximately 22,560 sq.ft. (56%). Approximately 17,545 sq.ft. (44%) of the state's jurisdictional area will be retained or restored to a natural vegetated and topographic state.
10. On the south side of the property, there is a 20 ft. pedestrian and bicycle easement which terminates into a public crosswalk authorized under SPA #457 issued to the Glynn County Public Works Department.
11. On the north side of the property, there is a 5 ft. pedestrian easement which terminates into an existing crosswalk which is proposed to be abandoned. Abandonment will include removal of all handrails, and the concrete crosswalk will be covered with rock revetment material and beach quality sand, as needed.
12. To bring the hotel's beach access into compliance with ADA regulations, the applicant proposes to build a new crosswalk, 28 ft. north of the existing crosswalk, which will be located in-line with the northern pedestrian easement. The proposed crosswalk will be constructed using marine grade pressure treated wood and will consist of a 40 ft. by 6 ft. 6 in. ramp perpendicular to the shoreline, with a 6 in. slope from the upland, which connects to a 30 ft. by 5 ft. ramp with a maximum ramp slope of 1:12, which is oriented parallel to the shoreline.

Application Form, Applicant Name and Address, Project Site Plan, Plat, Deed or other instrument, Written permission to carry out project by owner of land, O.C.G.A. § 12-5-238 (1-5,8):

13. Applicant has submitted the application form, name and address, project site plan, plats, and deed.

Adjoining Landowners, Non-refundable application fee, O.C.G.A. § 12-5-238 (6,7):

14. Applicant has submitted the names and addresses of adjoining property owners as well as the non-refundable application fee required.

Hurricane Resistant Standards, O.C.G.A. § 12-5-238(9):

15. Robert C. Ussery, Architect (GA: RA003277), has submitted a letter stating that the project meets all applicable hurricane standards.

Local Government Zoning, O.C.G.A. § 12-5-238(11):

16. Applicant has provided a statement from the Glynn County Community Development Department that the project does not violate any zoning law.

Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-239(12):

17. Applicant has made an inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project.

Notification of Proposed Project, O.C.G.A. § 12-5-239(b):

18. Adjacent property owners and interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The Public Notice of the Shore Protection Committee ran from July 16, 2019 through August 15, 2019. No comments were received.

Requirement and Restriction Regarding the Issuance of a Permit, O.C.G.A. § 12-5-239(c):

19. No permit shall be issued except in accordance with the following provisions:
- (1) A permit for a structure or land alteration, including, but not limited to, private residences, motels, hotels, condominiums, and other commercial structures, in the dynamic dune field may be issued only when:
 - A. The proposed project shall occupy the landward area of the subject parcel and, if feasible, the area landward of the sand dunes; The land alteration portion of the proposed project includes construction of an outdoor spa, spa equipment storage, pool paver decking, brick and concrete walkway, and concrete walkway and retaining wall, which are all located landward of the Ordinary High Water Mark (OHWM). No sand dunes exist on the subject parcel.
 - B. At least a reasonable percentage, not less than one-third, of the subject parcel shall be retained in its naturally vegetated and topographical condition; As proposed, the total jurisdictional impacts of the proposed hardscape would increase by 275 sq.ft. to approximately 22,560 sq.ft. (56%). Approximately, 17,545 sq.ft. (44%) of the State's SPA jurisdictional area will be retained to a natural vegetated and topographic state.
 - C. The proposed project is designed according to applicable hurricane-resistant standards; Robert C. Ussery, Architect (GA: RA003277), has submitted a letter stating that the project meets all applicable hurricane standards.
 - D. The activities associated with the construction of the proposed project are kept to a minimum, are temporary in nature, and, upon project completion, restore the natural topography and vegetation to at least its former condition, using the best available technology; The proposed project

is located landward of the Ordinary High Water Mark (OHWM) and the existing rock revetment. The proposed project will occupy the landward area of the subject parcel and all disturbed areas will be restored to original condition upon completion of the project.

- E. The proposed project will maintain the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;** The proposed activities are located landward of the OHWM and the existing rock revetment. The proposed project will not be located within dunes or submerged areas and will not affect the normal functions of the sand-sharing system at the project area or other shoreline locations.

20. No permit shall be issued except in accordance with the following provisions:

- (2) No permits shall be issued for a structure on beaches, eroding sand dune areas, and submerged lands; provided, however, that a permit for a pier, boardwalk, or crosswalk in such area may be issued, provided that:**

- A. The activities associated with the construction of the proposed land alterations are kept to a minimum, are temporary in nature, and, upon project completion, the natural topography and vegetation shall be restored to at least their former condition, using the best available technology;** The activities associated with the replacement of the crossover will be temporary and the topography and vegetation will be restored to at least its former condition upon completion. No heavy machinery will be used on the beach for the construction of the crosswalk, ramp and stairway. All construction on the beach will be completed using hand tools and an excavator will be used landward of the rock revetment within the jurisdiction to relocate rock revetment material. The crosswalk will be constructed using marine grade pressure treated wood, which is temporary in nature.
- B. The proposed project maintains the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;** The crosswalk will extend from the upland, be built across the existing rock revetment, and terminate landward of the OHWM.

Public Interest Considerations, O.C.G.A. § 12-5-239(i):

21. In passing upon application for a permit, the Committee shall consider the public interest:

- A. The project will not result in unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system;** In order to reduce impacts to the sand-sharing system, no heavy machinery will be used on the beach for the construction of the crosswalk, ramp and stairway. All construction on the beach will be completed using hand tools and an excavator will be used landward of the rock revetment within the jurisdiction to relocate rock revetment material. Furthermore, the proposed activities are located landward of the OHWM. These activities are not located in submerged areas and will not affect the normal functions of the sand-sharing system at the project area or other shoreline locations.

- B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources;** All proposed land alteration activities will occur landward of the rock revetment. The proposed activities associated with the abandonment of the existing crosswalk and the construction of the new crosswalk will occur landward of the OHWM.
- C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties;** The land alteration component of the proposed project will be done on private property, and the existing crosswalk is located within a public access easement and will remain open until the new crosswalk is operational. The purpose of building a new crosswalk at this location is to provide ADA compliant access to the public. This project will not unreasonably interfere with public access or use and enjoyment of public properties.

RECOMMENDATIONS: Should the Committee determine the proposed project to be in the public interest, Department Staff to the Committee recommends the following standard and special conditions:

SHORE PROTECTION ACT O.C.G.A. § 12-5-230
STANDARD PERMIT CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other Federal, State, and local statutes, ordinances, and regulations, and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of or rights in or over the property upon which the subject project is proposed and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents, and materials contained in this permit application, required by the Shore Protection Act O.C.G.A. 12-5-230 *et. seq.* are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or Committee.
4. No further encroachment or construction shall take place within State jurisdiction, except as permitted by the Shore Protection Committee. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department prior to construction.
5. A construction placard will be required to be obtained from the Department up to 30 days prior to the start of project construction and must be posted at the site. This placard will include certain steps in the construction of the permitted project that must be approved by the Department prior to construction.
6. The exact location and configuration of this project must be reviewed onsite and approved by Department staff immediately prior to beginning construction. Minor changes to the location may be allowed or required in areas that have eroded or accreted subsequent to the original jurisdictional determination.
7. No construction materials may be disposed of in the jurisdictional area of the Shore Protection Act.
8. Any incidental impacts associated with the construction of this project must be rectified by restoring areas to their pre-construction topographic and vegetative states.

9. The public shall maintain rights of ingress and egress on the foreshore beach area seaward of the ordinary high water mark.
10. If the permitted improvements are damaged, fall into disrepair, become dilapidated, are not meeting their expected usefulness, or are not maintained at a serviceable level, then it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement or asset if it loses its structural integrity and is no longer serviceable.
11. The Shore Protection Committee is not bound in the future to protect any asset or improvements authorized by the permit.
12. The permit must be posted onsite within twenty-four (24) hours of beginning construction.
13. A copy of the above conditions must be supplied to the person in charge of construction.

SHORE PROTECTION ACT O.C.G.A. 12-5-230

STANDARD PERMIT CONDITIONS FOR DUNE CROSSWALKS

~~Only one crosswalk structure shall be allowed on a parcel.~~ In considering the design and routing of a crosswalk, the shortest route over the lowest area of the dunes shall be plotted to minimize impacts to the sand sharing system. For new construction, no decks or viewing platforms will be approved in the jurisdictional area. Previously permitted and grandfathered structures may be maintained provided they are serviceable. Additionally, the applicant requesting the structure must own 100% of the private lands through which the structure crosses or have the express written permission of the owner.

The following standard conditions shall apply to dune crosswalks:

- ~~1. The height of the structure shall be at least 36" above the grade of the sand dune and the width shall be no greater than 6' as measured from the outside posts, to allow for sand movement or accretion in the dynamic dune field.~~
- ~~2. The terminal point of the crosswalk shall be seaward of the seaward most dune but shall not encroach seaward of the ordinary high water line in the active intertidal beach.~~
3. If the shoreline erodes and the crosswalk extends seaward of the ordinary high water line, it will be the responsibility of the applicant to move the permitted improvements back to the dry sand beach, landward of the ordinary high water line.
4. The structure shall begin at the toe of the landward most dune.
- ~~5. Heavy equipment is prohibited in the Shore Protection Act jurisdiction. This project must be constructed using hand tools.~~
6. Clearing and grading of dunes is not authorized in conjunction with the construction of this project; stockpiling of materials in the dunes is prohibited.
7. Vegetation may be cleared only for the width of the permitted structure. The maintenance trimming of jurisdictional vegetation will only be allowed within 6" of the sides of the structure and 7' high over the structure.
8. No motorized vehicles are permitted on the crosswalk structure, except for motorized wheelchairs for handicapped persons.

9. Any sand needed to restore the site to pre-project vegetated and topographic conditions, or for backfilling, must be beach quality and obtained from an upland source and not from the beach.

SPECIAL CONDITIONS

1. Prior to any maintenance or repair to the crosswalk, The Inn of Lake City, Inc. must coordinate with and submit a proposed project scope to Department staff for approval a minimum of 10 business days prior to any work taking place.
2. To protect sea turtles, construction of the crosswalk must occur between November 1st – April 30th, which is outside of sea turtle nesting season.
3. To protect marine turtle hatchlings, placement and use of exterior lighting must be consistent with the Department of Natural Resources' Wildlife Resources Divisions sea turtle nesting guidelines as well as the lighting ordinance of Glynn County.
4. Permittee may be required to provide a post-construction survey that locates the proposed activities as indicated in the application materials. Landscaped trees must be designated as such on the survey. Such survey shall comply with the Georgia Plat Act, O.C.G.A. § 15-6-67 et seq.