

Discussion Regarding Proposed Change of BHA Covenants to Allow Construction of Access 16

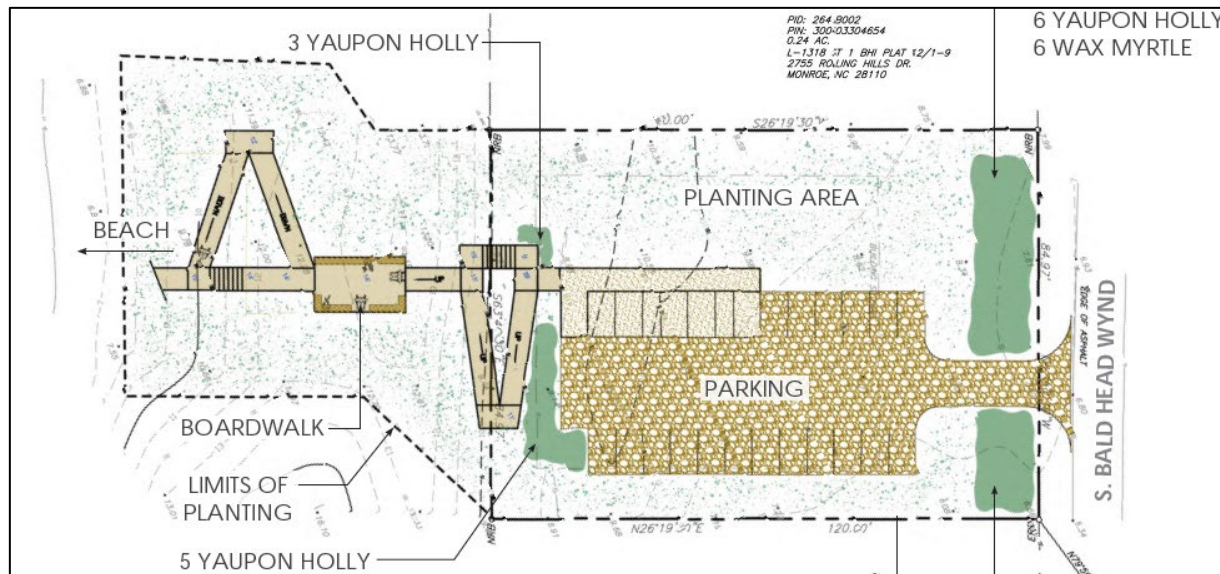


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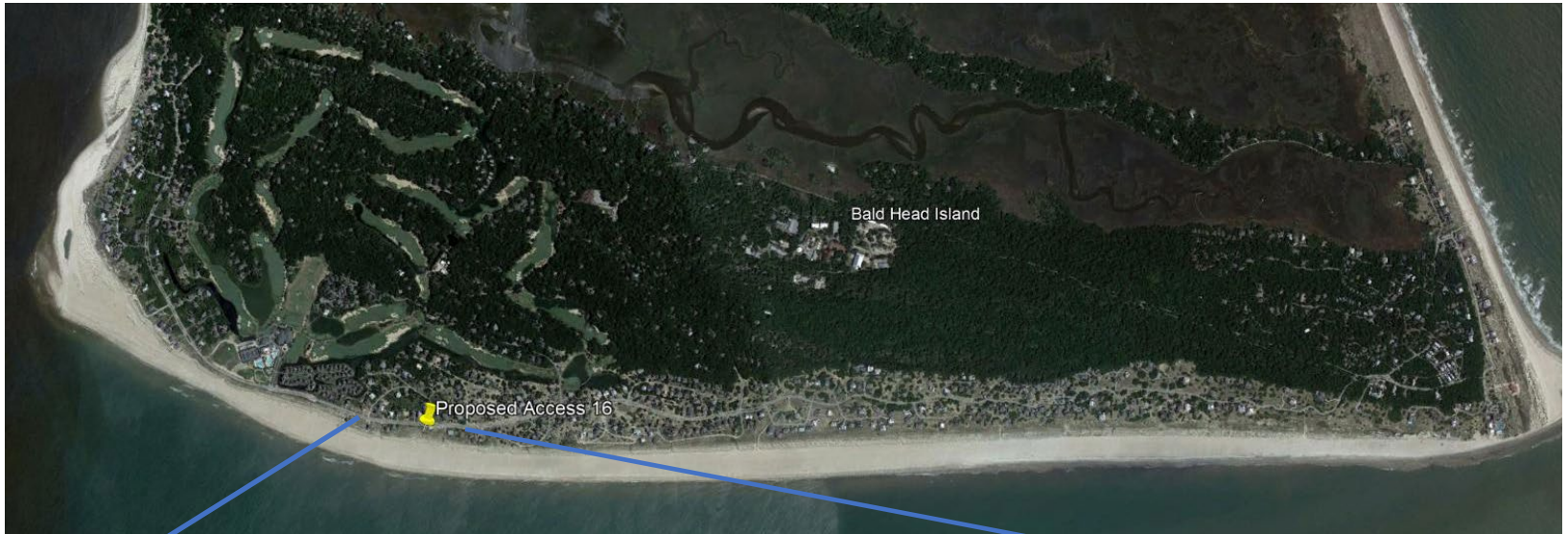


Village Proposal: New High-Volume Beach Access 16

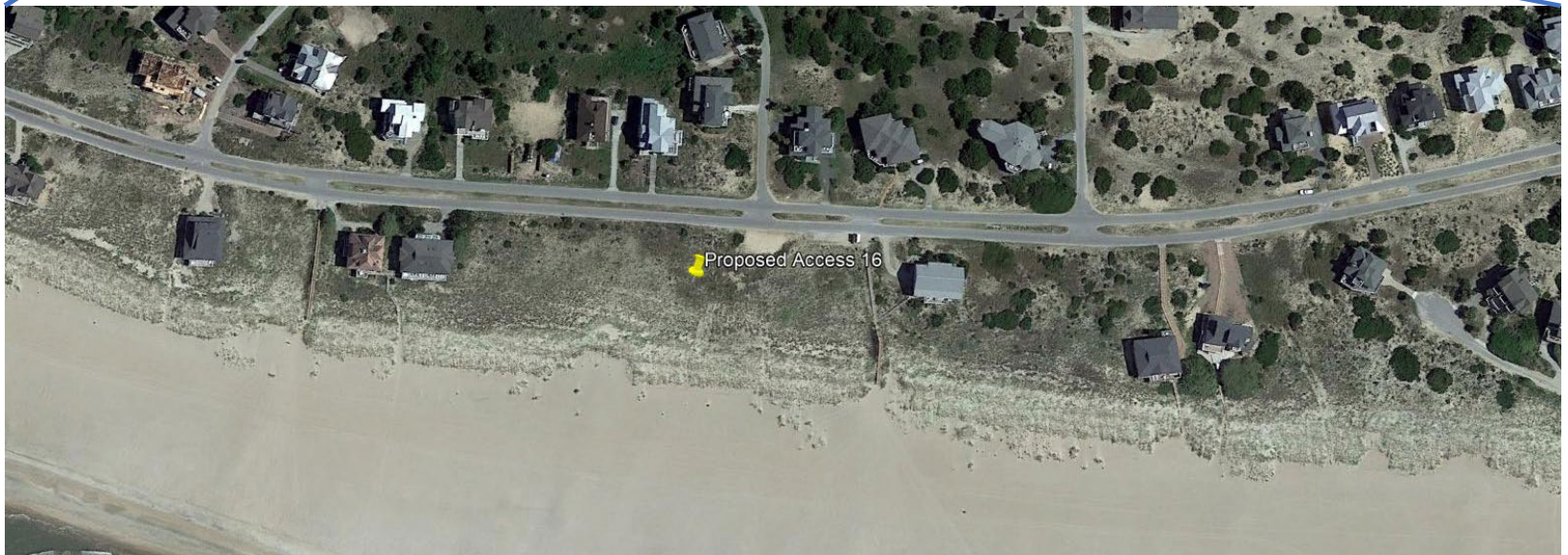
- Parking lot mimics Access 42 with approximately 24 total parking spots (4 for ADA)
- Boardwalk includes large observation deck and permanent seating
- Steep grade of dunes (14' peak) requires 4 ramps and 2 switchbacks to cross
- Village looking to “raise the platform to the maximum of twenty-four (24) inches above grade” (per 4/16/2021 Village meeting) - this design criteria will place the observation deck at 16 feet in elevation (nearly two stories high!)
- Entirely new beach access over pristine dunes – utilizes no existing infrastructure
- Requires vegetation clearing of large portion of the parcel to build the parking lot
- Located on residential lot and requires BHA to change covenants to allow commercial activity (such significant act requires 2/3rds approval vote of Members)



Proposed Access Location on the Island:



Proposed Access Location on SBHW:



Proposed Access 16 overlaid on Google Earth to the correct proportions.

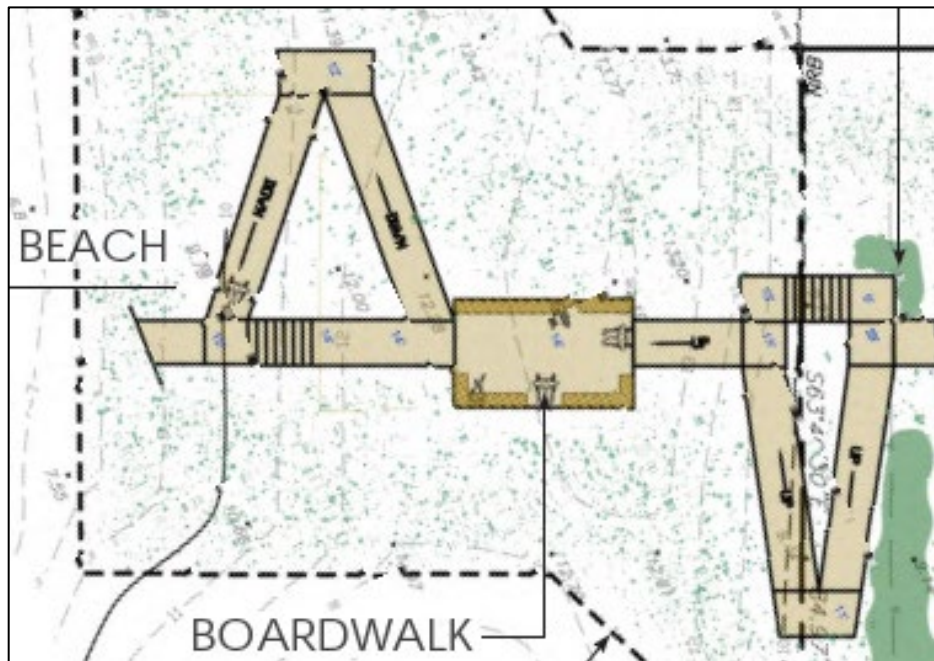


Why build a new access directly adjacent to two existing public access points?



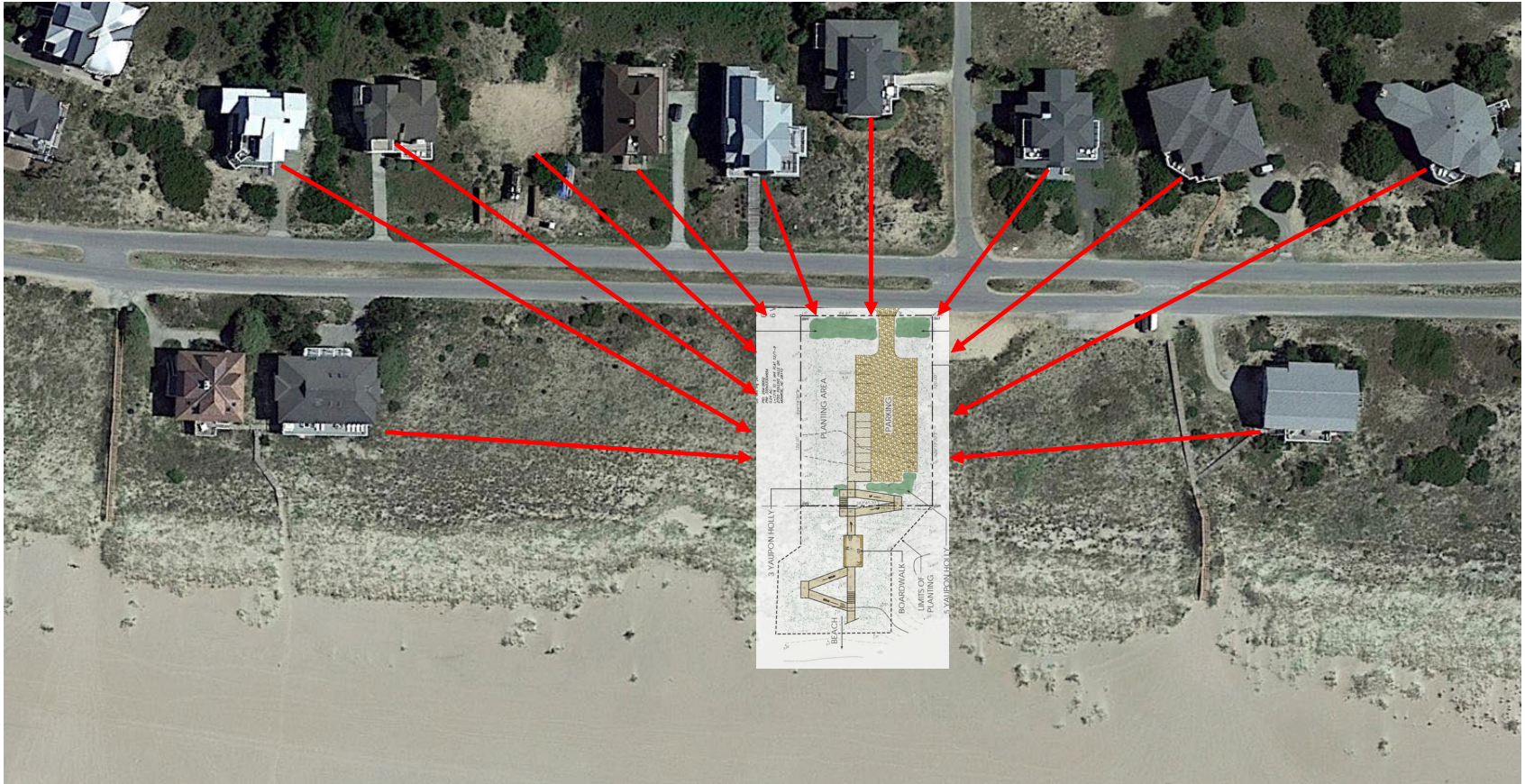
- Why would the island need a new public beach access right between two existing access points?
- Access 17 is 200 feet away and Access 15 is 500 feet away.
- Clearly there are other objectives at play rather than just increasing the inventory beach access points for fishing, shell hunting, and building of sandcastles. Is the need for this new access truly driven by the need to provide for ADA Access or are other motivations at play? Other possible objectives of this project include:
 - Create a high-visibility observation platform and tourist attraction for day-trippers
 - Create a high-volume parking lot to relieve parking constraints
- Has the desire to build a high-volume beach access along South Beach superseded the original objective of providing ADA access?
- Given the steep nature of the 14-foot dunes at this location, this site is a poor choice for ADA access.

Have special needs stakeholders and their caregivers been consulted about the difficulty of choosing a location that requires 4 ramps and 2 switchbacks?



- What happened to the original plan to rehabilitate Access 15 and bring it back to ADA compliance?
- According to the Village [website](#):
 - “because the dune had naturally grown over the existing structure, beach access #15 was modified and is no longer a handicapped access.”
- The logic is inconsistent that dunes grew over the boardwalk at Access 15 and so the Village decided to move several lots down to build over even steeper dunes with no existing boardwalk to start from.
- Note the special needs ramp at Access 15 was initially budgeted as \$13,320 which illustrates the limited scope of the original project.
- The most recent budget proposal was \$132,014 per the Village update during the September 17, 2021 meeting which did not account for current inflation nor planting material.
- As of now, the Village does not have a current bid, and given first-hand experience building ramps and parking surfaces, this project will likely cost several hundred thousand dollars as currently designed and without starting from existing infrastructure.
- Choosing a location with one less switchback would earn back the \$19,160 grant.
- Choosing a location that would eliminate the second switchback would earn back the \$16,000 the Village paid for the Lot in 2019.

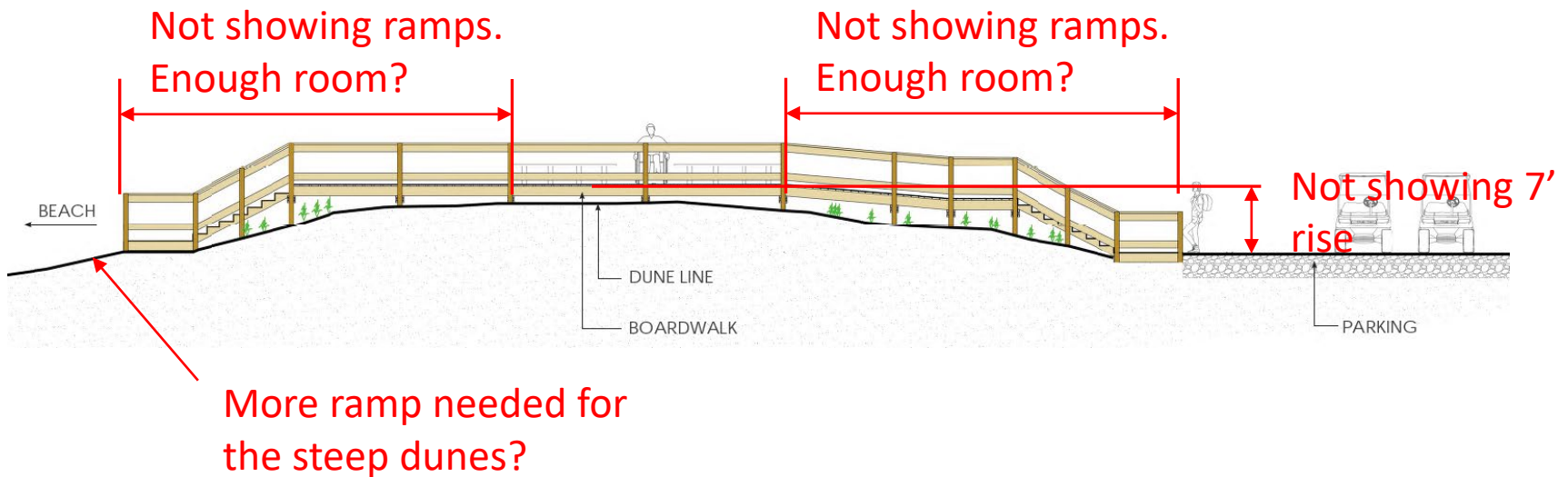
Rationale to reject the proposed location:



11 Homes with highly impacted views (previously unimpacted views). Observation platform at 16 feet in elevation - nearly two stories high!

Illustration Provided by Village Minimizes the Visual Impact:

- Minimum 7-foot rise from parking to platform not depicted
- No ADA ramps shown in this illustration (ADA access should be the primary objective)
- Depiction minimizes the height of the observation platform
- Parking surface at 9 feet elevation and dune peak at 14 feet elevation makes 5 feet in rise
- This design criteria will place the observation deck at 16 feet in elevation – nearly two stories high
- Design parameters put the rise at 7 feet without consideration for scraping of the parking lot which will likely lower the starting point to below 9 feet in elevation thus increasing the overall rise to greater than 7 feet.



Fragile Dune Needs Protection:

Image dated June 14, 2019 – status of dune repair following Hurricane Florence storm surge in August 2018. Location of ramps to be built directly over repaired dunes. Proposed parking lot surface area to increase the risk of accelerated water flow in a surge event.



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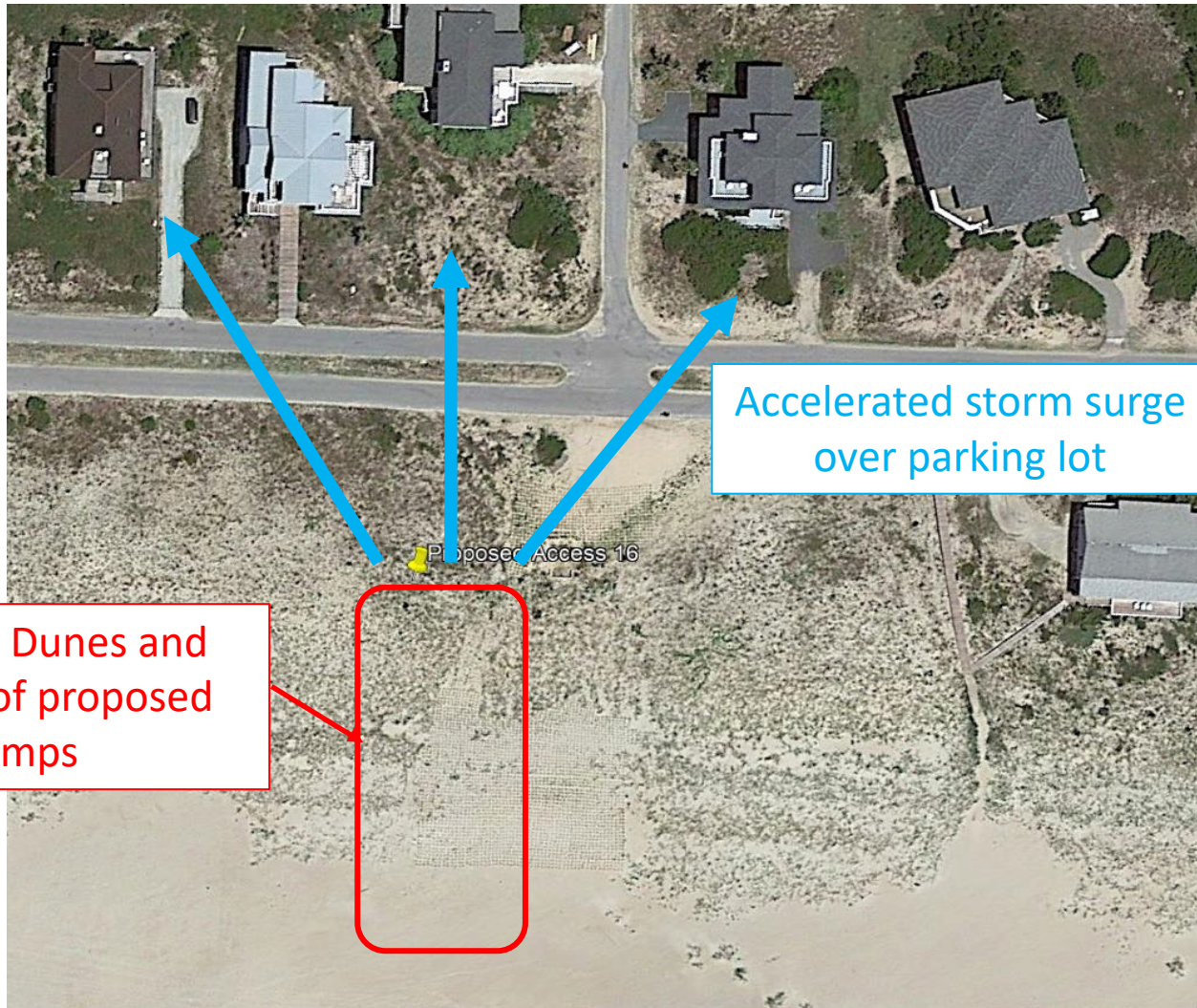


Image from 9/2/2021: Despite best efforts and following dune protection guidelines, public access points stunt the growth of dunes and access points should be minimized.



Has the Island identified a true need for more beach access points? While lack of parking is a known issue, lack of beach access points is not a common complaint.

Image shows the parcel boundary of Lot 1319 with the overlay of the Village proposed project.

Note almost the entirety of the ramp structure is located on BHA Common Area.



If the Village is proposing to build a structure on the BHA Common Area, the BHA Board is obligated to uphold the BHA design guidelines they are supposed to protect.

Several of Beach Access 16 design elements directly conflict with the BHA design guidelines as stated in the BHA Unified Design Guidelines:

1. Much of the construction of the project will require construction on BHA Common Area, and the nature of this location over a steep dune would require design elements that are discouraged in the BHA Unified Design Guidelines (such as the need for extensive stairs and rails).
2. Note also the following design guideline from Appendix F - BHA Common Area Policy, Section IX. Dune/Beach, 3.b.2): "Specifically, pavilions and permanent seating will not be allowed." **The proposed viewing and seating platform is specially not an allowable design element.**
3. Further in Appendix F, Section IX.,3.b.3): "In no case should an access way be permitted if it will diminish the dune's capacity as a protective barrier against flooding and erosion." This section of dunes has had stabilization plantings performed due to previous flooding issues.
4. Multiple beach access points in close proximity are discouraged by the Design Guidelines, and Access 17 is just one lot over to the East and Access 15 is just five lots over to the West.

By voting to approve this project, the Board would be voting against the design principles the Board is entrusted to uphold.

Fundamentally, this is a residential lot, not a lot zoned for commercial activity. The founders of BHA established covenants with intention and changing the covenants of this lot and allowing for the construction of this facility will negatively change the character of this stretch of residential area.

Additional Considerations Against Access 16:

- High-speed traffic along this section of SBHW. Day-trippers and tourists not familiar with the dangers of golf carts will create the potential for collisions entering and exiting the parking lot.
- Extensive ramps will be and attractive nuisance for people to ride skateboards and scooters and **will be a deterrent for those with special needs.**
- An observation deck and permanent seating will create an attractive nuisance for loitering.
- The noise from high-volume golf cart traffic and noise from crowds is not conducive to the residential character of this neighborhood.
- The additional strain on Public Safety will be significant and will be a deterioration of the quality of life for neighbors.

Alternate Options for ADA Access?

- YES, alternate options exist, however, credible alternatives have not been seriously considered by the Village.
- If the Village is requesting the BHA do something as drastic as to change the residential character of this neighborhood, have they presented credible alternatives to demonstrate beyond reasonable doubt that there is truly no alternative?
- If ADA Access is the primary objective of the project, better locations exist.
- If parking is a concern for the Village, the Village should not leverage a project to provide ADA access as a means to address parking; an island-wide study should be conducted on how best to solve parking constraints.

Does the Village typically use a metric-based approach when evaluating potential projects? The answer is YES. Below is an example of the framework the Village used in 2020 when ranking the prioritization of rehabilitation of public beach access points.

FY21 Beach Access Assessments

Scoring: 1 = great shape
 10 = poor assessment
 score of 60 = needs immediate attention



BEACH ACCESS GRADING FORMULA							
ACCESS #	STAIRS CONDITION 1-10	WALK SURFACE CONDITION 1-10	STRUCTURE CONDITION 1-10	USAGE HIGH OR LOW 1-10	FASTENER TYPE SS=0 GAL=3 NON COATED=10	HAND RAIL 1-10	Score 1-10
A3						0	sand
A26-A	5	6	3	3	10	7	34
A29	4	7	3	3	10	4	31
A4	0	10	2	10	0	8	30
A1	0	7	4	7	3	8	29
A7	8	3	3	3	10	1	28
A9	8	6	3	4	0	6	27
A23	4	3	3	6	6	4	26
A25-A	3	5	1	4	10	2	25
A18	1	2	2	5	10	1	21
A2	0	5	4	4	7	0	20
A21	4	4	2	4	3	0	17
A15	0	1	1	4	0	6	12
A41	2	2	2	5	0	1	12
A5	2	1	1	5	0	2	11
A39	0	0	0	10	0	0	10
A17	1	1	1	6	0	0	9
A25-B	1	1	1	4	2		9
A24-A	1	1	1	4	1		8
A19	1	1	1	3	0	1	7
A8	1	1	1	3	0	0	6
A27		1	1	4	0		6
A34	0	0	0	4	0	0	4
A32	0	0	0	3	0	0	3
A20	0	0	0	0	0	1	1

Why has the Village not performed a rigorous analysis of alternate options before coming to the BHA to ask for covenants to be changed? Alternate options do in fact exist, and such options are far better options if the goal is truly to serve to goal of providing ADA access.

Alternate Option 1: Pursue original plan at existing Access 15

- Upfit existing boardwalk to gently sloping ADA compliant ramp.
- Add general parking along SBHW in existing municipal easement.
- Convert existing parking to ADA pass holders.
- Utilizes existing infrastructure and creates essentially no change to the visual and environmental impact.



7 homes with minimally modified views of existing Access 15

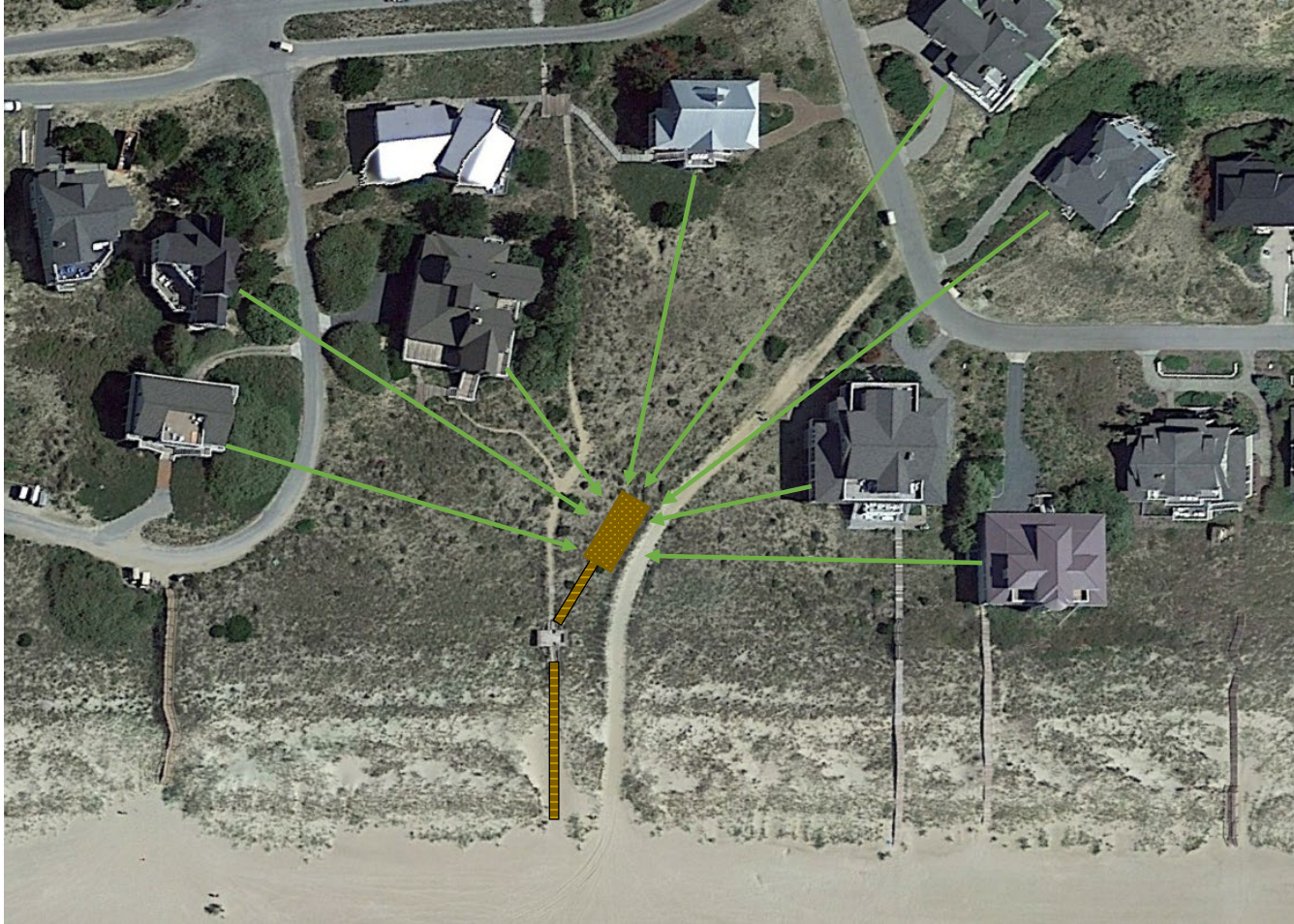


Alternate Option 2a: Enhance existing Access 24a

- Utilize entrance to existing Access 24b.
- Create new small parking lot only for ADA pass holders.
- Connect into existing boardwalk for Access 24a and build ADA compliant ramp to cross 4-foot dune.

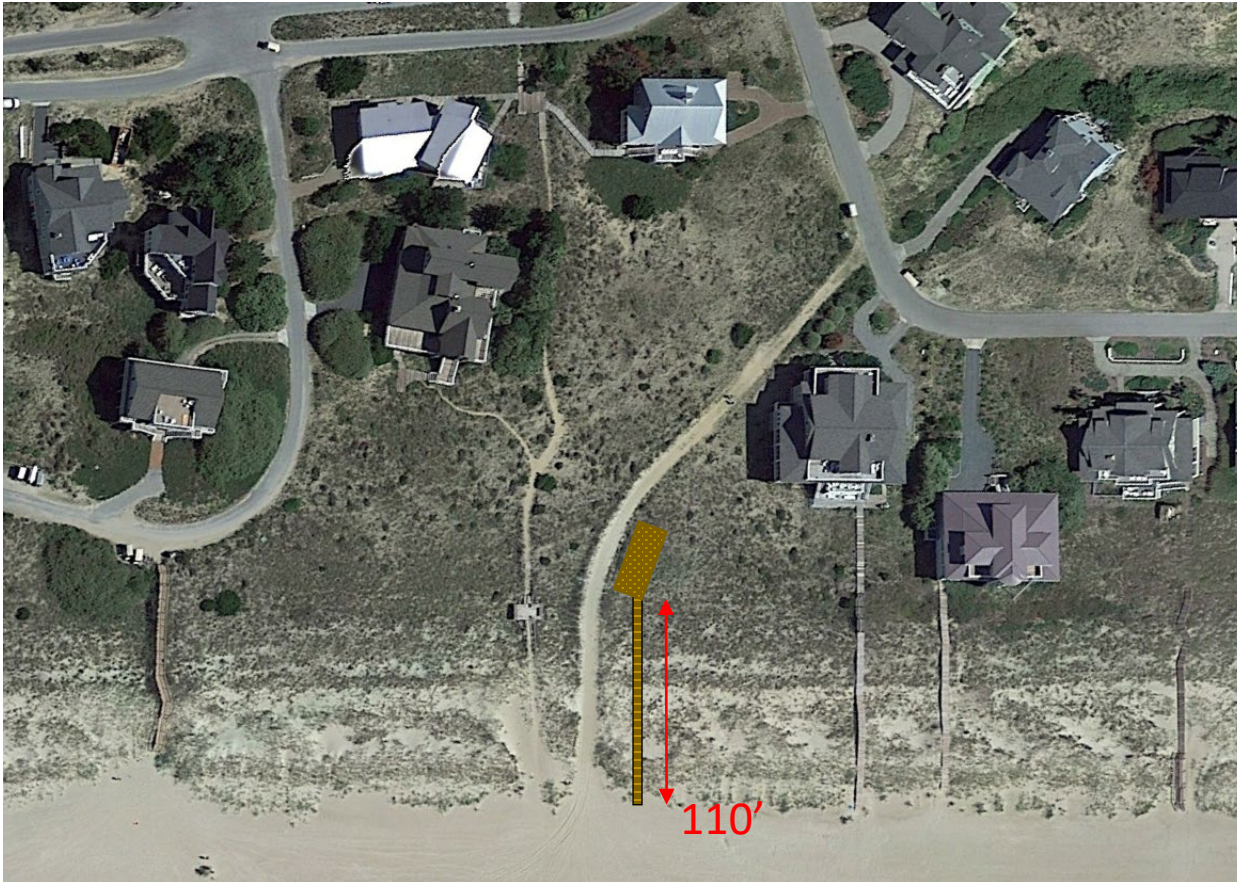


8 homes with minimally modified views of existing Access 24a and 24b

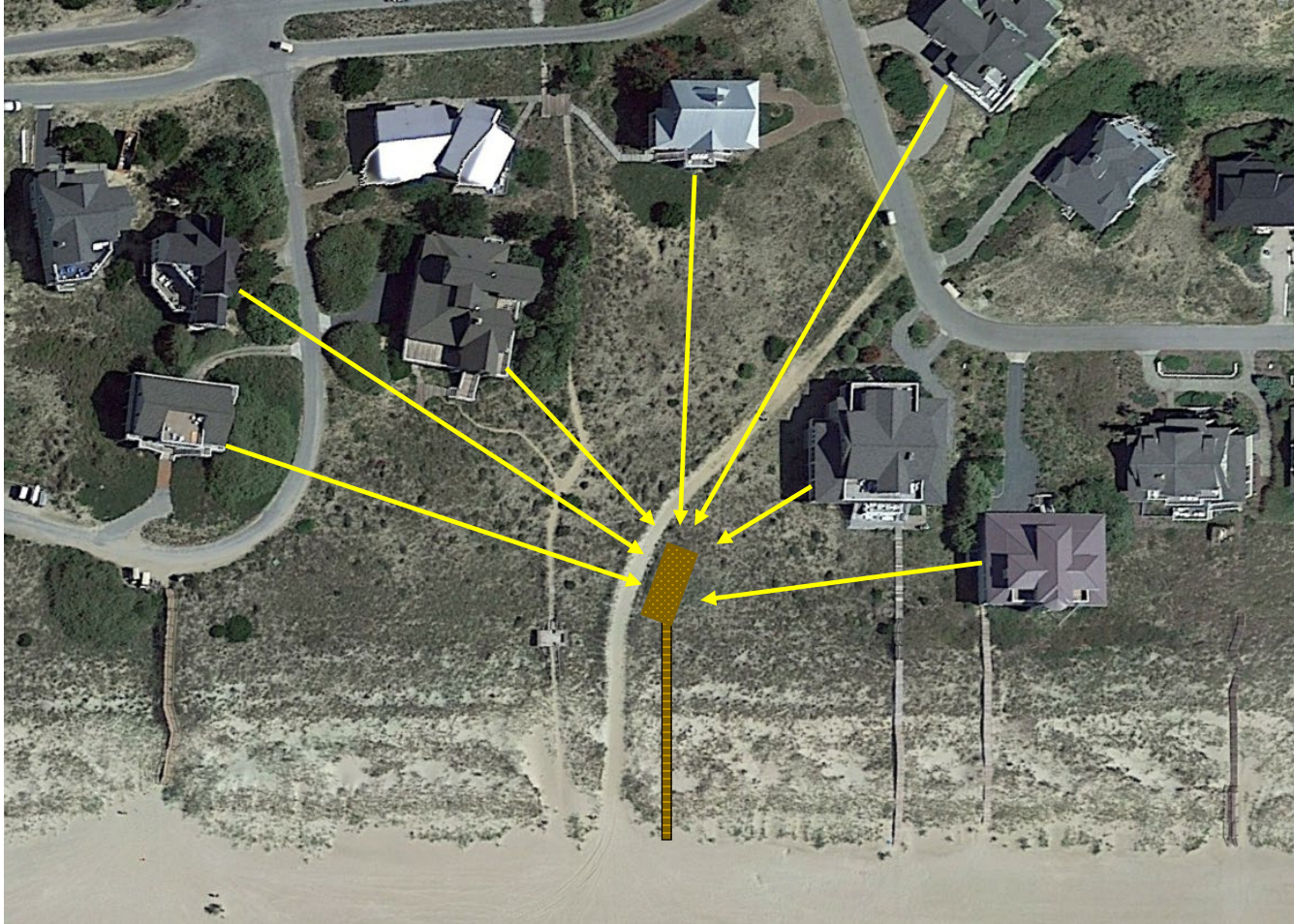


Alternate Option 2b: Enhance existing Access 24b

- Utilize entrance to existing Access 24b
- Create new small parking lot only for ADA pass holders.
- Build new gently sloping ADA compliant ramp over 4-foot dunes.
- This is essentially the same concept as is currently proposed by the Village, but at a location with less visual impact and much lower dunes.



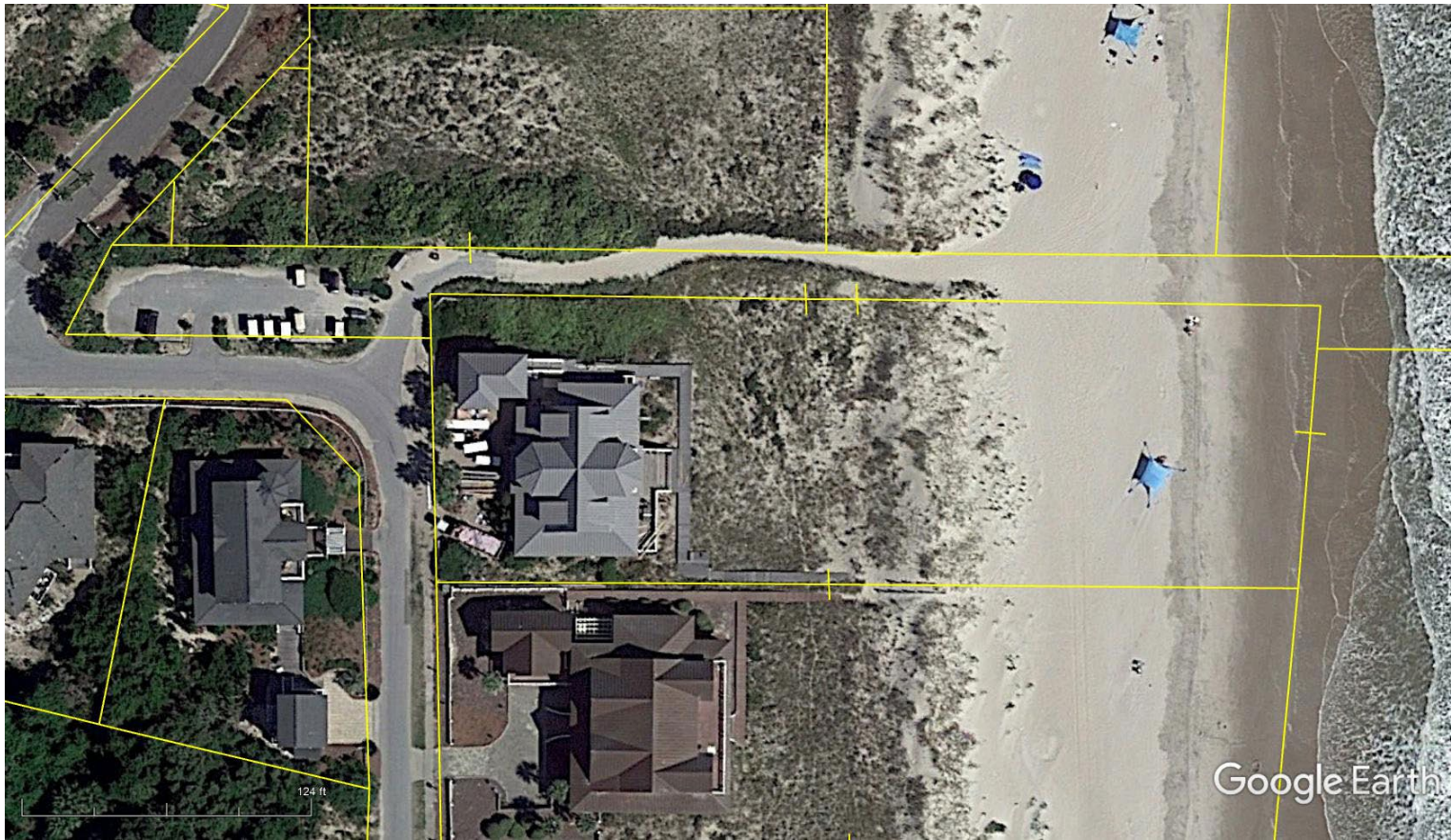
7 homes with minimally modified views of existing Access 24b

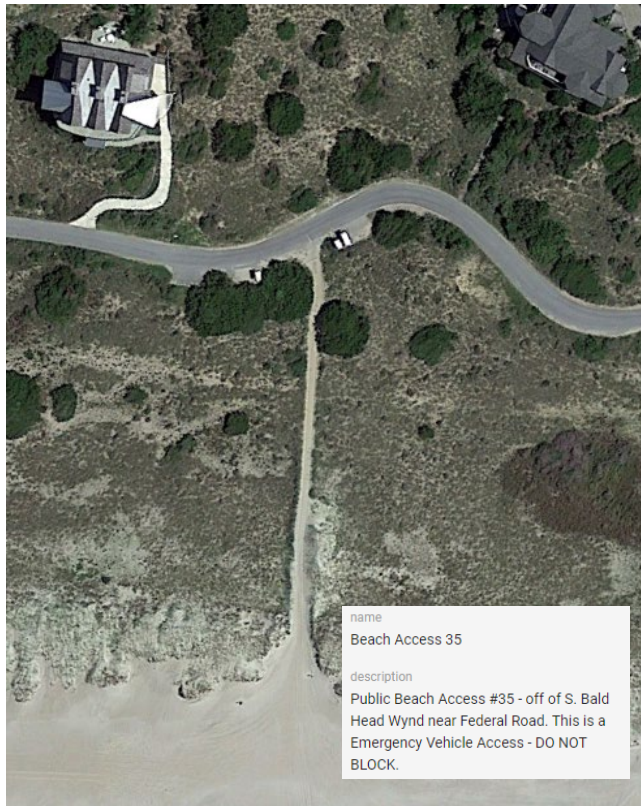
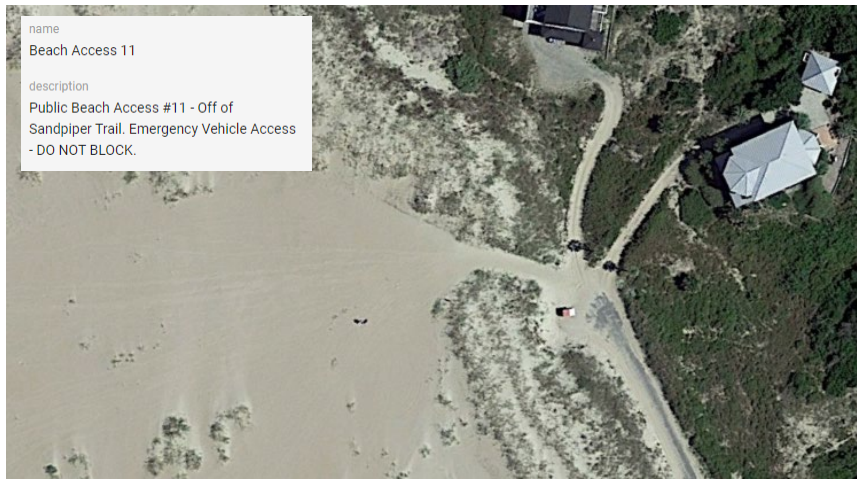


Is there precedent for the alternate proposal at Access 24b?

YES! Access 42 is identical to the alternate proposal at Access 24b.

The image below shows the narrow parcel owned by the Village at the location of Access 42. Note the shared 911 access drive for the general public, the parking lot at Access 42, and shared sand pathway to the beach.





In fact, all 911 Beach Access points are currently shared with the general public!



The Village [website](#) itself provides guidance to the general public on how to share 911 access:

Please be sure not to park at the entrances of the emergency vehicle accesses and make sure that your golf cart is completely off of the pavement and that there is ample space for emergency vehicles to get through.

Handicapped beach accesses:

Beach Access #15 (information about borrowing a beach wheelchair can be found [HERE](#)).

NOTE: This access is no longer a handicapped access and will soon be replaced by a new one which will be located approximately 3 lots down. Until this new access is complete, the emergency vehicle accesses can be used (see below). BA #42 would be the shortest path to the beach.

E911 Phone locations (cellular-based):

Beach Access # 23, #24A, #35, #39, #42

Emergency vehicle accesses (please do not block the entrances):

Beach Access #11, #24B, #35, #42.

These accesses do not have steps and/or ramps.

Conclusion:

Should the BHA be required to change the covenants on a residential lot to allow commercial use because the Village is seeking to construct of a high-volume parking lot and public beach access with an observation deck 16 feet in elevation?

NO! There is no requirement for the BHA to accommodate this request by the Village. As demonstrated, the Village has many other options for the construction of ADA access if that is the primary objective of the project.

The alternate options are better options for ADA access, less expensive to construct, and less environmentally impactful.

While everyone recognizes the need for ADA access, the project is a Village project, and **the BHA has no obligation to change covenants established by the founders and that will negatively impact many property owners** as well as put the Island at greater risk for flooding.

If the Village is looking to add parking, 20 additional spots can be found across the Island in a distributed approach and the BHA would be willing to assist in identifying additional options for parking.

Thank you!

