



CEQA and COASTAL DETERMINATIONS

Project: Blackmore Shoreline Stabilization Project at Shelter Island
Location: 2834 Qualtrough Street, San Diego, CA 92106
Parcel No.: 002-002
Project No.: 2019-175
Applicant: Barry Blackmore, 2834 Qualtrough Street, San Diego, CA 92106
Date: May 19, 2020

PROJECT DESCRIPTION

The proposed project would involve a shoreline stabilization project by Merkel & Associates, Inc, (authorized agent on behalf of Barry Blackmore, referred to herein as "Applicant"), in the City of San Diego, California. The proposed project would result in up to 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 immediately adjacent to 2834 Qualtrough Street in San Diego, California. The project would consist of constructing a marsh plateau with a combination of rooted vegetation and approximately 116 cubic yards (cy) of interbedded cobble in silty sand 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 would include an underlayment of geosynthetic fabric planted with marsh transition vegetation that serves to contain the silty sand and protect the existing bank. The cobble beach and marsh transition would be constructed in sloped terraces from the bay to the top of the slope.

Construction of the proposed project is anticipated to take one (1) month to complete and is anticipated to occur in Summer 2020. The proposed work is to 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. 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 residential property (Blackmore residence). Staging of construction equipment and materials will be on site, east of the Blackmore residence, and cobble, plants and fabric materials and equipment, will be stored on the Blackmore residence.

Following construction of the shoreline slopes, planting of marsh habitat will be initiated within five days of completion of shoreline construction. A 120-day plant establishment period with replacement planting is proposed to ensure initial establishment of vegetation through maintenance and replanting. The long-term monitoring program includes biological monitoring and annual reporting.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, significant impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

The proposed project would also include a Tidelands Use and Occupancy Permit (TUOP) to the Applicant for their use of land and water area on the project site. The areas proposed for use under the TUOP are proposed to be used only and exclusively for the purpose of access for construction of the proposed project improvements, site maintenance, staging of materials and equipment, biological monitoring, and remedial actions, as necessary, and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The Applicant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials.

It is anticipated that the TUOP would have a total term of approximately five (5) years. The TUOP may be terminated by the District or Applicant as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the other party of such termination.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities; SG §15304, Class 4/Section 3.d: Minor Alterations to Land; and SG §15333, Class 33: Small Habitat Restoration Projects.

3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

(12) Maintenance of existing landscaping, native growth, and water supply reservoirs.

AND/OR

3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

(1) Filling of earth on previously disturbed land with material compatible with the natural features of the site.

(2) Minor placement of revetment or other shore protection structures on eroded shoreline to protect the public safety, public or private structures or facilities, or to provide or reestablish bank alignment.

(5) New gardening or landscaping.

AND/OR

Small Habitat Restoration Projects (SG § 15333) (Class 33): Consists of projects that do not to exceed five-acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

a. There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065; and

b. There are no hazardous materials at or around the project site that may be disturbed or removed; and

c. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

d. Examples of small restoration projects may include, but are not limited to:

1. Revegetation of disturbed areas with native plant species;

5. Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate for the proposed project because it consists of a shoreline stabilization project, including monitoring, maintenance, and a TUOP, and would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would result in no permanent effects on the environment, would not involve the removal of mature, scenic trees. In addition, the project is less than five (5) acres in size, would restore and enhance habitat for fish, plants and wildlife, would not result in significant impacts to endangered, rare, or threatened species or their habitat, and would not disturb or remove hazardous materials. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 1 - Shelter Island/La Playa (Precise Plan Figure 4);

Land and Water Use Designations: Open Bay/Water and Open Space

The proposed project conforms to the certified Port Master Plan because it consists of a shoreline stabilization project, including monitoring, maintenance, and a TUOP, consistent with the existing certified Land and Water use designations. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

The proposed project is determined to be a Non-Appealable development under Section 7.d. (3) of the District's *Coastal Development Permit Regulations* (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."

In accordance with the District's Regulations, the proposed project constitutes a Non-Appealable development under Section 7.d. (3): 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, shoreline stabilization projects are not listed as appealable developments, requiring an appealable Coastal Development Permit (CDP). Moreover, the proposed project does not constitute an emergency development.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(6) of the Port Act, which allows for the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses, including, but not limited to, snack bars, cafes, restaurants, motels, launching ramps, and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways, and landscaped areas. 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.

RANDA CONIGLIO
President/CEO

Determination by:

Michael Paul
Assistant Planner
Development Services

Signature: Michael Paul
Date: May 26, 2020

Deputy General Counsel

Signature: Chris Burt
Date: May 26, 2020