



## Legislation Text

---

**File #:** 2020-0145, **Version:** 1

---

**DATE:** May 19, 2020

**SUBJECT:**

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

#### **EXECUTIVE SUMMARY:**

Merkel & Associates, Inc., authorized agent on behalf of the Project Applicant, Mr. Barry Blackmore ("Applicant" or "Permittee"), proposes to stabilize eroding shoreline immediately adjacent to the Applicant's residence at 2834 Qualtrough Street, in the La Playa area in San Diego (see Exhibit 1 of Attachment A). The 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 square feet of cobble beach restoration, and approximately 408 square feet of marsh/upland transition restoration (collectively, "Project")

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. The project area would total approximately 3,672 sq. ft. in area. 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. In total, the Project would restore 1,700 sq. ft. (0.039 ac) of coastal salt marsh.

The Project is Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines and the District's Guidelines for Compliance with CEQA. Additionally, pursuant to the District's Coastal Development Permit (CDP) Regulations, the Project requires issuance of a Non-Appealable CDP. As conditioned, the Project is consistent with the certified Port Master Plan (PMP).

#### **RECOMMENDATION:**

Adopt a resolution authorizing issuance of a Non-Appealable Coastal Development Permit to Barry Blackmore for the Blackmore Shoreline Stabilization Project at 2834 Qualtrough Street.

#### **FISCAL IMPACT:**

The Board's authorization of the CDP issuance will have no direct fiscal impact to the District. The Applicant will be responsible for all costs associated with the Project. Furthermore, in accordance

with BPC Policy No. 106, Cost Recovery User Fee Policy, the Applicant has been subject to cost recovery fees for Project review and CEQA and Coastal Act processing.

### **COMPASS STRATEGIC GOALS:**

The Board's action would authorize issuance of a CDP for the Project, which would create approximately 3,700 sq. ft. of permanent shoreline restoration, consisting of approximately 1,700 square feet of coastal salt marsh restoration, approximately 1,564 square feet of cobble beach restoration, and approximately 408 square feet of marsh/upland transition restoration

This agenda item supports the following Strategic Goal(s).

- A Port with a healthy and sustainable bay and its environment.

### **DISCUSSION:**

#### **Background**

The Project site is immediately adjacent to the Blackmore residence at 2834 Qualtrough Street, San Diego, with about 120 feet of shoreline frontage to the waters of Shelter Island Yacht Basin south of La Playa Beach and west of the Southwestern Yacht Club. Given its location, the Project site is mostly protected from wave action by the presence of both the Southwestern Yacht Club peninsula (constructed in 1950) and the associated marina slips and docks to the north and east. A small pier and dock known as the La Playa Yacht Club is located to the north and attenuates wave action as well. Despite the site being generally protected from wave action, the site has experienced accelerated localized erosion of the beach and shoreline bank. The erosion is caused by a combination of the up-coast shoreline development diminishing littoral sand replenishment, adjacent dredged navigation basin that supports the Southwestern Yacht Club, and groundwater discharge from the adjacent urbanized areas mobilizing sediments away from the shoreline bank especially during low tides, in addition to fluctuating tides.

#### **Proposed Project**

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 extending bayward approximately 32.5 ft from the currently eroded top of slope adjacent to the residence. The Project area would total approximately 3,672 sq. ft. (0.084 acre [ac]). The Project would include an underlayment of geosynthetic fabric planted with marsh transition vegetation that serves to contain the silty sand and protect the existing bank against piping and loss of fine sediments into the bay. In total the Project would restore 1,700 sq. ft. (0.039 ac) of coastal salt marsh. Site preparation, vegetation planting, and monitoring and reporting on the status of Project implementation will be in accordance with the Revegetation Restoration Planting Plan, as conditioned within the CDP (Attachment A). Permittee will also coordinate with District Engineering-Construction Department prior to construction and implement the project consistent with the Shoreline Stabilization Site Plans. See Attachment A, CDP for the Revegetation Restoration Planting Plan and the Shoreline Stabilization Site Plans.

By creating a series of sloped terraces, the cobble beach would be built at a nominal slope of 4:1 up

to the marsh plateau. The marsh plateau would be constructed at a slope of 6:1 with surface stability being provided by a combination of rooted vegetation and interbedded cobble in the silty sand. Above the marsh elevations, the slope of the shoreline bank would be steepened to 2:1 and would be reconstructed with a soil and geogrid matrix and planted with marsh vegetation.

Excavation and rock slope construction will be completed by hand and small limited access vehicles such as a tracked bobcat loader and excavator. Cobble beach construction work is anticipated to be completed using a small tracked skip loader and excavator (e.g., Bobcats).

Site access will be by existing public roadways and will require only highway rated construction vehicles operating on the roadways. Equipment will be unloaded and loaded from Qualtrough Street onto the adjacent Blackmore residence property. All delivered cobble, plants, fabric materials and equipment, will be stored on the Blackmore site (residential property).

Construction of the proposed Project would be completed from the shoreline rather than the waterside of the site. All work will be completed during low tides in order to conduct activities without need for vessel support. As a result, the anticipated two-weeks of active construction would be completed over approximately one-month by capitalizing on low tide work windows. Construction is anticipated in the Summer of 2020.

A 120-day plant establishment period with replacement planting is required to ensure initial establishment of vegetation through maintenance and replanting. Long-term monitoring for up to five-years post-construction, including biological monitoring and annual reporting, is required. Revegetation efforts would be considered successful if monitoring reveals a plant survival rate of 80-percent of all planted vegetation, without irrigation. Should this criterion not be met, the Biological Monitor will identify the cause(s) and propose remedial actions. Monitoring reports are to be submitted to the District and the California Coastal Commission. The Regional Water Quality Control Board and the Army Corp of Engineers will likely require monitoring reports as well, in association with permits they will issue in conjunction with the Project.

In addition, the Permittee must obtain a Tideland Use and Occupancy Permit (TUOP) for site access during construction, long-term biological monitoring and maintenance, and to take actions required to ensure success of vegetation establishment. The TUOP would have a term of five (5) years.

#### Coastal Development Permit

The Project site 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 Port Master Plan. The land and water use designations within the limits of the Project site are Open Space and Open Bay. The protection and preservation of sensitive habitat areas are allowed uses under the Open Space designation. The use of Open Bay waters for natural habitat purposes is also permissible under the Open Bay designation.

In accordance with the District's CDP Regulations (Regulations), the proposed actions 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." 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, requiring an appealable CDP. Additionally, the proposed Project does not constitute an emergency development. The District has determined that a Non-Appealable CDP for the Project may be issued. A copy of the Draft Non-Appealable CDP is provided as Attachment A to this Agenda Sheet. Conditions are incorporated into the Draft CDP to ensure conformance with related District requirements. The Project Applicant is required to obtain a Tidelands Use and Occupancy Permit prior to any disturbance or construction work to provide the ability for the Applicant to construct the project, provide access for biological monitoring, and take remedial actions as required to ensure success of vegetation establishment.

The Project site is located between the sea (as defined in the California Coastal Act) and the first inland continuous public road paralleling the sea. The Project site is identified as an estuary on the 1975 Coastal Plan and, consistent with Public Resource Code Section 30700, the Project must comply with the Chapter 3 and 8 policies of the Coastal Act. The Project's proposed bank stabilization and habitat restoration activities are "development" as defined in Section 30106 of the Coastal Act. The Project is fully consistent with applicable land uses identified in the Port Master Plan and Chapters 3 and 8 of the Coastal Act (see Cal. Public Resources Code Section 30700, et seq.). Based on this finding and the entire record, the Board may approve issuance of a Non-Appealable CDP.

#### **General Counsel's Comments:**

The General Counsel's Office has reviewed the agenda sheet and attachments, as presented to it, and approves them as to form and legality.

#### **Environmental Review:**

The proposed Board action would authorize issuance of a Non-Appealable CDP for the proposed Project. The proposed Board action 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. The Categorical Exemption listed above 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. As further detailed above, the proposed Project would not have any effects on the environment.

The proposed Board actions comply with Section 87 (a) (7) of the Port Act, which allows for the establishment and maintenance of those lands for open space, ecological preservation and habitat restoration. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Project is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

#### **Equal Opportunity Program:**

Not Applicable.

#### **PREPARED BY:**

Peter Eichar, AICP

Senior Planner, Development Services

Attachment:

Attachment A: Draft Non-Appealable CDP