TO: Shore Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Zach Harris
Mr. Chad Barrow
Mr. Brad Brookshire
Mr. Davis Poole

FROM: Department Staff to the Committee

APPLICANT: City of Tybee Island
403 Butler Avenue
P.O. Box 2749
Tybee Island, GA 31328

AGENT: Alan Robertson
AWR Strategic Consulting, LLC
P.O. Box 303
Tybee Island, GA 31328

LOCATION: South Beach Area, Tybee Island, Chatham County, Georgia

PROPOSED PROJECT: The applicant is proposing modification of Shore Protection Act (SPA) Permit 460 issued March 30, 3018. The proposed modifications are to permitted enhancements of the existing pedestrian promenade and include the construction and maintenance of shower platforms, changing rooms, restroom facilities and a utility line trench.

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

SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Shore Protection Committee ran from June 10, 2021 through July 9, 2021. Thirty (30) public comments were received during the public notice period. Twenty-two (22) public comments were in opposition to the project and related to; the number and density of proposed structures in the project area, decreased property values, dune setback concerns, dune retention structure concerns, the increase in pedestrian traffic over dunes, public safety and quality of life concerns, and the lack of law
enforcement at public facilities. Eight (8) public comments were received in favor of the project that related to; the need of additional public restroom and shower facilities in the project area, improved tourism opportunities, the decrease in demand for other public facilities such as restaurants and stores for bathroom use, and the replacement and enhancement of existing facilities. The agent has provided written responses to the comments received during the public comment period.

**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. SPA Permit #460 was issued March 30, 2018 to the City of Tybee Island and included dune restoration, modification to existing DNR-Approved Vehicular Access Points, and enhancement of an existing pedestrian promenade.

2. The entire project area for SPA Permit #460 is approximately 492,285 square feet (11 acres). Approximately 340,930 square feet (7.5 acres or 69%) of the project area is currently dry sand beach and vegetated dunes. The remainder of the project area is comprised of a parking lot, a pedestrian promenade, pedestrian amenities, three (3) public access dune crossovers and sand retention fencing. Existing and permitted impacts total approximately 153,405 square feet (3.5 acres or 31% of the project area).

3. The dune restoration project has been constructed and vegetated. The project included the placement of approximately 20,000 cubic yards of beach quality sand obtained from an upland source within three (3) identified project areas on the beach to create a new dune field with continuous vegetated sand dunes averaging 4ft. to 8ft. in height. The applicant provided a landscape plan, planted native vegetation, and installed sand fencing seaward of the constructed sand dune.

4. In addition, the applicant modified two existing vehicular access routes within the project area. The existing vehicular access at 18th Street was permanently closed, and a public access pedestrian dune crosswalk was reconstructed in that location.

5. The 19th Street vehicular access was improved using a network of subsurface sandbags filled with beach quality sand obtained from an upland source. The vehicular access was constructed in a manner to prevent storm surge penetration that caused residential flooding, while providing City of Tybee Island emergency vehicles, police vehicles, marine rescue vehicles and authorized City of Tybee Island personnel reliable ingress and egress to the dry sand beach at all tidal stages.

6. Additionally, SPA Permit #460 permitted improvements to the existing pedestrian promenade landward of the toe of the dune, including approximately 1,650 square feet of additional impervious surface to create outdoor seating areas and shower areas serviced by a shallow well enclosed in a well house. Drainage from the public shower facilities is to be directed to rain garden retention areas. Bike rack stations may be installed within existing impacted areas.

7. The applicant proposes to modify SPA Permit #460 to construct and maintain public amenities landward of the constructed dune and seaward of the existing pedestrian promenade adjacent to the City of Tybee Island Strand Parking Lot between the Walter Parker Pier & Pavilion and 18th Street.

8. The proposed improvements include construction and maintenance of two (2) trapezoidal shaped shower platforms, with sides 8ft. and 12ft. and a width of 8ft. (300sq.ft.), three (3)
30ft. X 12ft. changing decks (1200sq.ft.), two (2) 29ft. X 16ft. restroom facilities (1000sq.ft.), and an associated 700sq.ft. utility line trench. Total impacts for the proposed modifications total approximately 3,200sq.ft.

9. As proposed, the total jurisdictional impacts from the proposed modifications and existing and permitted hardscape total approximately 156,605 square feet (32%). Approximately 335,680 square feet (68%) of the State’s jurisdictional area will be retained or improved to a more natural vegetated and topographic state.

**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):**

10. 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):**

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

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

12. Peter Paul Gulbronson, Engineer (Ga License No. PE044546), has submitted a certification that the project meets all applicable hurricane standards.

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

13. Applicant has provided a statement from George Shaw, Planning & Zoning Manager for the City of Tybee Island that the project is not violative of any zoning law.

**Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-238(12):**

14. Applicant has made an inquiry to the Hazardous Site Index of Georgia as to the existence of hazardous waste at the site. The project area was not found to be over a hazardous waste site or landfill.

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

15. Interested parties who have requested to be placed on the regulatory mailing list and adjacent property owners were notified in writing of the proposed project. Thirty (30) public comments were received during the public notice period. Twenty-two (22) public comments were in opposition to the project and related to; the number and density of proposed structures in the project area, decreased property values, dune setback concerns, dune retention structure concerns, the increase in pedestrian traffic over dunes, public safety and quality of life concerns, and the lack of law enforcement at public facilities. Eight (8) public comments were received in favor of the project that related to; the need of additional public restroom and shower facilities in the project area, improved tourism opportunities, the decrease in demand for other public facilities such as restaurants and stores for bathroom use, and the replacement and enhancement of existing facilities. The agent has provided written responses to the comments received during the public comment period.
Requirements and Restrictions Regarding the Issuance of a Permit, O.C.G.A. § 12-5-239(c)

16. 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 project consists of the proposed enhancements to the existing public use facilities seaward of the Strand Parking Lot known as the Strand Pedestrian Promenade. Once activities are completed, construction related impacts will be restored, and the project will result in the restoration of the Tybee Island beach, dune, and shoreline within the project limits. Landscaping and improvements to the hardscape as proposed enhance pedestrian opportunities while creating a more naturalized area for passive activities. The landscaping and hardscape structures are located landward of the recently constructed sand dunes in an area that has traditionally been mowed and maintained.

   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; The entire project area for SPA #460 is approximately 492,285 square feet (11 acres). Approximately 340,930 square feet (7.5 acres or 68%) of the project area is currently dry sand beach and constructed sand dunes authorized by SPA Permit #460. The remainder of the project area is comprised of a parking lot and pedestrian promenade, pedestrian amenities and three (3) dune crossovers. As proposed, the total jurisdictional impacts from the proposed modifications and existing and permitted hardscape total approximately 156,605 square feet (32%). Approximately 335,680 square feet (68%) of the State’s jurisdictional area will be retained or improved to a more natural vegetated and topographic state. Proposed landscaping landward of the existing sand dunes will consist of native species installed in a manner to minimize the landward movement of sand over the promenade and existing parking area.

   C. The proposed project is designed according to applicable hurricane-resistant standards; Peter Paul Gulbronson, Engineer (Ga License No. PE044546), has submitted a certification 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; All proposed construction activities associated with the enhancement of the promenade will be kept to a minimum and are temporary in nature. The manicured area immediately landward of the sand dunes will be landscaped using native species.

   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 enhancements of the existing promenade will occur
landward of the existing sand dunes and within areas currently associated with public use. Proposed landscaping landward of the existing sand dunes will consist of native species installed in a manner to minimize the landward movement of sand over the promenade and existing parking area.

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

17. 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; The proposed enhancements will occur landward of the sand dunes. The use of native landscaping will assist in stabilizing the sand dunes, addressing sand migration over the promenade and existing parking areas.

B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources; The proposed modifications to SPA Permit #460 are located landward of the recently constructed sand dune and seaward of the Strand Parking lot and associated pedestrian promenade. This is a high density commercially zoned area with heavy recreational use. Sea turtles do utilize the area for nesting, but shore birds tend to seek more suitable habitat on the island.

C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties. The proposed enhancements will provide the public with enhanced recreational opportunities. No modification to the three (3) existing crosswalks are proposed.

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.

**SPECIAL CONDITIONS**

1. Permitted dune restoration activities may not occur May 1 through October 31.

2. Only beach quality sand suitable for sea turtle nesting, successful incubation and hatchling emergence shall be used on the project site. Fill material must be comparable in both coloration and grain size. All fill material shall be free of construction debris, rocks, or other foreign matter and shall not contain on average, greater than 10% fines (i.e. silt and clay; passing through a #200 sieve) and shall not contain on average, greater than 5% coarse gravel or cobbles (retained by a #4 sieve).

3. A final landscape plan must be submitted to the Department for approval prior to installation. The plan shall consist of native species to be used in the dune restoration component of the project and native species used landward of the sand dunes in association with the enhancement of the promenade. Landscaped trees will not change the Shore Protection Area jurisdiction and must be noted as landscaped on the final landscape plan.

4. The native landscaping shall be irrigated and fertilized to establish the plants, but may not be trimmed or maintained in the future without appropriate approval from the Department or the Shore Protection Committee.

5. All sand fencing shall be designed and installed in accordance to the GADNR Sand Fencing Guidelines.

6. If GA DNR staff determines the Permashield bags at the 19th Street vehicular access have failed or are not serving their intended purpose, the bags will be removed and the sand will be distributed in a manner that is consistent with the surrounding topography.
8. To protect marine turtle hatchlings, placement and use of exterior lighting on the subject parcel must be consistent with the Department of Natural Resources’ Wildlife Resources Divisions sea turtle nesting guidelines as well as the lighting ordinance of the City of Tybee Island.

9. Permittee may be required to provide a post-construction survey that locates the proposed structure as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. § 15-6-67 et seq.