

Wetlands Board Staff Report

September 18, 2023



CITY OF
VIRGINIA
BEACH

VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, September 18, 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 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 **September 18, 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.

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 a Coastal Primary Sand Dune/Beach.



OLD BUSINESS - WETLANDS

2. 2022-WTRA-00233

JHS GST Trust

[Applicant & Owner]

781 and 809 Princess Anne Road

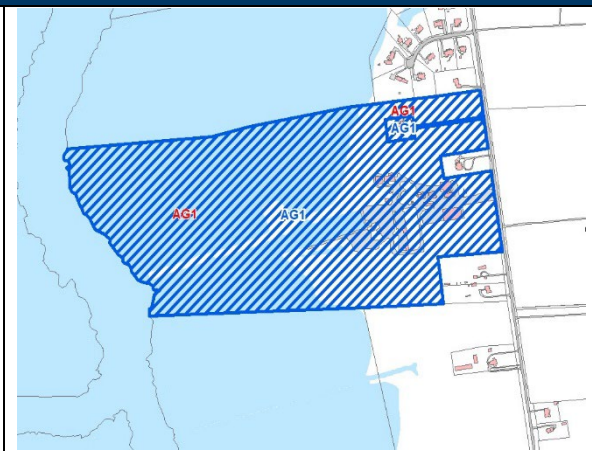
GPINs 2309-37-6009 and 2309-48-1216

City Council District: District 2

Waterway – Canal to North Landing River

Subdivision – Pungo

Request: To dredge involving wetlands.



OLD BUSINESS – WETLANDS (CONTINUED)

3. 2023-WTRA-00157

Allen M. & Barbara J. Larar

[Applicants & Owners]

2389 Haversham Close

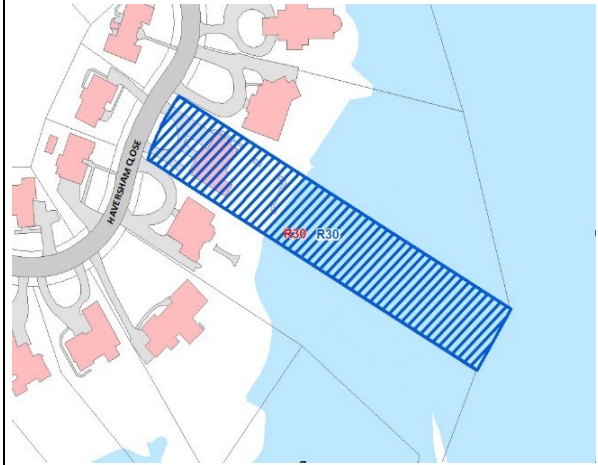
GPIN 2409-14-7744

City Council District: District 8

Waterway – Broad Bay

Subdivision – Broad Bay Point Greens

Request: To construct a rip rap revetment involving wetlands.



NEW BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

4. 2023-WTRA-00115

Westminster-Canterbury on Chesapeake Bay

[Applicant & Owner]

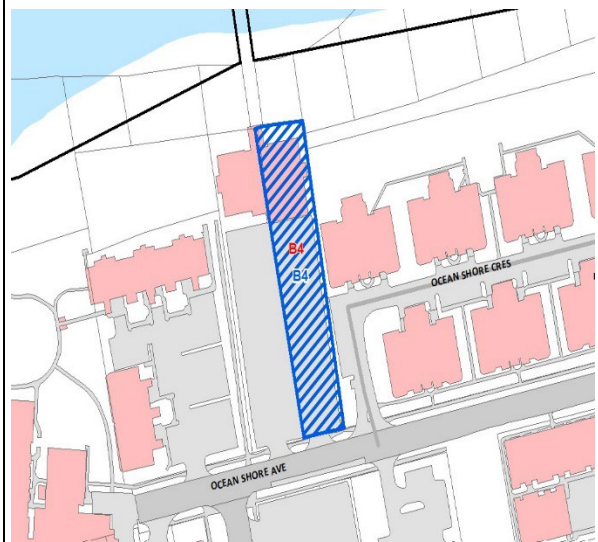
GPIN 1590-10-0956

City Council District: District 8

Waterway – Chesapeake Bay

Subdivision – Westminster-Canterbury on Chesapeake Bay

Request: To construct new public beach access walkway with handicap ramp to beach involving Coastal Primary Sand Dune/Beach.



5. 2023-WTRA-00187

Chesapeake House on the Bay

[Applicant & Owner]

3558 Shore Drive

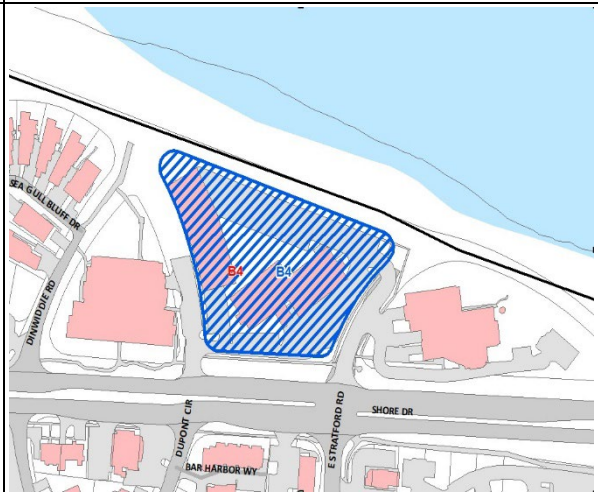
GPIN 1489-59-3185

City Council District: District 9

Waterway – Chesapeake Bay

Subdivision – Chesapeake House on the Bay

Request: To excavate sand involving Coastal Primary Sand Dune/Beach.



NEW BUSINESS – WETLANDS

6. 2023-WTRA-00178

Robert S. & Grace Y. Wall

[Applicants & Owners]

6508 Knotts Island Road

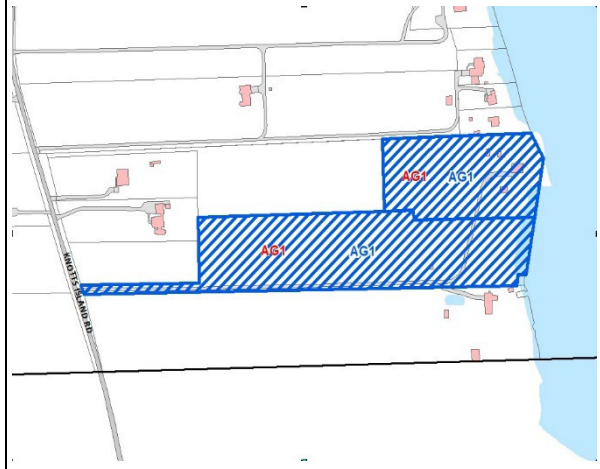
GPINs 2337-90-3613, 2337-90-7897

City Council District: District 2

Waterway – Back Bay

Subdivision – Knotts Island

Request: To construct a rip rap sill, breakwater, and rip rap revetments involving wetlands.





Application Number **2023-WTRA-00137**

Agenda Item

Applicant **3548 Sandfiddler LLC**

Public Hearing **September 18, 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

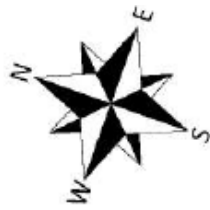
N/A



Site Aerial Map



Existing Conditions

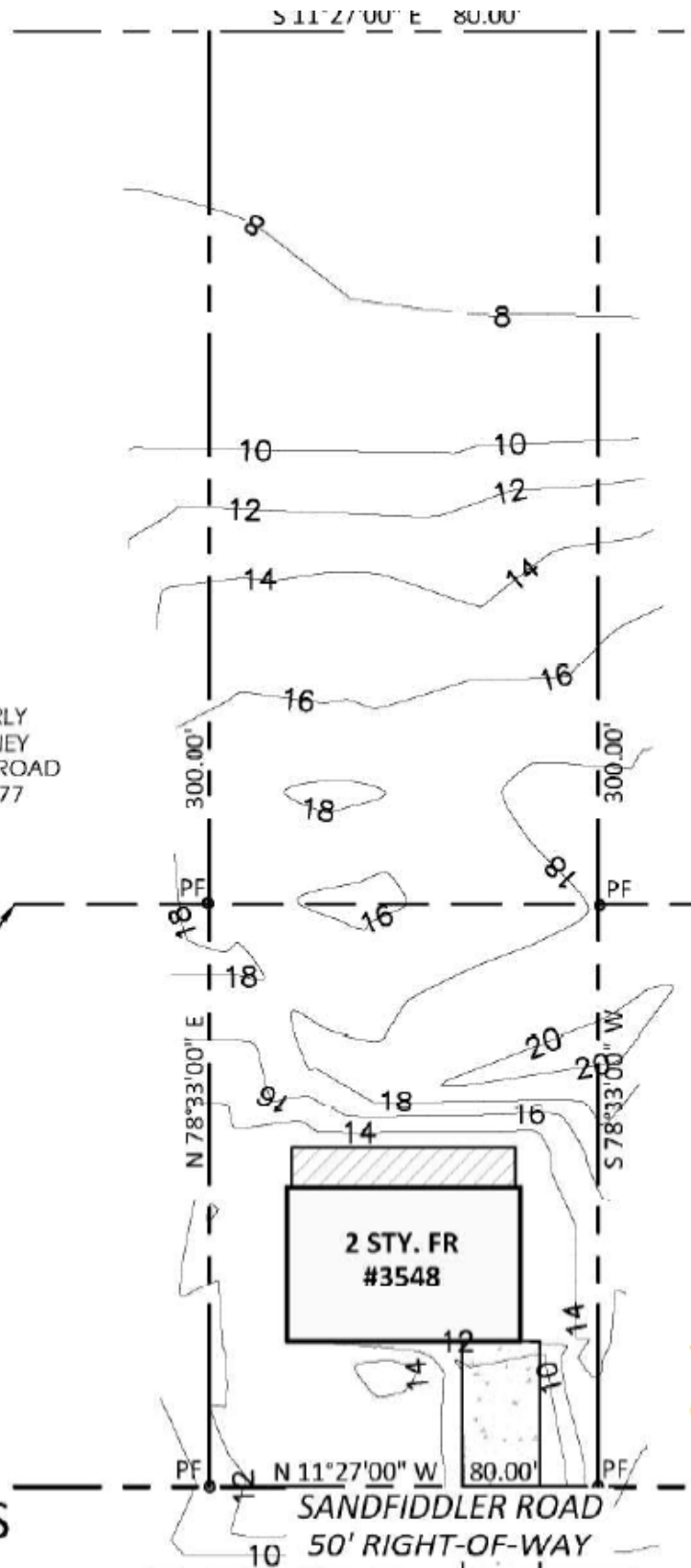


M.B. 67 PG. 50

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

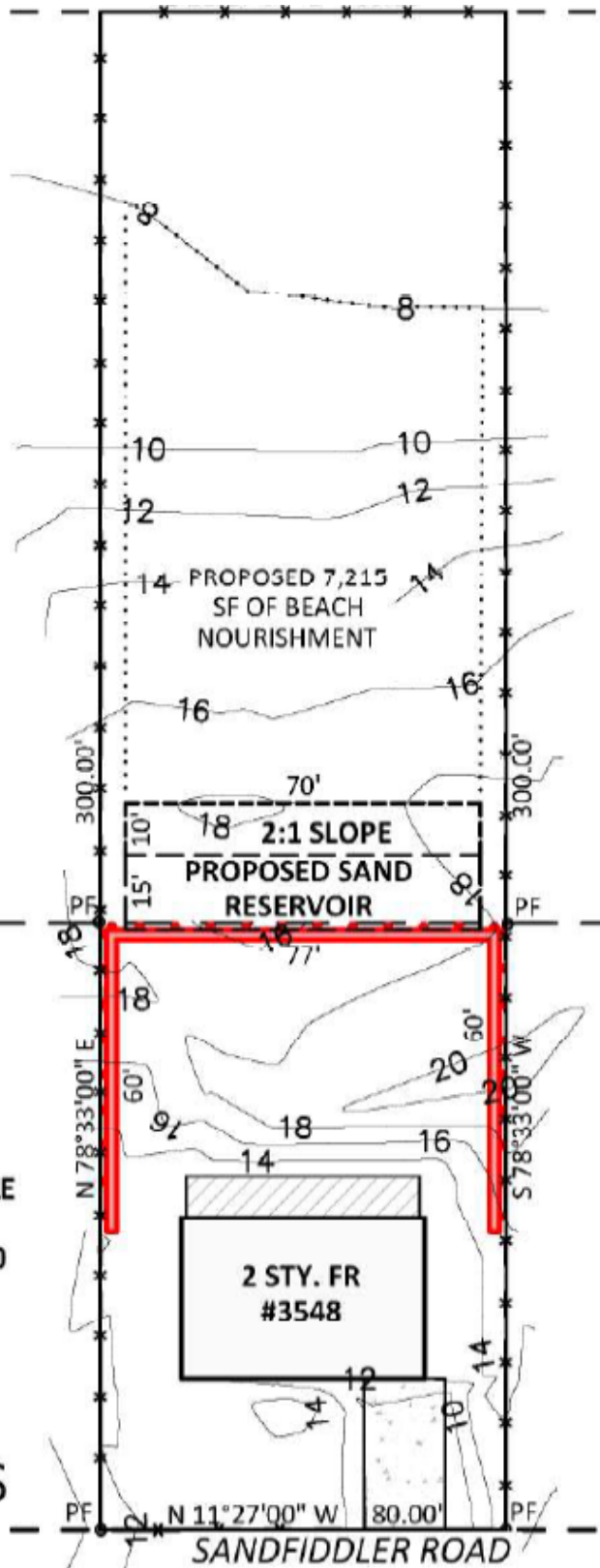
**ACCESSWAY = 24,000 SF
AREA IS APPROXIMATE**

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

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

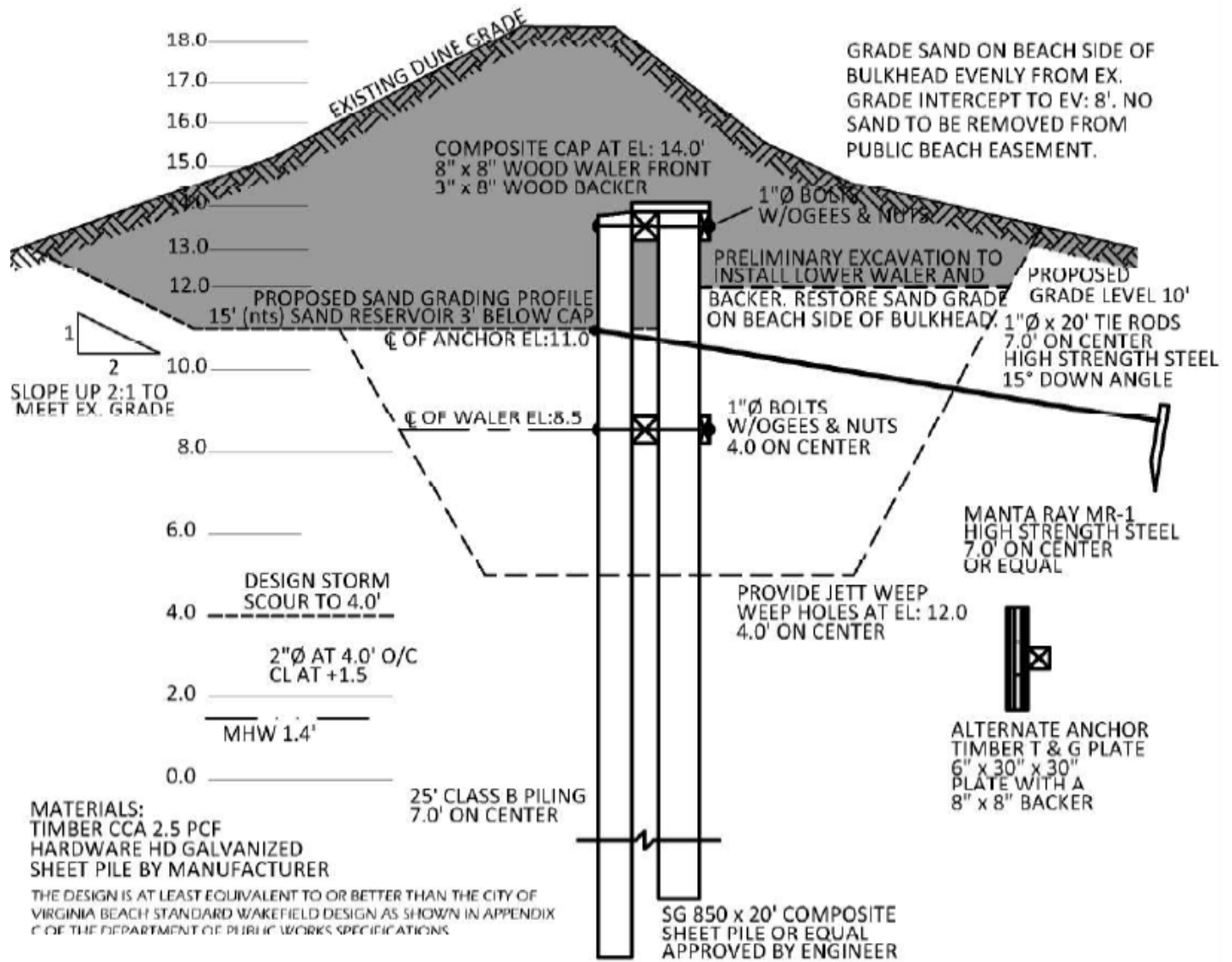
PROPOSED 77 LF OF PILE
SUPPORTED VINYL
BULKHEAD WITH (2) 60
LF RETURN WALLS

PROPOSED SITE
IMPROVEMENTS



Bulkhead Cross Section

PROPOSED BULKHEAD CROSS SECTION



Site Photos



Site Photos



Wetlands Board Permit History

This 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 provides 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

Rebecca Francese
Waterway Surveys & Engineering, Ltd.

Location

781 and 809 Princess Anne Road

GPIN

2309-37-6009, 2309-48-1216

Staff Planner

Heaven Manning

Proposal

To dredge involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to North Landing River

Subdivision

Pungo

Impacts

Vegetated: 12 square feet (2x Buffer)
808 square feet (4x Buffer)

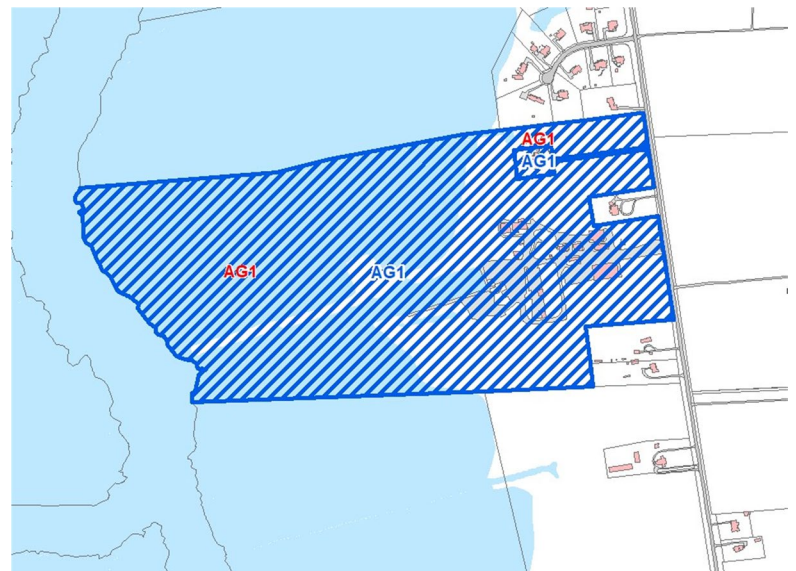
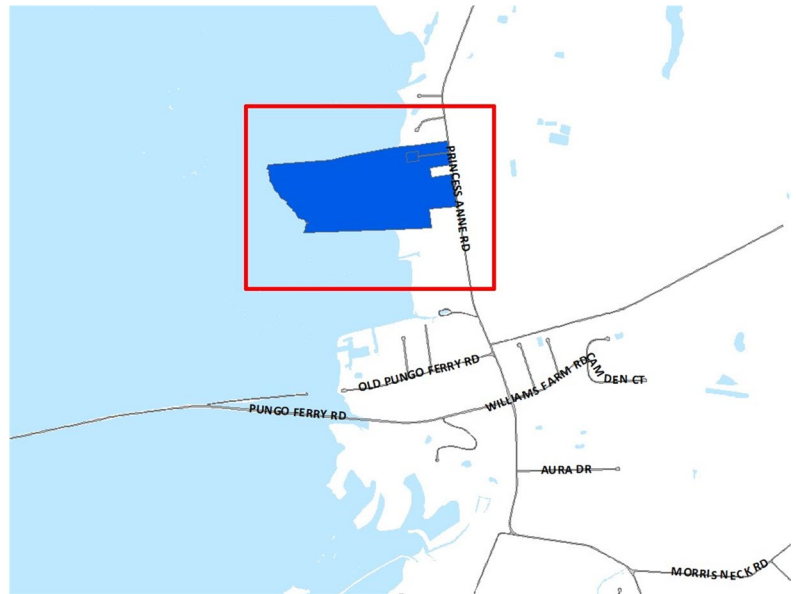
Non-Vegetated: 900 square feet (2x Buffer)
645 square feet (4x Buffer)

Subaqueous: 96,520 square feet

Dredge Volume: 10,000 cubic yards

Proposed Mitigation and/or Compensation

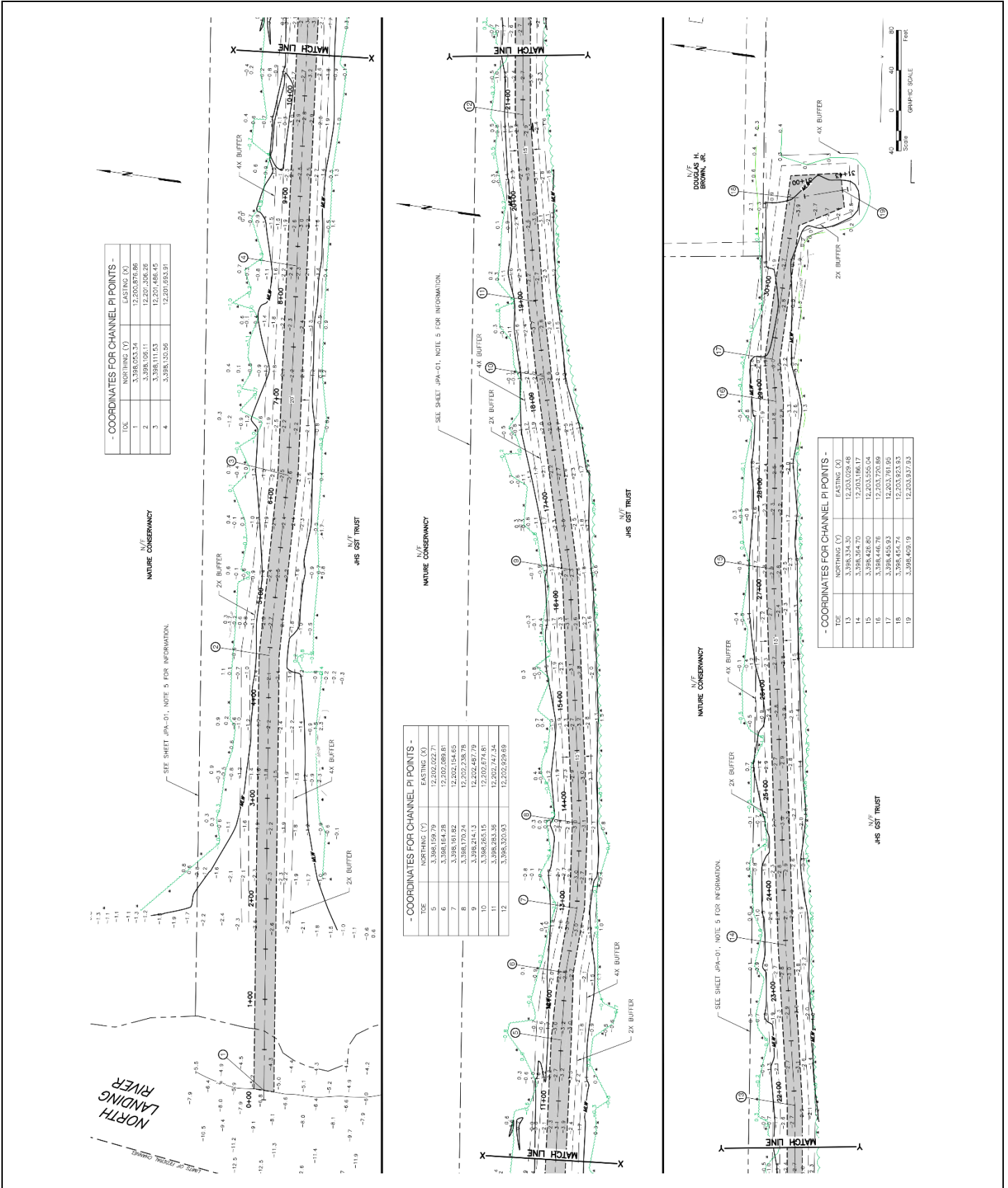
Payment of an in-lieu fee



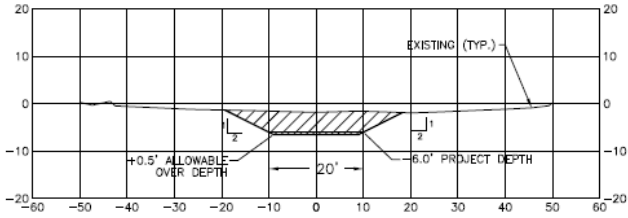
Site Aerial Map



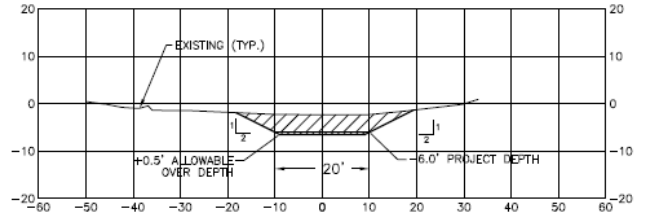
Proposed Improvements – Dredge Channel Layout



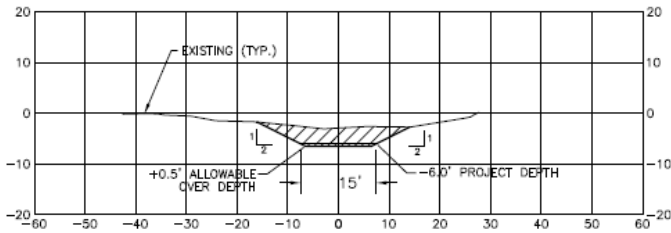
Cross Sections – Dredge Profile



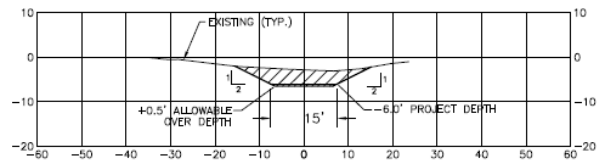
3+25



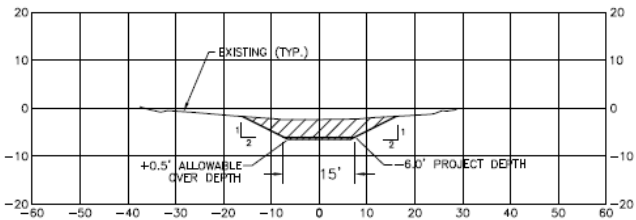
7+75



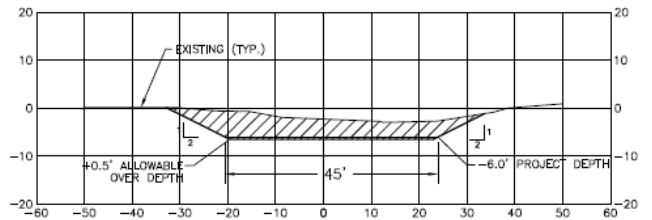
15+75



22+25



27+75



31+13

Site Photos



Site Photos



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 proposes to perform maintenance dredging of a private canal and basin. The purpose of the proposed project is to provide navigable access to the waterway. The canal has not been maintained in more than forty years. Shoaling and sedimentation have occurred in the canal, hindering recreational navigation. The channel is 3,150 linear feet long and ranges in width from 15 to 20 feet. The proposed dredge depth is -6.5 feet (NAVD 88), which matches ambient contours in the North Landing River. The estimated volume of dredge material is 10,000 cubic yards. Dredged material will be placed in scow barges for transport to a transfer area at the shoreline. The transfer area will be either at the shoreline or in the private basin to the south. The dredged material will be stored on-site in a disposal area behind the silos in Salmon's yard.

The proposed project impacts approximately 1,545 square feet of non-vegetated wetlands, of which 900 square feet are within the 2X buffer and 645 square feet are within the 4X buffer. 820 square feet of vegetated wetlands are impacted, of which 12 square feet are within the 2X buffer and 808 square feet are within the 4X buffer. The agent indicated that impacts to vegetated wetlands were minimized by adding bends to the proposed dredge alignment in the canal. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated and vegetated wetlands impacts.

Evaluation & Staff Recommendations

The City of Virginia Beach, Department of Planning & Community Development, and Virginia Marine Resource Commission (VMRC) have established a Mean High Water (MHW) elevation of +1.5 ft NAVD88 (North American Vertical Datum of 1988) and a Mean Low Water (MLW) elevation of -1.3 ft NAVD88 for Back Bay. The applicant's agent stated in the Joint Permit Application (JPA) that the US Army Corps of Engineers does not recognize tidal datums in this area of the Back Bay estuary, thus an Ordinary High Water Mark (OHW) is established as MHW to define boundaries of aquatic features for federal regulatory purposes.

With regard to the proposed dredge project associated with this application, it has been over forty years since the canal was last dredged. Shoaling and sedimentation have occurred in the canal and are impeding recreational navigation. Dredging is necessary to allow for boating and navigation at the property. The canal and basin have been designed to minimize impacts to wetlands. The majority of the proposed dredging will impact subaqueous bottom. The request to dredge will not create additional non-vegetated or vegetated wetlands. Therefore, to address compensation for wetland impacts, Staff offers the recommendations below for the impacts to non-vegetated and vegetated wetlands.

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

1. A pre-dredge meeting with Waterfront Operations, Dredge Contractor, and the Engineer of Record for the Wetlands Board permit collectively is required prior to commencement of dredging which shall include inspection of dredge material containment area and inspection of staked dredge area.
2. The proposed dredge channel from station 29+50 to 26+00 shall be shifted south or reduced in width so that the 4X Buffer does not encroach onto adjacent properties.

3. Compensation for wetland impacts within the 2X Buffer shall be at the in-lieu fee rate of \$5.50 per square foot for non-vegetated wetlands and \$25.00 per square foot of vegetated wetland impacted associated with this dredge project.
4. A post dredge bathometric survey shall be completed within 90 days of completion of dredging and submitted with the Final Engineers Report to the Department of Planning & Community Development, Waterfront Operations.
5. 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. Areas within the 2X Buffer shall be mitigated through an in-lieu fee payment.
6. 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.

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Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

2389 Haversham Close

GPIN

2409-14-7744

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment and groin wall involving wetlands

Waterway

Broad Bay

Subdivision

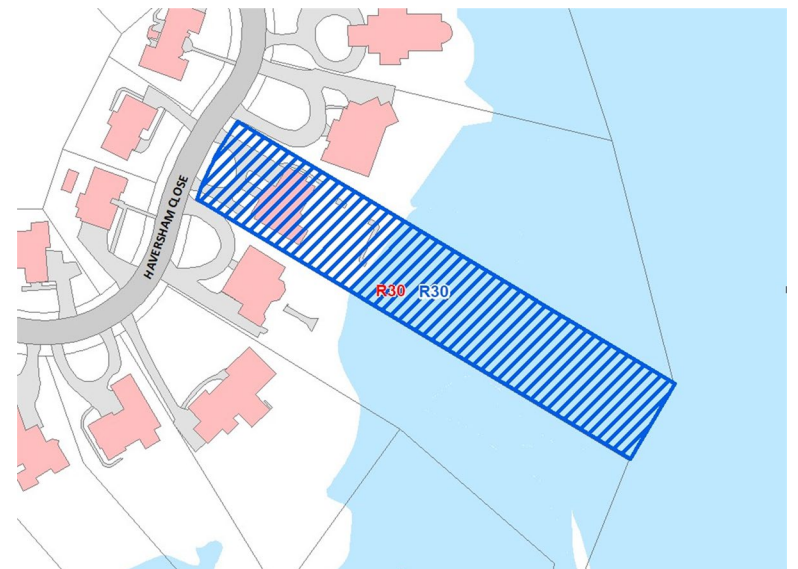
Broad Bay Point Greens

Impacts

Vegetated: 160 square feet

Non-Vegetated: 811 square feet

Overall length of proposed structure: 101 linear feet of rip rap revetment, 22 linear feet of groin wall



Site Aerial Map





Agent

Victoria Holmes
Kimley-Horn & Associates

Location

Near the intersection of Starfish Road and Ocean Shore Avenue

GPIN

1590-10-0956

Staff Planner

Heaven Manning

Proposal

To construct new public beach access walkway with handicap ramp to beach involving Coastal Primary Sand Dune/Beach

Staff Recommendation

Approval as Submitted

Waterway

Chesapeake Bay

Subdivision

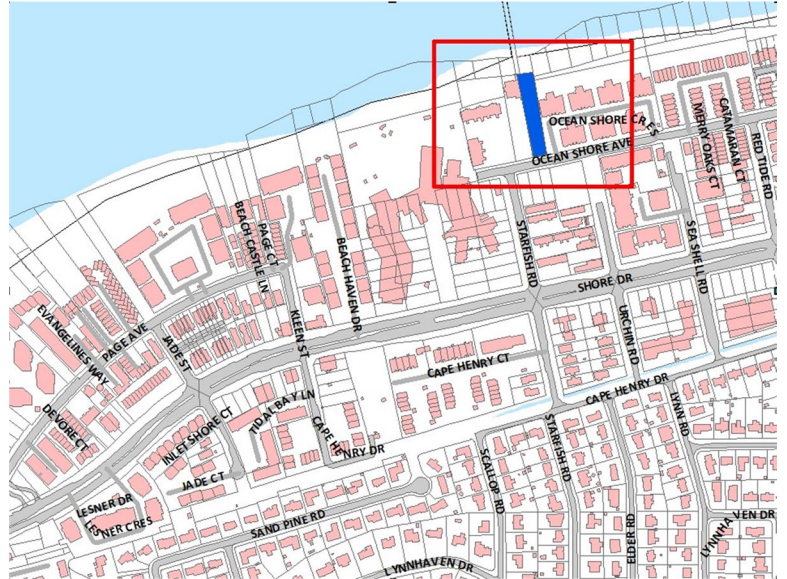
Westminster-Canterbury on Chesapeake Bay

Impacts

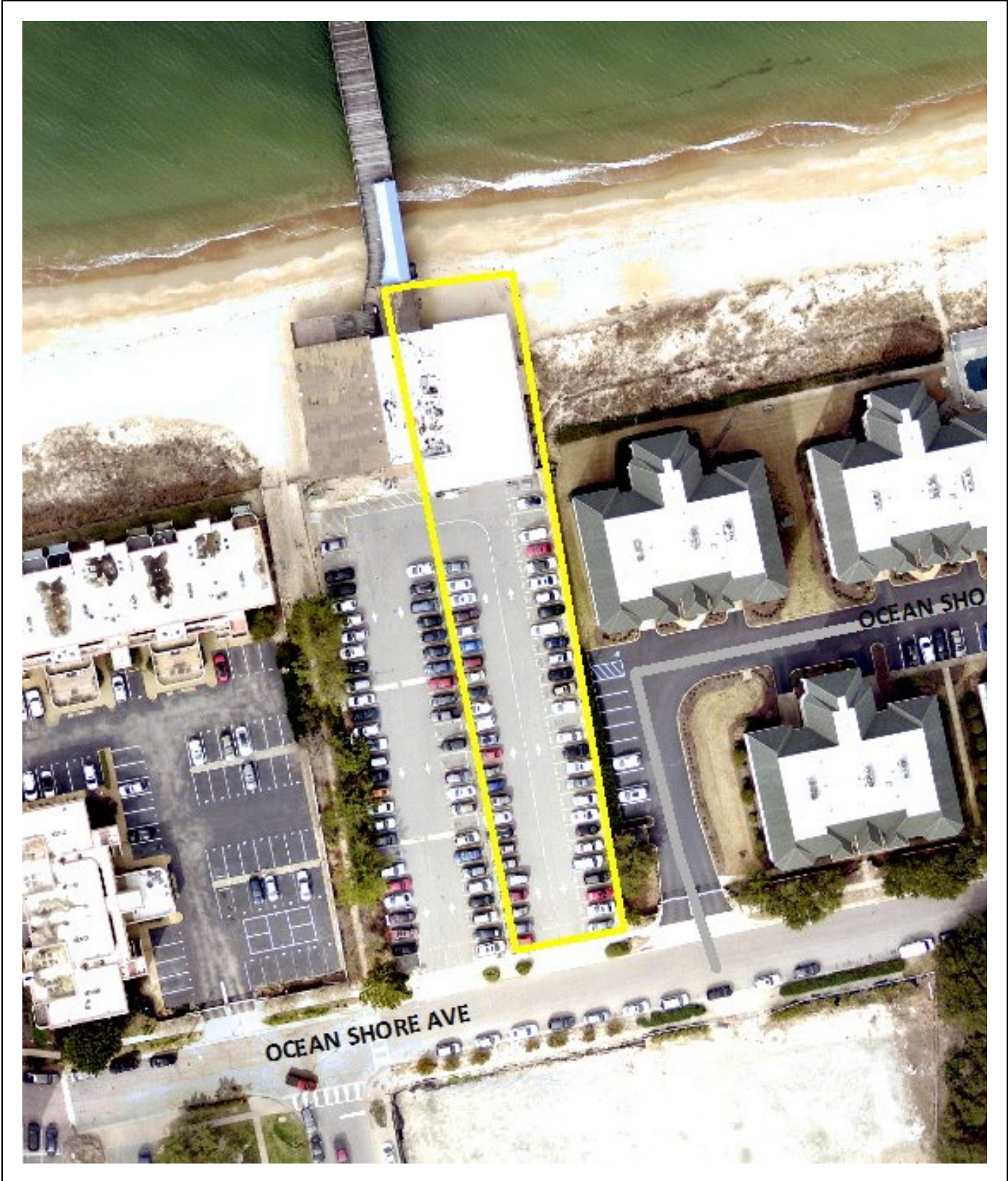
Dune/Beach: 550 square feet

Proposed Mitigation and/or Compensation

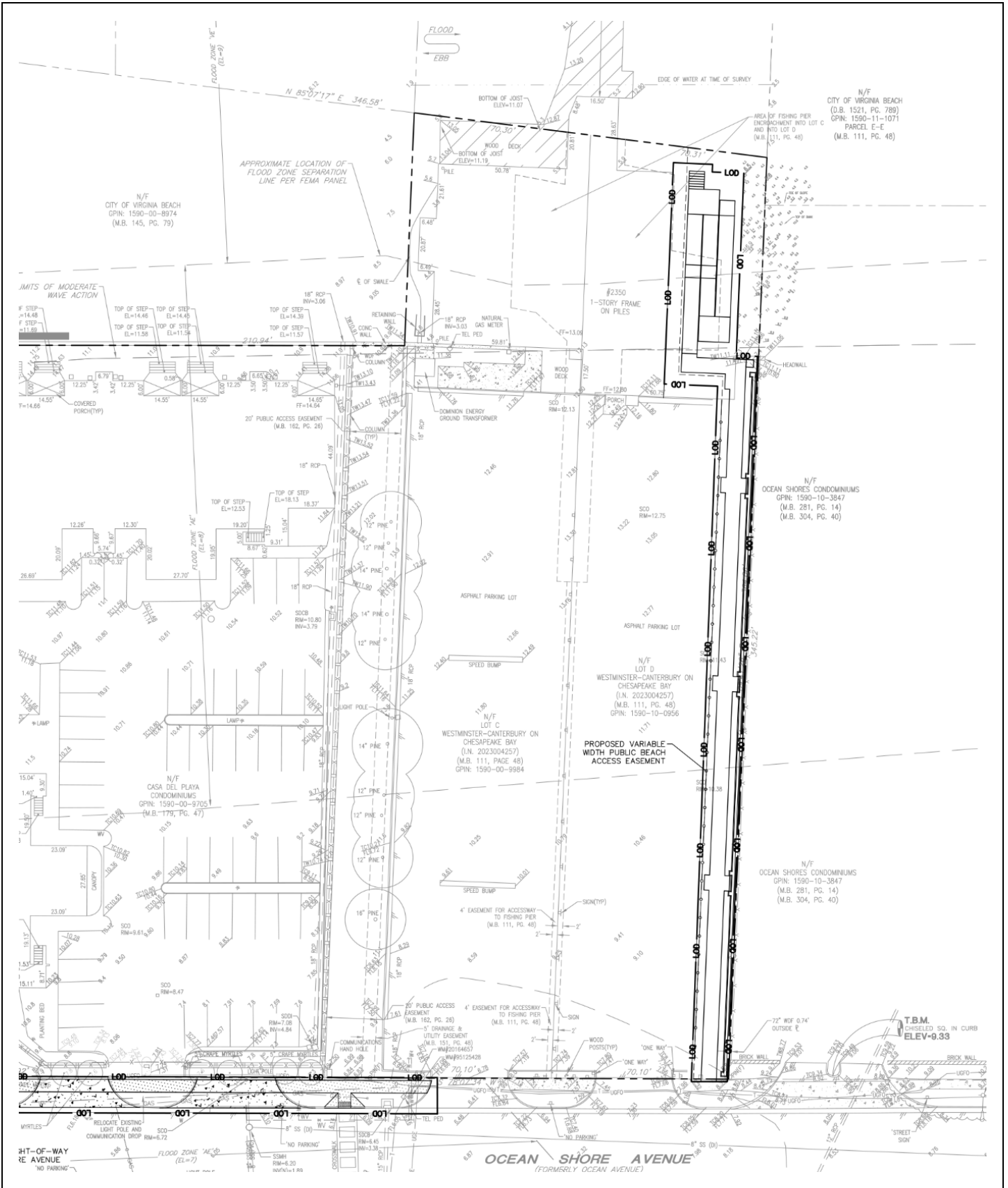
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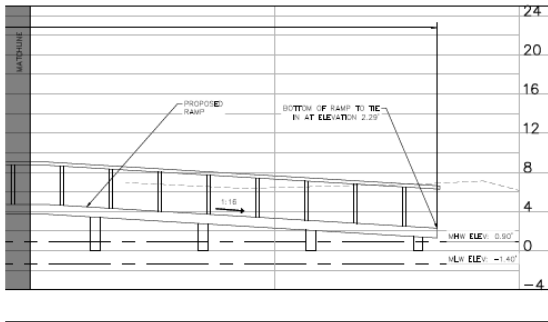
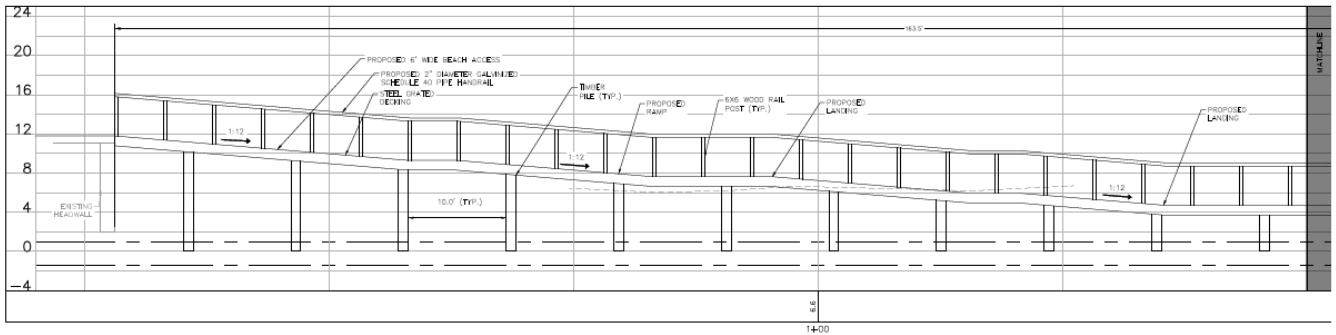
Site Aerial Map



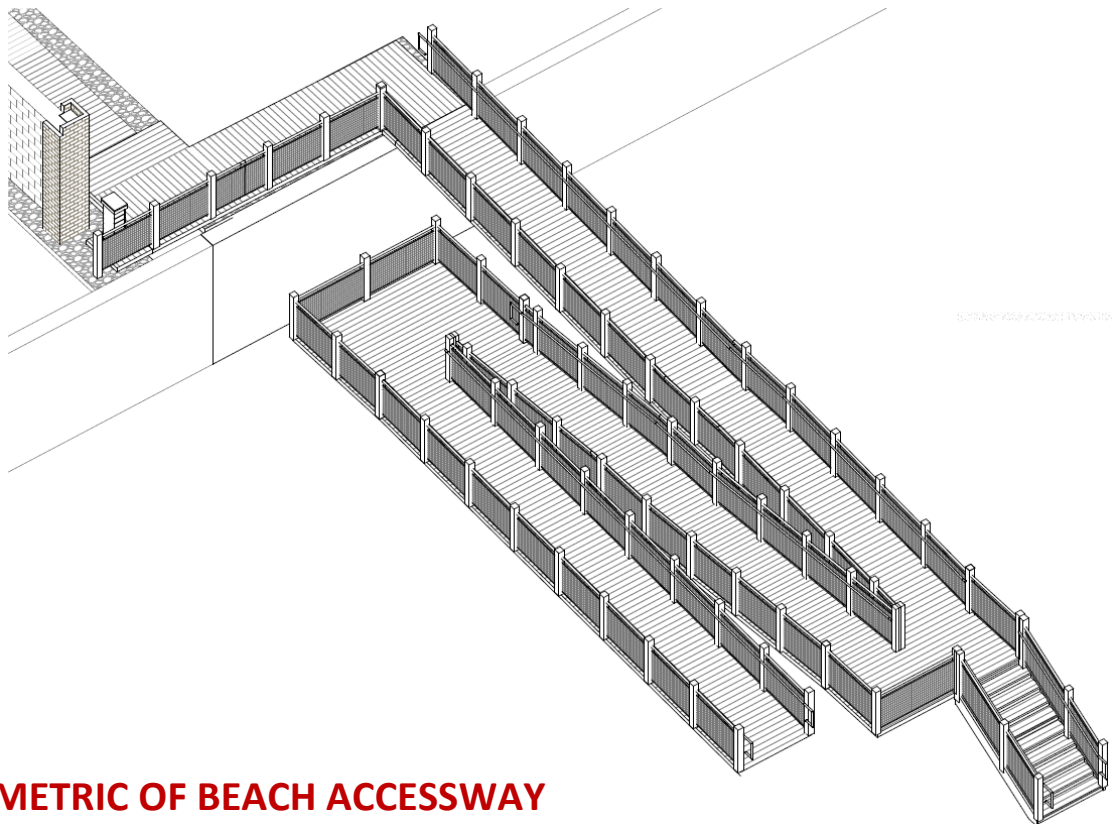
Proposed Site Plan



Proposed Site Plan – Section View

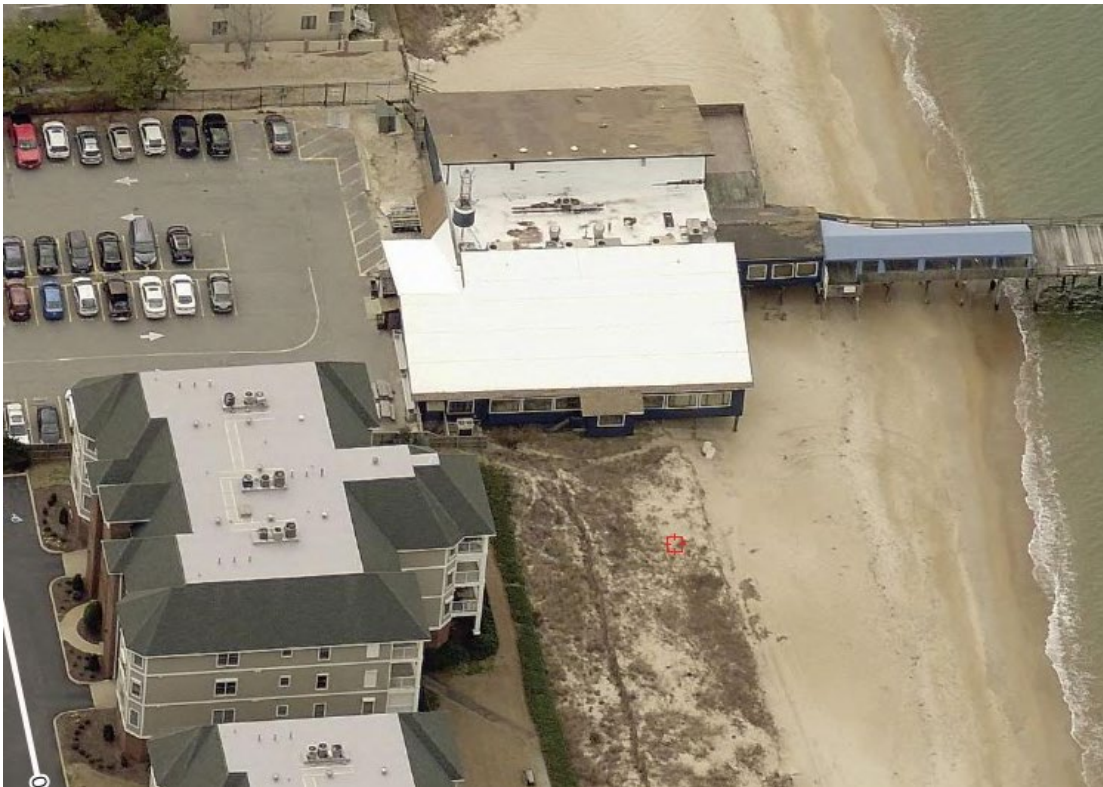


SECTION ELEVATION OF BEACH ACCESSWAY



AXONOMETRIC OF BEACH ACCESSWAY

Site Photos



Site Photos



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. In March 2023, the applicant submitted site plans to the Development Services Center for review of the proposed expansion of the Westminster-Canterbury on the Chesapeake Bay (WCCB) campus. Discussions between the City of Virginia Beach and WCCB after the original Joint Permit Application (JPA) submission indicated the proposed beach access walkway needs to be compliant with the Americans with Disabilities Act (ADA). Therefore, the applicant submitted a revised JPA for the ADA compliant walkway.

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

Summary of Proposal

Currently, the applicant is proposing to construct an ADA compliant walkway to provide public beach access. A portion of the existing Fish House parking lot will be removed to make way for the new beach access path with an approximate 20-foot width of the existing Fish House structure and associated pilings removed for construction of the proposed improvements. The applicant intends to submit a separate Joint Permit Application (JPA) for improvements to the remaining portions of the Fish House later.

The proposed walkway is 6 feet wide with switchbacks and a set of stairs off an existing headwall leading to the beach underneath the existing Fish House. After coming off the existing headwall (elevation 11.11-feet), the timber walkway will ramp down to elevation 7.63 feet. At elevation 7.63 feet, the walkway will terminate and tie in with a timber platform and switchback containing a stairway leading to the beach. At the platform, there will be another timber walkway ramping down to the beach at elevation 2.29-feet. The minimum clearance between the walkway and the beach varies between 0-feet and 4-feet. The project will permanently impact 550 square feet of beach due to anchoring the steps into the sand where the stairs meet the beach.

The proposed walkway and public beach access is needed because the existing walkway at 2454 Starfish Road will be closed during the construction and expansion of the Westminster-Canterbury on the Chesapeake Bay campus.

Evaluation & Staff Recommendations

The Coastal Primary Sand Dune Protection Act declares that it is the "policy of the Commonwealth whenever reasonably necessary to preserve and protect coastal primary sand dunes and to prevent their despoliation and destruction and whenever practical to accommodate necessary economic development in a manner consistent with the protection of such features." Given the preference of State policy, to preserve the existing beach and dune vegetation features the applicant has situated the proposed public beach accessway within the footprint of the existing Fish House to the greatest extent practicable. In addition, during the review of the JPA submittal the applicant and their consultant team met several times with Staff regarding accessibility to public beach areas along Cape Henry Beach along with the timing of the city's beach nourishment activity. Currently from First Landing Beach State Park to the Lesner Bridge there is one public ADA accessible beach accessway located at Sandalwood Road. This single ADA accessible beach accessway services approximately 1.93 linear miles of beach. As a result, the proposed ADA accessible beach accessway will provide a secondary access point that is approximately equidistant from the existing Sandalwood Drive access point and the Lesner Bridge.

Accordingly, the Planning and Community Development Staff is of the opinion that the project is consistent with the Commonwealth's stated policy governing coastal primary dunes/beaches and recommends the project be **approved as**

submitted as shown on the plans titled “Proposed Public Improvements and Beach Access Plan”, received by VMRC on August 25, 2023, prepared by Kimley-Horn & Associates.

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

Myles Pocta
 MAP Environmental, Inc.

Location

3558 Shore Drive

GPIN

1489-59-3185

Staff Planner

Heaven Manning

Proposal

To excavate sand involving Coastal Primary Sand Dune/Beach

Staff Recommendation

Approval as Modified

Waterway

Chesapeake Bay

Subdivision

Chesapeake House on the Bay

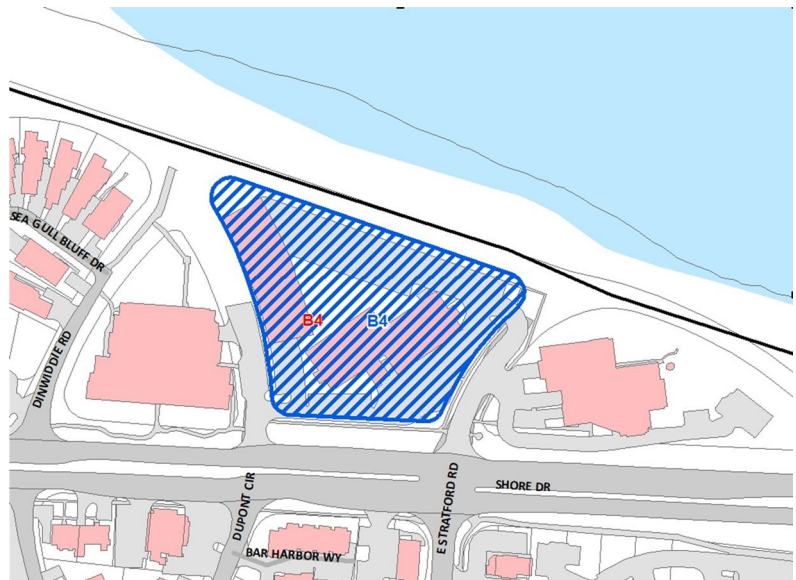
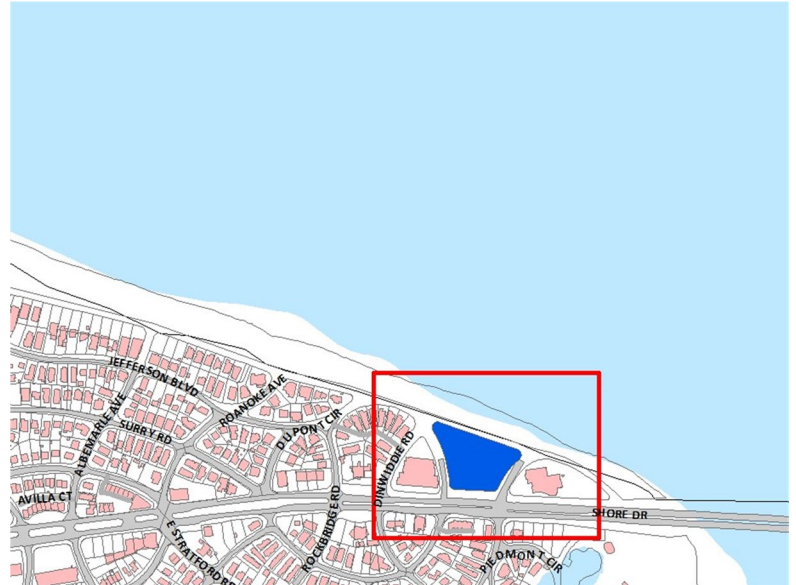
Impacts

Dune/Beach: 1,200 square feet

Volume of Excavation: 465 cubic yards

Proposed Mitigation and/or Compensation

N/A



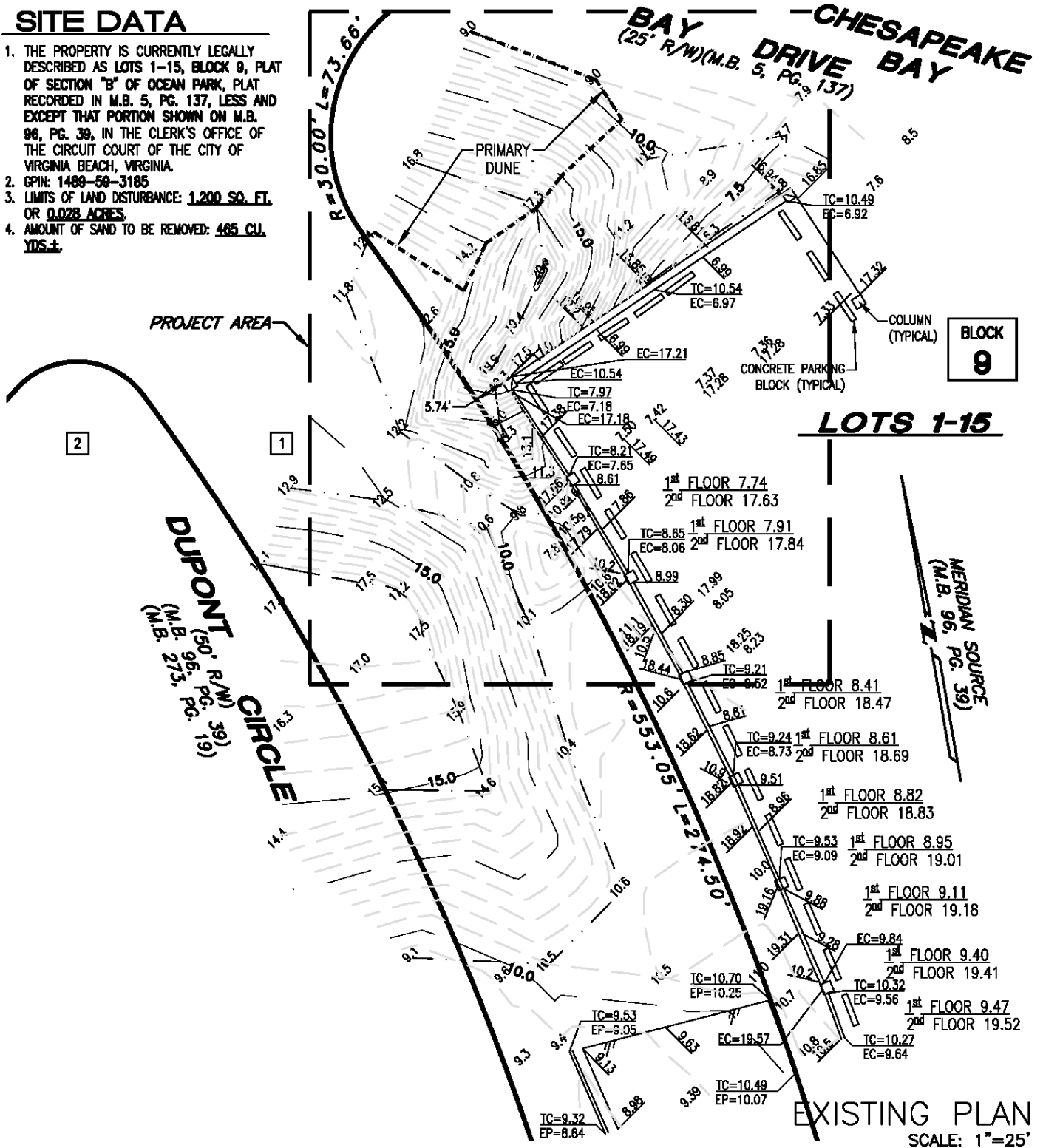
Site Aerial Map



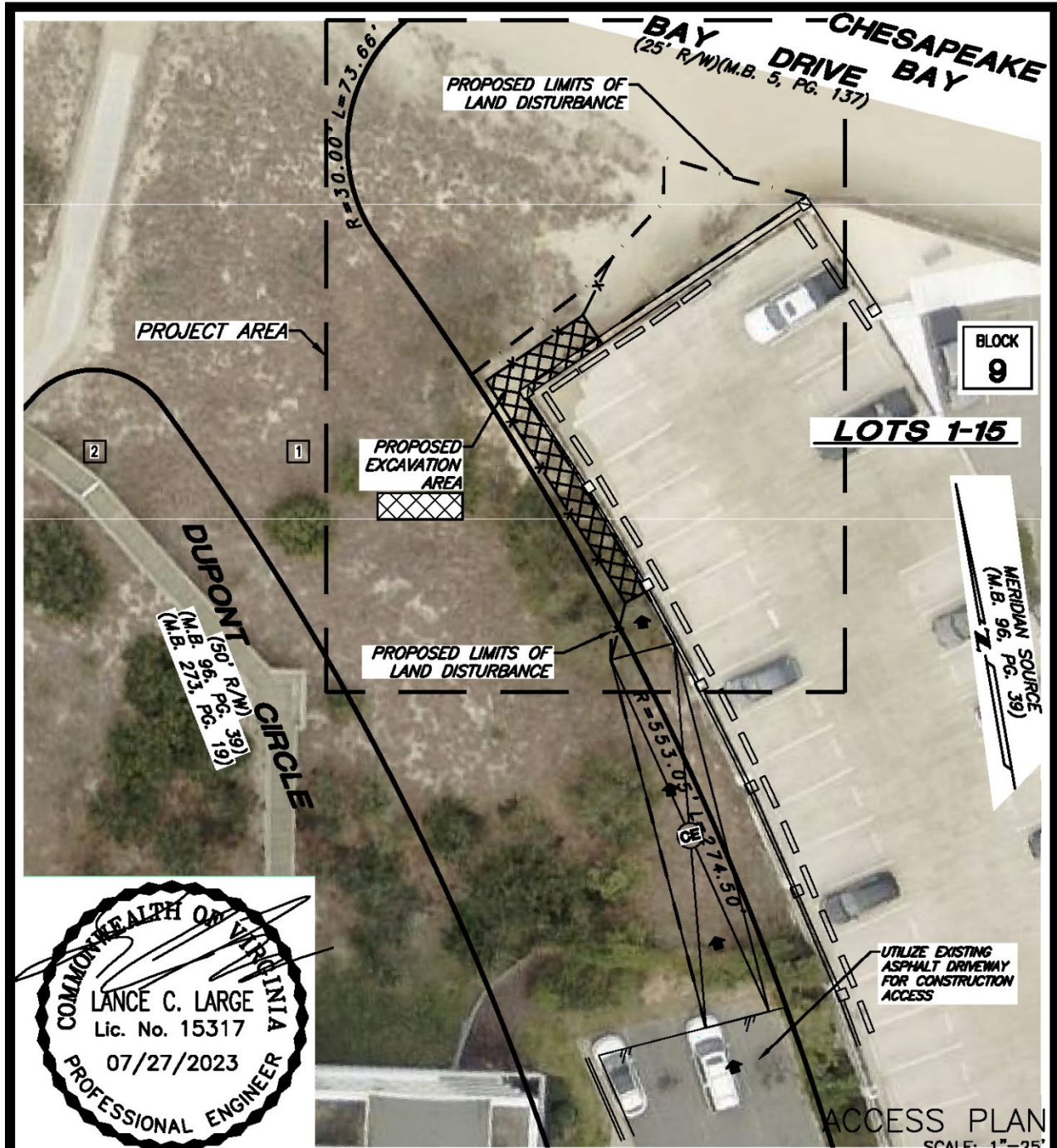
Existing Conditions

SITE DATA

1. THE PROPERTY IS CURRENTLY LEGALLY DESCRIBED AS LOTS 1-15, BLOCK 9, PLAT OF SECTION "B" OF OCEAN PARK, PLAT RECORDED IN M.B. 5, PG. 137, LESS AND EXCEPT THAT PORTION SHOWN ON M.B. 96, PG. 39, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA.
2. GPIN: 1489-59-3185
3. LIMITS OF LAND DISTURBANCE: 1,200 SQ. FT. OR 0.028 ACRES.
4. AMOUNT OF SAND TO BE REMOVED: 465 CU. YDS.±.



Proposed Improvements with Aerial Overlay



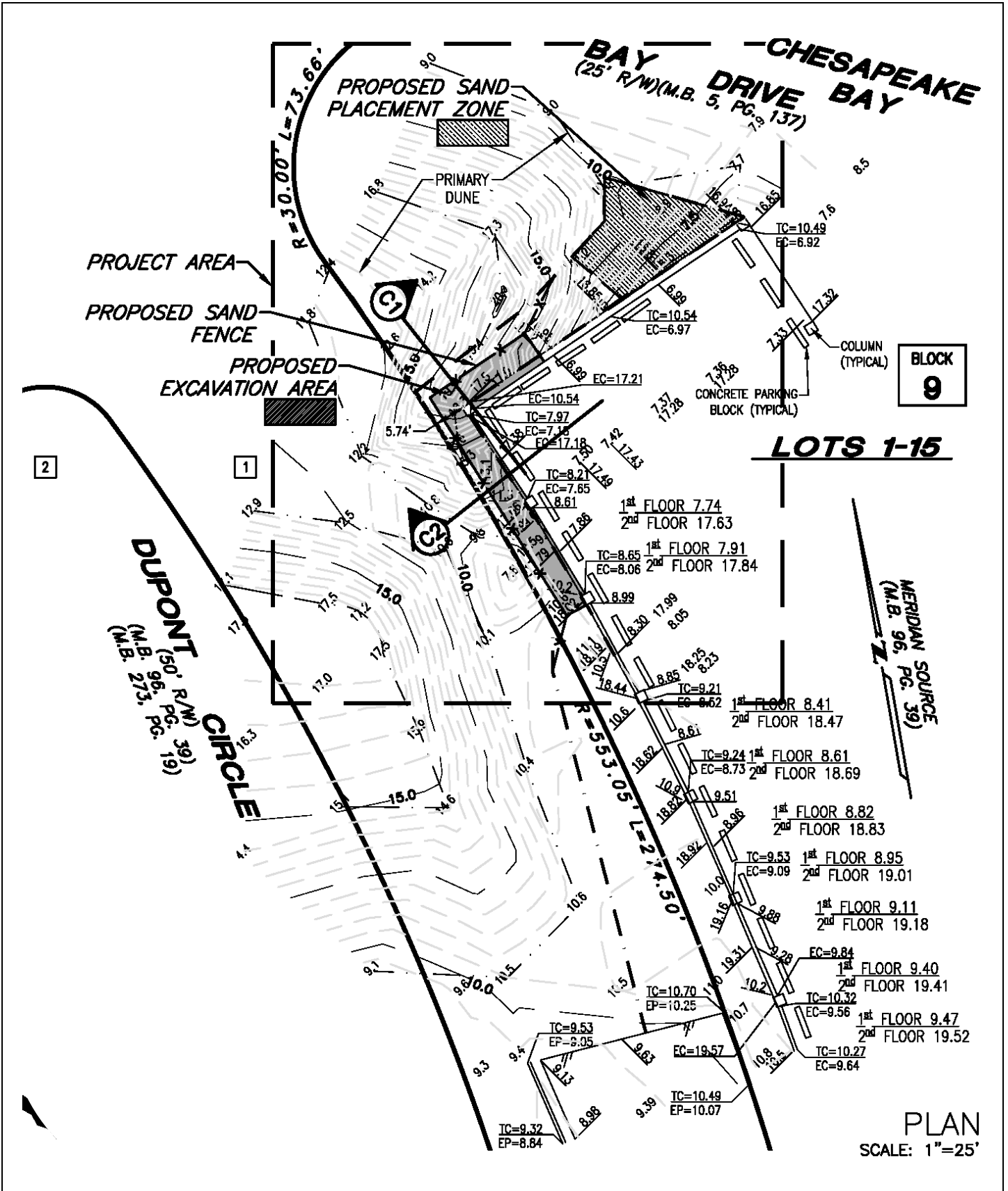
PURPOSE: DUNE MAINTENANCE
 DATUM: NAVD 1988
 ADJACENT PROPERTY OWNERS:
 1. CITY OF VIRGINIA BEACH, VIRGINIA
 2. BAY VISTA CONDOMINIUM ASSOCIATION



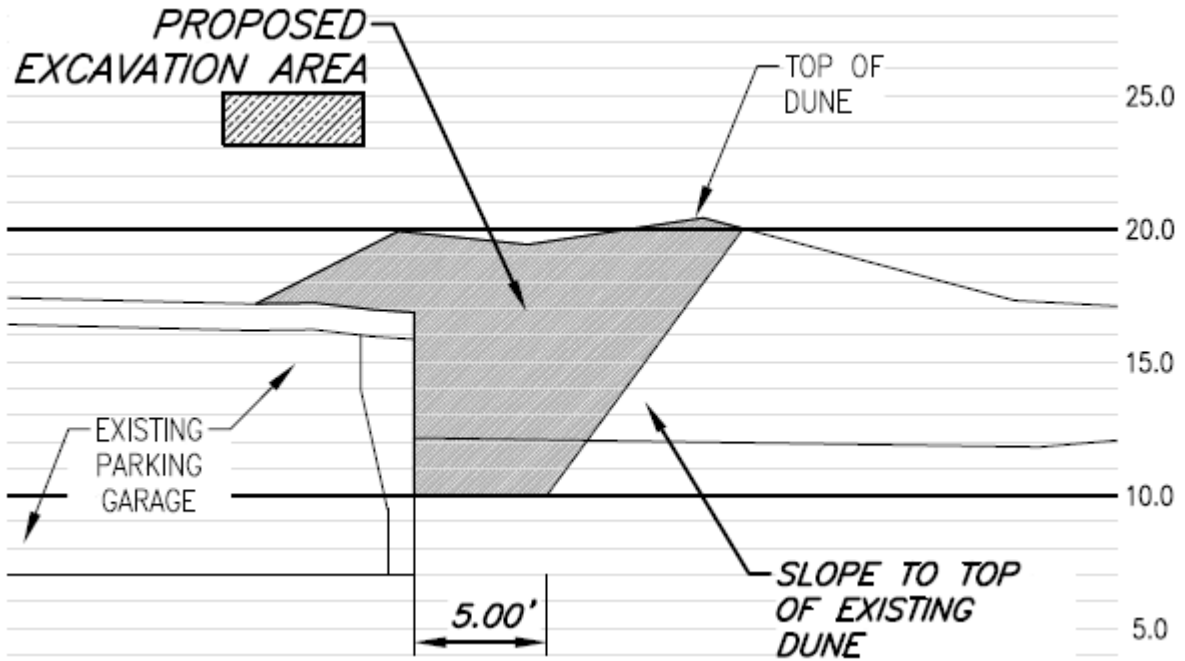
DUNE MAINTENANCE
 APPLICATION BY: CHESAPEAKE HOUSE ON THE BAY
 SITE ADDRESS: 3558 SHORE DRIVE
 VIRGINIA BEACH, VIRGINIA 23455

DATE: 07/27/2023 F.B./PG.: 1089/24-25
 PLAT: 0-294
 SHEET 3 OF 6 WPL# 223-0190

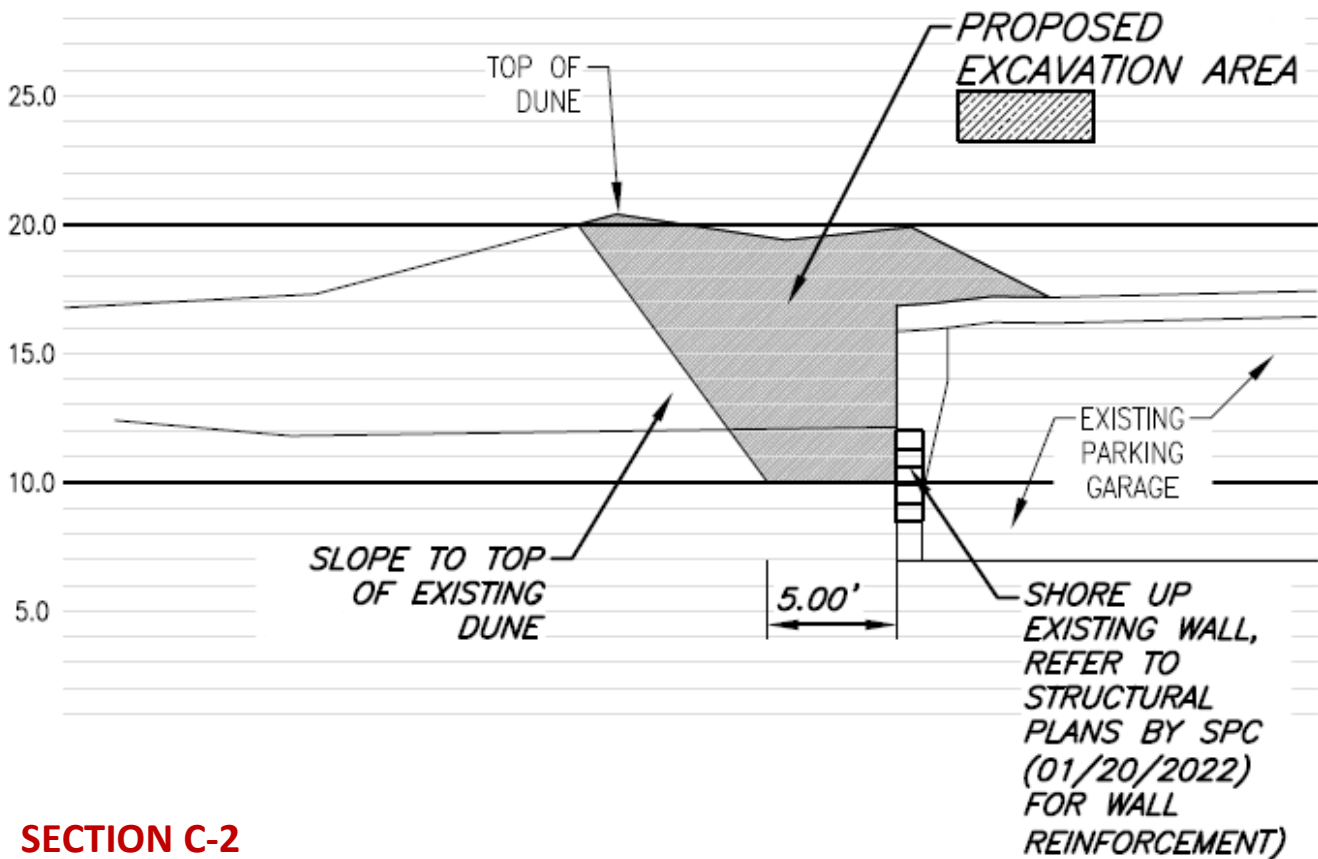
Proposed Improvements



Proposed Improvements – Section Elevations



SECTION C-1



SECTION C-2

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 proposes to excavate an area of approximately 1,200 square feet to remove 465 cubic yards of sand located along the rear of the parking garage in the northwestern corner of the property. The applicant will relocate the sand to north of the parking garage adjacent to an existing coastal primary sand dune. The applicant desires to maintain the excavated area to prolong the life of the structure and minimize its future repairs.

Evaluation & Staff Recommendations

The northwest corner of the property is located adjacent to a coastal primary sand dune. The dune has migrated and has encroached into the parking garage at the site. Due to the sand accumulation, the structural integrity of the parking garage walls is compromised, and the displacement of wind driven sand has reduced the number of available parking spaces within the structure. The applicant's agent included the note that following the proposed sand removal and placement, the applicant will stabilize any disturbed dune area through the installation of native dune vegetation or fencing. Staff acknowledges the applicant's desire to maintain the excavated area. However, the joint permit application (JPA) process must be followed, so that the amount of impacts is maintained. The applicant will need to submit a new JPA when they wish to complete the project again.

Accordingly, the Planning and Community Development Staff recommends the project be **approved as modified** with the following conditions:

1. Please add the following notes to the Dune Maintenance, Access Plan Sheet.
 - Due to the project accessing the property from public right-of-way and public on-street parking present at the location of the construction accessway, the access to the site as proposed shall be limited to between October 1st through April 30th.
 - The property owner is responsible for the replacement of any and all public roadway infrastructure damaged or removed as part of the construction entrance.
 - No excavation, construction material stockpiling, or staging for the proposed improvements may occur within the city right-of-way.
2. The property owner is responsible for notifying the surrounding property owners (Chesapeake House on the Bay and Bayvista Condo) that some/all the parking spaces at the end of Dupont Circle will not be accessible during construction. Said notification shall provide a timeframe start, duration, and anticipated completion date of the project.
3. Orange dune fencing shall be installed along the limits of disturbance prior to any land disturbance activities.
4. 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 city right-of-way.

- Alignment of proposed excavation area with approximate sidewall slopes flagged in the field.
 - Area for placement of clean sand excavated from the project area.
5. Excavated sand that contains debris or rubble shall not be placed on the beach/adjacent to the coastal primary sand dune. 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.
 6. Excavated clean beach quality sand, may be placed within the “Proposed Sand Placement Zone” in accordance with the following criteria.
 - A single access-way used to transport the sand to the “Proposed Sand Placement Zone”.
 - No sand is to be placed upon existing dune vegetation.
 7. 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.
 8. 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.

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Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

6508 Knotts Island Road

GPIN

2337-90-3613, 2337-90-7897

Staff Planner

Heaven Manning

Proposal

To construct a rip rap sill, breakwater, and rip rap revetments involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Back Bay

Subdivision

Knotts Island

Impacts

Vegetated: 460 square feet

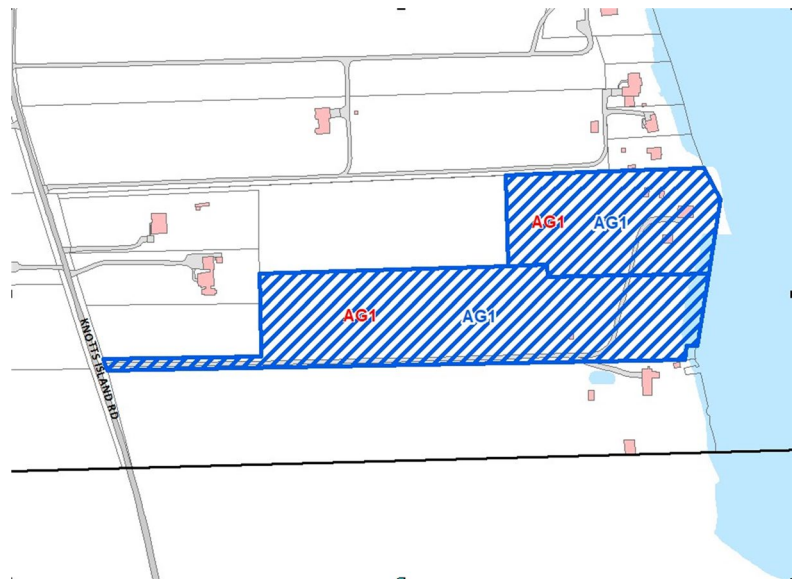
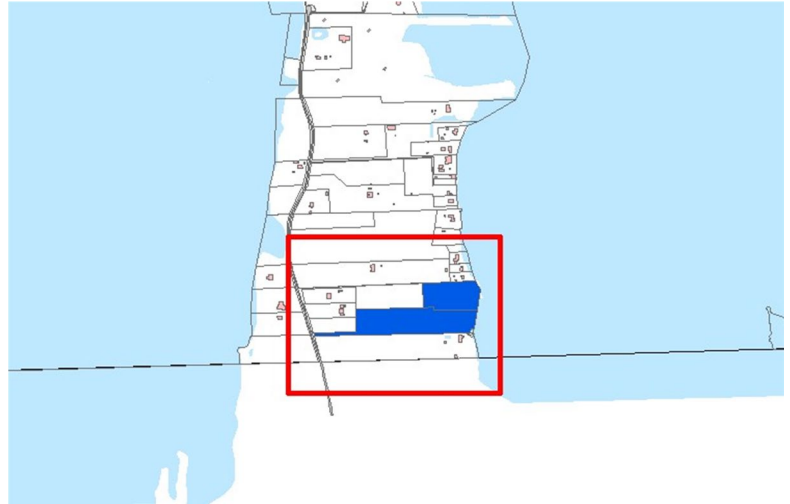
Non-Vegetated: 2,152 square feet

Subaqueous: 24 square feet

Overall length of proposed structure: 337 linear feet of rip rap sill, 124 linear feet of breakwater, 120 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

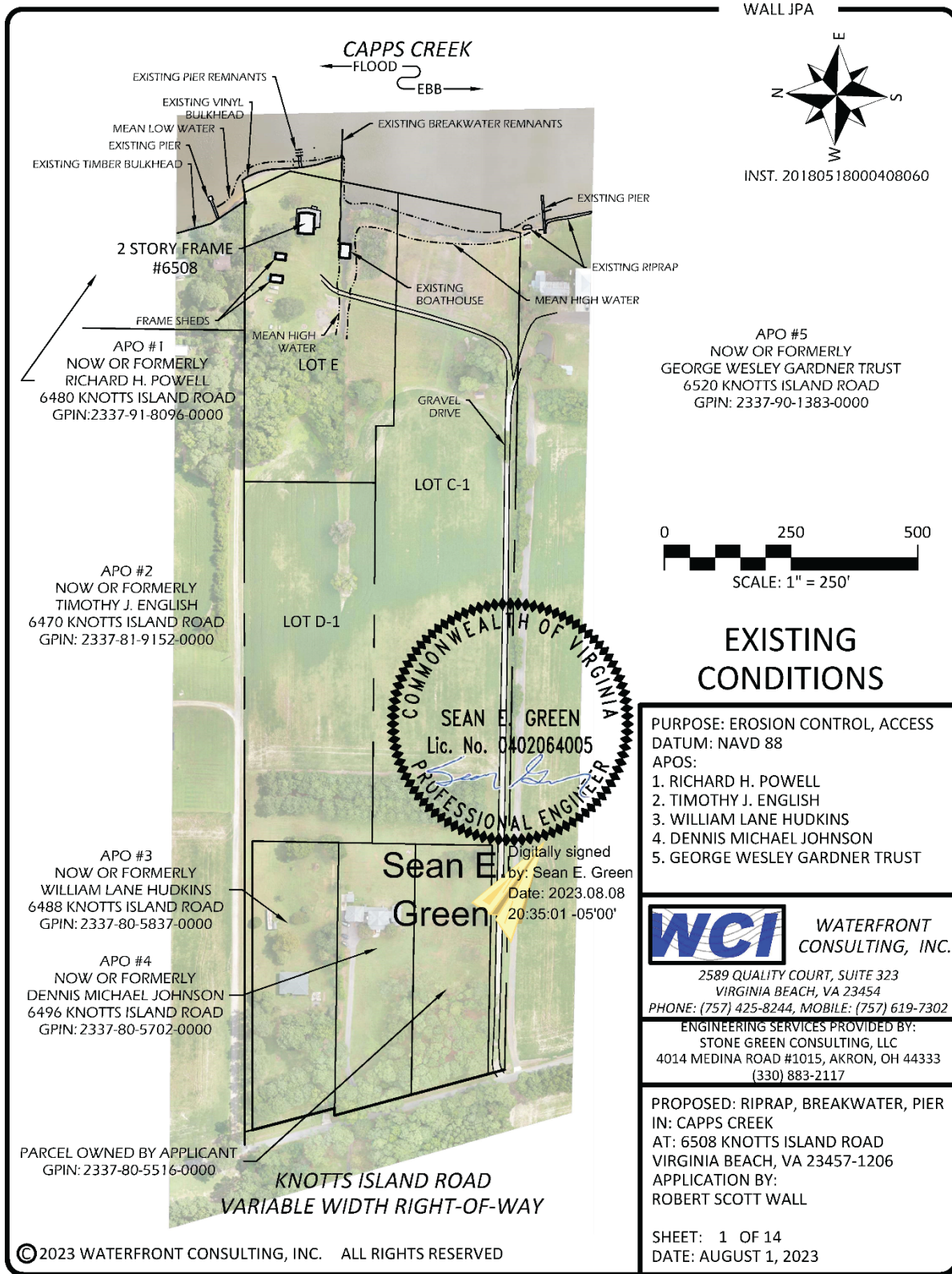
On-site and Payment of an in-lieu fee



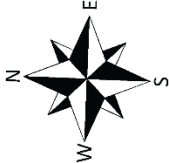
Site Aerial Map



Existing Conditions

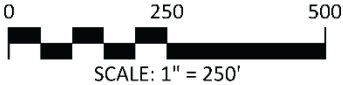


WALL JPA



INST. 20180518000408060

APO #5
 NOW OR FORMERLY
 GEORGE WESLEY GARDNER TRUST
 6520 KNOTTS ISLAND ROAD
 GPIN: 2337-90-1383-0000



EXISTING CONDITIONS

PURPOSE: EROSION CONTROL, ACCESS
 DATUM: NAVD 88
 APOS:
 1. RICHARD H. POWELL
 2. TIMOTHY J. ENGLISH
 3. WILLIAM LANE HUDKINS
 4. DENNIS MICHAEL JOHNSON
 5. GEORGE WESLEY GARDNER TRUST

WCI WATERFRONT CONSULTING, INC.
 2589 QUALITY COURT, SUITE 323
 VIRGINIA BEACH, VA 23454
 PHONE: (757) 425-8244, MOBILE: (757) 619-7302

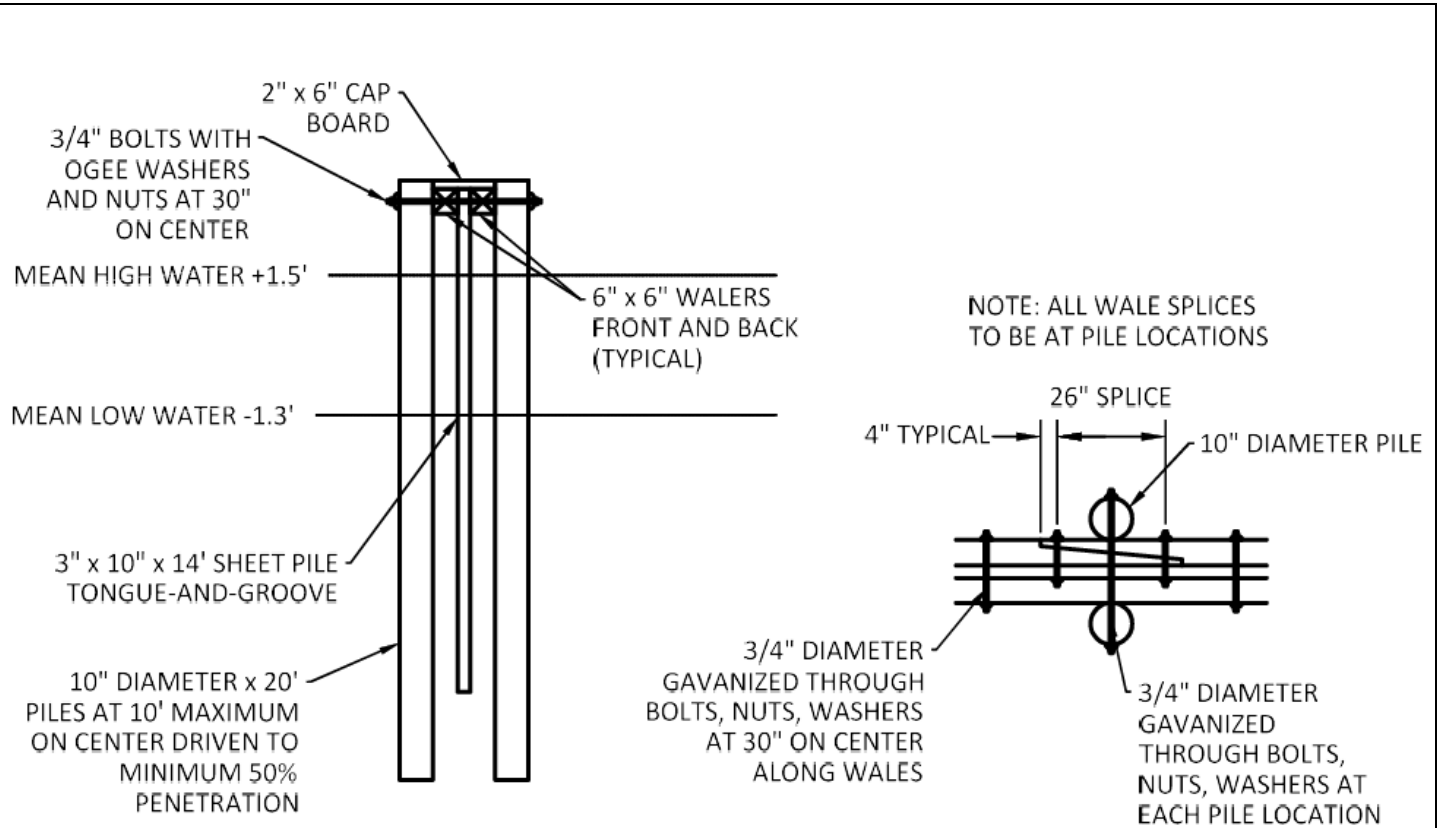
ENGINEERING SERVICES PROVIDED BY:
 STONE GREEN CONSULTING, LLC
 4014 MEDINA ROAD #1015, AKRON, OH 44333
 (330) 883-2117

PROPOSED: RIPRAP, BREAKWATER, PIER
 IN: CAPPS CREEK
 AT: 6508 KNOTTS ISLAND ROAD
 VIRGINIA BEACH, VA 23457-1206
 APPLICATION BY:
 ROBERT SCOTT WALL

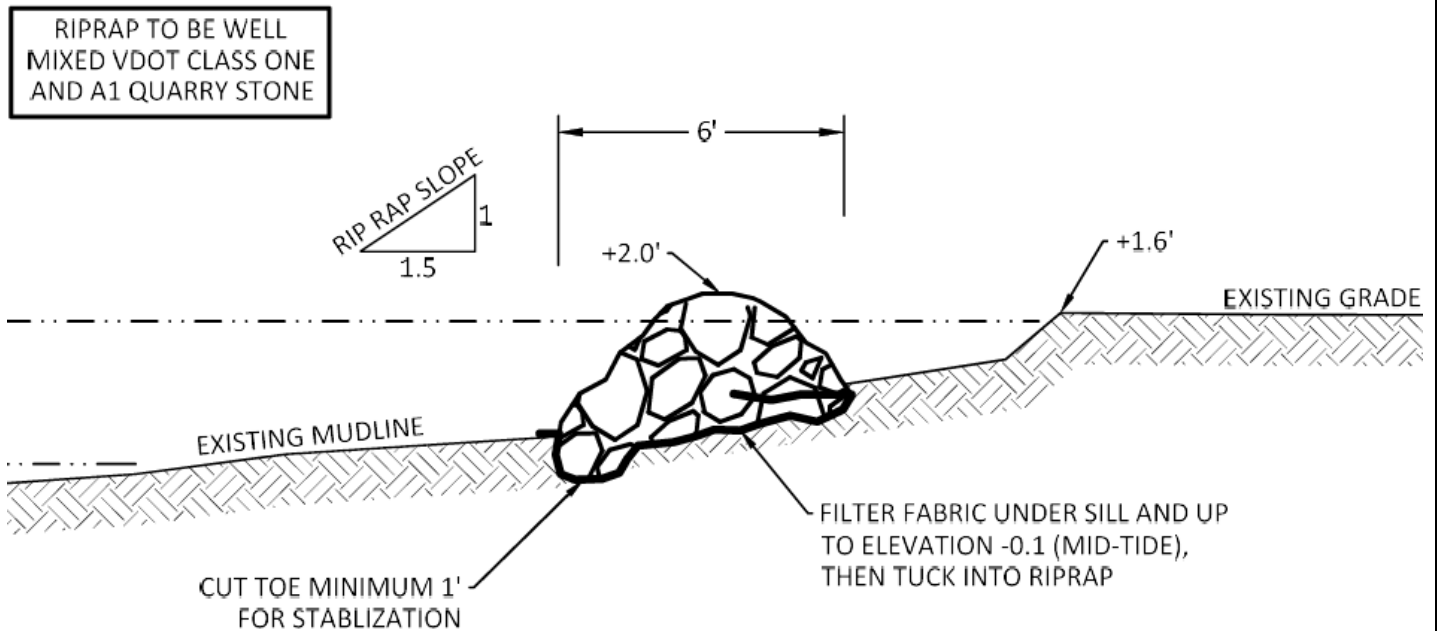
SHEET: 1 OF 14
 DATE: AUGUST 1, 2023

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Cross Section Views

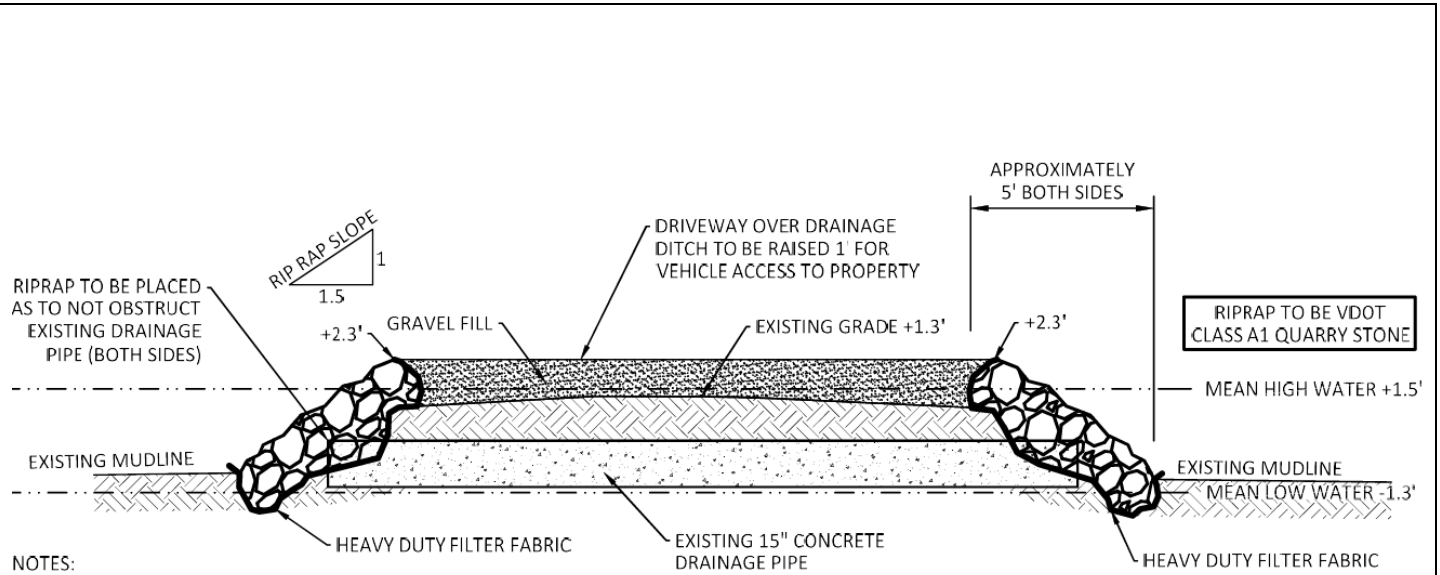


CROSS SECTION - BREAKWATER

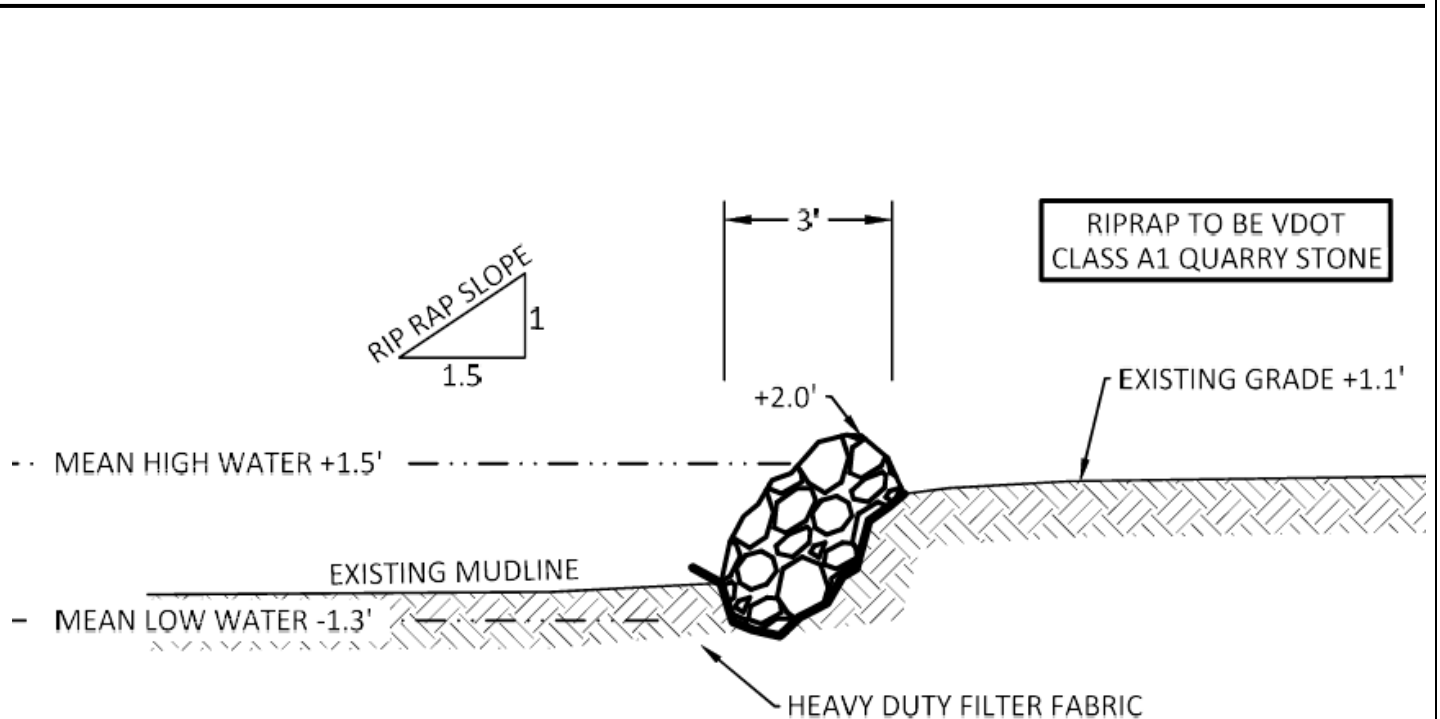


CROSS SECTION - RIP RAP SILL

Cross Section Views



CROSS SECTION – RIP RAP REVETMENT AT DRIVEWAY



CROSS SECTION – RIP RAP REVETMENT ALONG DRAINAGE CHANNEL

Site Photos



Site Photos



Site Photos



SRWMA Ordinance Variances & Wetlands Board Permit

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 shoreline of the property is currently protected by bulkhead to the north. The shoreline south of the canal to Back Bay is unprotected and experiencing erosion. The applicant proposes to construct 337 linear feet of rip rap sill along this portion of the shoreline. 124 linear feet of timber breakwater will be constructed along the southern side of the canal to Back Bay. In addition, 120 linear feet of rip rap revetment will be placed along a drainage ditch at the western end of the canal to Back Bay. The applicant's agent indicated that the breakwater and rip rap revetment were designed to prevent phragmites encroachment into the canal and drainage ditch. The proposed project includes the placement of gravel in the driveway over the drainage ditch to allow for vehicle access during high tide events. The driveway will be raised to elevation 2.3 feet (NAVD 88) and converts 170 square feet of vegetated wetlands to non-vegetated rock habitat.

The proposed project will impact approximately 2,152 square feet of non-vegetated wetlands and 460 square feet of vegetated wetlands. 2,140 square feet of non-vegetated wetlands impacts will be compensated on-site by converting non-vegetated wetlands to non-vegetated rock habitat. The applicant proposes payment of an in-lieu fee to mitigate impacts to the remaining 12 square feet of non-vegetated wetlands and 460 square feet of vegetated wetlands, which are associated with the timber breakwater, rip rap in the drainage ditch, and gravel in the driveway.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap sill, breakwater, and rip rap revetment are warranted for this property. Staff is of the opinion the rip rap sill, breakwater, and rip rap revetment will achieve the desired shoreline stabilization with the least impact on the upland property. A living shoreline is not appropriate for this site because the property experiences significant fetch and wave action. The applicant's agent provided that the placement of the rip rap sill would trap sediment and provide area for vegetated wetlands to grow on the landward side of the sill. Staff concurs with the method of on-site mitigation for the impacts to 2,140 square feet of non-vegetated wetlands. The request to construct the new breakwater, rip rap revetment, and gravel in driveway will not create additional non-vegetated and vegetated wetlands. Therefore, to address compensation, Staff supports payment of an in-lieu fee for the remaining impacts to non-vegetated and vegetated wetlands.

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

1. To allow for tidal fluctuations and flushing of the existing vegetated wetlands, the rip rap sill along the tidal shoreline of the property shall be designed and constructed with three (3) saddles or windows along the entirety of the rip rap sill. Each saddle shall be a minimum length of 5 feet along the rip rap sill and constructed at an elevation not to exceed the elevation of mean high water (MHW). Said saddles shall be equally spaced along the length of the rip rap sill.
2. 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.

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