

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING ISSUANCE OF A
NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT TO BARRY BLACKMORE FOR THE
BLACKMORE SHORELINE STABILIZATION
PROJECT AT 2834 QUALTROUGH STREET**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Merkel & Associates, Inc., authorized agent on behalf of the Project Applicant, Mr. Barry Blackmore (Applicant or Permittee), proposes to stabilize the eroding shoreline immediately adjacent to the Applicant's residence at 2834 Qualtrough Street, in the La Playa area in San Diego; and

WHEREAS, Permittee proposes approximately 3,700 square feet (sq. ft.) of permanent shoreline restoration, consisting of approximately 1,700 sq. ft. of coastal salt marsh restoration, approximately 1,564 sq. ft. of cobble beach restoration, and approximately 408 sq. ft. of marsh/upland transition restoration (collectively, "Project"); and

WHEREAS, the Project would consist of constructing (1) a geogrid stabilized upper slope with transition vegetation, (2) a marsh plateau with a combination of rooted vegetation and approximately 116 cubic yards (cy) of interbedded cobble in silty sand, and (3) an exposed cobble beach within an area approximately 120 feet (ft) long and 32.5 ft wide from the currently eroded top of the shoreline bank adjacent to the residence; and

WHEREAS, the Project would include geosynthetic fabric planted with marsh vegetation that serves to contain the silty sand and protect the existing bank from continued erosion into the bay; and

WHEREAS, the Project is Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines and the District's Guidelines for Compliance with CEQA; and

WHEREAS, pursuant to the District's Coastal Development Permit (CDP) Regulations, the Project requires issuance of a Non-Appealable CDP; and

WHEREAS, as conditioned, the Project is consistent with the certified Port Master Plan (PMP); and

20xx-xxx

WHEREAS, the Project is located in the Beach Corridor Subarea of Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified PMP and the PMP land and water use designations within the limits of the Project are Open Space and Open Bay; and

WHEREAS, the protection and preservation of sensitive habitat areas are allowed uses under the Open Space designation and the use of Open Bay waters for natural habitat purposes is also permissible under the Open Bay designation; and

WHEREAS, the Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and is fully consistent with California Public Resources Code Section 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein since the Project with mitigation measures, which are incorporated into the proposed Coastal Development Permit, will have no impact on public access, public recreation, public facilities, or related issues; and

WHEREAS, the Project constitute a Non-Appealable development under Section 7.d.(3) of the Regulations: Non-Appealable developments are those not classified in the Regulations in Section 7.d.(1) as “Excluded,” in 7.d.(2) as “Emergency,” or in 7.d.(4) as “Appealable”; and

WHEREAS, the Project requires a non-appealable Coastal Development Permit and an application has been prepared for a non-appealable Coastal Development Permit to implement the Project; and

WHEREAS, the Board of Port Commissioners (Board) finds that said application and attachments contain correct and accurate statements of fact; and

WHEREAS, the Board has concluded that the Project conforms to the certified Port Master Plan; and

WHEREAS, the Board considered the non-appealable Coastal Development Permit at the May 19, 2020 Board meeting; and

WHEREAS, the proposed Board action would authorize issuance of a Non-Appealable CDP for the proposed Project and is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15333 (Small Habitat Restoration Projects) and Sections 3.d. and/or 3.i. (1) of the District’s Guidelines for Compliance with CEQA; and

WHEREAS, the Categorical Exemption is appropriate for the proposed Project because the Project does not exceed five-acres in size and assures the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife and the proposed Project would not have any effects on the environment.

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NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners (Board) of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The Project constitutes “development” under Section 3016 of the California Coastal Act as it proposes approximately 3,700 square feet (sq. ft.) of permanent shoreline restoration, consisting of approximately 1,700 sq. ft. of coastal salt marsh restoration, approximately 1,564 sq. ft. of cobble beach restoration, and approximately 408 sq. ft. of marsh/upland transition restoration

3. The Project includes construction of (1) a geogrid stabilized upper slope with transition vegetation, (2) a marsh plateau with a combination of rooted vegetation and approximately 116 cubic yards (cy) of interbedded cobble in silty sand, and (3) an exposed cobble beach within an area approximately 120 feet (ft) long and 32.5 ft wide from the currently eroded top of the shoreline bank adjacent to the residence.

4. The Project is located in the Beach Corridor Subarea of Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified PMP and the PMP land and water use designations within the limits of the Project are Open Space and Open Bay.

5. The Project is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea and is fully consistent with California Public Resources Code Sections 30715.5, 30718, 30604(c), and 30210-30224, and the Coastal Act public access and recreation policies referenced therein since the Project will have no impact on public access, public recreation, public facilities, or related issues.

6. The Project constitutes a Non-Appealable development under Section 7.d.(3) of the District’s Coastal Development Permit Regulations: Non-Appealable developments are those not classified in the Regulations in Section 7.d.(1) as “Excluded,” in 7.d.(2) as “Emergency,” or in 7.d.(4) as “Appealable.” Pursuant to Coastal Act Section 30715 and Sections 7.d.(3) and (4) of the Regulations, bank stabilization and habitat restoration are not listed as appealable developments.

7. Based on the entire record available to the Board and the findings set forth in this Resolution, the Executive Director or her designated representative is hereby authorized and directed to issue a Non-Appealable Coastal Development Permit for the “Blackmore Shoreline Stabilization Project” to Barry Blackmore, Applicant. Said Non-Appealable Coastal Development Permit shall require

20xx-xxx

compliance with all the conditions set forth in the Non-Appealable Coastal Development Permit.

APPROVED AS TO FORM AND LEGALITY:

GENERAL COUNSEL

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 19th day of May 2020, by the following vote: