

Wetlands Board Staff Report

October 16, 2023



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, October 16, 2023** at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in room 2034, City Manager's Conference Room - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA. During the informal session, Staff briefs the Board on agenda items. All interested persons are invited to attend. There is no opportunity for citizenry to speak at the briefing session; however, the public is invited to speak at the formal Wetlands Board Public Hearing that follows. For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-4621 or go to virginiabeach.gov/wetlands or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment. Citizens may also submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vb.gov or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

The Staff reviews some or all of the items on the agenda and suggests that certain conditions be attached for deliberation by the Wetlands Board. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable City Ordinances. The administrative comments contained in the attached Staff reports constitutes Staff recommendations for each application and are advisory only. Final determination of the application is made by the Virginia Beach Wetlands Board at the public hearing.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

(If you have any questions, please contact Staff via email at waterfront@vb.gov or call The Department of Planning & Community Development at 757-385-4621)

- 1. WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a.** An applicant may WITHDRAW an application without the Boards' approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.
 - b.** In the case of DEFERRALS, the Board's policy is to defer the item FOR AT LEAST 60 DAYS. Although the Board allows an item to be deferred upon request of the applicant, the Board will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Board know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Board know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.

- 2. REGULAR AGENDA:** The Board will then proceed with the remaining items on the agenda, according to the following process:
- a. The applicant or applicant's representative will have 10 minutes to present the case.
 - b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
 - c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
 - d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
 - e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
 - f. There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from speakers if a member of the Board sponsors them. Normally, you will be sponsored only if it appears that new information is available, and the time will be limited to 3 minutes.
 - g. The Board does not allow slide or computer-generated projections other than those prepared by the Planning Department Staff.

The Board asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Board requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

If you require reasonable accommodation for this meeting due to a disability, please call the Department of Planning and Community Development at (757) 385-4621. If hearing impaired, you may contact Virginia Relay at 711 for TDD services.



WETLANDS BOARD AGENDA

Public Hearing Date **October 16, 2023**

9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS.

10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS.

Please be advised that copies of the proposed plans, ordinances, amendments and/or resolutions associated with this public hearing are also on file and may be examined by appointment at the Department of Planning & Community Development located at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at virginiabeach.gov/wetlands. For information call (757) 385-4621.

TENTATIVE 2024 WETLANDS BOARD PUBLIC HEARING DATES

Wednesday **January 17**
 Thursday **February 22**
 Monday **March 18**
 Monday **April 15**
 Monday **May 20**
 Monday **June 17**

Monday **July 15**
 Monday **August 19**
 Monday **September 16**
 Monday **October 21**
 Monday **November 18**
 Monday **December 16**

OLD BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

1. 2023-WTRA-00137

3548 Sandfiddler LLC

[Applicant & Owner]

3548 Sandfiddler Road

GPIN 2432-75-0908

City Council District: District 2

Waterway – Atlantic Ocean

Subdivision – South Sandbridge

Request: To construct a bulkhead, return walls, and excavate sand involving Coastal Primary Sand Dune/Beach.



NEW BUSINESS – WETLANDS

2. 2023-WTRA-00170

City of Virginia Beach, Dept. of Public Works, et al. (Harbor Point SSD Dredge)

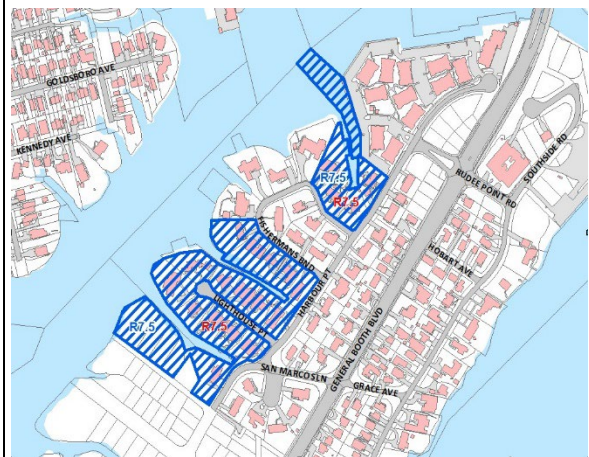
[Applicants & Owners]

GPINs 2427102915, 2427103808, 2427103882, 2427104768, 2427105721, 2427104518, 2427103633, 2427102659, 2427101764, 2427100831, 2427009743, 2427100622, 2427101517, 2427101592, 2427102496, 2427101312, 2427100450, 2427009430, 2427008468, 2427008530, 2427007557, 2427118230, 2427117065, 2427116194, 2427116253, 24271184877370, 24271184876540, 24271184876440, 24271184877050, 24271184876900, 24271184877950, 24271184876530, 24271184877520, 24271184876750, 24271184876910, 24271184876890, 24271184876560, 24271184876860, 24271184876880, 24271184876570, 24271184877110, 24271184877350, 24271184876493, 24271184876770, 24271184877300, 24271184876730
City Council District: District 5

Waterway – Lake Rudee

Subdivision – Harbour Point

Request: To maintenance dredge involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

3. 2023-WTRA-00188

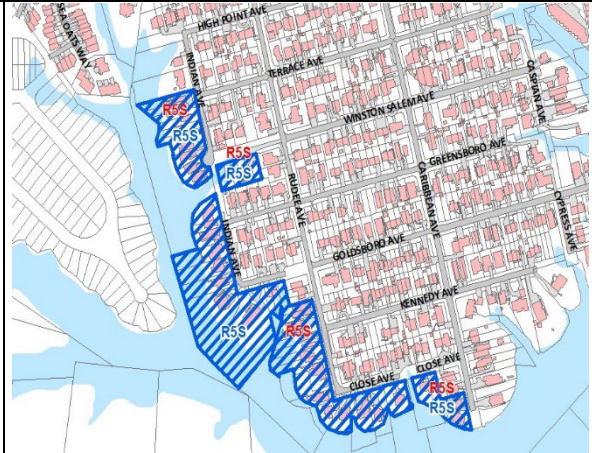
City of Virginia Beach, Dept. of Public Works, et al. (Shadowlawn SSD Dredge)
 [Applicants & Owners]

GPINs 2427001851, 2427001827, 2427000902, 2417908898, 2417907896, 2417907822, 2417906729, 2417905873, 2417905858, 2417904943, 2417905938, 2417914055, 2417914099, 2417914131, 2417914185, 2417914281, 2417913248, 2417912112, 2417910260, 2417910341, 2417910327, 2417910403, 2417910499, 2417910549, 2417912746, 2417910714, 2417819787, 2417819872, 2417819866, 2417819921, 2417819914

City Council District: District 5

Waterway – Lake Rudee
 Subdivision – Shadow Lawn Heights

Request: To maintenance dredge involving wetlands.



4. 2023-WTRA-00182

George Pregel [Applicant & Owner]

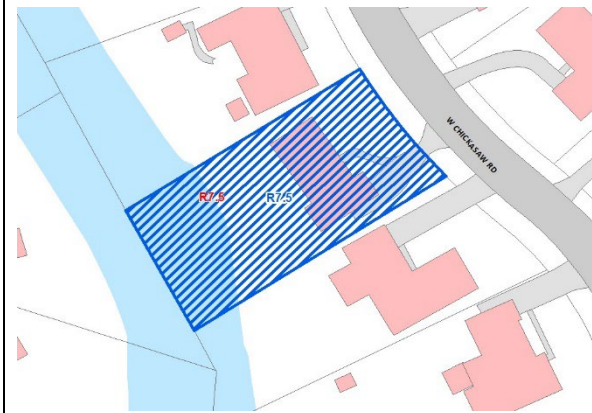
349 W Chickasaw Road

GPIN 1457-70-8776

City Council District: District 1

Waterway – Canal to E. Branch Elizabeth River
 Subdivision – Arrowhead

Request: To construct rip rap revetments, return walls and plant vegetation involving wetlands.



5. 2023-WTRA-00190

Frank R. & Judy L. Marsh
 [Applicants & Owners]

357 Whiting Lane

GPIN 2433-30-3962

City Council District: District 2

Waterway – North Bay
 Subdivision – Back Bay Meadows

Request: To construct a bulkhead, return walls, and boat ramp involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

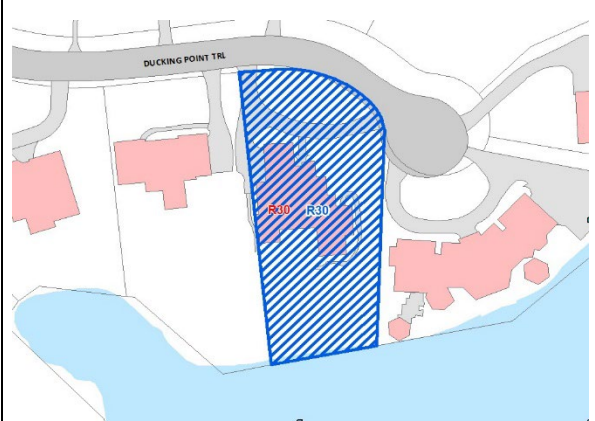
6. 2023-WTRA-00203

Frederick Perkins [Applicant & Owner]

1048 Ducking Point Trail
GPIN 1488-03-3777
City Council District: District 8

Waterway – Western Branch Lynnhaven River
Subdivision – Saw Pen Point

Request: To construct a rip rap revetment involving wetlands.



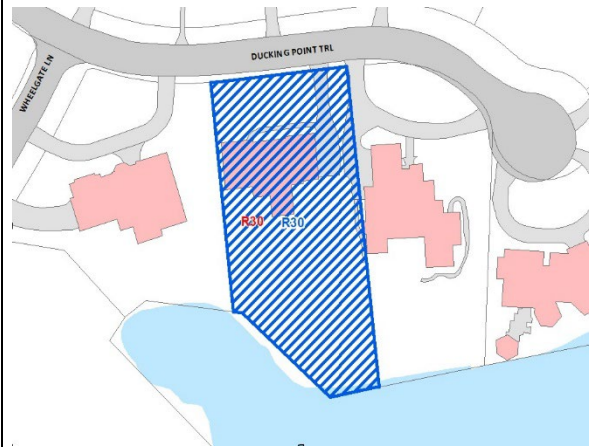
7. 2023-WTRA-00204

John A. Lewis & Jenny J. Lee
[Applicants & Owners]

1044 Ducking Point Trail
GPIN 1488-03-2753
City Council District: District 8

Waterway – Western Branch Lynnhaven River
Subdivision – Saw Pen Point

Request: To construct a rip rap revetment involving wetlands and a boathouse.



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Application Number **2023-WTRA-00137**

Agenda Item

Applicant **3548 Sandfiddler LLC**

Public Hearing **October 16, 2023**

City Council District **District 2**

1

Agent

Robert Simon
Waterfront Consulting, Inc.

Location

3548 Sandfiddler Road

GPIN

2432-75-0908

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead, return walls, and excavate sand involving Coastal Primary Sand Dune/Beach

Staff Recommendation

Approval as Modified

Waterway

Atlantic Ocean

Subdivision

South Sandbridge

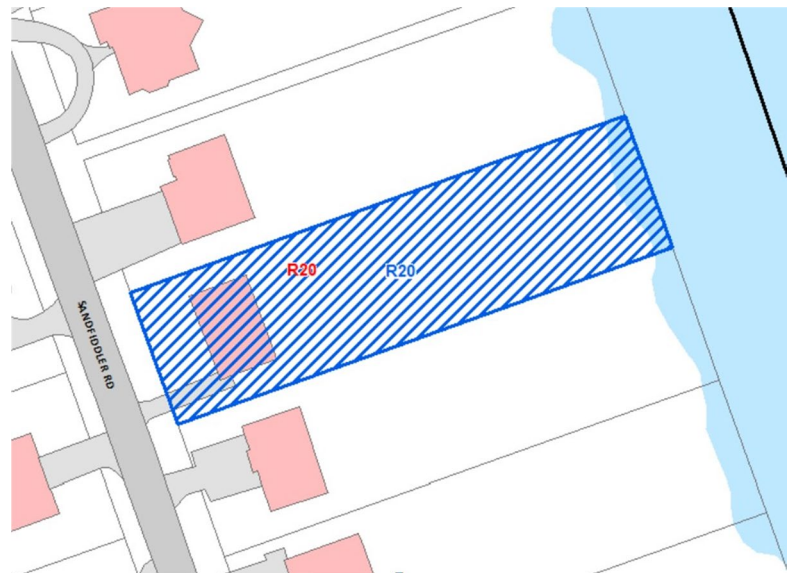
Impacts

Dune/Beach: 9,600 square feet

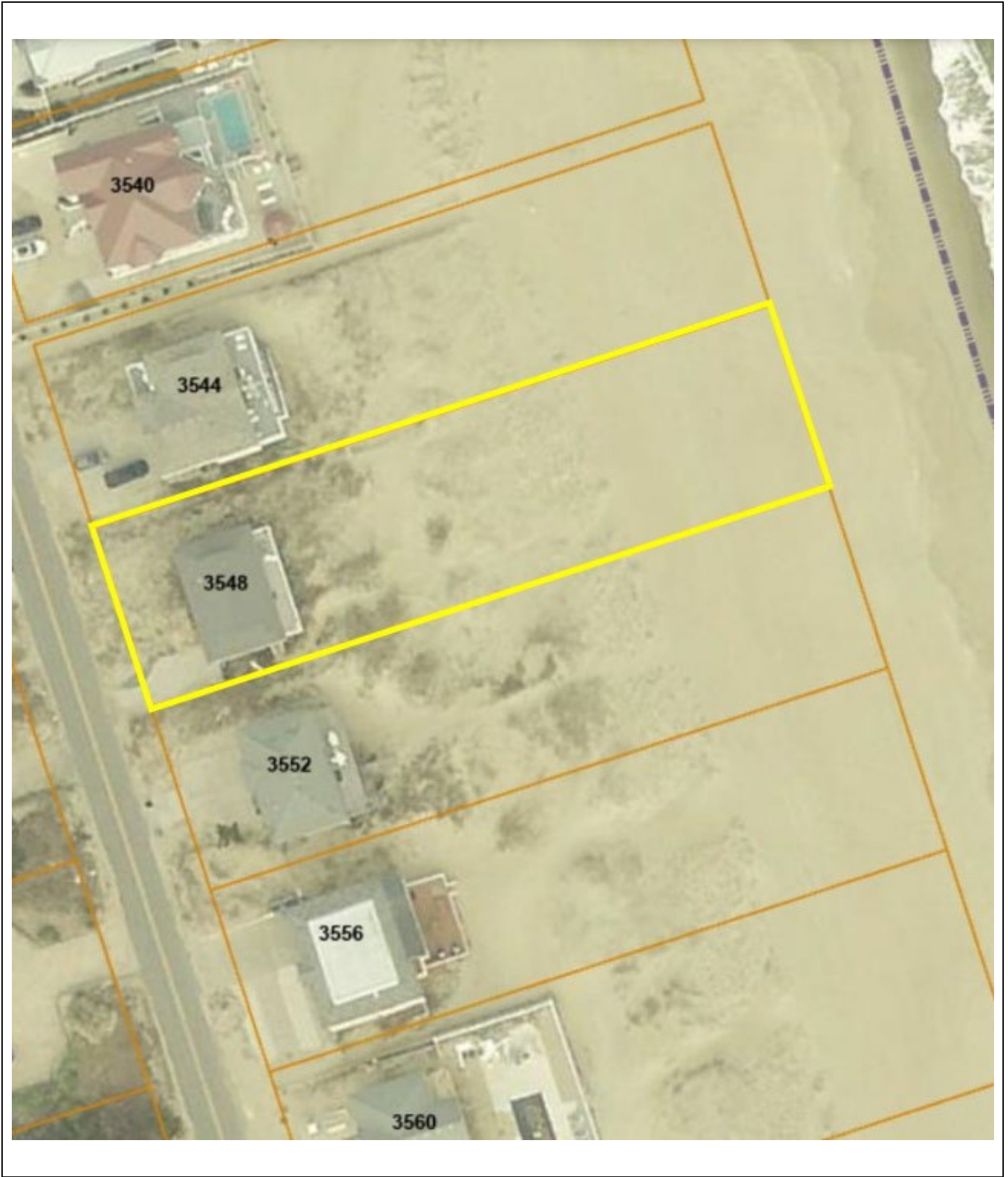
Overall length of proposed structure: 77 linear feet of bulkhead, two 60 linear foot return walls

Proposed Mitigation and/or Compensation

N/A



Site Aerial Map



Existing Conditions

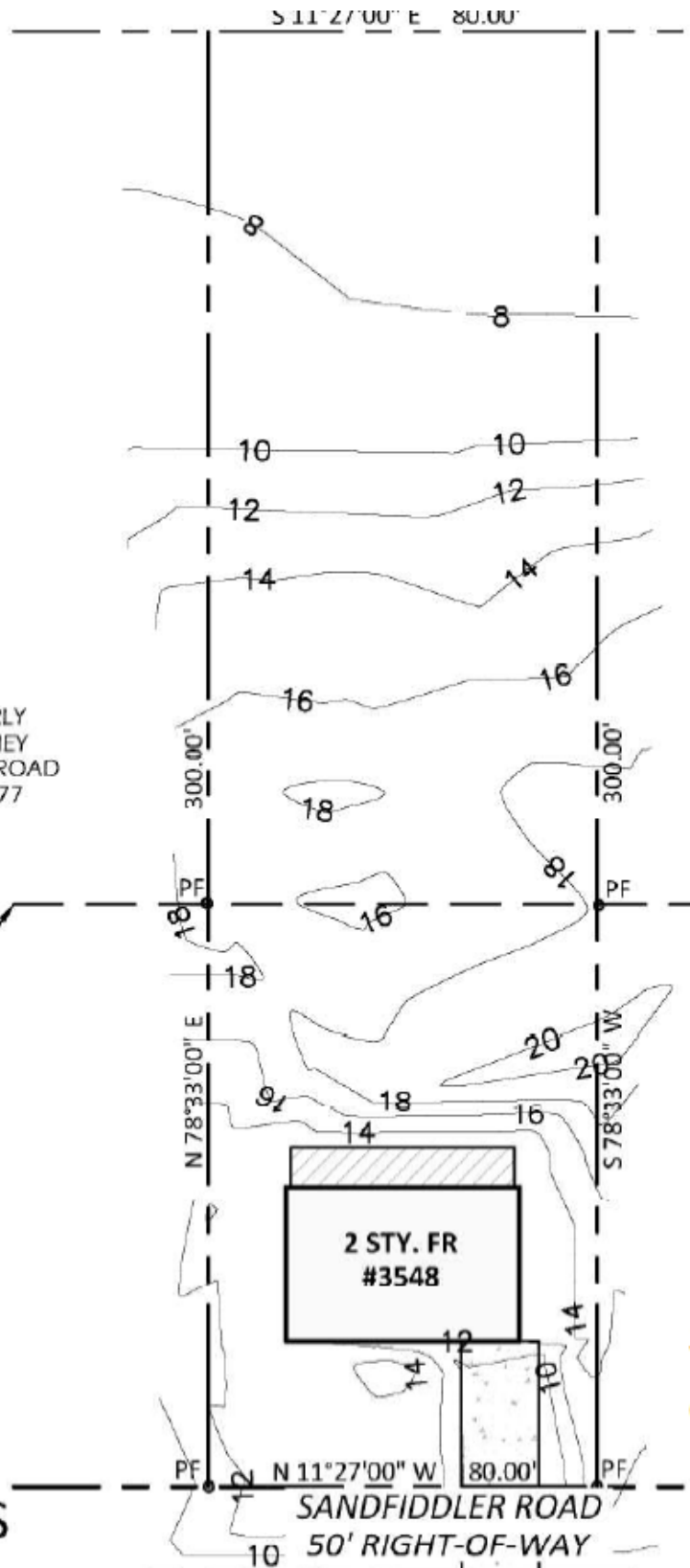


M.B. 67 PG. 50

APO #1
NOW OR FORMERLY
DONNA A. MOONEY
3544 SANDFIDDLER ROAD
GPIN: 2432-66-9077

PUBLIC BEACH
EASEMENT PER
M.B. 305, PG. 57

EXISTING
CONDITIONS



Proposed Site Plan



M.B. 67 PG. 50

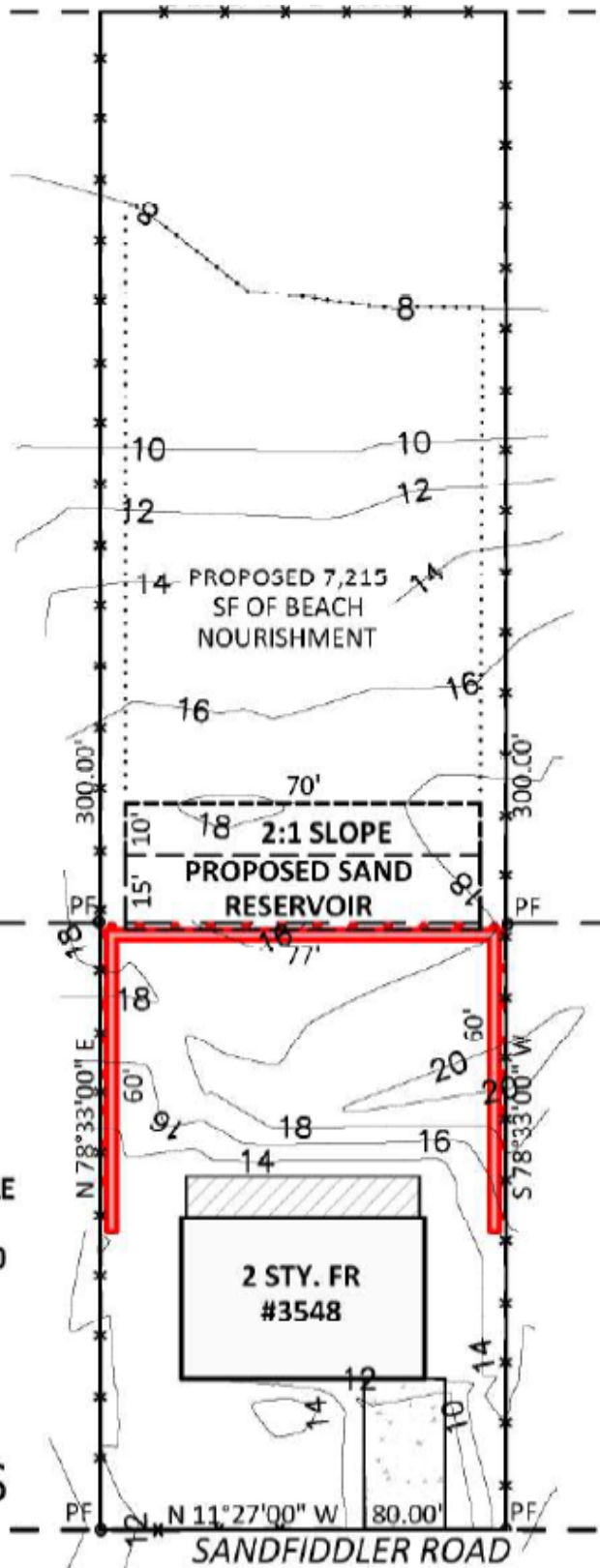
ACCESSWAY = 24,000 SF
AREA IS APPROXIMATE

APO #1
NOW OR FORMERLY
DONNA A. MOONEY
3544 SANDFIDDLER ROAD
GPIN: 2432-66-9077

PUBLIC BEACH
EASEMENT PER
M.B. 305, PG. 57

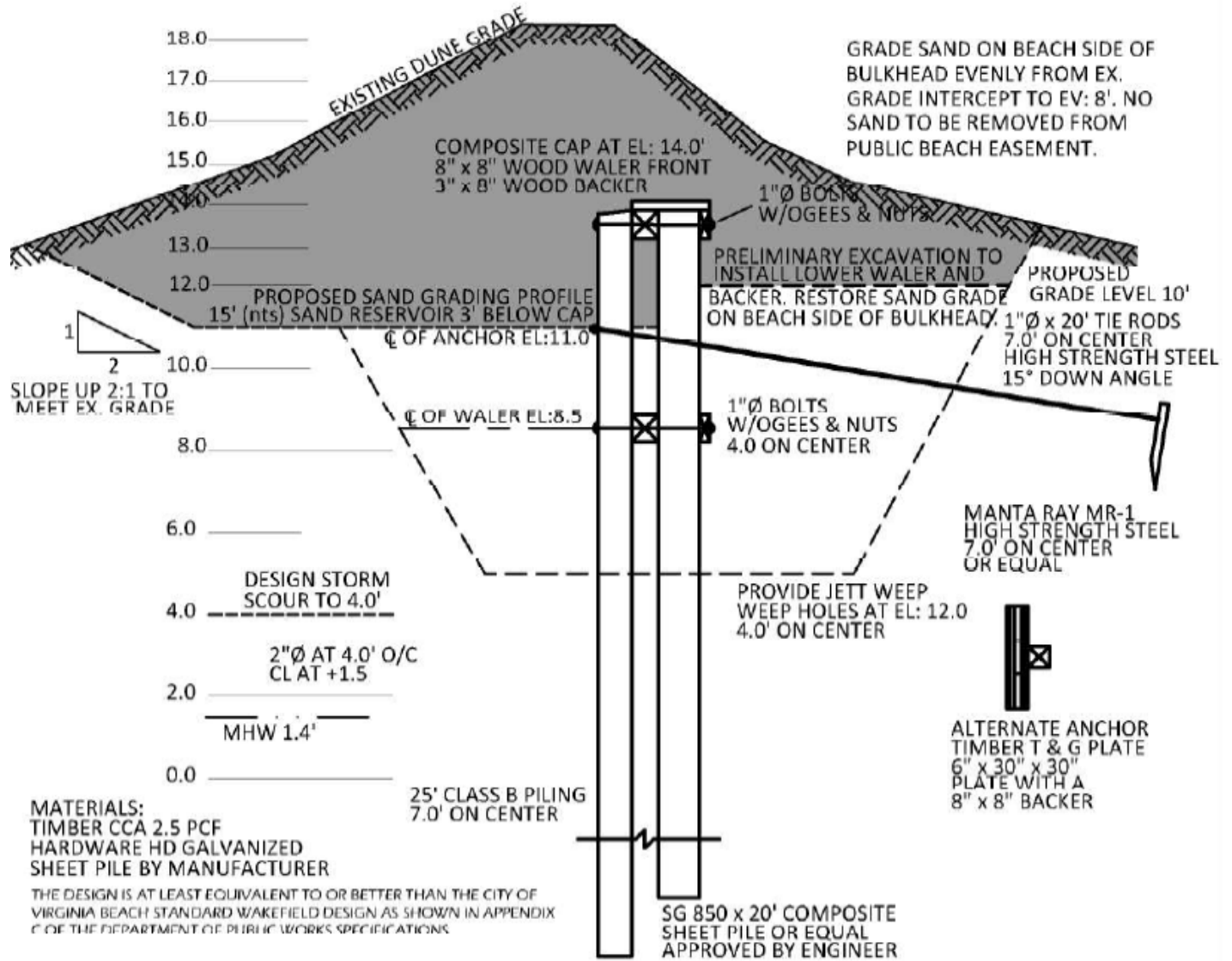
PROPOSED 77 LF OF PILE
SUPPORTED VINYL
BULKHEAD WITH (2) 60
LF RETURN WALLS

PROPOSED SITE
IMPROVEMENTS



Bulkhead Cross Section

PROPOSED BULKHEAD CROSS SECTION



Site Photos



Site Photos



Wetlands Board Permit History

This variance request was deferred at the following Wetlands Board Public Hearings.

- July 17, 2023, Board Public Hearing
- September 18, 2023, Board Public Hearing

This property is located along the Atlantic Ocean at Sandbridge Beach. There are no known Wetlands Board or Sandbridge General permits found for this property.

Summary of Proposal

The applicant proposes to install approximately 77 linear feet of bulkhead parallel to the beach and at the landward edge of the Sandbridge Public Beach Easement line. The proposed project includes the construction of two 60 linear foot return walls. The drawings depict excavation of sand on the seaward side of the bulkhead three feet below the proposed bulkhead cap elevation of 14 feet, down to elevation of 11 feet. Excess sand will be placed on the beach and evenly graded, consistent with current sand management practices. The proposed bulkhead and associated excavation and grading will impact approximately 9,600 square feet of dune and beach.

The primary purpose of the project is to protect the property from storm events. In addition, the applicant plans to redevelop the site with a single-family dwelling and swimming pool.

Evaluation & Staff Recommendations

The proposed bulkhead alignment is at the beach easement line, which is the typical location of bulkheads along the Atlantic Ocean at Sandbridge Beach. The proposed bulkhead location is in the middle of a large, well-established dune with extensive vegetation. The placement of protective bulkheads or equivalent structural improvements is allowed in the Sandbridge Beach subdivision on properties that “are in clear and imminent danger from erosion and storm damage due to severe wave action or storm surge,” [City Code, Appendix A, Article 16, Sec 1618(b)].

The application follows the Board’s approved guidelines for Sand Management of a bulkheaded property, with a 15-foot-wide trench on the seaward side of the bulkhead and grading to a 2:1 slope up to the existing grade.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions. Said conditions shall be placed on the revised Joint Permit Application (JPA).

1. A preconstruction meeting with Waterfront Operations staff, Project Site Contractor, and the Engineer of Record for the Wetlands Board permit collectively is required prior to any land disturbance. The following items shall be staked in the field to be reviewed during the preconstruction meeting.
 - Construction accessway through the lot.
 - Alignment of bulkhead, inclusive of wingwalls.
 - Alignment of sand reservoir with limits of sidewall slope
 - Single accessway to beach for placement of clean sand excavated from the project area.
2. The side wall/side slope of the proposed sand reservoir shall be at a slope of 2:1. Said area of sidewall/side slope shall be contained within the defined area of the proposed sand reservoir provided on the Joint Permit Application (JPA).

3. Sand excavated for the construction of the bulkhead shall be limited to within the subject property's boundaries. The applicant and their designees shall notify adjacent property owners regarding the start of the project prior to commencing any land disturbance activities on the property.
4. Excavated sand that contains debris or rubble shall not be placed on the beach. Sand containing debris must be sifted to remove the debris prior to placement of sand on the beach, OR the sand shall be disposed offsite in a lawful manner.
5. Excavated clean beach quality sand, may be placed upon the beach in accordance with the following criteria.
 - A single access-way to the beach shall be used to transport the sand to the Sand Placement/Spreading Zone. Use unvegetated areas to access the beach, unless none exists. If none exists protective matting shall be placed over the existing contour of the dune and utilized as the single access-way to the beach.
 - No sand is to be placed upon existing dune vegetation.
 - No sand is to be placed within 20 feet of a Public Beach Access.
 - Sand shall be evenly graded from the toe of the dune to Mean High Water.
6. Any existing dune vegetation removed shall be re-installed on the dune crest and face to the greatest extent practicable. The sprigging with American Beach-grass shall occur as soon as possible, however, NOT during the months of June, July, or August to afford the new plants the greatest chance of survival.

Please be advised that from May 15 to October 15 of any year, prior to moving sand, the property owner, their agent, or their contractor shall check the beach within 500 feet on either side of their property for the presence of sea turtle nests. Nests will either have flags and a staff member or volunteer at the nest or the nest will be fully marked with stakes and signage. If any marked nests are found, contact the U.S. Fish & Wildlife Service to ensure compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884), as amended. Once activities have been coordinated with the US Fish and Wildlife Service, documented compliance shall be provided by the applicant/property owner to Waterfront Operations Staff. In addition, the Sandbridge Beach Erosion Control and Hurricane Protection Project, is present on or near the property. At the request of the U.S. Corps of Engineers (ACOE), if any work will occur below 7 feet NAVD88 (design profile for Sandbridge Beach), property owners or their agent shall coordinate with the ACOE Planning Branch at (757) 201-7491 to determine if authorization is required under Section 408.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

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Agent

Karen Dodson
Wetland Studies and Solutions, Inc.

Location

Harbour Point Special Service District (SSD)

GPIN

See Summary of Proposal for GPINs

Staff Planner

Heaven Manning

Proposal

To maintenance dredge involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Lake Rudee

Subdivision

Harbour Point

Impacts

Vegetated: 120 square feet (2X Buffer)

Non-Vegetated:

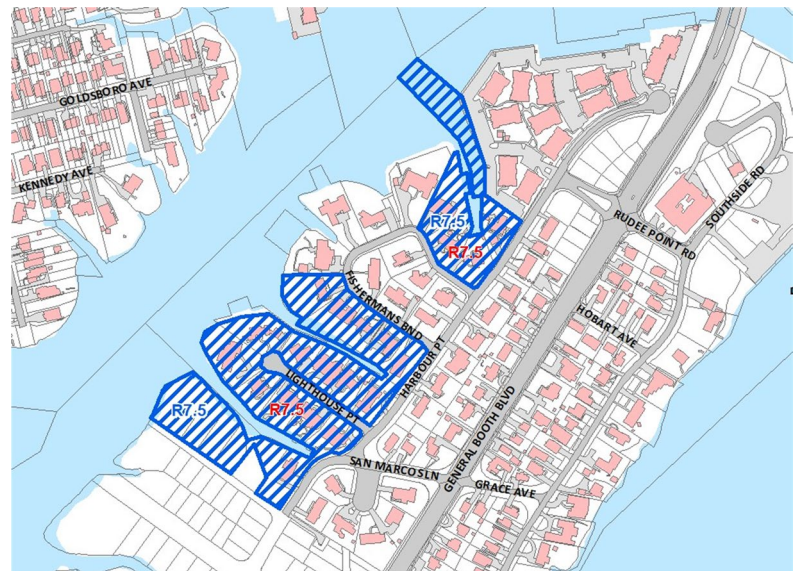
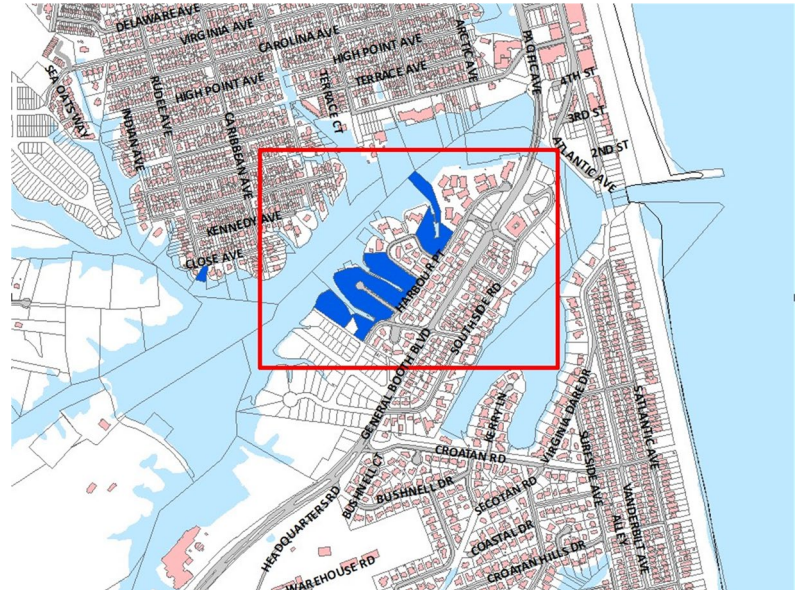
New	634 square feet
Maintenance	2,586 square feet
Total	3,220 square feet
Private Property	371 square feet

Subaqueous: 51,256 square feet

Dredge Volume: 3,245 cubic yards

Proposed Mitigation and/or Compensation

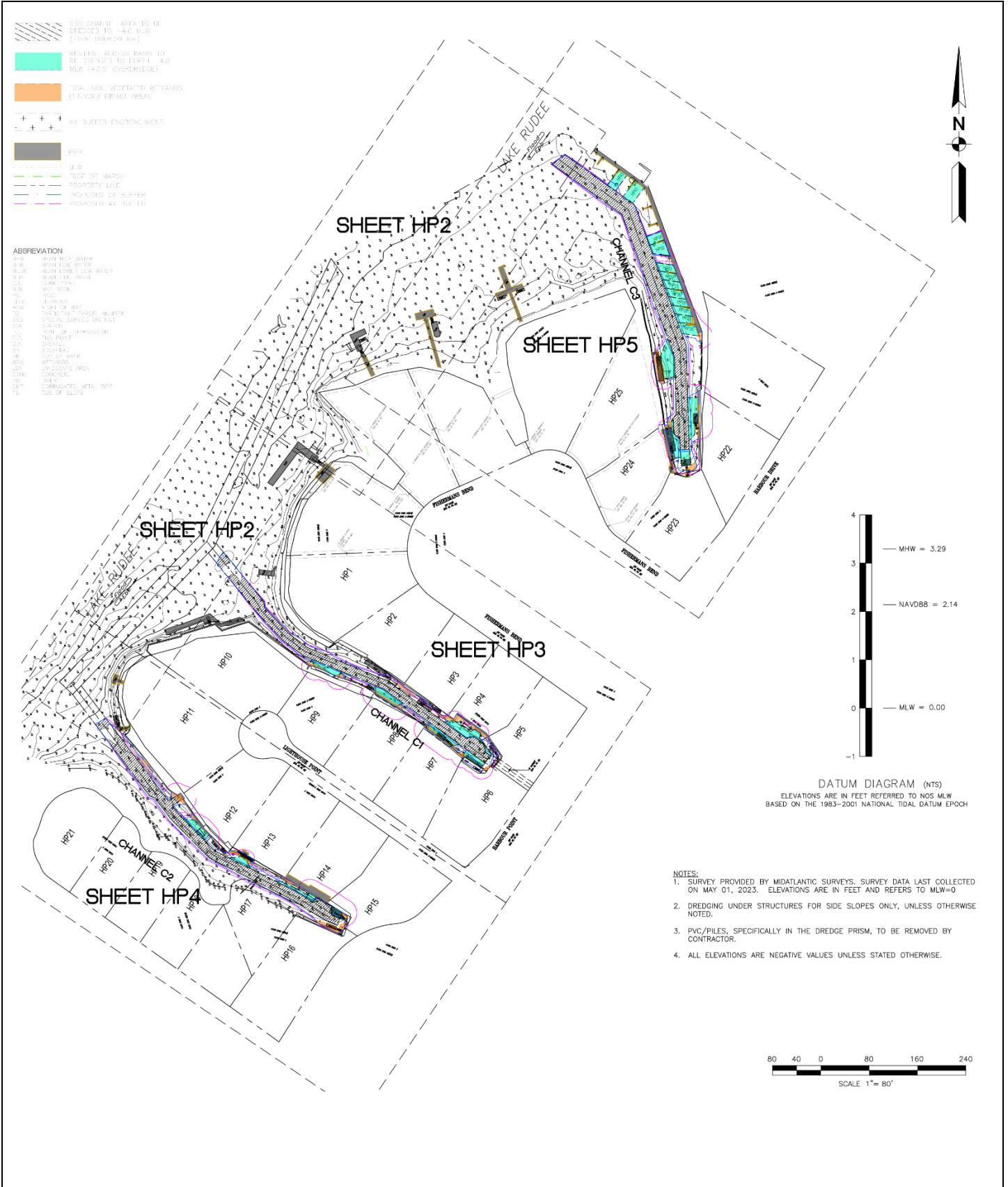
Purchase credits in a wetlands bank



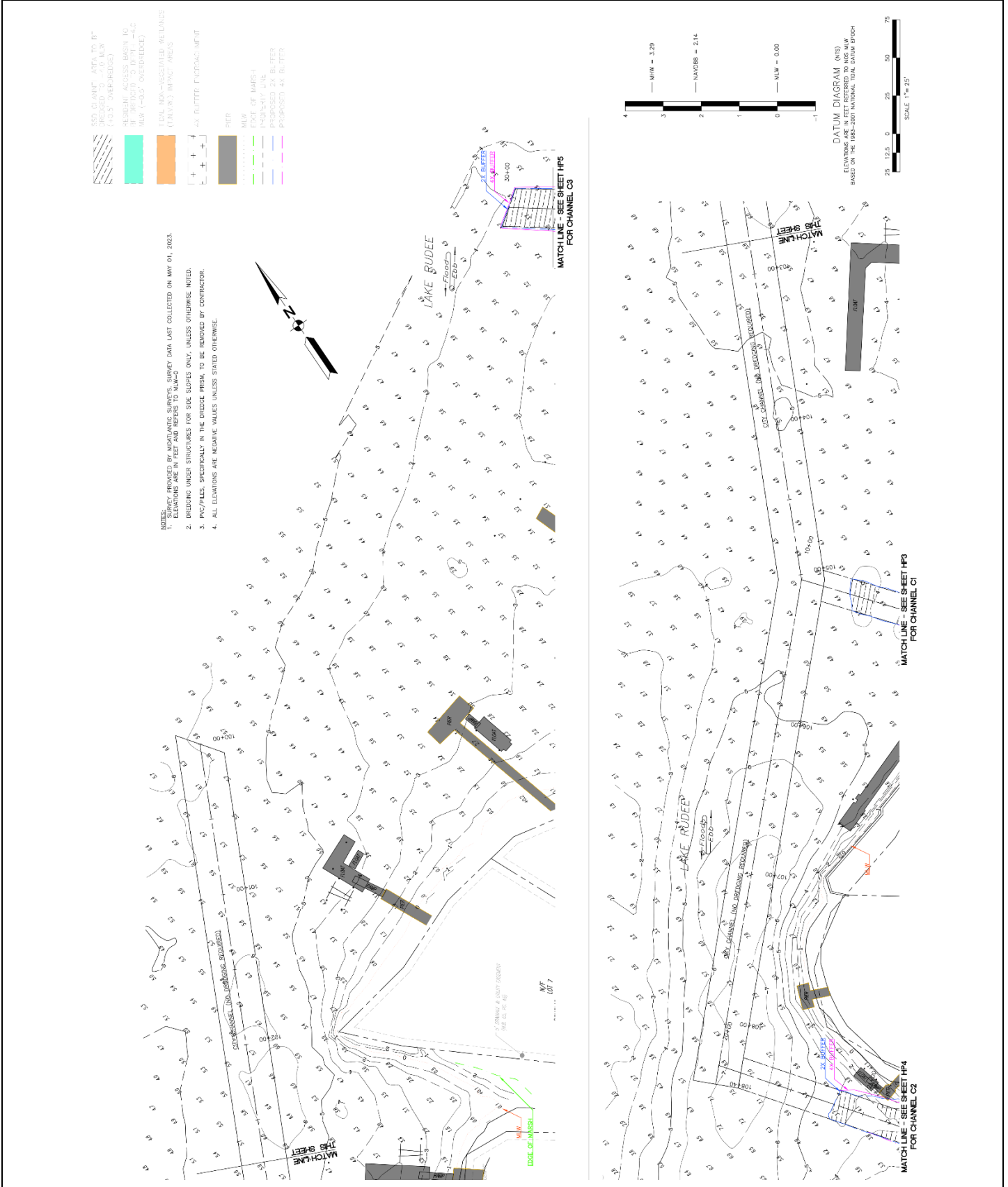
Site Aerial Map



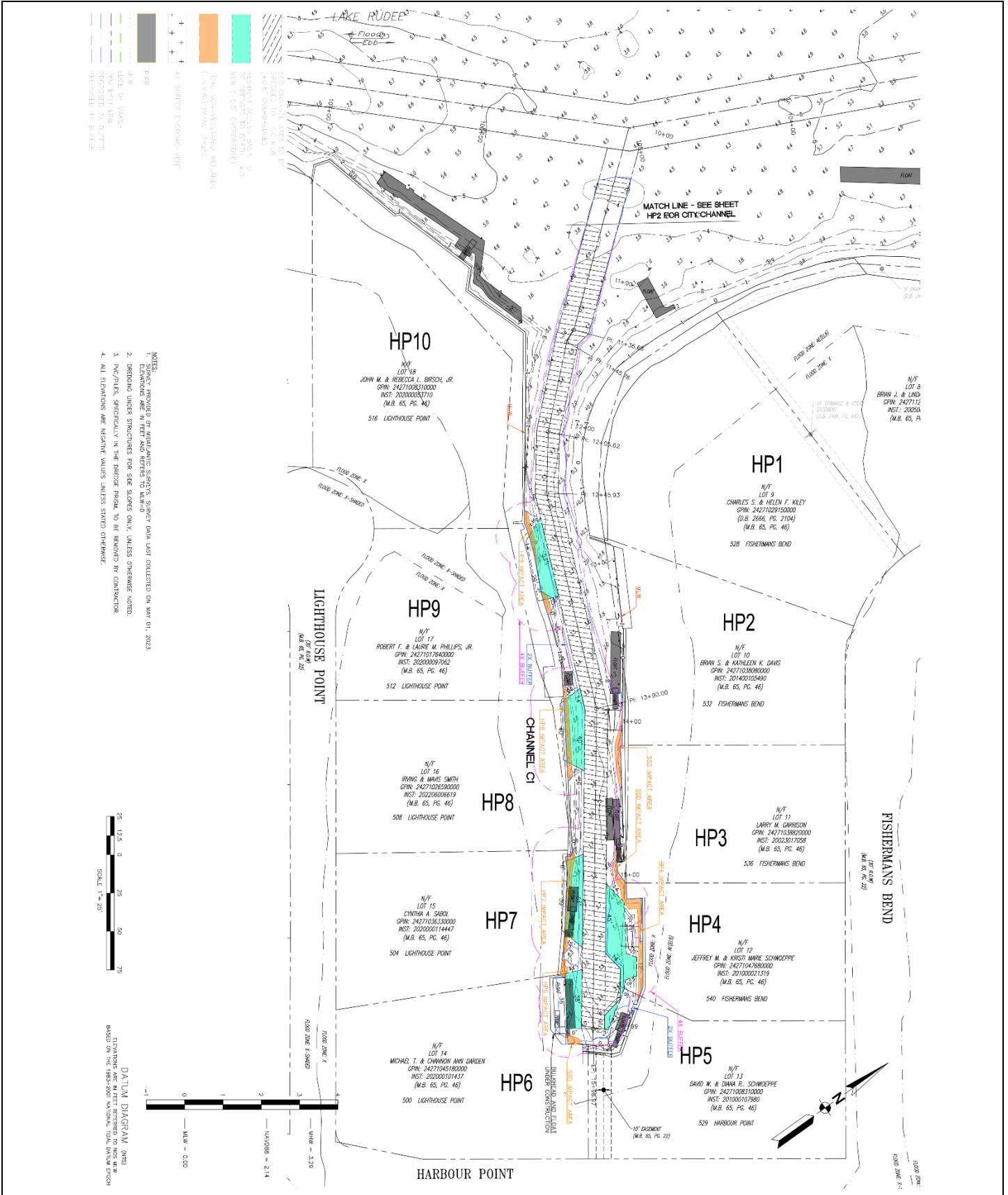
Proposed Site Plan – Sheet No. HP1, Sheet 2 of 7



Proposed Site Plan – Sheet No. HP2, Sheet 3 of 7

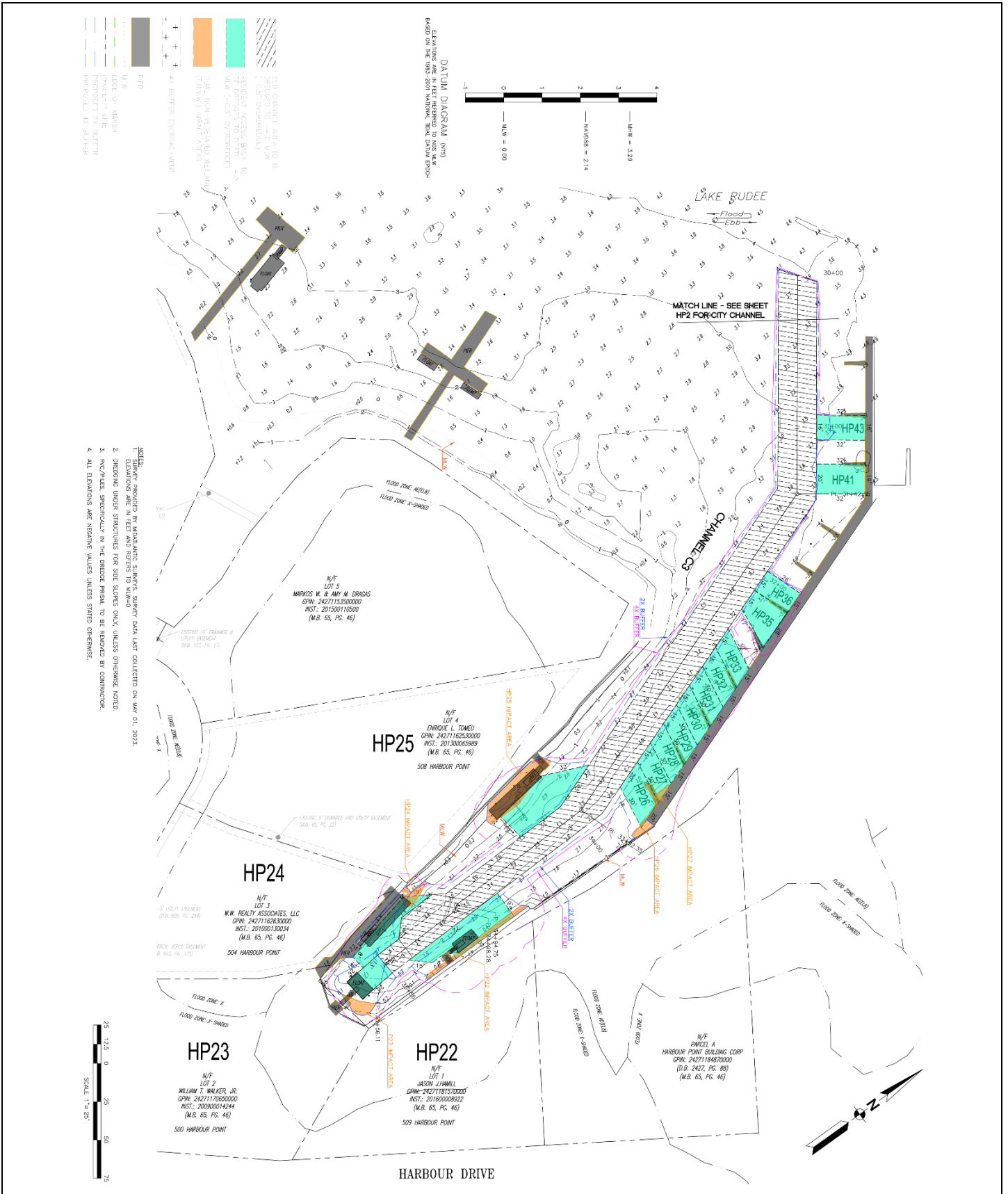


Proposed Site Plan – Sheet No. HP3, Sheet 4 of 7

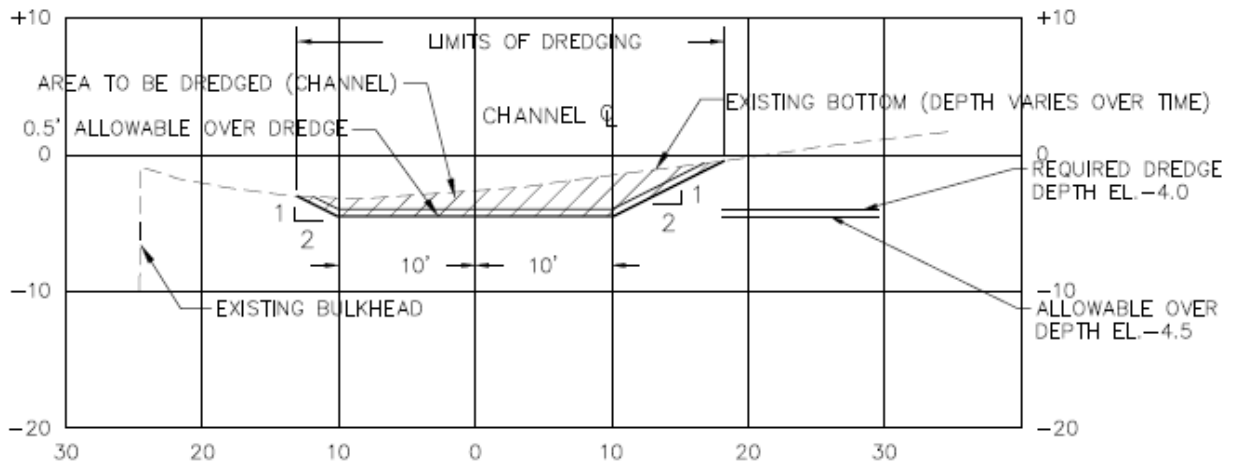




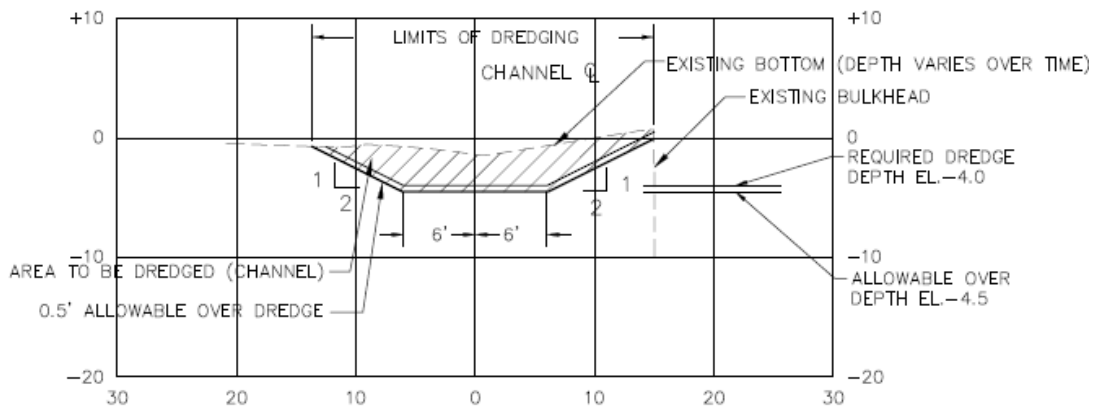
Proposed Site Plan – Sheet No. HP5, Sheet 6 of 7



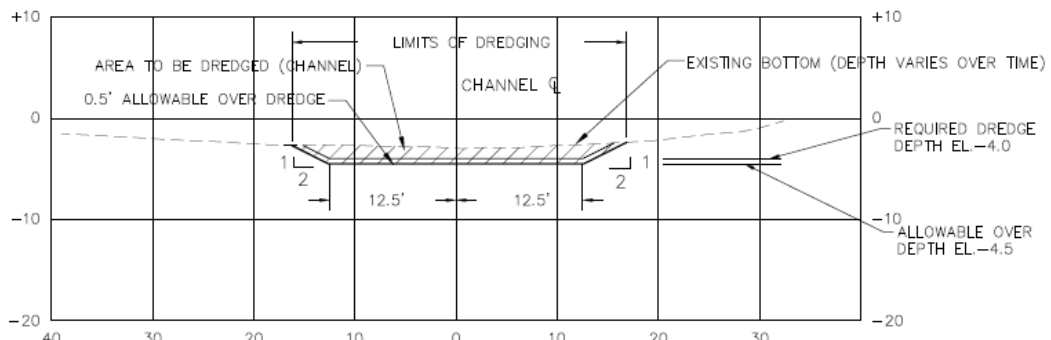
Sections, Sheet 7



TYPICAL DREDGING SECTION A-A
 CHANNEL C1 STA. 10+15.11 THRU 11+36.66
 CHANNEL C2 STA. 20+15.19 THRU 22+26.34
 CHANNEL C3 STA. 34+01.86 THRU 34+94.75
 (CHANNEL C2 STA. 22+00 SHOWN)

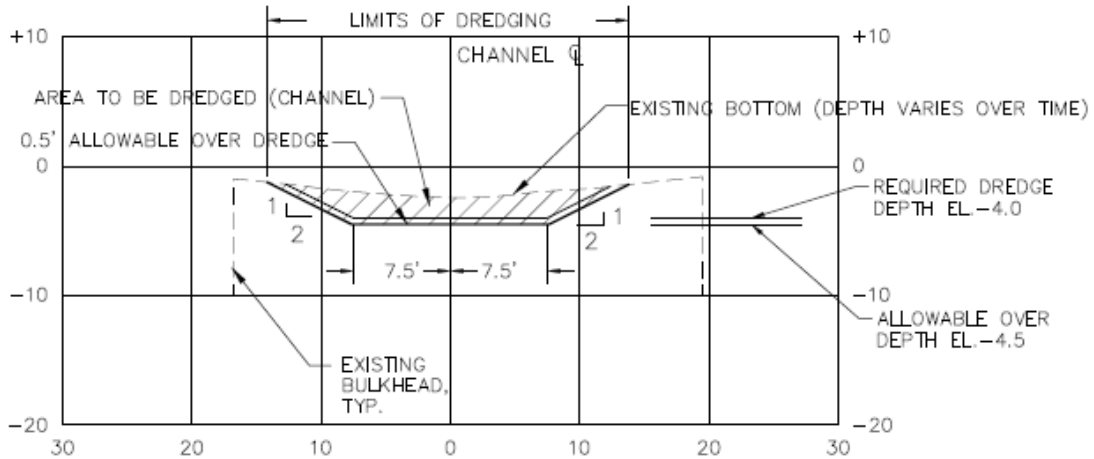


TYPICAL DREDGING SECTION D-D
 CITY CHANNEL AT C2 STA. 25+91.89 THRU 26+07.31
 (CHANNEL C2 STA. 26+10 SHOWN)

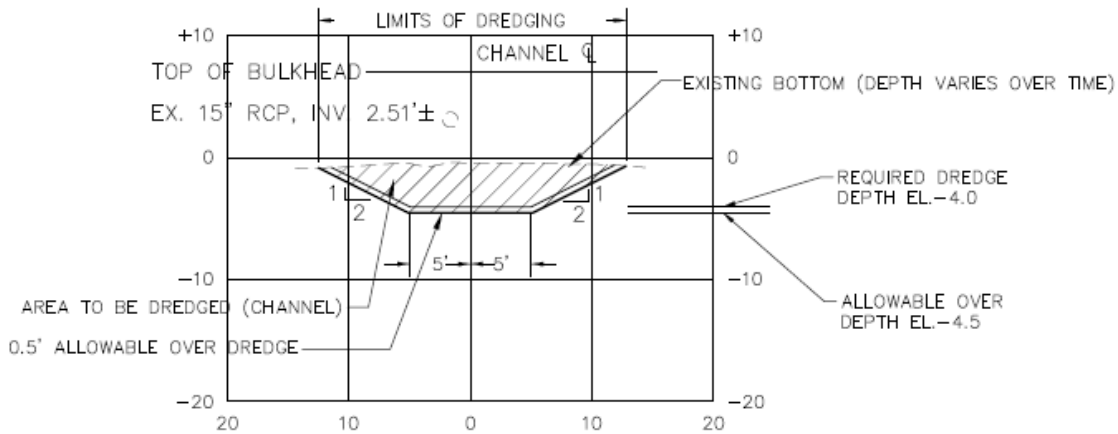


TYPICAL DREDGING SECTION F-F
 CHANNEL C3 STA. 30+00 THRU 33+86.51
 (STA. 33+50 SHOWN)

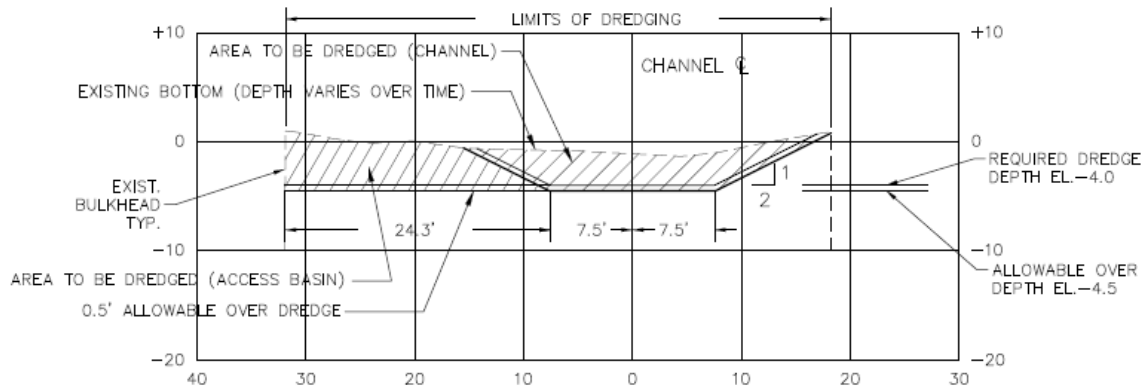
Sections, Sheet 7 cont.



TYPICAL DREDGING SECTION B-B
 CHANNEL C1 STA. 11+45.76 THRU 15+50.00
 CHANNEL C2 STA. 22+36.41 THRU 25+52.96
 CHANNEL C3 STA. 35+39.33 THRU 35+56.11
 (CHANNEL C1 STA. 13+50 SHOWN)



TYPICAL FOREBAY SECTION E-E
 CHANNEL C2 STA. 22+58.07 THRU 22+58.07, 31.27' LT.
 (CHANNEL C2 STA. 22+58.07, 20' LT SHOWN)



TYPICAL ACCESS BASIN SECTION C-C
 CHANNELS C1, C2, AND C3
 (CHANNEL C1 STA. 15+50 (P4) SHOWN)

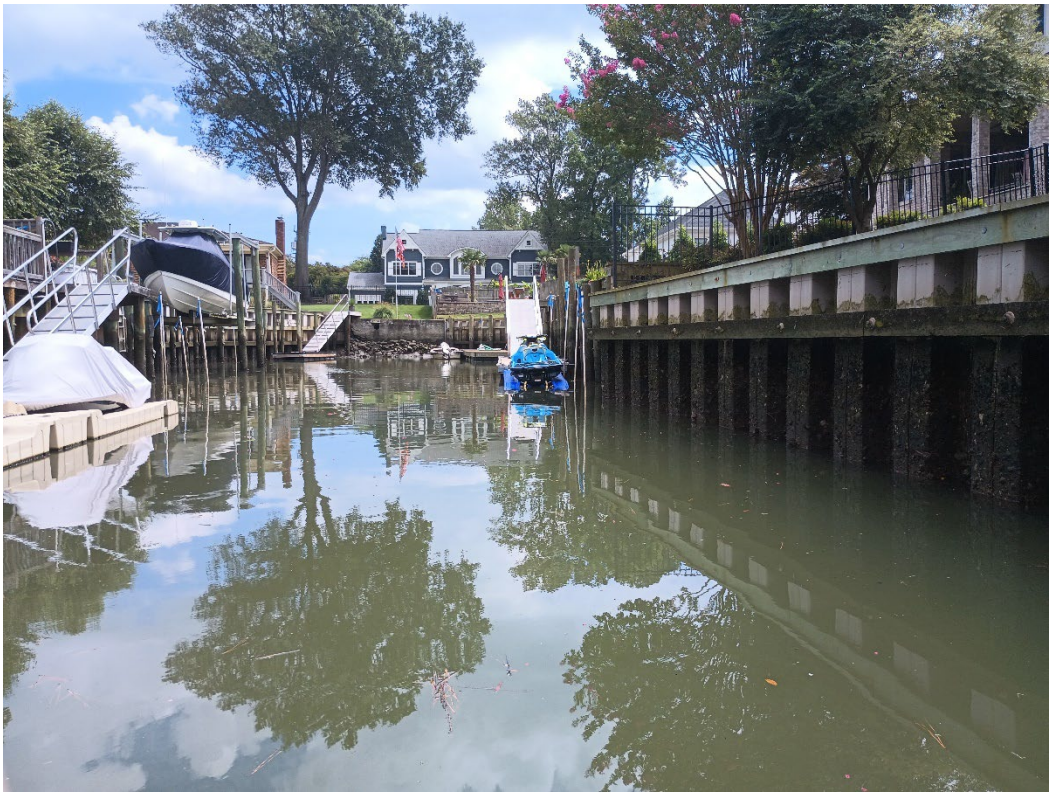
Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Wetlands Board Permit History

This City-sponsored project is in the Atlantic Ocean watershed. The Harbour Point Special Service District (SSD) was initially dredged in 2017. A Wetlands Board permit to dredge Harbour Point SSD was approved in March 2016 and was extended twice, the maximum number of times pursuant to Wetlands Board policy. The current application is to authorize the first round of maintenance dredging associated with the original project. The dredging footprints of this application are consistent with those previously permitted. The current application includes the addition of six new property owners.

Summary of Proposal

The project is located in Lake Rudee in the Harbour Point Subdivision and is composed of two distinct types of channels: the neighborhood SSD channel providing access to Lake Rudee; and the individual access basin channels which provide access to 25 individual properties. No dredging is proposed in the City SSD Channel as part of this application.

This is a request to perform new and maintenance dredging by hydraulic means involving approximately 120 square feet of vegetated wetlands impacts in the 2X buffer and 3,220 square feet of impacts to non-vegetated wetlands (previously 86 square feet of vegetated wetlands in the 4X buffer and 4,925 square feet of non-vegetated wetlands in 2016). Approximately 852 square feet of impacts to non-vegetated wetlands are associated with the SSD channel. 120 square feet of impacts to vegetated wetlands in the 2X buffer and 2,368 square feet of impacts to non-vegetated wetlands are associated with the 25 individual access basins. The dredged material will be piped and deposited within the Lake Rudee

dredge disposal area. The applicant proposes to purchase tidal wetlands credits from the Virginia Aquatic Resource Trust Fund as mitigation.

The Harbour Point SSD program includes the following 46 GPINs: 2427-10-2915-0000, 2427-10-3808-0000, 2427-10-3882-0000, 2427-10-4768-0000, 2427-10-5721-0000, 2427-10-4518-0000, 2427-10-3633-0000, 2427-10-2659-0000, 2427-10-1764-0000, 2427-10-0831-0000, 2427-00-9743-0000, 2427-10-0622-0000, 2427-10-1517-0000, 2427-10-1592-0000, 2427-10-2496-0000, 2427-10-1312-0000, 2427-10-0450-0000, 2427-00-9430-0000, 2427-00-8468-0000, 2427-00-8530-0000, 2427-00-7557-0000, 2427-11-8230-0000, 2427-11-7065-0000, 2427-11-6194-0000, 2427-11-6253-0000, 2427-11-8487-7370, 2427-11-8487-6540, 2427-11-8487-6440, 2427-11-8487-7050, 2427-11-8487-6900, 2427-11-8487-7950, 2427-11-8487-6530, 2427-11-8487-7520, 2427-11-8487-6750, 2427-11-8487-6910, 2427-11-8487-6890, 2427-11-8487-6560, 2427-11-8487-6860, 2427-11-8487-6880, 2427-11-8487-7670, 2427-11-8487-7110, 2427-11-8487-7350, 2427-11-8487-6493, 2427-11-8487-6770, 2427-11-8487-7300, 2427-11-8487-6730.

Evaluation & Staff Recommendations

Harbour Point SSD waterfront homeowners have reported that the channels included in the proposed project have become silted in, limiting safe navigational access. The applicant's agent has designed the proposed project to avoid and minimize tidal wetlands impacts, while dredging the minimum necessary to provide for safe navigation. To reduce the project's wetlands impacts, the dredge channel has been located in the deepest and most central portions of the waterway. The SSD channels will have a dredge depth of -4 feet mean low water (MLW) with a maximum bottom width of 20 feet. The overall widths of the SSDs channel reduce as they move toward the upstream ends. This reduction in dredging width eliminates impacts to vegetated wetlands and reduces impacts to non-vegetated wetlands as the natural channel narrows and wetlands increase towards the upstream ends of the project area. Access basins are designed to avoid and minimize impacts to subaqueous bottom, tidal non-vegetated and vegetated wetlands, while still allowing homeowners to access piers and boat lifts. Given the maintenance aspect of the dredge request, involvement of the private property owners associated with the 25 individual access basins, and the majority of the project area being within city property limits staff supports the purchase of credits at a wetlands bank as mitigation.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Harbor Point SSD Dredging Project", sealed on July 17, 2023, prepared by Langley and McDonald, Inc..

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Agent

Karen Dodson
Wetland Studies and Solutions, Inc.

Location

Shadowlawn Special Service District (SSD)

GPIN

See Summary of Proposal for GPINs

Staff Planner

Heaven Manning

Proposal

To maintenance dredge involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Lake Rudee

Subdivision

Shadow Lawn Heights

Impacts

Vegetated: 182 square feet (4X Buffer)

Non-Vegetated:

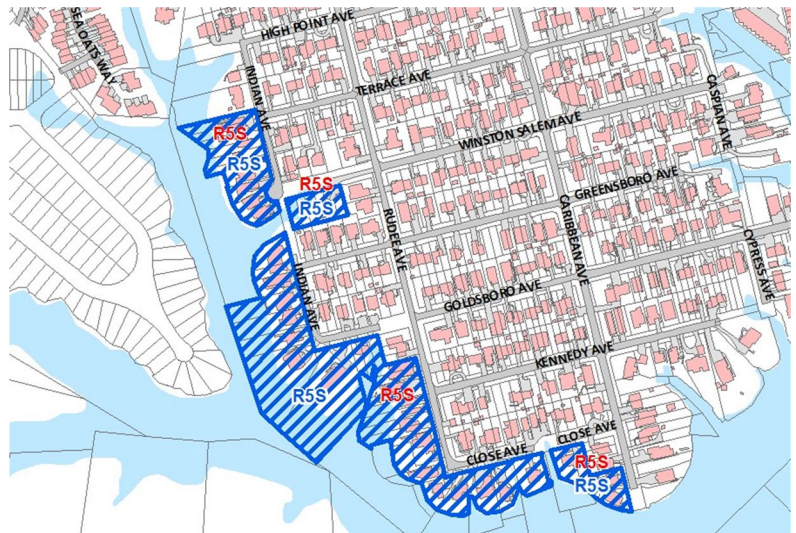
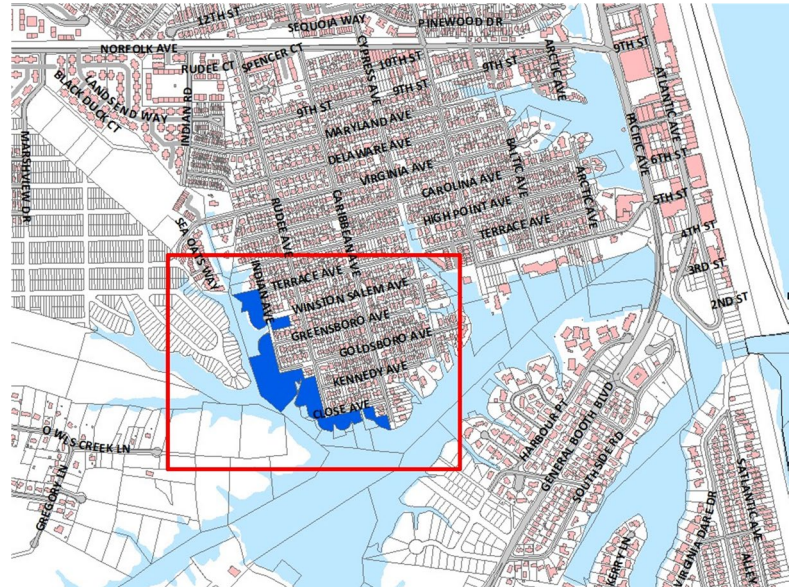
New	2,279 square feet
Maintenance	4,692 square feet
Total	6,973 square feet
Private Property	5,819 square feet

Subaqueous: 72,695 square feet

Dredge Volume: 4,858 cubic yards

Proposed Mitigation and/or Compensation

Purchase credits in a wetlands bank



Site Aerial Map



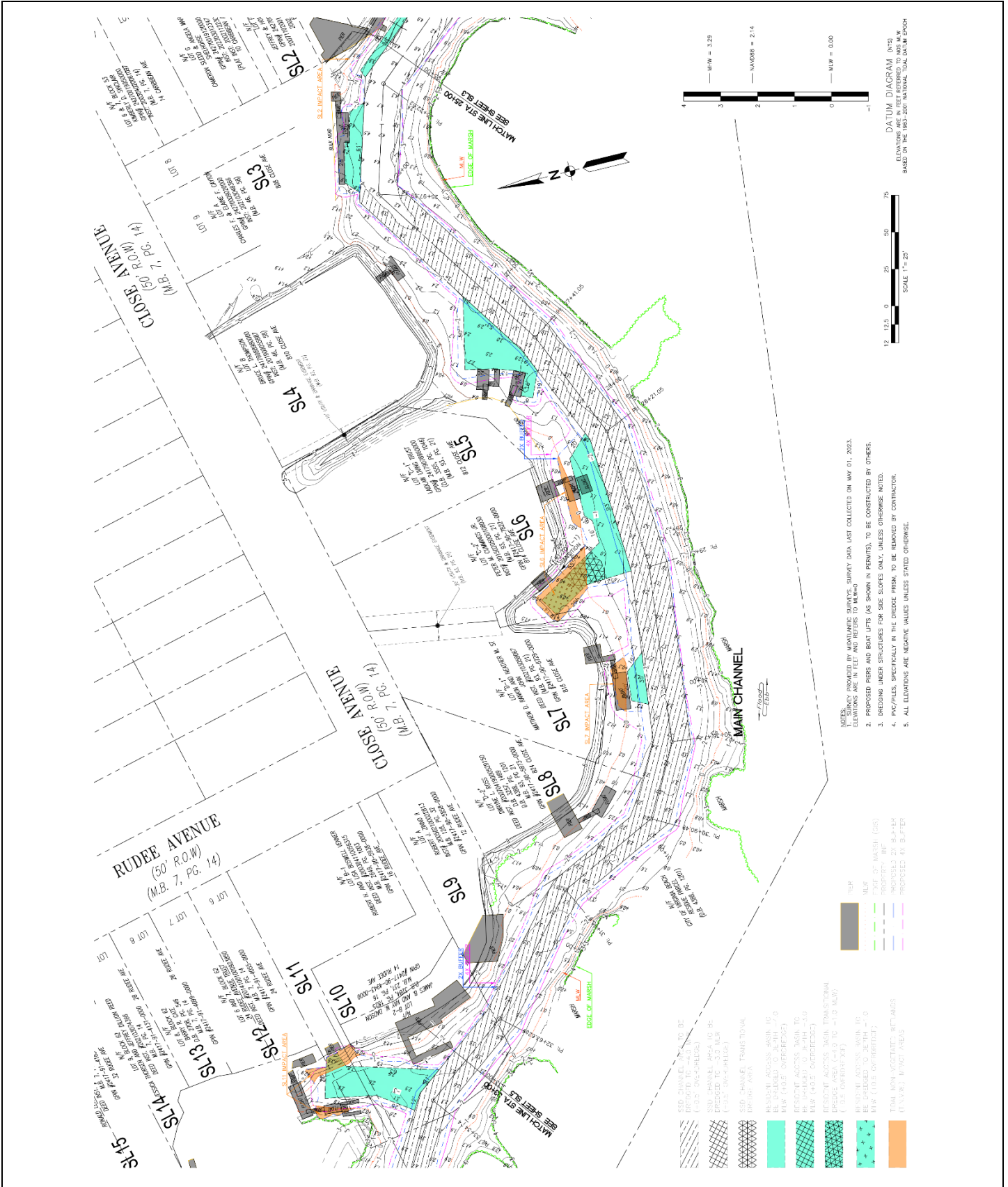
Proposed Site Plan – Sheet No. SL1, Sheet 2 of 8



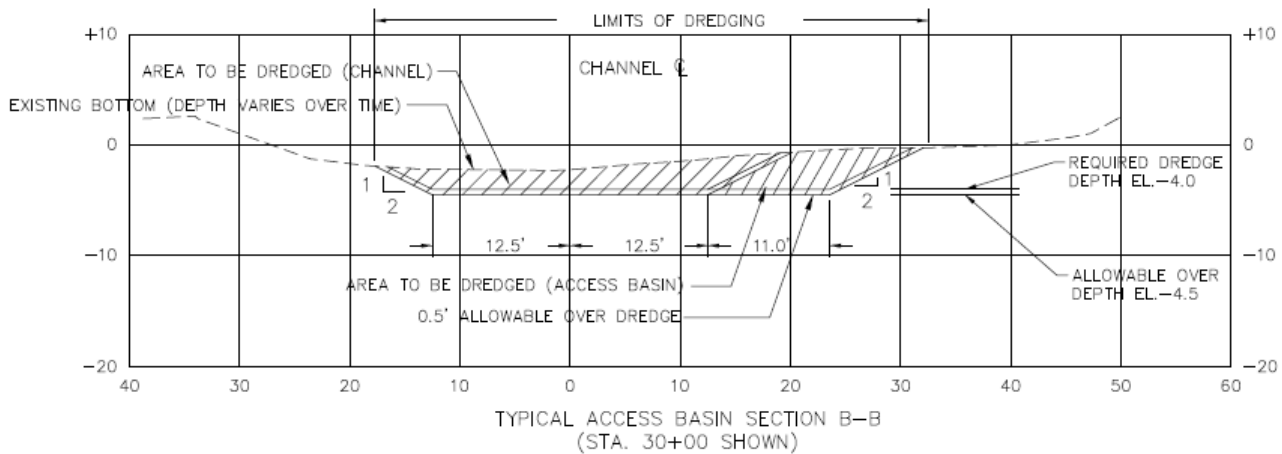
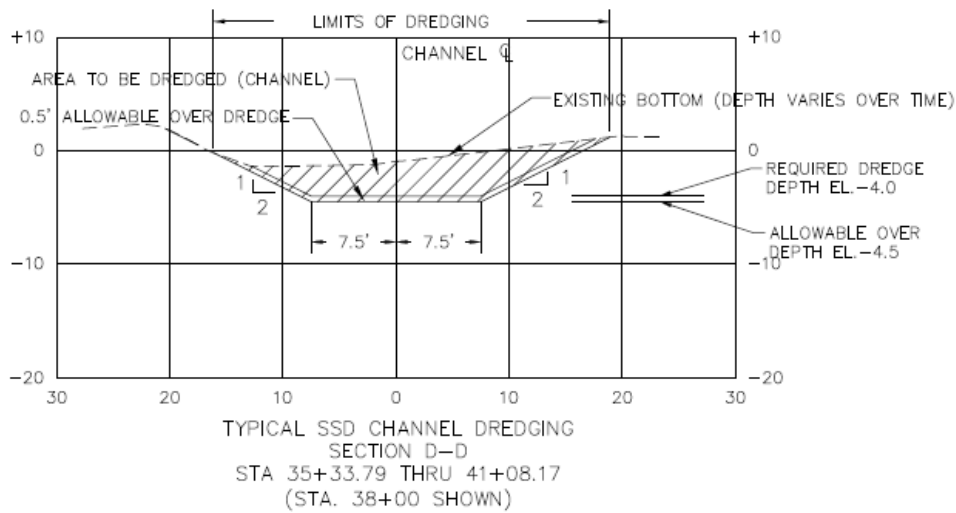
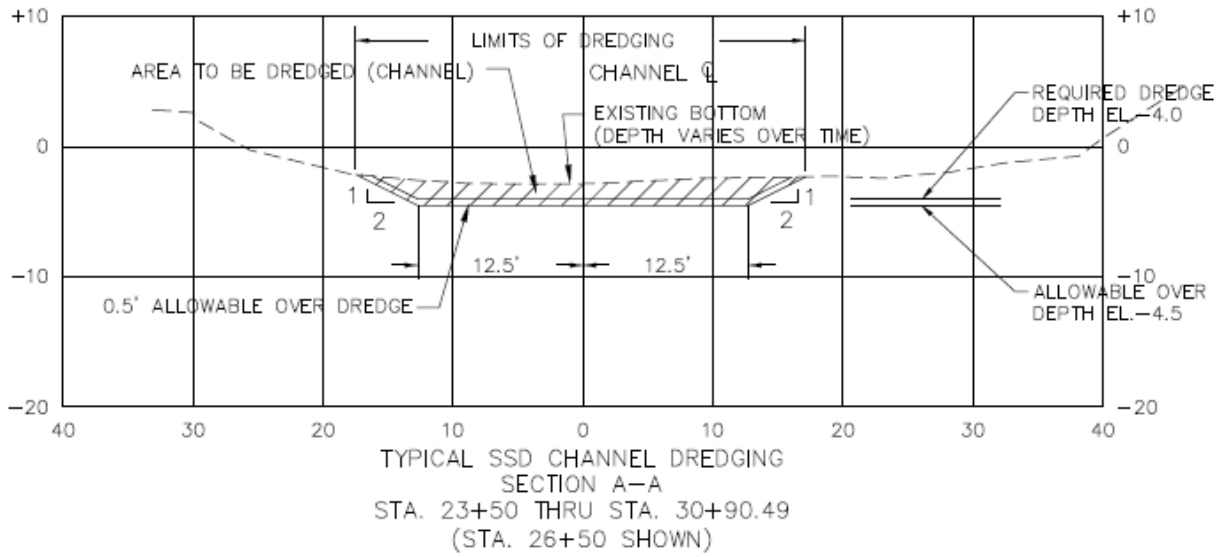
Proposed Site Plan – Sheet No. SL3, Sheet 4 of 8



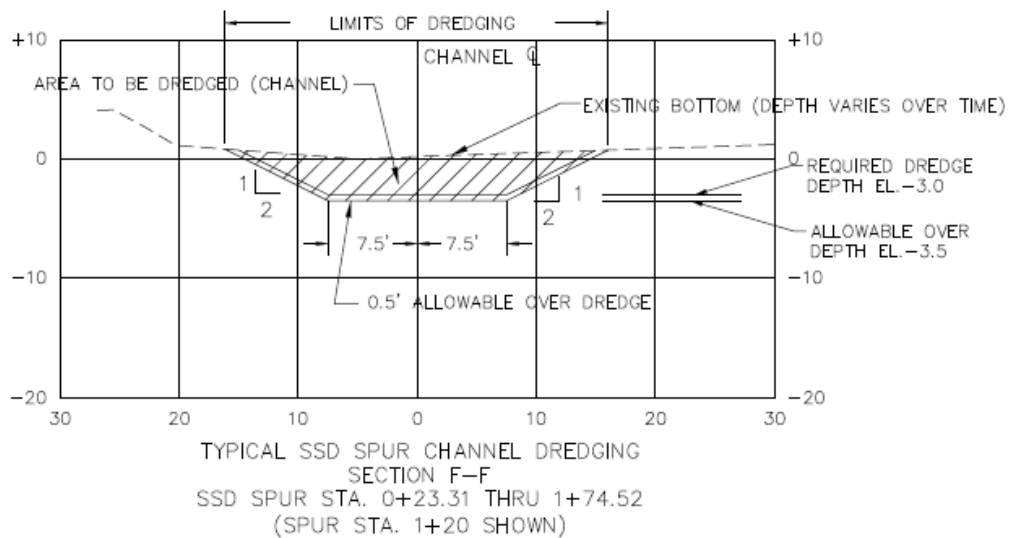
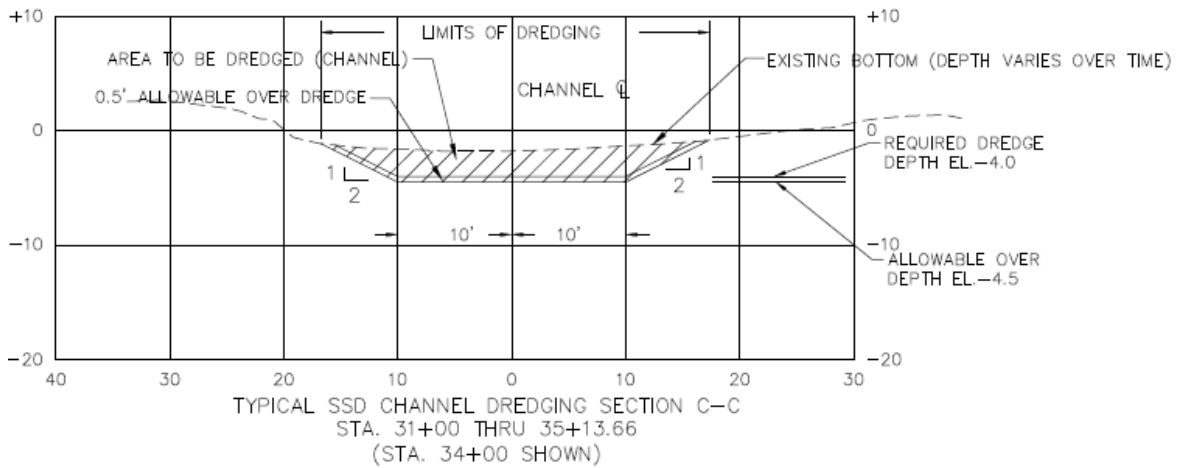
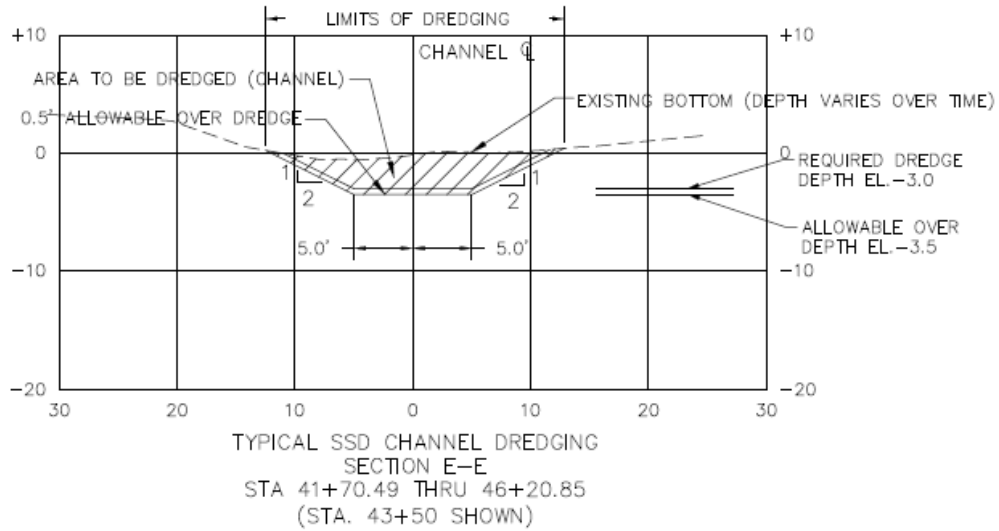
Proposed Site Plan – Sheet No. SL4, Sheet 5 of 8



Proposed Site Plan, Sections, Sheet 8



Proposed Site Plan, Sections, Sheet 8 cont.



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Wetlands Board Permit History

This City-sponsored project is in the Atlantic Ocean watershed. The Shadowlawn Special Service District (SSD) was initially dredged in 2017. A Wetlands Board permit to dredge Shadowlawn SSD was approved in March 2016 and was extended twice, the maximum number of times pursuant to Wetlands Board policy. The current application is to authorize the first round of maintenance dredging associated with the original project. The dredging footprints of this application are consistent with those previously permitted with two exceptions. The current application includes the addition of a new property owner and expansion of a previously included access basin to accommodate a new boat lift and pier.

Summary of Proposal

The project is located in Lake Rudee in the Shadowlawn Heights Subdivision and is composed of two distinct types of channels: the neighborhood SSD channel providing access to Lake Rudee; and the individual access basin channels which provide access to 19 individual properties. No dredging is proposed in the City SSD Channel as part of this application.

This is a request to perform new and maintenance dredging by hydraulic means involving approximately 182 square feet of vegetated wetlands impacts to the 4X buffer and 6,973 square feet of impacts to non-vegetated wetlands (previously 250 square feet of vegetated wetlands and 24,119 square feet of non-vegetated wetlands in 2016). Approximately 1,269 square feet of impacts to non-vegetated wetlands are associated with the SSD channel. 182 square feet of impacts to vegetated wetlands in the 4X buffer and 5,704 square feet of impacts to non-vegetated wetlands are associated with the 19 individual access basins. The dredged material will be piped and deposited within the Lake Rudee dredge disposal area. The applicant proposes to purchase tidal wetlands credits from the Virginia Aquatic Resource Trust Fund as mitigation.

The Shadowlawn SSD program includes the following 31 GPINs: 2427-00-1851, 2427-00-1827, 2417-00-0902, 2417-00-8898, 2417-90-7896, 2417-90-7822, 2417-90-6729, 2417-90-5873, 2417-90-5858, 2417-90-4943, 2417-90-5938, 2417-91-4055, 2417-91-4099, 2417-91-4131, 2417-91-4185, 2417-91-4281, 2417-91-3248, 2417-91-2112, 2417-91-0260, 2417-91-0341, 2417-91-0327, 2417-91-0403, 2417-91-0499, 2417-91-0549, 2417-91-2746, 2417-91-0714, 2417-81-9787, 2417-81-9872, 2417-81-9866, 2417-81-9921, 2417-81-9914.

Evaluation & Staff Recommendations

Shadowlawn SSD waterfront homeowners have reported that the channels included in the proposed project have become silted in, limiting safe navigational access. The applicant's agent has designed the proposed project to avoid and minimize tidal wetlands impacts, while dredging the minimum necessary to provide for safe navigation. To reduce the project's wetlands impacts, the dredge channel has been located in the deepest and most central portions of the waterway. In addition, the width of the main SSD channel reduces from 25 feet to 15 feet as it transitions into the SSD spur channel. The dredge depth also reduces from -4 feet to -3 feet mean low water (MLW). This reduction in dredging width and depth eliminates impacts to vegetated wetlands as the natural channel narrows and wetlands increase towards the upstream ends of the project area. Access basins are designed to avoid and minimize impacts to subaqueous bottom, tidal non-vegetated and vegetated wetlands, while still allowing homeowners to access piers and boat lifts.

A portion of wetland impacts located near the northern end and southern end of the project area are within City property. This activity in wetlands for the use of this project as a governmental activity on lands owned or leased from the Commonwealth or the City is authorized as defined in the City's Wetlands Zoning Ordinance [City Code, Appendix A, Article 14, Sec 1402(i)]. Staff supports the purchase of credits at a wetlands bank as mitigation.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. Following the completion of the dredge, an annual vegetation monitoring report for the areas of the 4X Buffer shall be submitted to the Department of Planning & Community Development, Waterfront Operations in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas where the vegetation has been impacted or failed due to the dredging operations.
2. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning & Community Development, Waterfront Operations prior to the issuance of a building permit.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Agent

Billy Garrington
Governmental Permitting Consultants

Location

349 W Chickasaw Road

GPIN

1457-70-8776

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetments, return walls and plant vegetation involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to E. Branch Elizabeth River

Subdivision

Arrowhead

Impacts

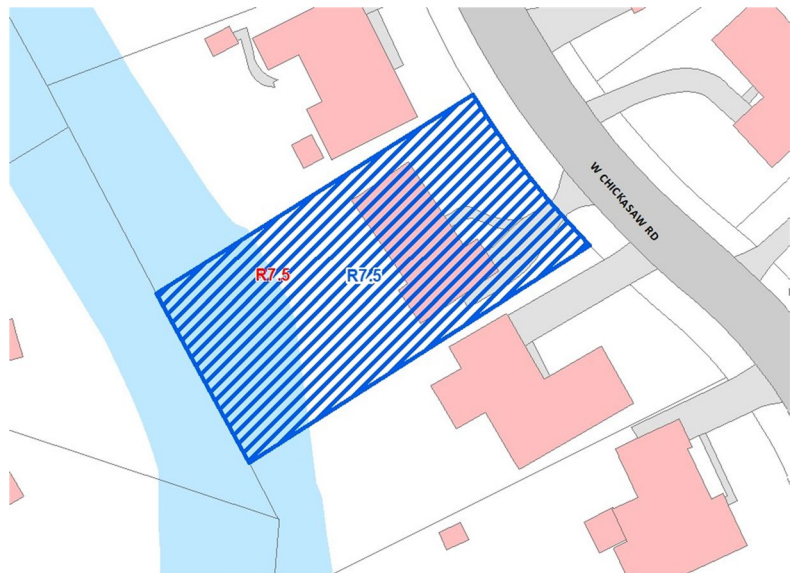
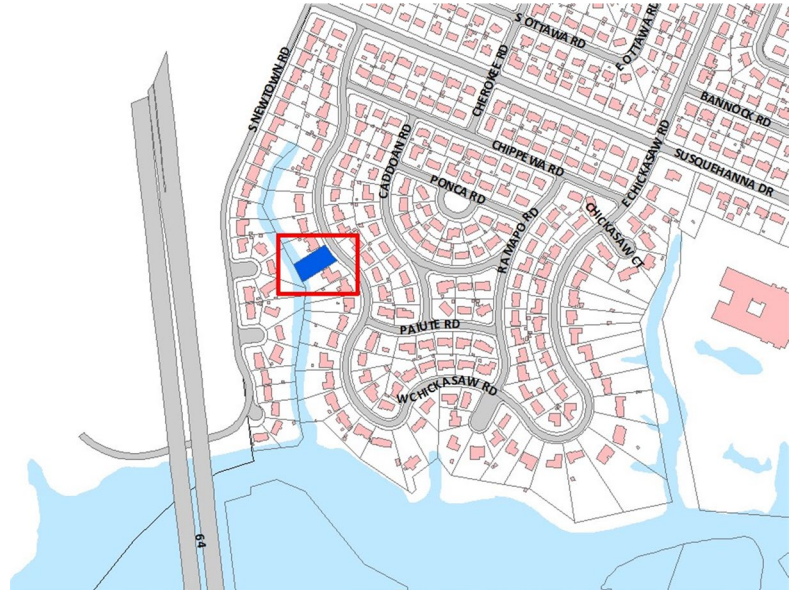
Vegetated: 221 square feet

Non-Vegetated: 428 square feet

Overall length of proposed structure: 90 linear feet of rip rap, 87 linear feet of rip rap, 18 linear feet return wall, 15 linear feet return wall

Proposed Mitigation and/or Compensation

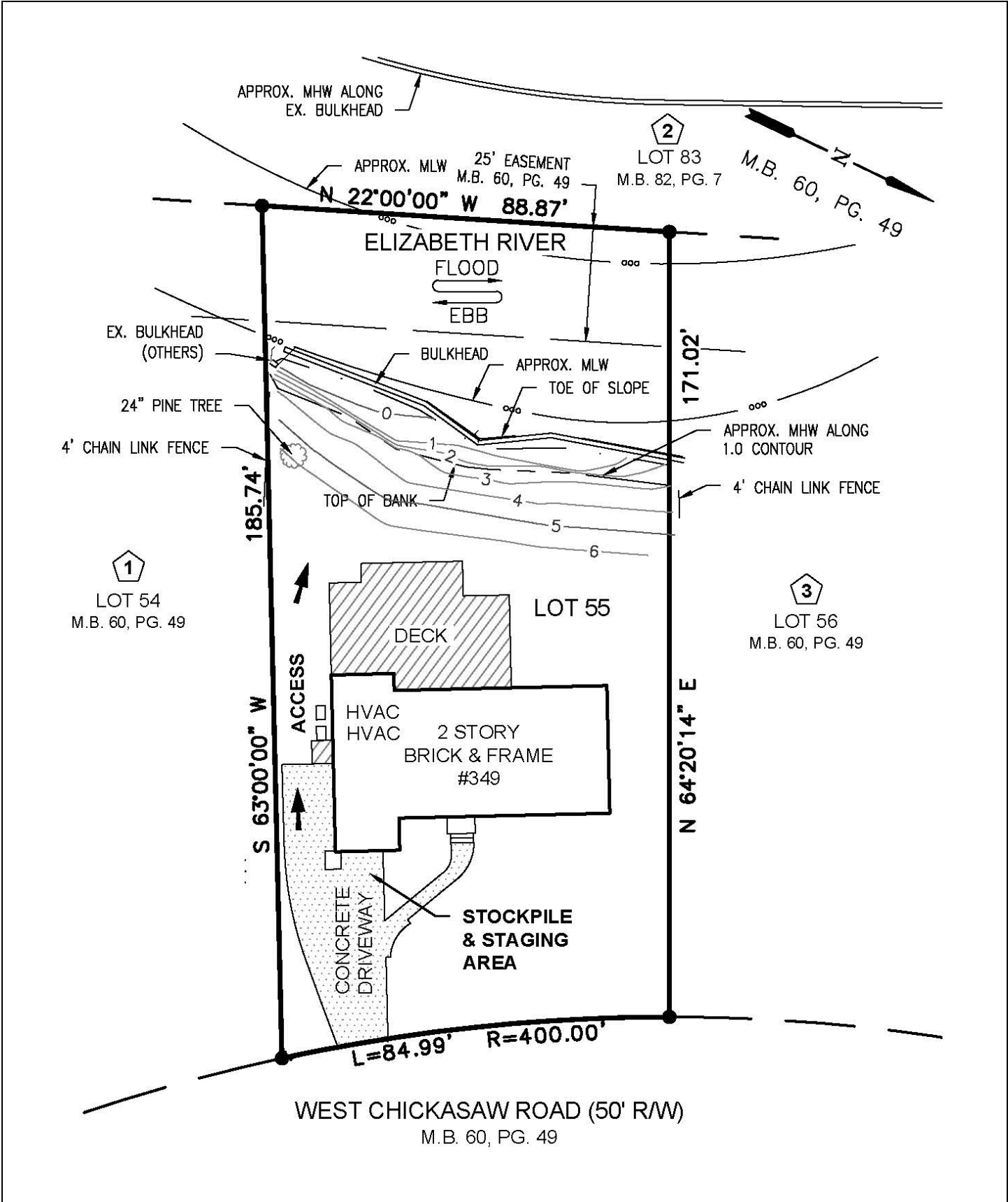
On-site



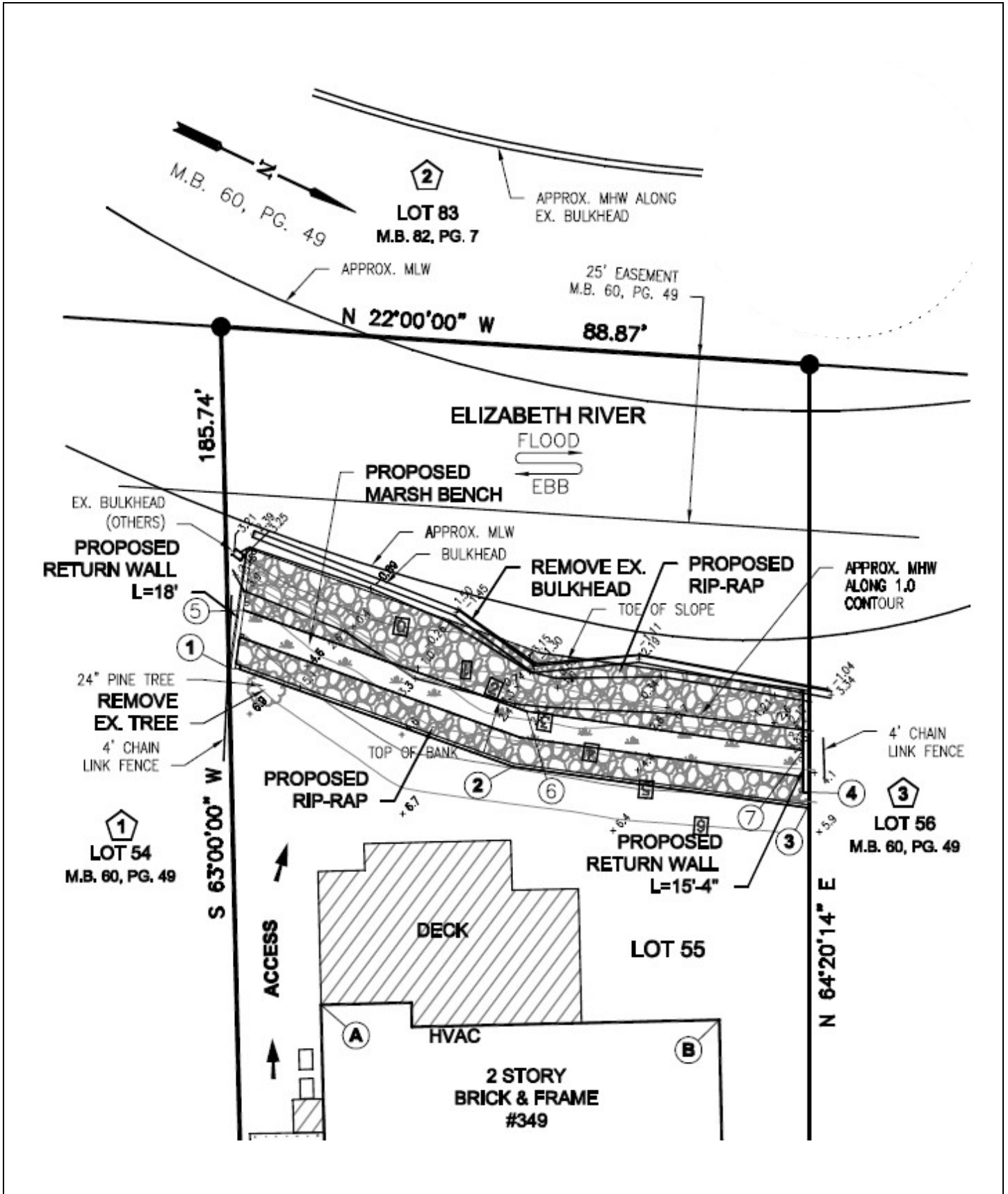
Site Aerial Map



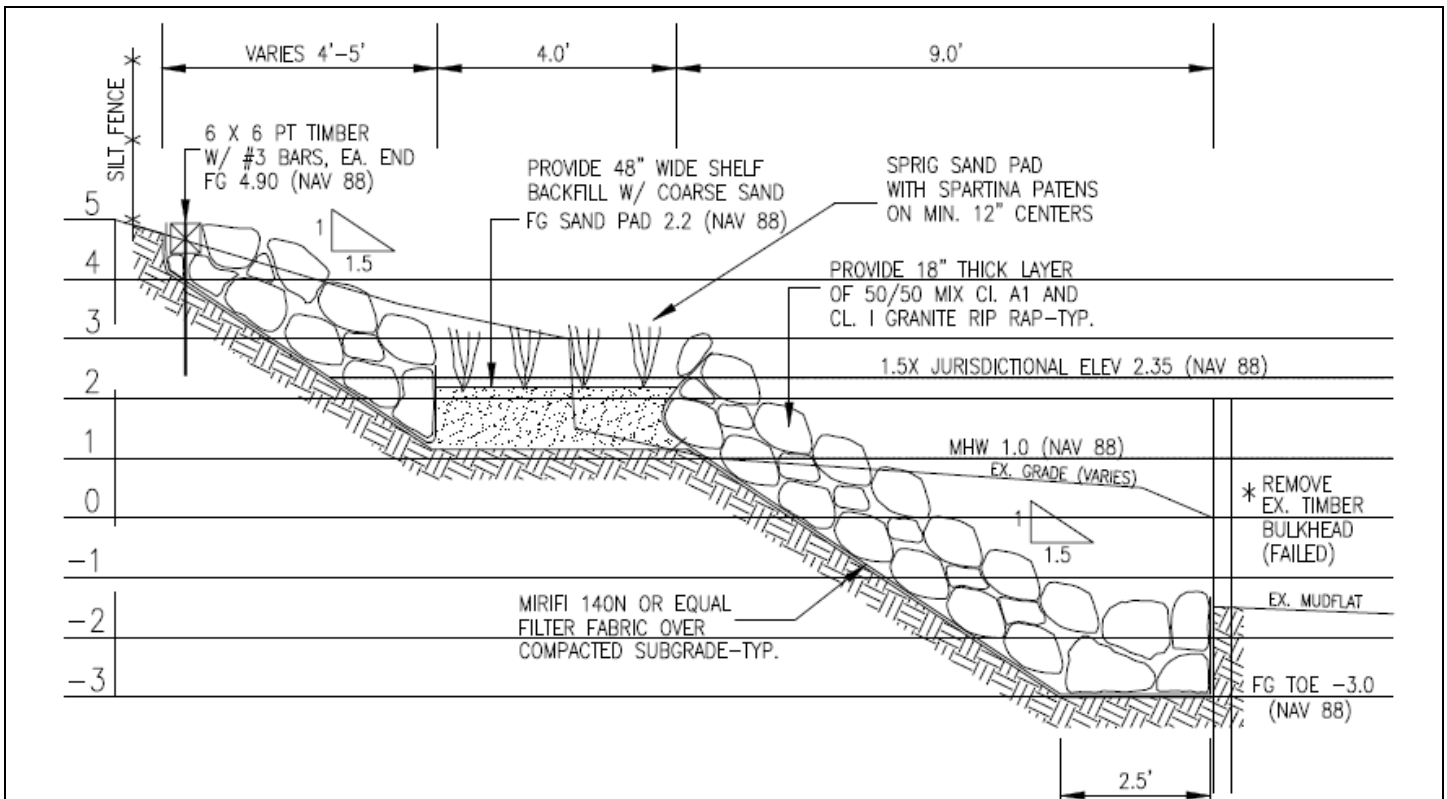
Existing Conditions



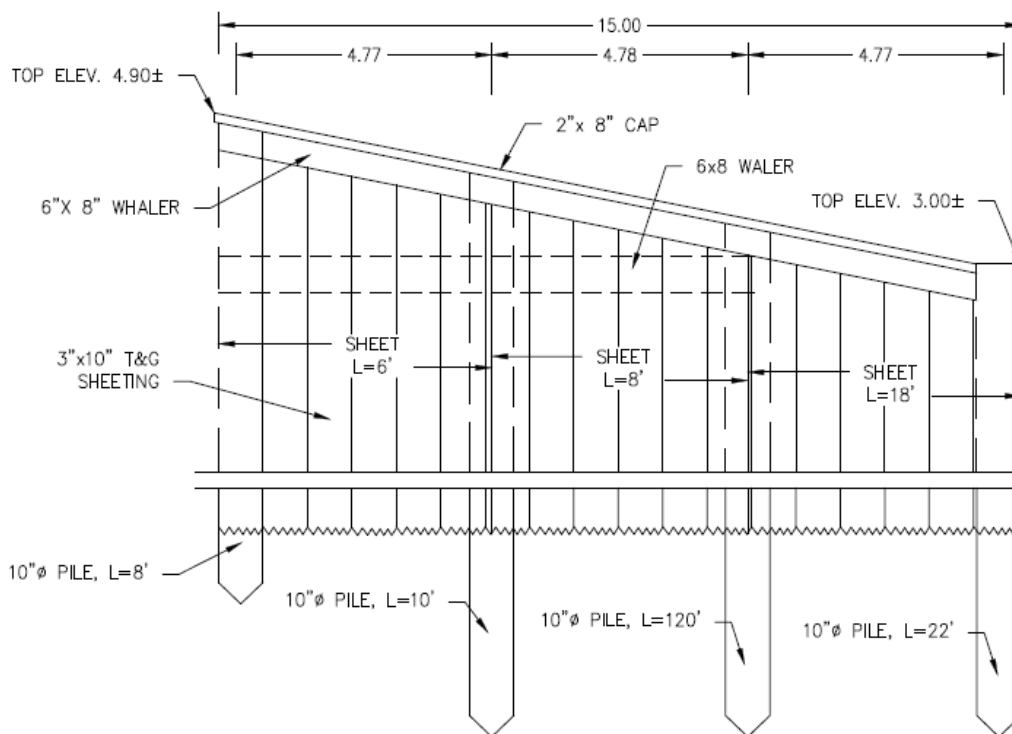
Proposed Improvements



Cross Section Views



CROSS SECTION – RIP RAP



CROSS SECTION – RETURN WALL

Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances for this property.

There are no known recent Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct two rows of rip rap revetment along the shoreline. The landward rip rap will be 90 linear feet long and the channelward rip rap will be 87 linear feet long. The return wall on the northern side of the rip rap will be 15 linear feet long, and the return wall along the southern end of the rip rap will be 18 linear feet long. The rip rap will consist of Class 1 and A1 granite. A 4-foot-wide marsh bench will be constructed between the rip rap revetments.

The existing timber bulkhead is failing, showing signs of deterioration along the seaward face of the structure and areas of upland erosion are present. The existing bulkhead will be removed for installation of the rip rap. The proposed project will impact 428 square feet of non-vegetated wetlands and 221 square feet of vegetated wetlands. The applicant is proposing to mitigate on-site with 428 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat. In addition, 351 square feet of uplands will be graded and converted to vegetated wetlands for the construction of the marsh bench between the rows of rip rap. This area will be backfilled with sand and sprigged with *Spartina patens*. An additional 159 square feet of uplands will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetments are warranted for this property, as the existing timber bulkhead has failed and needs to be replaced as it has become a safety and potential navigation hazard. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and pockets of vegetated and non-vegetated wetlands have formed where uplands have been eroded. A living shoreline is not appropriate for this property due to the existing improvements on the lot and conditions of the adjacent properties. In addition, the property is located along a narrow canal, where the majority of the lots are protected by bulkheads and allows for boat navigation. Staff concurs with the method of on-site mitigation for the impacts to 428 square feet of non-vegetated wetlands and 221 square feet of vegetated wetlands. Staff is of the opinion that the creation of 351 square feet of vegetated wetlands will enhance the shoreline, and the vegetated wetlands will reduce the potential for future erosion along the shoreline.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. Following the installation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish. Should areas need to be re-vegetated, plant spacing may be arranged in rows or random clusters at 18-inches on center for average cover conditions.
2. A spot elevation for the bottom grade of the 48" wide shelf shall be provided in the revised plans.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission and approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Agent

Robert Simon
Waterfront Consulting, Inc.

Location

357 Whiting Lane

GPIN

2433-30-3962

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead, return walls, and boat ramp involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

North Bay

Subdivision

Back Bay Meadows

Impacts

Non-Vegetated: 308 square feet

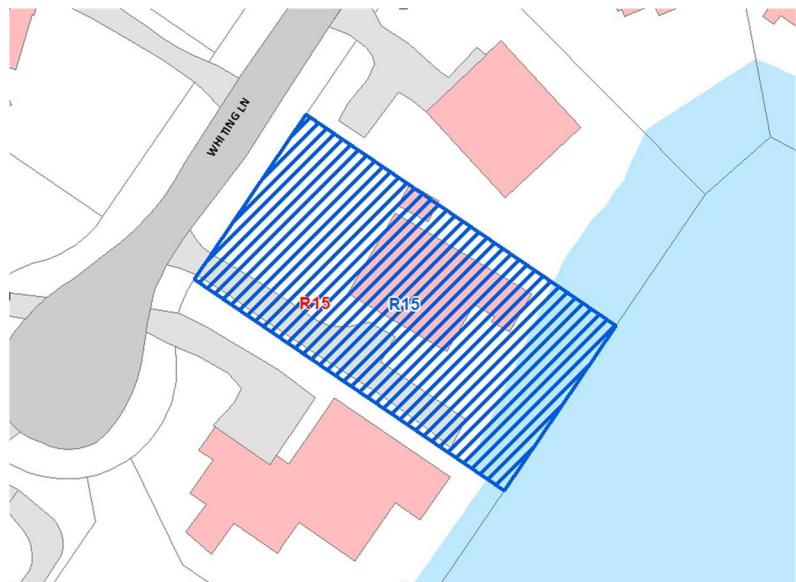
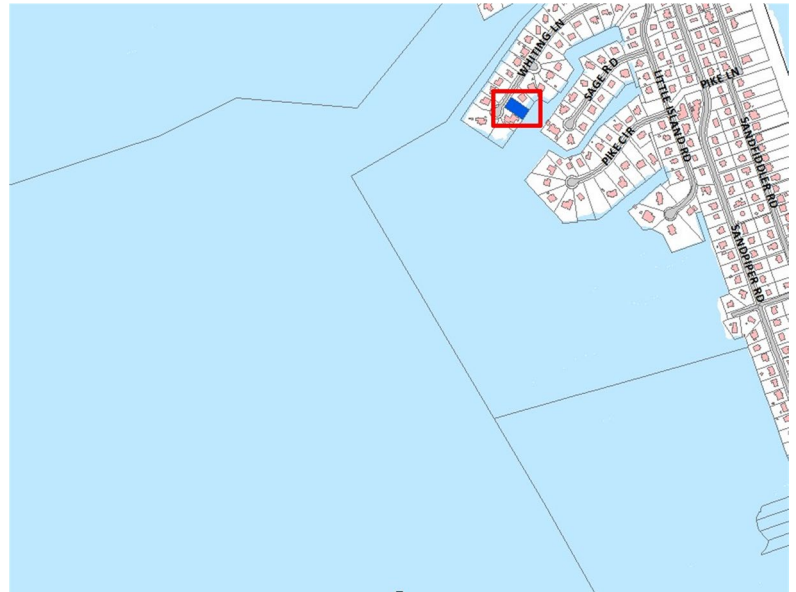
Subaqueous: 146 square feet

Overall length of proposed structure: 94 linear feet of bulkhead, 23 linear feet of return wall, 28 linear feet of return wall

Volume of Backfill: 20 cubic yards

Proposed Mitigation and/or Compensation

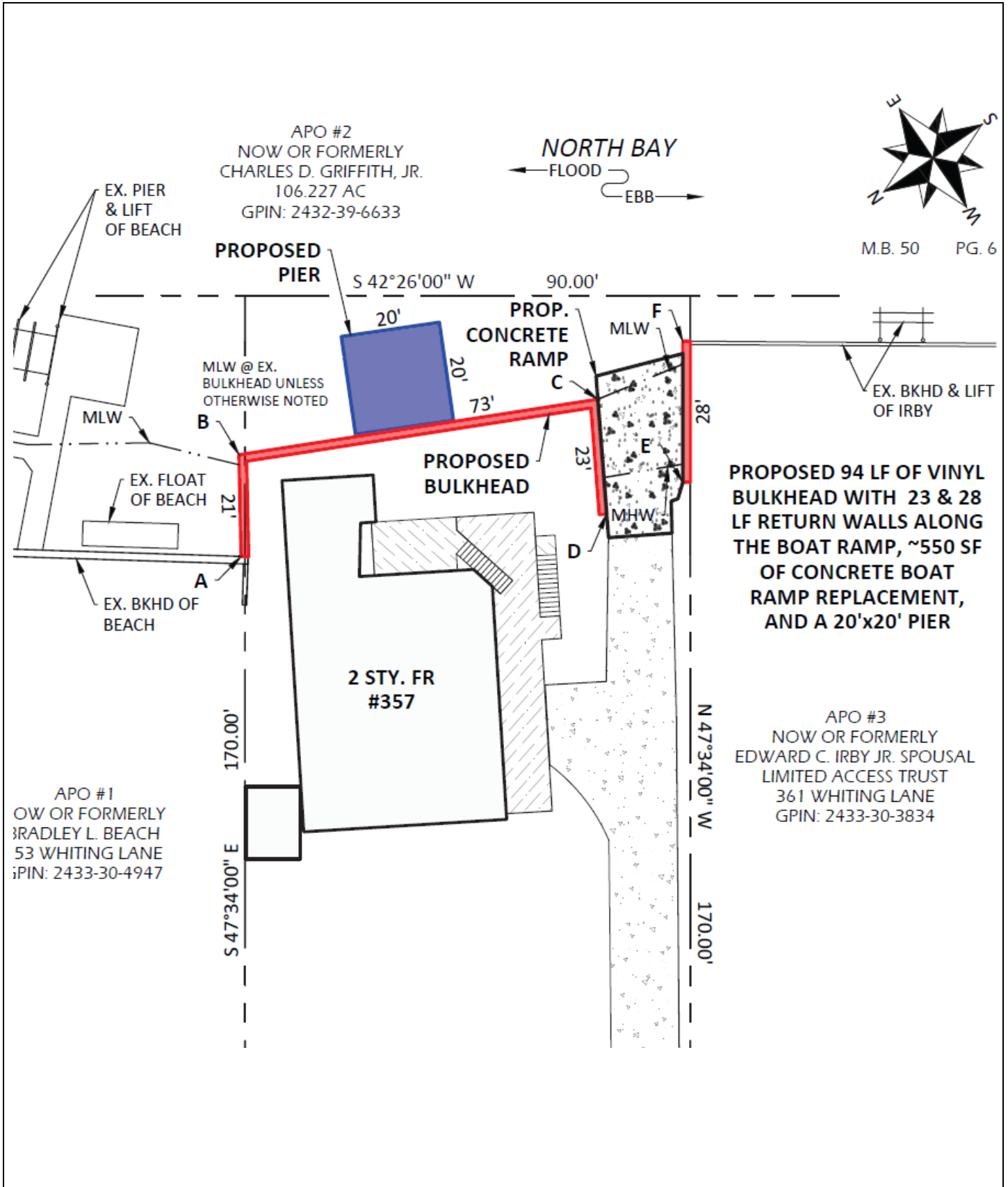
On-site and Payment of an in-lieu fee



Site Aerial Map

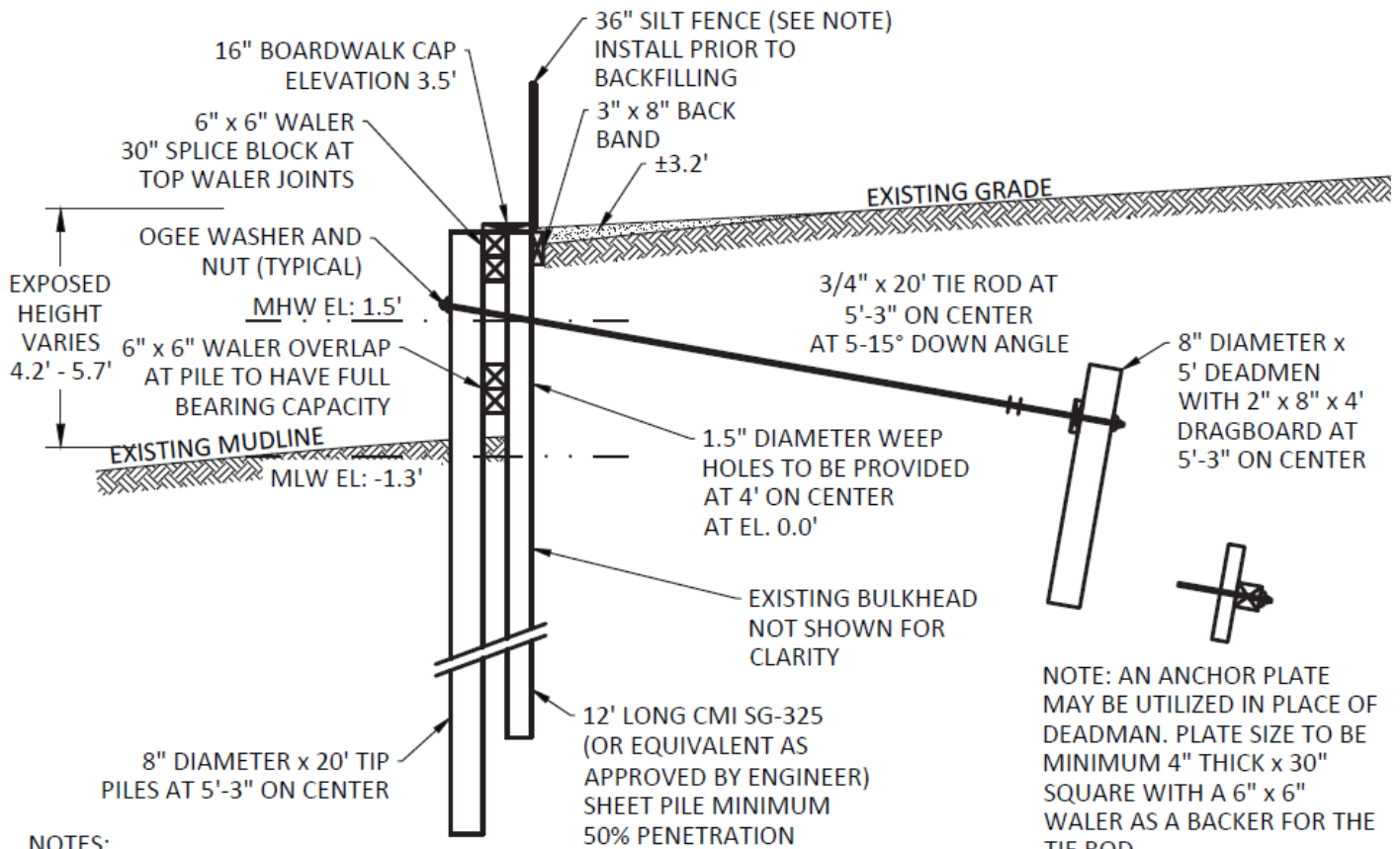


Proposed Improvements



Cross Section – Bulkhead, Points A-B, C-D, E-F

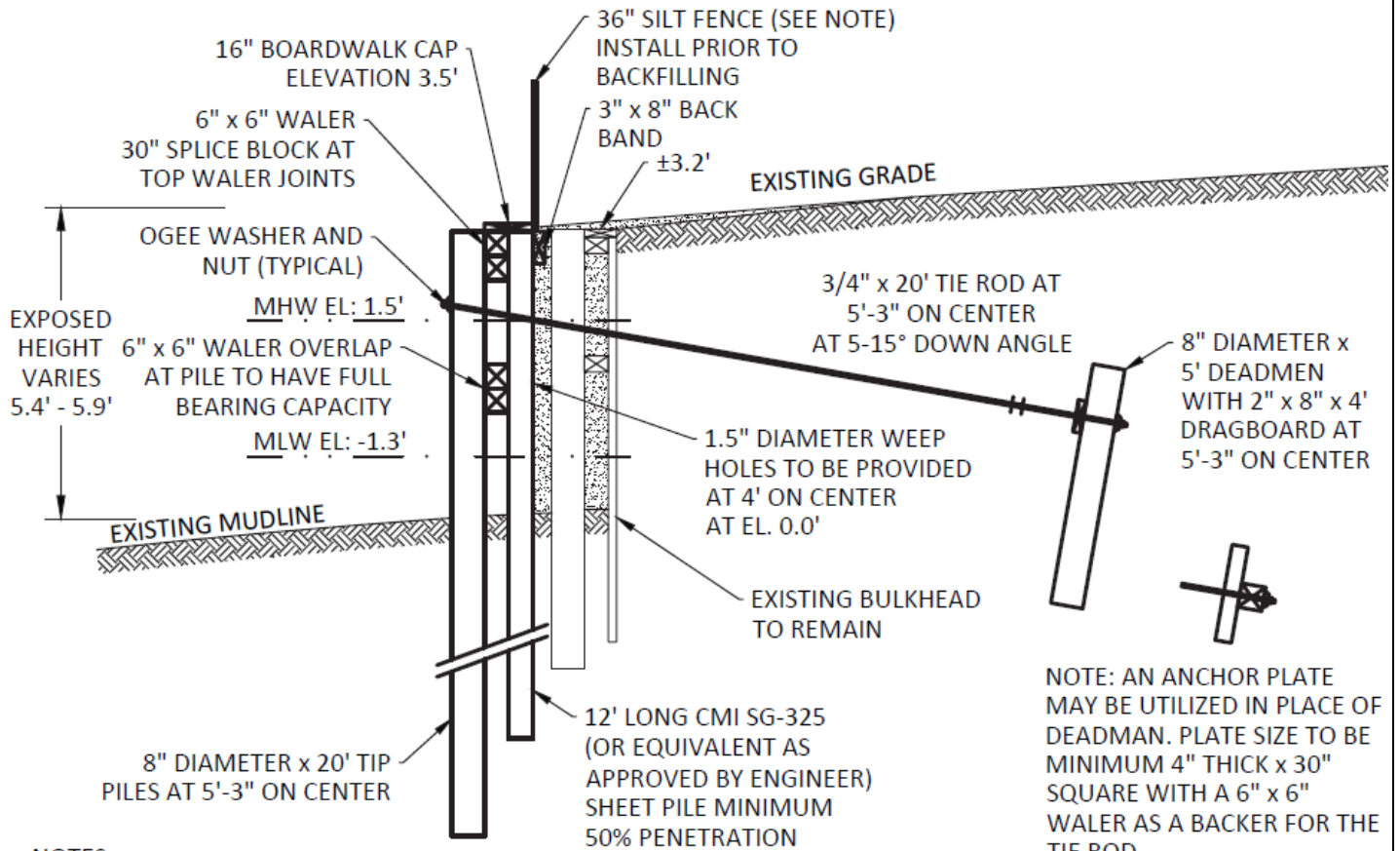
PROPOSED BULKHEAD CROSS SECTION POINTS A-B, C-D, E-F



NOTES:

Cross Section – Bulkhead, Points B-C

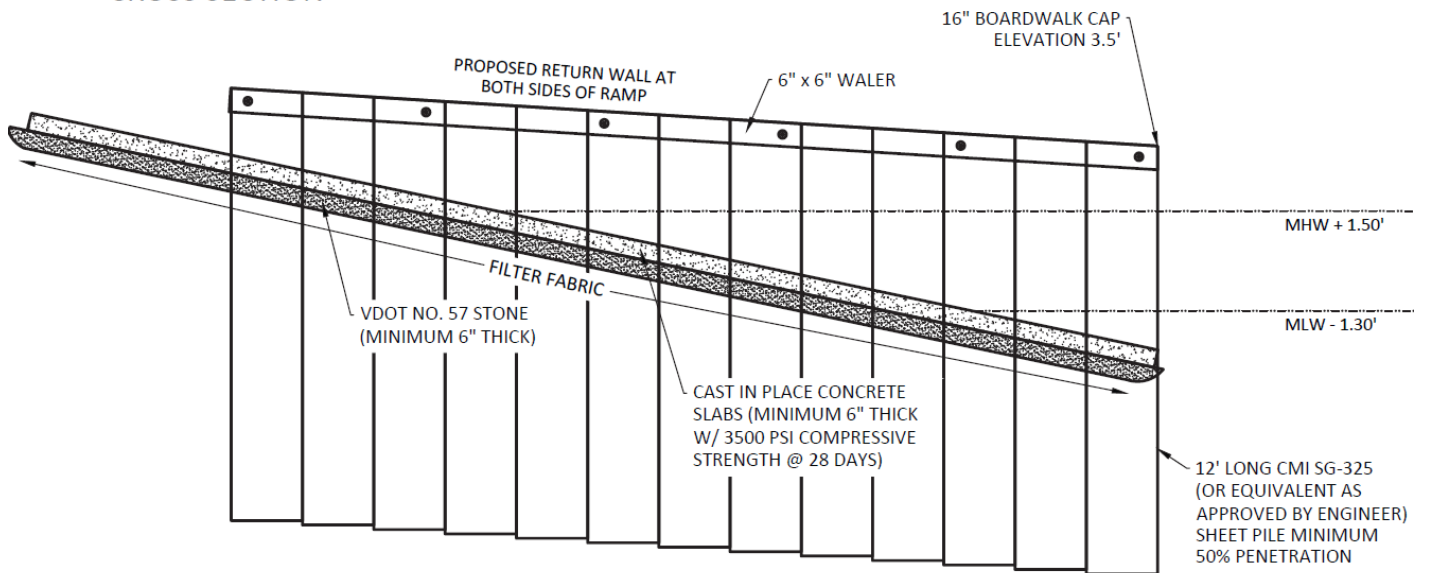
PROPOSED BULKHEAD CROSS SECTION POINTS B-C



NOTES:

Cross Section - Boat Ramp and Return Wall

PROPOSED RAMP & RETURN WALL CROSS SECTION



Site Photos



Site Photos



Site Photos



SRWMA Ordinance Variances & Wetlands Board Permit History

The property is in the Southern Rivers Watershed and subject to the provisions of the Southern Rivers Watershed Management Area (SRWMA) Ordinance. There are no known recent Wetlands Board actions or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct 94 linear feet of vinyl bulkhead, a 23 linear foot return wall, and a 28 linear foot return wall. The return walls will be installed along the sides of the concrete boat ramp. The concrete boat ramp will be replaced. The northern portion of the bulkhead along the edge of the property and the two return walls will be replaced in the same alignment of the existing structures. The remaining portion of the proposed bulkhead will be located no more than two feet seaward of the existing bulkhead. The proposed project will impact 308 square feet of non-vegetated wetlands. 6 square feet of non-vegetated wetlands have formed behind the existing bulkhead, and the applicant proposes to pay an in-lieu fee to mitigate for these impacts. The remaining 302 square feet of impacts to non-vegetated wetlands are associated with the replacement of the concrete boat ramp, and the amount of non-vegetated rock habitat will remain the same.

Evaluation & Staff Recommendations

The existing bulkhead is reaching the end of its construction lifespan and is showing signs of wear with one pocket of non-vegetated wetlands that has formed where uplands have been eroded behind the bulkhead due to failure of the structure. The applicant's agent indicated that a living shoreline is not appropriate for this site due to the proximity of the upland structures to the existing bulkhead and the significant fetch from Back Bay that the shoreline experiences. The request to construct the new bulkhead and return walls will not create additional non-vegetated wetlands. Therefore, to address compensation, Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts. Staff agrees with the on-site compensation method for the 302 square feet of non-vegetated rock habitat.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed bulkhead, pier, and concrete boat ramp", sealed on August 8, 2023, prepared by Waterfront Consulting, Inc.. Please be advised that Staff reserves the right to request an as-built survey should there be any questions following the construction of the proposed improvements.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Agent

Robert Simon
Waterfront Consulting, Inc.

Location

1048 Ducking Point Trail

GPIN

1488-03-3777

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Western Branch Lynnhaven River

Subdivision

Saw Pen Point

Impacts

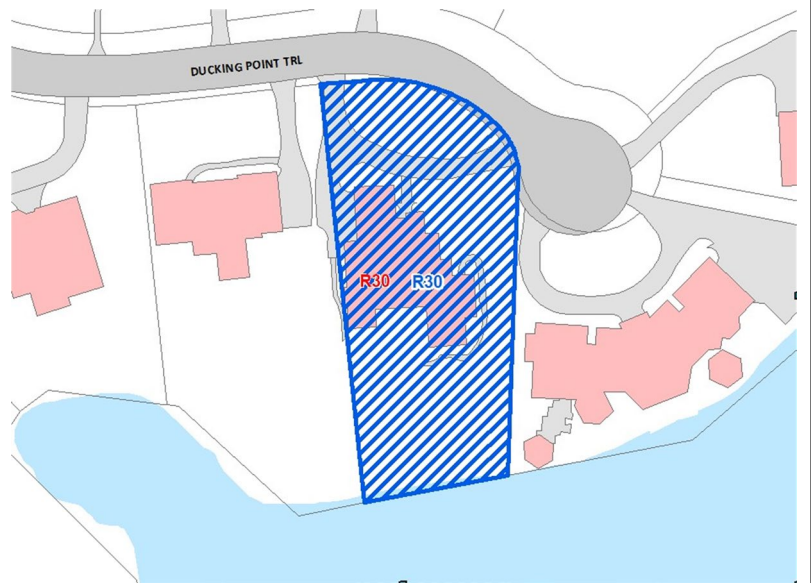
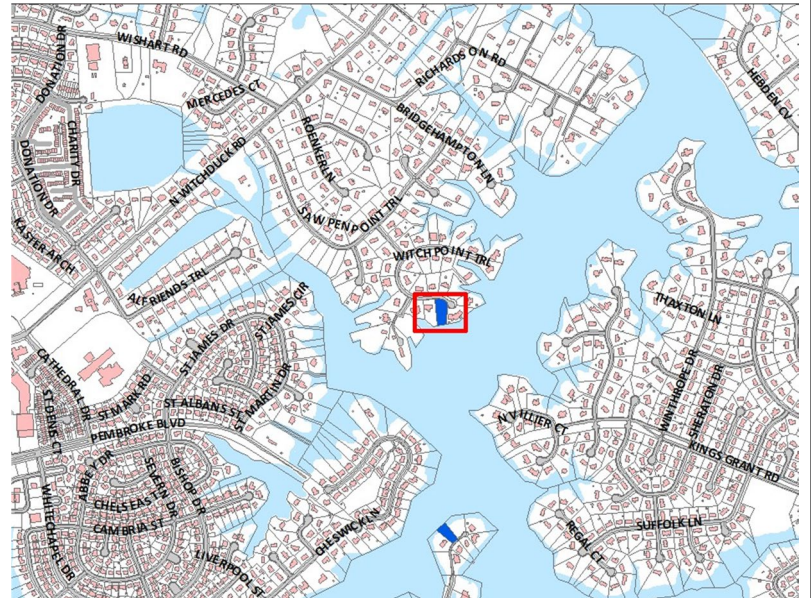
Non-Vegetated: 8 square feet

Subaqueous: 910 square feet

Overall length of proposed structure: 100 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

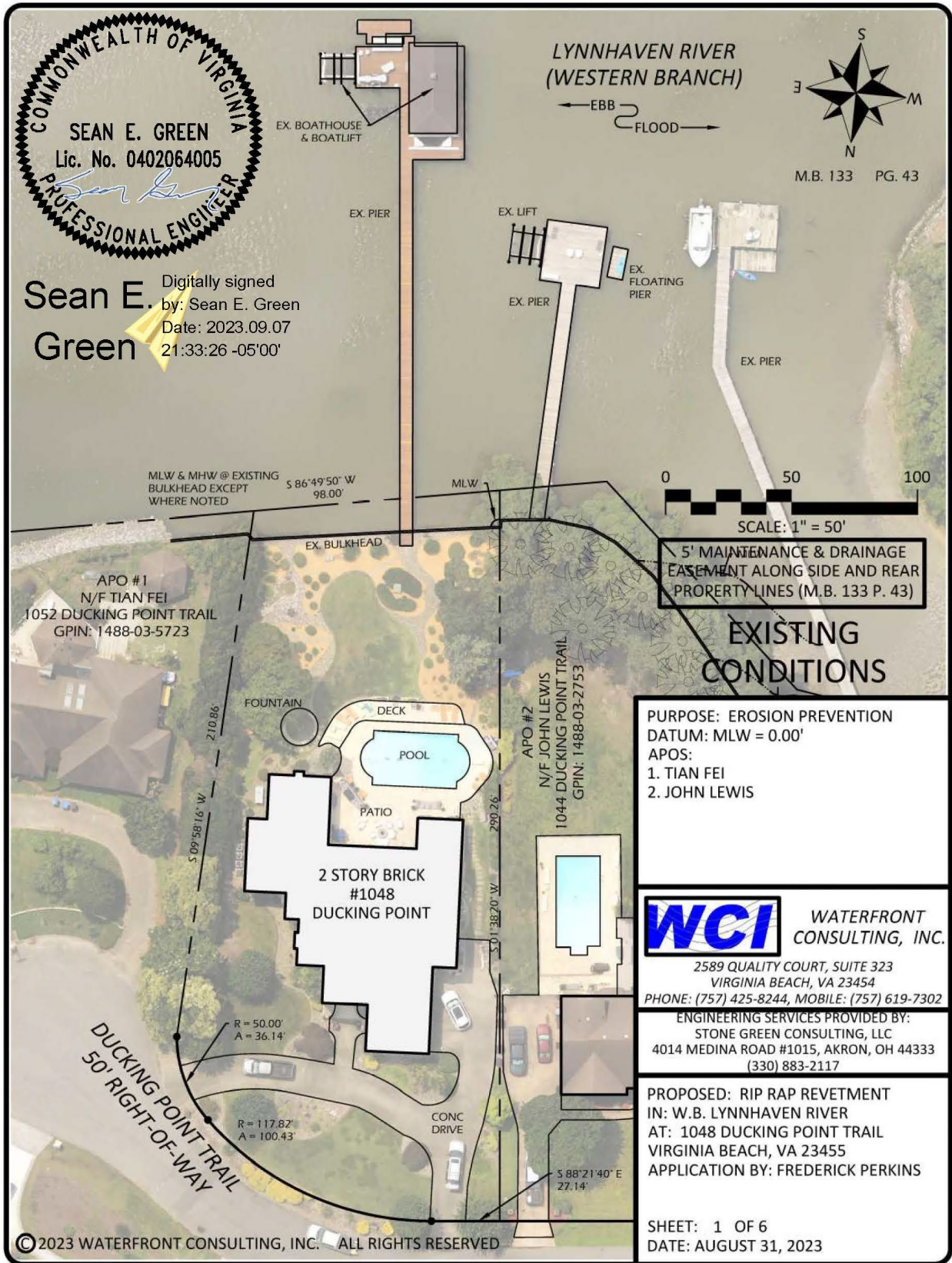
On-site



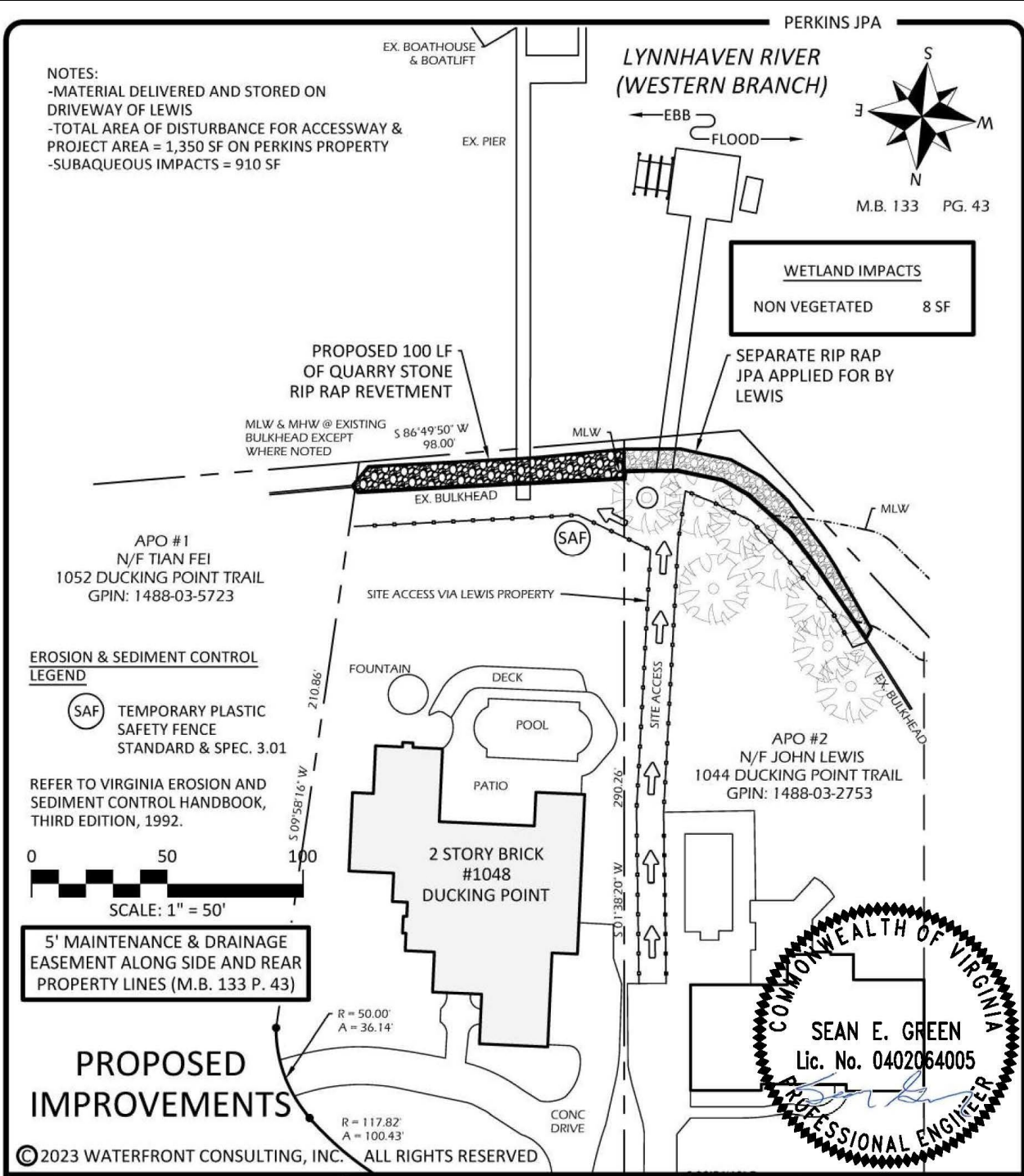
Site Aerial Map



Existing Conditions



Proposed Improvements



PURPOSE: EROSION PREVENTION
 DATUM: MLW = 0.00'
 APOS:
 1. TIAN FEI
 2. JOHN LEWIS

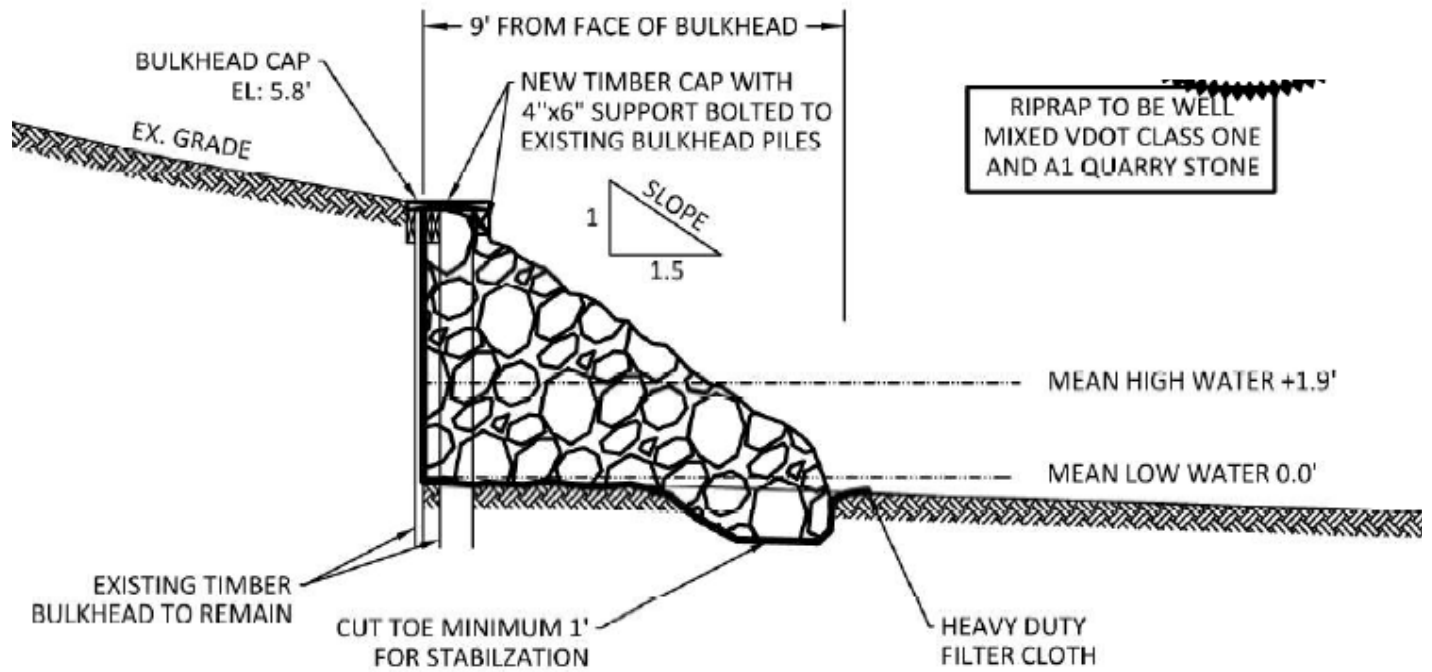
WCI WATERFRONT CONSULTING, INC.
 2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 PHONE: (757) 425-8244, MOBILE: (757) 619-7302
 ENGINEERING SERVICES PROVIDED BY:
 STONE GREEN CONSULTING, LLC
 4014 MEDINA ROAD #1015, AKRON, OH 44333
 (330) 883-2117

PROPOSED: RIP RAP REVETMENT
 IN: W.B. LYNNHAVEN RIVER
 AT: 1048 DUCKING POINT TRAIL
 VIRGINIA BEACH, VA 23455
 APPLICATION BY: FREDERICK PERKINS

SHEET: 2 OF 6
 DATE: AUGUST 31, 2023

Rip rap Cross Section

PROPOSED RIPRAP CROSS SECTION



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is in the Chesapeake Bay Watershed. The following Chesapeake Bay Preservation Area (CBPA) Ordinance variances were granted to this property:

- A variance to construct a two-story single-family residence, with a screened porch, deck area, and pool was granted on June 1, 1992.
- A variance to construct a wood deck was granted May 23, 2019.

There were no recent Wetlands Board actions or waterfront permits found for this property.

Summary of Proposal

The existing bulkhead is starting to show signs of deterioration along the seaward face of the structure. As such, the applicant proposes to install 100 linear feet of rip rap revetment in front of the existing timber bulkhead. The rip rap will consist of Class I and A1 quarry stone. The primary purpose of the rip rap revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway. As designed, the proposed project will impact 8 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 8 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 100 linear feet of rip rap channelward of the existing bulkhead. The proposed rip rap will serve to reinforce and prolong the life of the existing bulkhead. The applicant's agent provides that a living shoreline is not appropriate for this property due to the height of the existing bulkhead, and the property experiences significant fetch and wave action. Staff agrees with the on-site compensation method for the 8 square feet of non-vegetated wetlands impacts conversion to non-vegetated rock habitat.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed Rip Rap Revetment", sealed on September 7, 2023, prepared by Waterfront Consulting, Inc..

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

1044 Ducking Point Trail

GPIN

1488-03-2753

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands and a boathouse

Staff Recommendation

Approval as Modified

Waterway

Western Branch Lynnhaven River

Subdivision

Saw Pen Point

Impacts

Vegetated: 40 square feet

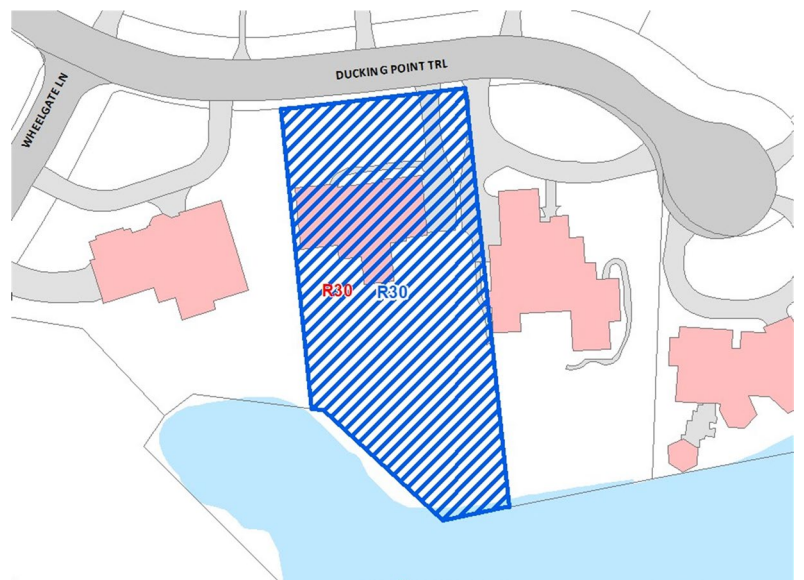
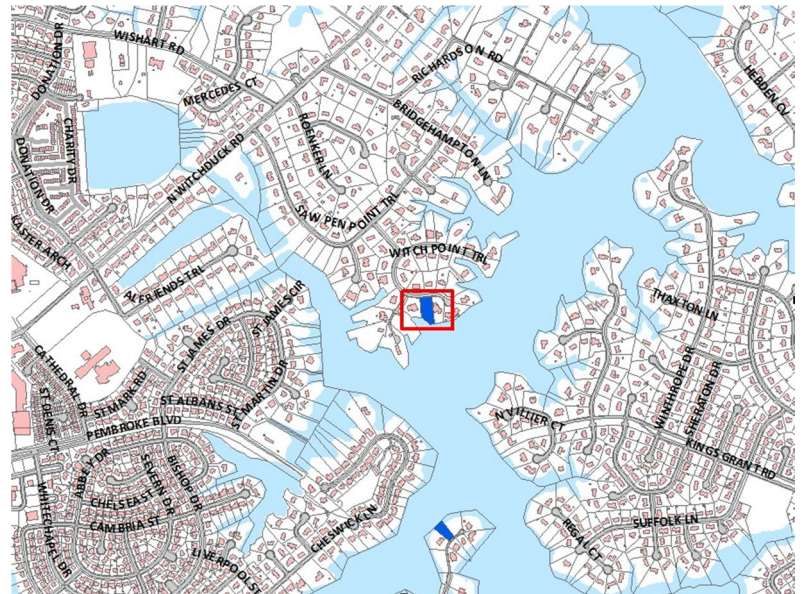
Non-Vegetated: 200 square feet

Subaqueous: 530 square feet

Overall length of proposed structure: 150 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

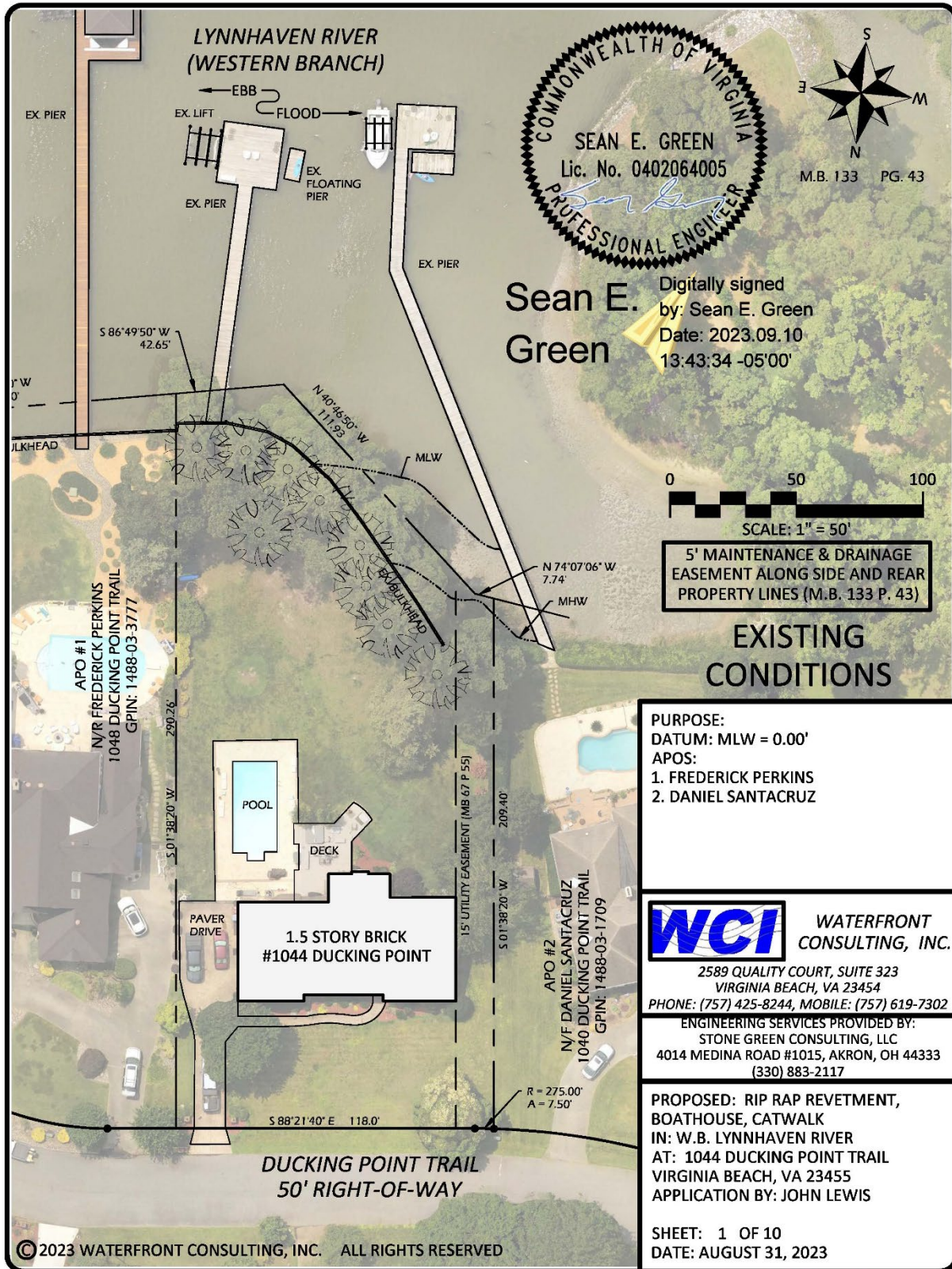
On-site and Payment of an in-lieu fee



Site Aerial Map

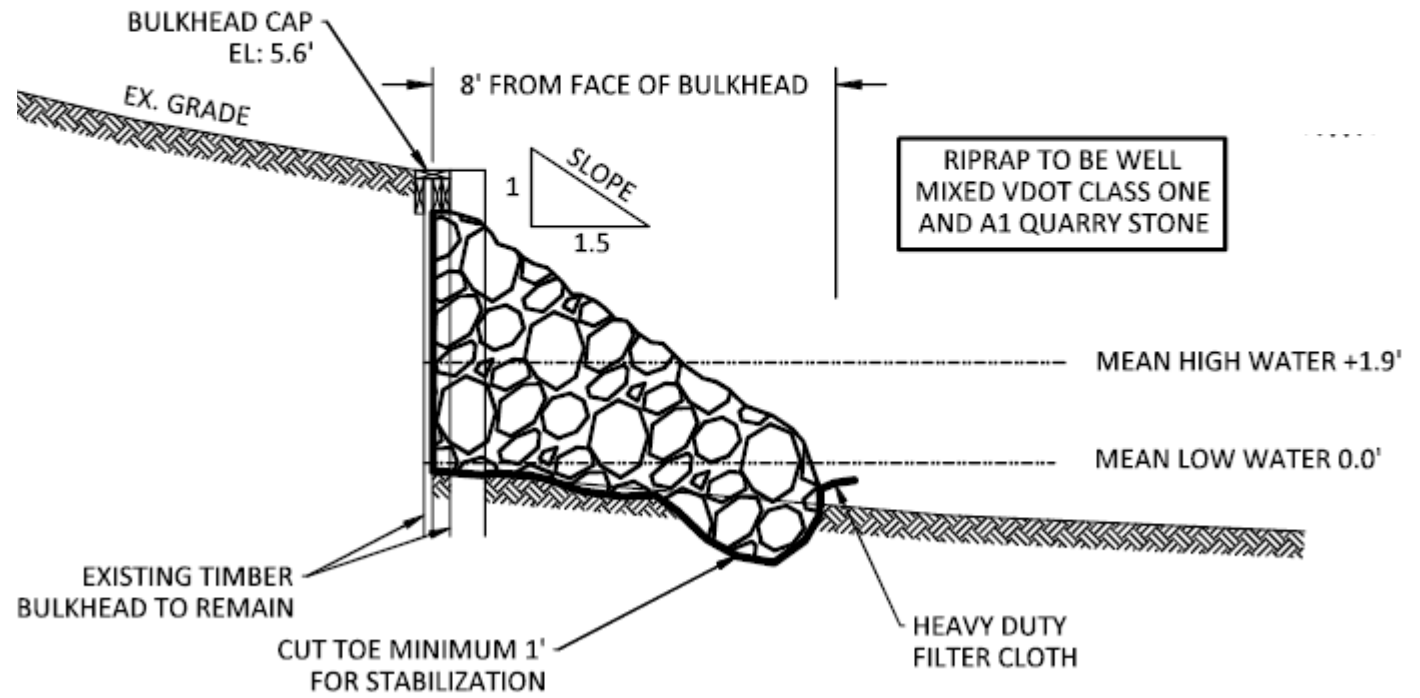


Existing Conditions



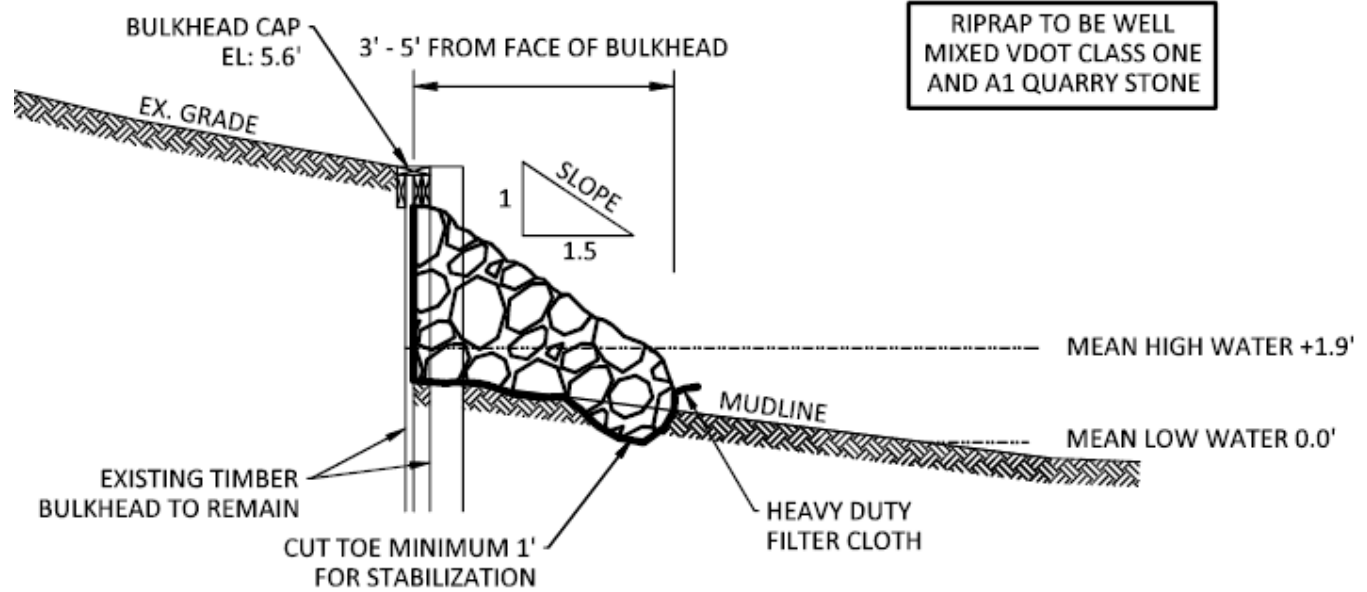
Rip Rap Cross Section, A-B

PROPOSED RIPRAP CROSS SECTION A-B



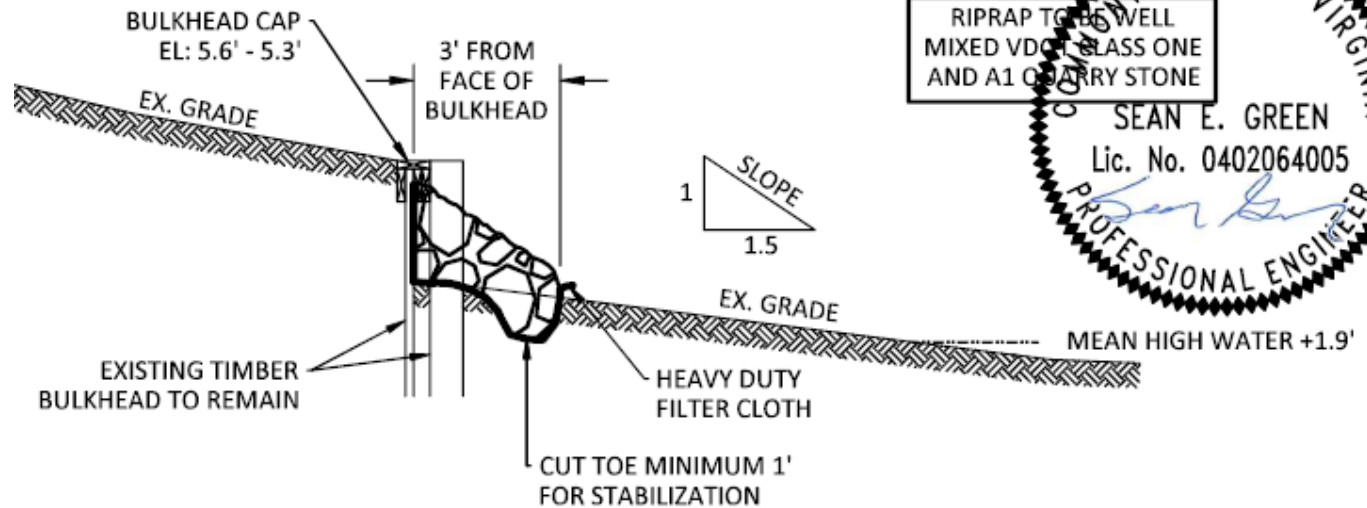
Rip Rap Cross Sections, B-C, C-D

PROPOSED RIPRAP CROSS SECTION B-C



RIPRAP TO BE WELL MIXED VDOT CLASS ONE AND A1 QUARRY STONE

PROPOSED RIPRAP CROSS SECTION C-D



RIPRAP TO BE WELL MIXED VDOT CLASS ONE AND A1 QUARRY STONE



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances found for this property.

There are no known recent Wetlands Board actions or waterfront permits found for this property.

Summary of Proposal

The existing bulkhead is starting to show signs of deterioration along the seaward face of the structure. As such, the applicant proposes to install 150 linear feet of rip rap revetment in front of the existing timber bulkhead. The rip rap will consist of Class I and A1 quarry stone. The primary purpose of the rip rap revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway.

As designed, the proposed project will impact 200 square feet of non-vegetated wetlands and 40 square feet of vegetated wetlands. The applicant is proposing to mitigate on-site with 200 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat and provide an in-lieu fee payment for mitigation of impacts to vegetated wetlands.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 150 linear feet of rip rap channelward of the existing bulkhead. The proposed rip rap will serve to reinforce and prolong the life of the existing bulkhead. The applicant's agent provides that a living shoreline is not appropriate for this property due to the height of the existing bulkhead, and the property experiences significant fetch and wave action.

After conducting a site visit, Staff is of the opinion that the impacts to vegetative wetlands in front of the bulkhead are greater than what is depicted in the submitted plans. Staff have added a condition below to reassess the potential wetland impacts based on current field conditions.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. The alignment of the rip rap revetment shall be staked in the field and impacts to existing wetlands, both vegetated and non-vegetated recalculated based off current field conditions from mean low water (MLW) to the factor one and one-half (1½) times the mean tide range at the site.
2. Prior to the start of construction, acceptable tree root matting shall be installed along the edge of the shoreline to limit compaction to the existing soil profile and protect the critical roots of canopy trees to be preserved. Said area for matting shall be delineated on the revised plan. Matting used shall be in conformance with American Nation Standard ANSI A300 Construction Management Standard – Part 5; Trees, Shrubs and Other Woody Plant Management Standards Practices (Management of Trees and Shrubs During Site Planning, Site Development and Construction).
3. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.