Re: City of Tybee Island’s request for a modification of Shore Protection Act (SPA) Permit #460 under O.C.G.A. 12-5-230 et. seq. for improvements to an existing pedestrian promenade associated with The Strand Area Parking Lot on Tybee Island, Chatham County, Georgia.

Thank you for submitting your comment regarding the City of Tybee Island’s request for a modification to the Georgia Department of Natural Resources (DNR) Shore Protection Act (SPA) Permit #460. I am writing on behalf of the City in response to the public comments the City received.

The Shore Protection Act specifies that “it is the responsibility of the applicant to demonstrate that the project is not contrary to the public interest and that no feasible alternative sites exist. In passing upon the application for permit, the permit issuing authority shall consider the public interest which for purposes of this part shall be deemed to be the following considerations: (1) Whether or not unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system will be created; (2) Whether or not the granting of a permit and the completion of the applicant’s proposal will unreasonably interfere with the conservation of marine life, wildlife, or other resources; and (3) Whether or not the granting of a permit and the completion of the applicant’s proposal will unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties impacted by the project.”

(1) No unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system will be created by way of approving this modification to Permit #460. The bath and changing facilities will be placed landward of the landward toe of the dune.

Many public comments spoke to what is perceived as an alteration and encroachment of a natural dune system, as represented by the following representative comment:

“Allowing encroachment into the newly built sand dune system in this sensitive area will be detrimental to the stability of these protective dunes.”

The area in which the bath and changing room facilities are to be built is defined under SPA Permit #460 and is still under construction. The landward toe of the dune can be expected to change until construction is complete. The City has placed 20,000 cubic yards of sand within the area leaving room for further development of the Strand Promenade, as described in SPA Permit #460. The expiration date of SPA Permit #460 is five (5) years
from the date of issuance, April 11, 2023. A Certification of Compliance for the construction and maintenance of the project permitted under SPA #460 is required within thirty (30) days of completion of the authorized activity. No Certification of Compliance has been submitted, and the project remains under construction.

Below are photographs showing the condition of the project area before beginning work, Looking south from Tybrisa Street:
and the proposed site of the bathroom in January 2018:

These pictures show that prior to construction, the area covered by SPA Permit #460 had little to no dunes. The dunes in this area were constructed by the City in March-April 2019. Below are photographs of the newly constructed dunes during placement:

Looking north from approximate area of proposed bathroom:
Looking south toward area of proposed bathroom:
You will see the landward toe of the newly constructed dune is demarcated by the construction fence. The sand retention structure in place further landward has been in place for some time and is part of the project area. The City will eventually remove it as part of the project. Clearly the man-made dune was placed to accommodate the proposed amenities, and future enhancements to the Strand area.

Since placement, the dunes have migrated westward, as expected, and the landward side of the dune in the project area may well need to be modified slightly.

Below is a photograph showing the proposed site June 2021:
The Phase 1 dunes were vegetated late January 2020 and have grown exceedingly well, as evidenced in the photograph. The entire Phase 1 dune was impacted dramatically by Hurricane Dorian in September 2019, during which the seaward face of the dune was severely scarped. The City repaired the dune in February 2020 under SPA Permit #473. You can see the restored seaward face of the dune in the photograph above.

The addition of the proposed amenities will not impact nor harm the dune field and function of the sand sharing system.

(2) Whether or not the granting of a permit and the completion of the applicant’s proposal will unreasonably interfere with the conservation of marine life, wildlife, or other resources.

Though there were no references in the public comments to this requirement, the City asserts that the granting of this modification will not interfere with the conservation of marine life, wildlife, or other resources. The City will construct the improvements after the November 1st end of Turtle Season and will be completed before the May 1st start of Turtle Season. The improvements are landward of the dunes, which at this point are approximately 100ft - 150ft in width, depending on the location of the amenities.
(3) Whether or not the granting of a permit and the completion of the applicant’s proposal will unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties impacted by the project.

The granting of this modification will not interfere with access by and recreational use and enjoyment of public properties impacted by the project. In fact, the City’s proposal will enhance the access and recreational use and enjoyment of the beach by adding amenities that serve the residents and visitors to the City’s commercial district and most popular section of the beach.

We expect by adding bath and shower facilities that the water quality of the water in the ocean will improve over time. Each of the past several years, there have been multiple episodes of unacceptably high bacteria count in the ocean along this area, from Tybrisa to 18th Street. While there are many causes of high bacteria counts, certainly adding bathroom facilities in this area, which is always the most populace area of Tybee Island beach, will be beneficial to improving water quality in general, not to mention adding to the general cleanliness of the area. Improving the access and recreational use and enjoyment of these public properties is the rationale for the City to improve the Strand Promenade amenities to include these bathrooms, showers, and changing rooms. Chatham County supports this project by assuring funding for the construction of these facilities.

Several public comments referred to the need for amenities in the proposed area, as represented by the following comments:

“With the huge amount of tourist coming to Tybee we need more of everything. Public bathrooms/showers should be a TOP priority for the entire island.”

“I think I can say I am not only speaking for business owners on this island, but also the thousands of visitors who use Tybee’s public beach. Restrooms and showers are needed on the South end, just as they are needed and used on the North end. “

“I can’t begin to express the utmost necessity of the bathrooms for the enormous amount of guest that visit the island daily.”

There were also public comments that speak to the possibility of these facilities attracting even more visitors:

“I would also like to add that while living on Strand, I have witnessed drug sales, prostitution, open sexual acts, under aged drinking etc., and there is absolutely NO patrols or enforcement in that area to ward it off. ...Not enough police!! ...To build these structures would allow even more indiscretions to be carried out. ...Everything is already overcrowded, the plan is to make it more inviting?”
"The city doesn’t have enough crew to keep the present restrooms clean at all times. They will be overwhelmed with 4 additional toilet facilities. Visitors will trash the area around the 8 buildings also. “

The issues around the City’s management of the large influx of visitors during the summer is one that has been presented to City Council on many occasions and which the City is working hard to improve. With approximately 33,000 vehicles on the island over the July 4th holiday weekend, Friday - Sunday, there is an estimated 20,000 - 30,000 people are on the island on any given day. Hence the critical need for additional amenities to support the growth in visitors.

The granting of this modification and the completion of the applicant’s proposal will not interfere with reasonable access by and recreational use and enjoyment of public properties impacted by the project but will enhance it.

In addition to these three specific issues with which the Shore Protection Act Committee concerns itself in considering the public interest, it also considers that no feasible alternative sites exist.

The City considered a wide range of alternative sites for the facilities, based on sound building design, the parameters of the DNR guidelines, specific consideration of SPA Permit #460, with public input at several meetings, and in close coordination with the DNR. These meetings included two City Council meetings and many meetings with residents, many of whom submitted public comment. The final design submitted in this request for modification is a direct reflection of public input, has been approved by the City Council, and has been shared with residents. The various alternatives are included in the City’s application.

Several public comments referred to potential alternative sites, almost exclusively at or near crossovers where there are already high levels of congestion, represented by the following quotes:


“As to the question whether the City of Tybee Island could construct these amenities on alternative sites, the answer is yes. There is room at the circle by Tybrisa Street. There is also room at the 18th Street crossover. These two locations would allow construction without interfering with the dunes. There is also room at the 17th Street crossover. And, of course, there is room on the already paved parking area”
All of the potential sites along the Strand area were considered. The area between 14th Street and 18th Street, including the Strand parking lot adjacent to the project area and the 14th Street parking lot, is the most popular area and experiences the most people. In choosing the proposed project area, the City explicitly chose to spread out the amenities, to alleviate already crowded conditions. The City considers it unsafe to place these facilities at existing crossovers: close to the Pier where there are already facilities, at Tybrisa which is the main crossover to the beach, or at 17th or 18th Streets where they would create even more congestion and public safety issues. The consideration of the placement is to limit the congregation of people that impedes flow.

As to placing the facilities within the parking lot, the City is required to maintain the existing number of parking spaces providing access to the beach as a condition of the Operation and Management requirements promulgated by the US Army Corps of Engineers, who regularly nourish the beach and set conditions for its use and access. Because SPA Permit #460 has been approved, the proposed facilities are contemplated under the Permit, there is sufficient room to build the facilities, and neither the dunes, sand sharing system, nor wildlife habitat will be impaired, the City saw no reason to pursue another course. As presented in the City’s application, a variety of places and building designs were thoroughly considered.

Several public comments referred to a perceived potential violation of the City’s regulation regarding a 10-foot setback from the landward toe of the most landward dune, as represented below:

“Per the City of Tybee Island Ordinance and per the Georgia Department of Natural Resources’ guidelines, there shall be a 10-foot setback measured from the landward toe of the landward-most dune. The proposed project does NOT satisfy this requirement.”

“I am a year-round resident of the island, and certainly appreciate the need for more public facilities as this island is inundated by visitors in the summer months. In fact, I don’t understand where or how our current visiting population takes care of their toileting needs now. However, this proposal violates city code setbacks, which in this case endangers the dunes that millions of dollars have been spent to renourish.”

The land immediately adjoining the project area is the Strand public parking lot, owned by the City. The surrounding area is zoned C-1 beach business district. The focus of the C-1 beach business land use district is to provide for commercial and residential land uses that support and complement recreational use of the beach and general tourism of the island. [City of Tybee Island Land Development Code Sec 4-050 (E).] This project is still under construction and the landward toe of the dune is subject to change until completion of the project. There is no violation of the City’s setback requirements, nor will there be upon completion.
Several residents commented on issues of enforcement, people walking over dunes, general crime, trash, crowds, the growth of visitors and businesses on the island, the quality of life, and similar issues that are more appropriately considered by the City and go beyond the City’s request to the Shore Protection Act Committee for a modification of SPA Permit #460.

Thank you again for your interest in this project and for taking the time to offer important input.

Best regards,

Alan W Robertson

Alan W Robertson
Principal
AWR Strategic Consulting
PO Box 303
Tybee Island, GA 31328

Cc: Shawn Gillen
    Pete Gulbronson
    Bubba Hughes