

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



Click here to go to  
original staff report

**W30b**

**Addendum**

March 10, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W30b**, Coastal Commission Permit Application  
**#6-14-1755 (UCSD)**, for the Commission Meeting of March 11-13, 2015

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Attachment:

- Letter from Crown Point Villas HOA

# Choice MANAGEMENT SOLUTIONS

March 5, 2015

California Coastal Commission  
7575 Metropolitan Dr #103  
San Diego, CA 92108

Re: Crown Point Villas HOA/Kendall Frost Reserve Transition Plan

To Whom it May Concern:

The Crown Point Villas Homeowners Association has been noticed of work proposed for the Kendall Frost Marsh Reserve. A meeting was held to discuss the proposed plan on Tuesday, March 3, 2015. UCSD representatives present at the meeting were informed of the Associations concerns with the plan including proposed changes to property belonging to the Crown Point Villas HOA and proposed changes near the boundary that may cause erosion and affect the stability of the buildings belonging to the Community.

A copy of the survey with the boundary in question has been enclosed for your review when considering this project. We appreciate your consideration of this information when reviewing their application.

If you have any questions regarding this information, please call (619)795-2620 or email [Tawny@ChoiceManagementsolutions.com](mailto:Tawny@ChoiceManagementsolutions.com).

On behalf of the Board of Directors,

Tawny Tillinghast, CMCA, AMS, PCAM  
Choice Management Solutions, Inc.

**LEGAL DESCRIPTION:**

LOT 1 OF BAY COLONY, ACCORDING TO MAP THEREOF NO. 10792, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 15, 1983.

**BENCHMARK:**

NEBP AT CORNER OF CROWN POINT DRIVE AND MORRELL STREET.

RECORD: CITY OF SAN DIEGO

ELEVATION: 21.657 M.S.L.

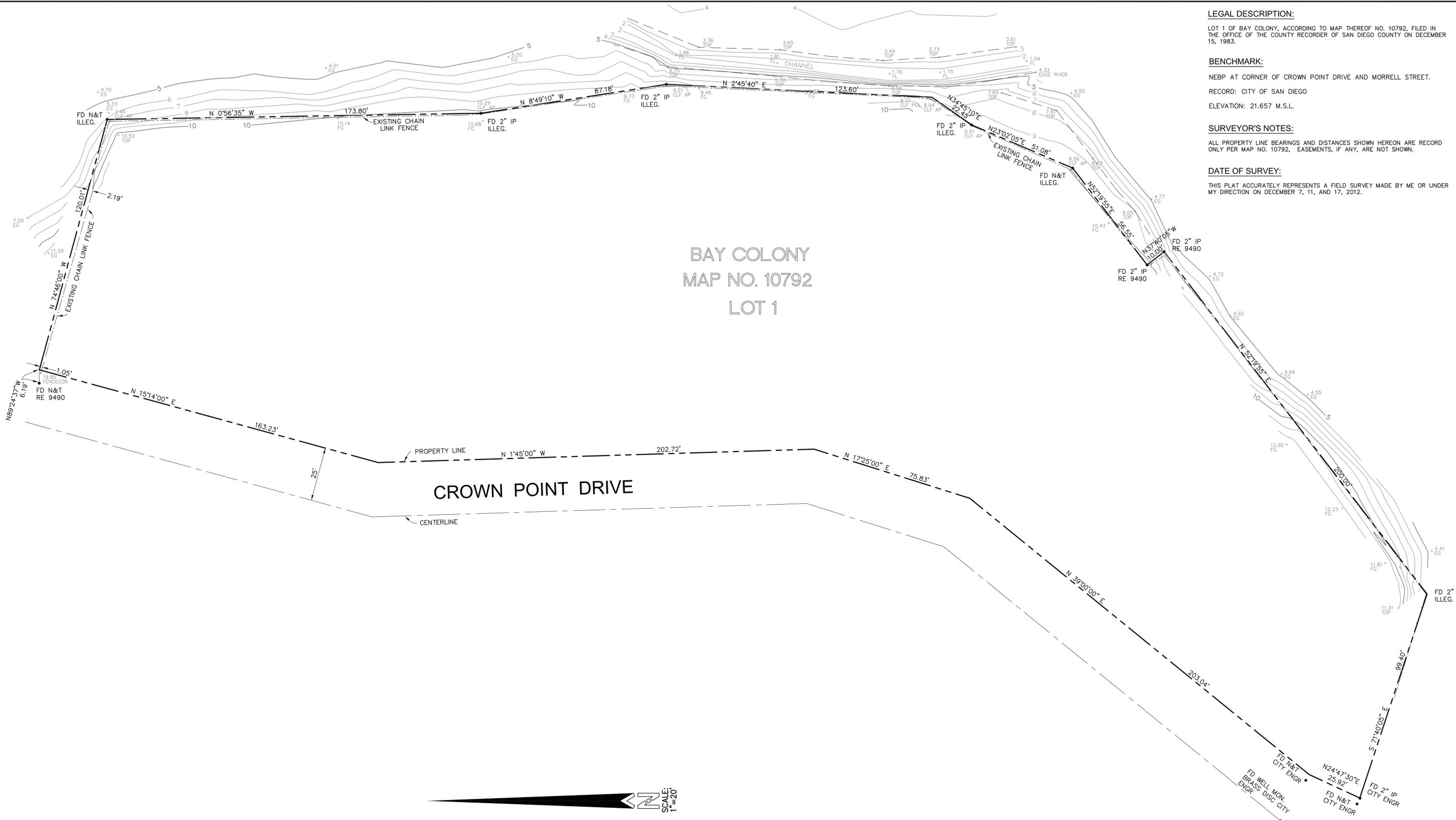
**SURVEYOR'S NOTES:**

ALL PROPERTY LINE BEARINGS AND DISTANCES SHOWN HEREON ARE RECORD ONLY PER MAP NO. 10792. EASEMENTS, IF ANY, ARE NOT SHOWN.

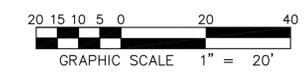
**DATE OF SURVEY:**

THIS PLAT ACCURATELY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION ON DECEMBER 7, 11, AND 17, 2012.

BAY COLONY  
MAP NO. 10792  
LOT 1



**DRAFT**



**BOUNDARY  
AND  
PARTIAL TOPOGRAPHIC SURVEY**  
LOT 1 OF MAP NO. 10792

**MORRISON ENGINEERING INC.**  
CIVIL ENGINEERING • LAND PLANNING • SURVEYING

1927 Frankfort Street, Suite A, San Diego, California, 92110 • 619-276-0425

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# W30b

Filed: 1/29/15  
180th Day: 7/28/15  
Staff: R. Casswell - SD  
Staff Report: 2/13  
Hearing Date: 3/11-3/13

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-14-1755

**Applicant:** University of California, San Diego  
(UCSD)

**Location:** 2055 Pacific Beach Drive, San Diego, San Diego  
County. (APN: 424-510-03)

**Project Description:** Restoration of upland and transition zone habitat at  
the Kendall-Frost Marsh Reserve, including  
excavation and onsite relocation of existing fill  
material, removal of non-native plants, and planting  
of native vegetation.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

The proposed project consists of restoration of upland and transition zone habitat, adjacent to coastal salt marsh (i.e. wetland) at the Kendall-Frost Marsh Reserve (KFMR) property within the City of San Diego. The restoration will involve: excavation of existing upland and transition zone fill material to create a more gradual slope between the wetland and upland area (for an expanded transition zone); removal of non-native plants from the existing upland area; onsite relocation of the removed fill to stabilize the

fence and sidewalks located at the periphery of the upland area, between the reserve and adjacent public streets; and planting of new, native vegetation on the site's upland area.

Staff is recommending approval of the proposed project with **four special conditions**. The proposed grading and restoration will affect approximately one acre of the 20.5 acre reserve site, and no heavy machinery will be used within the adjacent wetland area. Native vegetation will replace existing invasive plant species and the upland habitat's downward slope will be made more gradual and will not impact public views across the site. [Special Condition No. 1](#) requires that final plans shall undertake development in accordance with the approved plans, submitted on January 29, 2015, in order to minimize potential adverse impacts to the wetland. [Special Condition No. 2](#) requires implementation of source control Best Management Practices (BMPs) in order to ensure all impacts to the water and biological quality of the adjacent wetland from construction activities are avoided. [Special Condition No. 3](#) requires that the proposed construction activities be restricted to avoid impacts to any onsite sensitive avian species during the nesting season. Additionally, [Special Condition No. 4](#) requires monitoring of the proposed native vegetation over three years, with a final status report to be provided at five years, in compliance with the revised Restoration Plan, dated January 28, 2015.

Commission staff recommends **approval** of coastal development permit application 6-14-1755, as conditioned. The standard of review for the subject development is the Chapter 3 policies of the Coastal Act.

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### **APPENDICES**

Appendix A – Substantive File Documents

### **EXHIBITS**

Exhibit 1 – Location Map

Exhibit 2 – Grading/Habitat Plan

Exhibit 3 – Landscape Plan

Exhibit 4 – Staging Area Plan

Exhibit 5 – Wetland Delineation Map

Exhibit 6 – Wetland Access Paths Map

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-14-1755 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves coastal development permit 6-14-1755 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

#### 1. **Final Plans.**

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicants shall submit to the Executive Director for review and written approval, final plans for the permitted development. Said plans shall be in substantial conformance with the revised plans submitted on January 29, 2015.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

#### 2. **Construction/Water Quality BMPs Plan.**

**PRIOR TO ANY CONSTRUCTION ACTIVITIES** source control Best Management Practices (BMP's) designed to prevent spillage or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:

1. Mechanical equipment shall not enter the wetland habitat, as established in the wetland delineation.
2. Temporary rolled erosion and sediment control products shall use netting made of natural fibers, constructed in a loose-weave design with movable joints between the horizontal and vertical twines.
3. Silt fences backed by plastic or metal mesh may not be used unless they are the only feasible method of fencing.
4. Leaks or spills of hydraulic fluid shall be prevented to the maximum extent feasible and BMPs shall be employed to contain spills. Non-petroleum hydraulic fluids shall be used preferentially for principal heavy

equipment operated for one week or longer over or in coastal waters or intertidal areas.

5. Perimeter BMPs shall be used to minimize polluted runoff from stockpiled soil and other excavated materials.
6. Fueling and maintenance of construction equipment and vehicles shall be done off-site, if feasible. Any fueling and maintenance of mobile equipment conducted on-site shall take place at a designated area located at least 100 feet from coastal waters, drainage courses, and storm drain inlets, unless these inlets are blocked to protect against fuel spills. The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment, such as cranes, that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
7. Site management “housekeeping” BMPs shall be implemented during construction, such as maintaining an inventory of products and chemicals used on-site, and having a written plan for the clean-up of spills and leaks.
8. A construction phasing schedule, outlining any phasing of the site shall be provided. Disturbed areas shall be kept to the minimum feasible at all times.
9. A schedule shall be provided for prompt installation of temporary erosion and sedimentation control BMPs and removal of temporary BMPs, and temporary BMPs that will remain as permanent BMPs shall be identified.
10. A schedule for the inspection and maintenance of construction-phase BMPs shall be provided, including for temporary erosion and sedimentation control BMPs as needed, to ensure the permit’s water quality requirements are met.

3. **Sensitive Species Monitoring.**

**PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, a qualified biologist shall conduct a site survey for evidence of active clapper rail, Belding’s savannah sparrow, and California gnatcatcher nests in all on-site vegetation. **PRIOR TO ANY CONSTRUCTION ACTIVITIES** during clapper rail, Belding’s savannah sparrow, and California gnatcatcher breeding/nesting season (February 15<sup>th</sup> through August 15<sup>th</sup>), a qualified biologist shall conduct a site survey for active nests no more than 72 hours prior to any development. If an active nest is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within 300 feet of the nest or within 500 feet of active clapper rails, or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. The

monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nest or clapper rail. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, and (2) working in other areas until the young have fledged. The monitoring biologist shall review and verify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when no other active nests are found. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the San Diego District office of the California Coastal Commission.

#### **4. Native Vegetation Planting Plan and Monitoring.**

The applicant shall undertake plant installation and comply with the proposed monitoring plan for the native upland vegetation as established in the revised Restoration Plan, dated January 28, 2015.

Vegetation in landscaped areas shall only consist of native plants. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The University of California (UC) has a Natural Reserve System (NRS), which is a unique assemblage of 34 protected wildland sites throughout California. Its reserves encompass nearly all of the state's major ecosystems, which UC strives to conserve in their natural state as much as possible to support university-level research and teaching programs. While the NRS is a UC system-wide program, each of the 34 reserves is assigned to a particular UC campus. UCSD has four assigned reserves, including the Kendall-Frost Marsh Reserve (KFMR). This approximately 20.5 acre area of upland and salt marsh is located on the north shore of Mission Bay, within the City of San Diego's Mission Bay Park Master Plan area ([Exhibit 1](#)). However, because this Master Plan has

not yet been certified by the Coastal Commission, Mission Bay is an area of deferred certification and subject to the provisions of Chapter 3 of the California Coastal Act.

The proposed project, which is a collaborative effort between UCSD and the U.S. Fish and Wildlife Service and tied to federal grant funding, will restore approximately one-acre of native upland-marsh habitat currently dominated by non-native vegetation. This upland area is located outside of defined wetland habitat (approximately 4 feet Mean High Water); per a wetland determination performed by UC and the U.S. Fish and Wildlife Service (USFWS), and is comprised of degraded fill material ([Exhibit 5](#)). The upland has become degraded due to poor soil conditions, insufficient tidal influence due to the overly steep gradient of the deposited fill material, and the dominance of invasive non-native plants.

Heavy equipment, operated from the existing upland fill area, will be used to pull back the lower edge of the fill material, to create an extended area (more than doubling the area for “transition zone” habitat) with a more gradual slope appropriate for transition zone vegetation to be established. A transition zone is critical for providing habitat for specifically-adapted plant and animal species, and serves as a temporary refuge for marsh species that cannot swim, as well as acting as a physical buffer to protect the wetlands against pollutants. The excavated fill material will be deposited upslope to create a berm area for stabilization of the sidewalk and fence located between the reserve and Pacific Beach and Crown Point Drives ([Exhibit 2](#)). The new upland area will undergo removal of non-native, invasive plants, and will be revegetated with native upland plants, while existing, mature lemonade berry plants will be retained ([Exhibit 3](#)). Additionally, a vegetation-growing area with tables and a shade cover will be established adjacent to the existing 12' x 25' trailer that serves as the KFMR headquarters. Monitoring of the revegetated areas is proposed for three years after completion of the project, with a final survey at five years, as required by [Special Condition No. 4](#).

The applicant proposes to use heavy machinery (notably an excavator) onsite for up to one month, between the hours of 8:00 a.m. and 4:00 p.m. on weekdays only. Heavy machinery will be restricted to upland areas only and will not enter the wetland at any point. The construction equipment staging area will be located in the northwest corner of the property, between the existing trailer and Pacific Beach and Crown Point Drives ([Exhibit 4](#)). Erosion control measures (in conformance with [Special Condition No. 2](#)) will include sediment fences, mulch, fiber mats, and fiber rolls, to avoid construction impacts to wetland habitat. Additionally, compliance with [Special Condition No. 3](#) will ensure that the proposed construction does not adversely impact nesting activities for any onsite clapper rail, Belding's savannah sparrow, or California gnatcatcher.

## **B. BIOLOGICAL RESOURCES/WATER QUALITY**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act requires protection and maintenance of the biological productivity of coastal waters and states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrapment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30233 of the Coastal Act states, in part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects...*

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitats shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The applicant is proposing restoration of upland and transition zone habitat, adjacent to coastal salt marsh (i.e. wetland) at the KFMR property in San Diego. The restoration will involve: excavation of existing upland and transition zone fill material, to create a more gradual slope between the wetland and upland areas, resulting in an expanded transition zone; removal of non-native plants from the existing upland area; onsite relocation of the

removed fill to stabilize the fence and sidewalks located at the periphery of the upland area between the reserve and adjacent public streets; and planting of new, native vegetation on the site's upland area.

A wetland delineation report and soils transect report for the proposed project determined that the proposed scope of work would take place outside of both the U.S. Army Corps of Engineers' and Coastal Commission's definitions of a wetland ([Exhibit 5](#)). The study was able to make this determination, based on the presence of three parameters (hydrophytic vegetation, wetland hydrology, and hydric soils), with the Army Corps requiring a wetland to include all three; whereas the Coastal Commission only requires one of these three parameters to be present for an area to be defined as a wetland under Coastal Commission regulations. Commission staff's ecologist, Dr. John Dixon, has reviewed this delineation and agrees that the proposed scope of work will be located outside of the sensitive wetland area.

Section 30230 of the Coastal Act supports restoration of marine resources and stipulates that special protection shall be given to areas and species of special biological significance. The KMFR represents an area of special biological significance, and has been designated as one of only 34 reserves under the UC statewide system. The proposed restoration of the upland and transition zone habitats, to help restore those areas to a more natural state, is consistent with this section of the Coastal Act. Further, Section 30231 also encourages wetland habitat restoration to protect and maintain the biological productivity of coastal waters. Additionally, Section 30233 of the Coastal Act strictly limits the type of development permitted in wetlands to such uses as incidental public service purposes, restoration, nature study, and other similar resource dependent activities. Section 30240 of the Act also establishes that environmentally sensitive habitats shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas; while development in areas adjacent to environmentally sensitive habitat areas must be sited and designed to prevent impacts which would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas. The primary goal of the proposed project is to restore and enhance transitional habitat area adjacent to the KMFR salt marsh through regrading and replanting efforts. [Special Condition No. 1](#) requires that final plans shall undertake development in accordance with the approved plans, submitted on January 29, 2015, in order to minimize potential adverse impacts to the wetland, and thus comply with Section 30240. Additionally, applicant compliance with [Special Condition No. 2](#) (for water quality BMPs) will ensure that potential impacts (primarily relating to pollutant runoff) to the wetland are avoided. Additionally, [Special Condition No. 3](#) will ensure that the proposed construction activity respects any onsite sensitive avian species during nesting season. [Special Condition No. 4](#) requires monitoring of the proposed native vegetation over three years, with a final status report to be provided at five years, in compliance with the revised Restoration Plan, dated January 28, 2015.

Therefore, as conditioned, the proposed development will not result in any adverse impacts to coastal biological resources or water quality and can be found consistent with all applicable policies of the Coastal Act.

## C. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

*In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

The KFMR has historically been fenced off to the public in order to minimize human impacts to this sensitive habitat such as littering, trampling and destruction of native vegetation, and other disruptive impacts to wildlife. However, the site is used intermittently to support university-level research and teaching programs, which involve students or researchers using an existing informal mix of trails within the upland area to access the wetland habitat. Figure 7 of the wetland restoration plan proposes to formalize and unify the location of these trails and access paths from the upland area to the wetland, which will help minimize future impacts to the restored upland and transition zone vegetation ([Exhibit 6](#)).

Overall, it is evident that the KFMR is not open to the general public due to conservation activities related to the onsite sensitive wetland habitat resources. However, although research-driven usage of the site does occur, the potential impacts on the wetland and upland habitats from this usage will be further minimized by the proposed formal access paths which have been delineated on the plans. In summary, public access will continue to be limited across the site in order to protect the onsite sensitive habitat areas and related research activities.

## **D. VISUAL RESOURCES**

Section 30251 of the Coastal Act addresses visual resources, and states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

The proposed project will be restoring native vegetation to the KFMR and removing invasive, non-native plants – thus, resulting in a more natural setting and enhancing of the visual qualities of the subject site. Additionally, the transition zone area will be significantly expanded by a more gradual slope from the upland area to the wetland. This will improve the habitat value of the site, and will encourage a greater diversity in wildlife and flora. None of the proposed grading activities will result in a final elevated site condition that would block existing public views across the site. Construction activity will also be limited to only one month, so any potentially adverse visual impacts resulting from the onsite construction equipment and machinery will be temporary.

Therefore, the Commission finds that all public views and scenic resource concerns associated solely with the development approved herein are adequately addressed, and that the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

## **E. LOCAL COASTAL PLANNING**

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The City of San Diego has a certified LCP and issues permits for development in its area of jurisdiction. However, the subject site is located in an area of deferred certification, where the Commission retains permit authority until Commission certification of the Mission Bay Park Master Plan. Chapter 3 policies of the Coastal Act remain the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act as well as with the certified LCP, which the Commission uses as guidance in this area. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Pacific Beach community.

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing construction/water quality BMPs and monitoring of sensitive onsite species and native vegetation will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\Reports\2014\6-14-1755 Kendall-Frost Marsh Reserve Restoration stf rpt .docx)

6-14-1755 (UCSD)

**APPENDIX A**  
**SUBSTANTIVE FILE DOCUMENTS**

- Mission Bay Park Master Plan
- Wetland Delineation Report

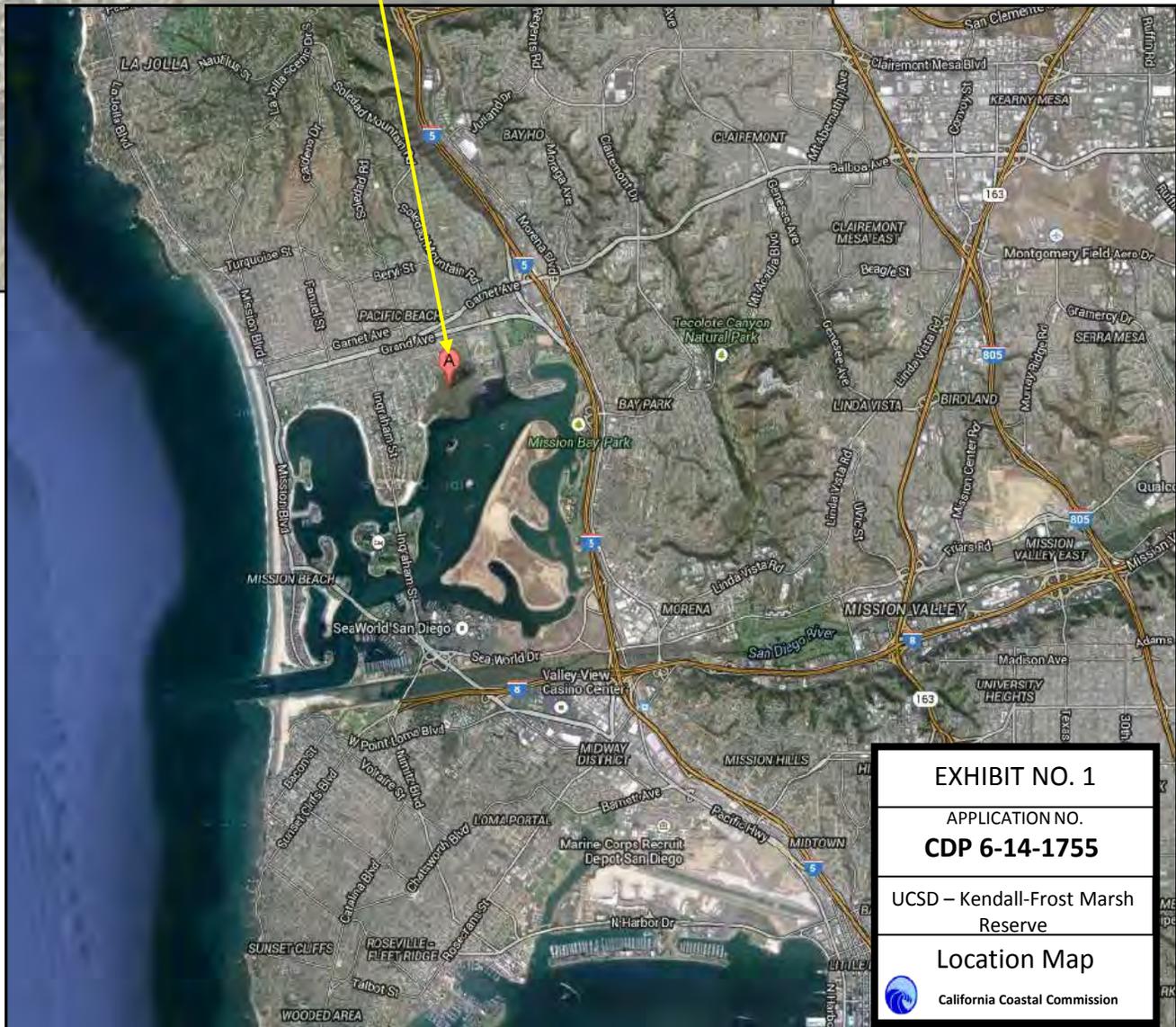


EXHIBIT NO. 1

APPLICATION NO.

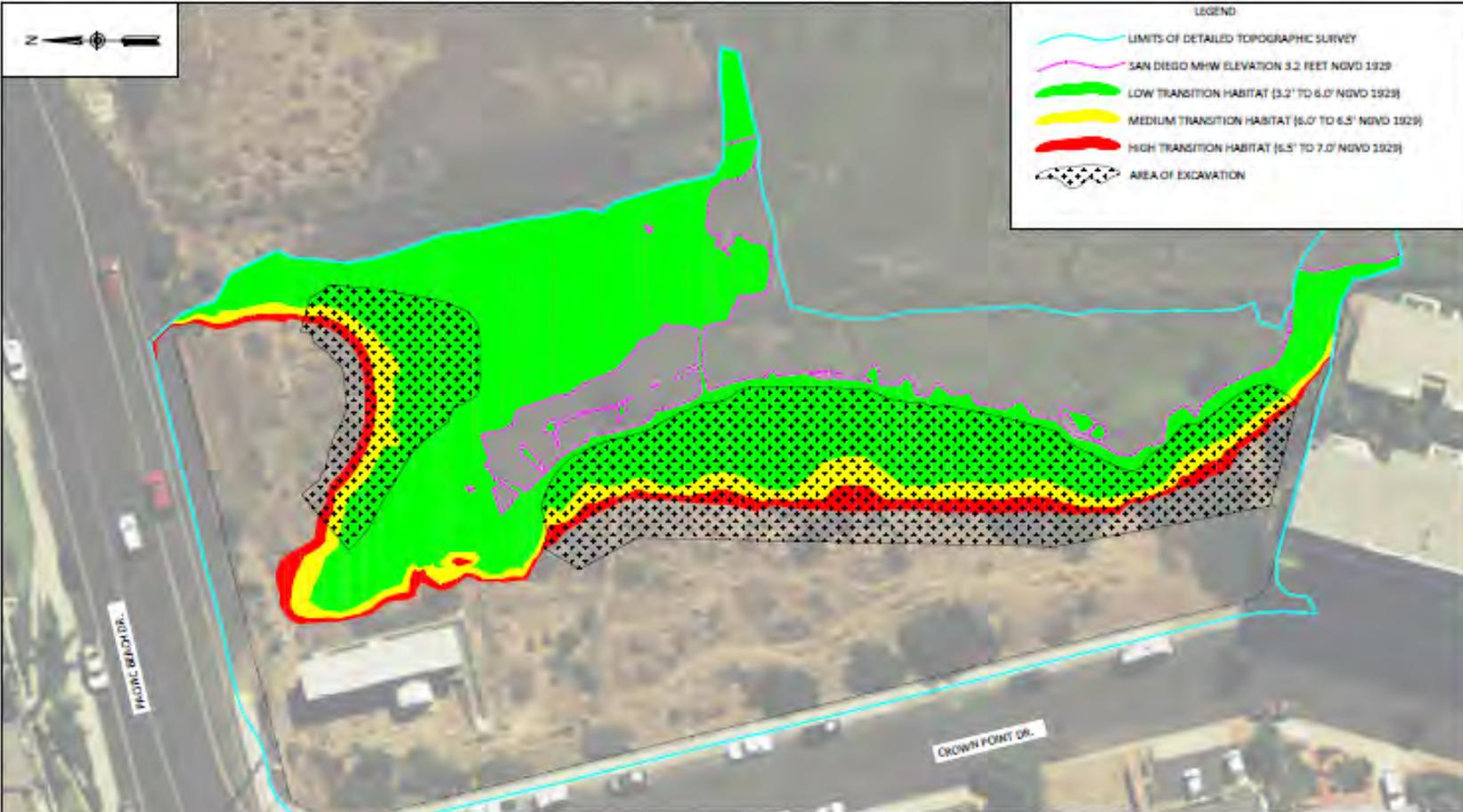
**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

Location Map



California Coastal Commission



**LEGEND**

- LIMITS OF DETAILED TOPOGRAPHIC SURVEY
- SAN DIEGO MHW ELEVATION 3.2 FEET NGVD 1929
- LOW TRANSITION HABITAT (3.2' TO 6.0' NGVD 1929)
- MEDIUM TRANSITION HABITAT (6.0' TO 6.5' NGVD 1929)
- HIGH TRANSITION HABITAT (6.5' TO 7.0' NGVD 1929)
- AREA OF EXCAVATION



U.S. FISH AND WILDLIFE SERVICE  
 COASTAL PROGRAM  
 2177 SUIA AVENUE, SUITE 200  
 CHICAGO, CA 92006

PROPOSED FOR:  
 UNIVERSITY OF CALIFORNIA  
 NATURAL RESERVE SYSTEM



RENEW-FROST MARSH RESERVE  
 TRANSITION HABITAT ENHANCEMENT  
 PROPOSED BANDS TO IN HABITAT ENHANCEMENT ZONES

SCALE: 1" = 100'

DATE: 05/14/2008

BY: [Signature]

LOCATION	CROWN POINT			KNOLL			WITHIN SURVEY AREA		
	LOW 3.2' - 6.0'	MEDIUM 6.0' - 6.5'	HIGH 6.5' - 7.0'	LOW 3.2' - 6.0'	MEDIUM 6.0' - 6.5'	HIGH 6.5' - 7.0'	LOW 3.2' - 6.0'	MEDIUM 6.0' - 6.5'	HIGH 6.5' - 7.0'
EXISTING	1500	451	506	1370	440	430	15,860	1370	1540
PROPOSED	5825	1410	1260	2230	540	360	20,250	2580	2130
CHANGE	4325	959	754	860	100	-50	5186	1210	704

**EXHIBIT NO. 2**  
 APPLICATION NO.  
**CDP 6-14-1755**  
 UCSD – Kendall-Frost Marsh Reserve

DATE: 05/14/2008

BY: [Signature]

SCALE: 1" = 100'

6



**GENERAL NOTES:**

- (1) NO OFF-SITE BORROW OR DISPOSAL IS REQUIRED FOR THIS PROJECT. ALL EXCAVATED MATERIALS WILL BE PLACED AND STABILIZED ON SITE.
- (2) SITE ACCESS FROM CROWN POINT DRIVE.
- (3) FILL VOLUME ALLOWS FOR 15% SOIL EXPANSION.
- (4) MAXIMUM CUT AND FILL SLOPES: 3H:1V.
- (5) MAXIMUM HEIGHT OF 3: 1 CUT SLOPE: 5 FEET.
- (6) MAXIMUM HEIGHT OF 3: 1 FILL SLOPE: 6 FEET.
- (7) PROJECT WILL CREATE 6,350 SQ.FT OF TRANSITION HABITAT AREA.

- (7) UPLAND FILL AREAS AND CUT AREAS WILL BE REVEGETATED AND STABILIZED PER THE FINAL KENDALL-FROST MARSH RESERVE - TRANSITION ZONE HABITAT RESTORATION PLAN.

**SITE SPECIFIC GRADING NOTES:**

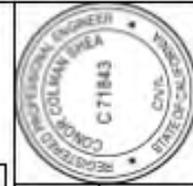
- (1) CROWN POINT TRANSITION HABITAT ENHANCEMENT AREA:
  - ELEVATION 7.0 FEET AND ABOVE: 3:1 SLOPE
  - ELEVATION 3.2 FEET TO 6.0 FEET: SLOPE VARIES
- (2) CROWN POINT FILL AREA:
  - ELEVATION 17.5 FEET AND BELOW: 3:1 SLOPE
  - ELEVATION 17.5 FEET TO 18.3 FEET: SLOPE VARIES

- (3) KNOLL TRANSITION HABITAT ENHANCEMENT AREA:
  - ELEVATION 8.0 FEET AND ABOVE: 3:1 SLOPE
  - ELEVATION 7.0 FEET TO 8.0 FEET: 4:3 SLOPE
  - ELEVATION 6.0 FEET TO 7.0 FEET: 8:3 SLOPE
  - ELEVATION 4.5 FEET TO 6.0 FEET: SLOPE VARIES - TYPICALLY GREATER THAN 10:1
- (4) KNOLL FILL AREA:
  - ELEVATION 12.0 FEET AND BELOW: 3:1 SLOPE
  - ELEVATION 12.0 FEET TO 12.9 FEET: 6:1 SLOPE
  - FLAT TOP AT 12.9 FEET

**LEGEND**

- FENCE
- FILL AREA
- EXCAVATION AREA

EARTHWORK QUANTITIES (CUBIC YARDS)		
LOCATION	CUT	FILL
CROWN POINT	956	1134
KNOLL	95	109
<b>TOTAL</b>	<b>1051</b>	<b>1243</b>



U.S. FISH AND WILDLIFE SERVICE  
 COASTAL PROGRAM  
 2177 94th AVENUE, SUITE 250  
 CARLSBAD, CA 92008

PREPARED BY:  
 UNIVERSITY OF CALIFORNIA  
 NATURAL RESERVE SYSTEM

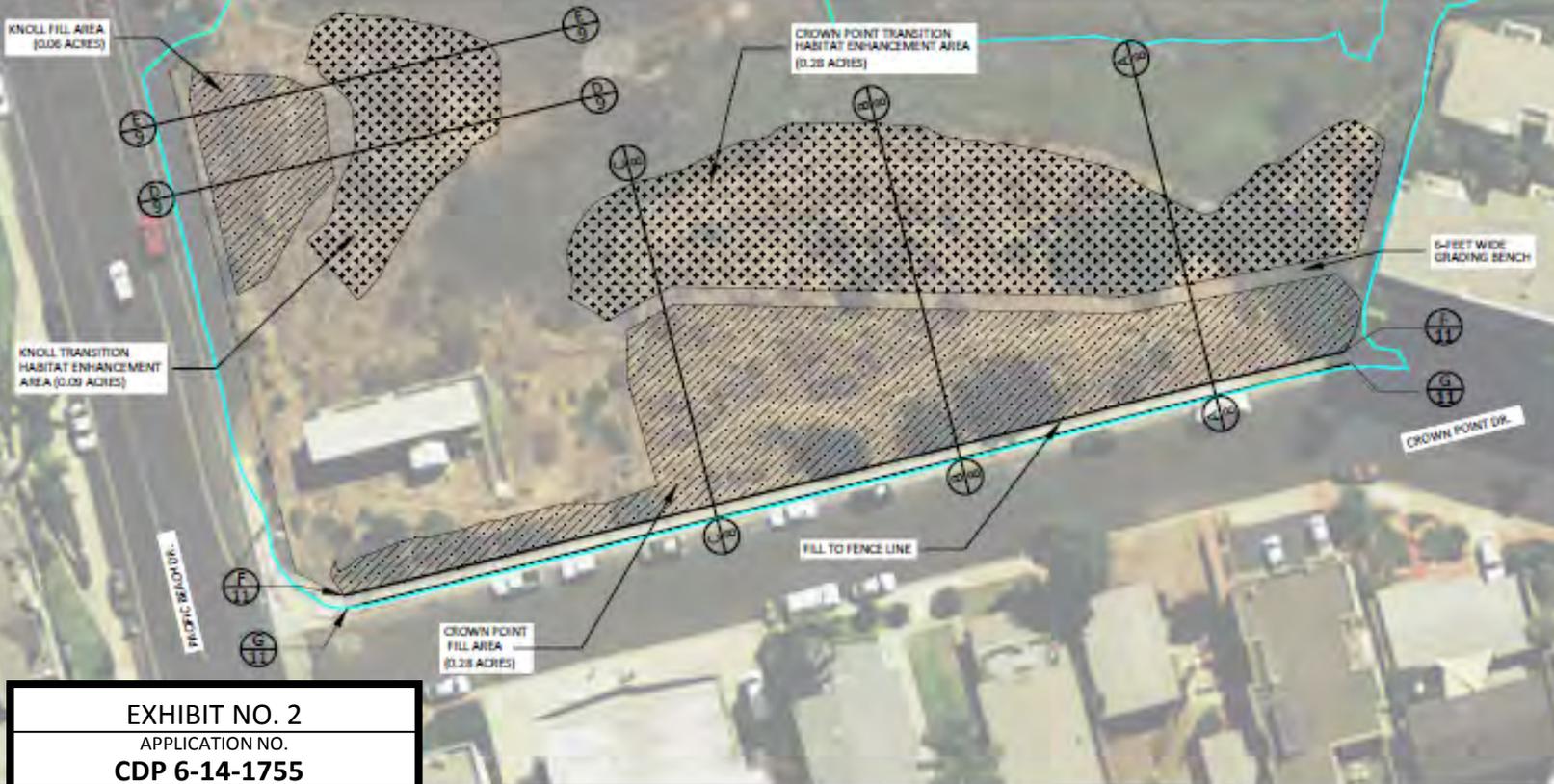


KENDALL-FROST MARSH RESERVE  
 TRANSITION HABITAT ENHANCEMENT

GRADING NOTES AND CROSS SECTION LOCATIONS

WITH:  
 J. SALT MARSH VEG. CLASSIFICATION: TELLER ET AL. (2004) AND  
 BARNETT ET AL. (2005) AND UFWI KENDALL-FROST MARSH RESERVE

DESIGNED BY OCS	NO. 7
APPROVED BY OCS	
DATE REV. 3/10/2018	



**EXHIBIT NO. 2**  
 APPLICATION NO.  
**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

**Grading/Habitat Plan**  
 California Coastal Commission



Topographic base layer courtesy USFWS (C. Shea)  
Plan details I. Kay, U

# Landscape plan

**EXISTING SHRUBS**

Natives to remain	Exotics to be removed
<ul style="list-style-type: none"> <li> Iva</li> <li> Lycium/Cleome</li> <li> Rhus</li> </ul>	<ul style="list-style-type: none"> <li> Brazilian pepper</li> <li> Olive</li> <li> Myoporum</li> </ul>

Scientific Name	Common Name	Location	Planting Method	Qty
<i>Lycium californicum</i>	California boxthorn	Intermediate, High	Container	25
<i>Distichlis spicata</i>	Saltgrass	Int., High	Plug/salvage	100
<i>Distichlis (Monanthochloa) littoralis</i>	Salt cedar	Low, Int.	Plug	50
<i>Frankenia grandifolia</i>	Alkali heath	Low, Int., High	Container	50
<i>Salicornia subterminalis</i>	High marsh pickleweed	Low, Int.	Container	30
<i>Suaeda spp</i>	Seablites	Low, Int.	Container	25
<i>Limonium californicum</i>	Sea lavender	Low	Container	25

**LEGEND**

-  LIMITS OF DETAILED TOPOGRAPHIC SURVEY
-  EXISTING INDEX CONTOUR LINE
-  EXISTING MINOR CONTOUR LINE
-  LIMIT OF GRADING
-  PROPOSED INDEX CONTOUR LINE
-  PROPOSED MINOR CONTOUR LINE
-  FENCE

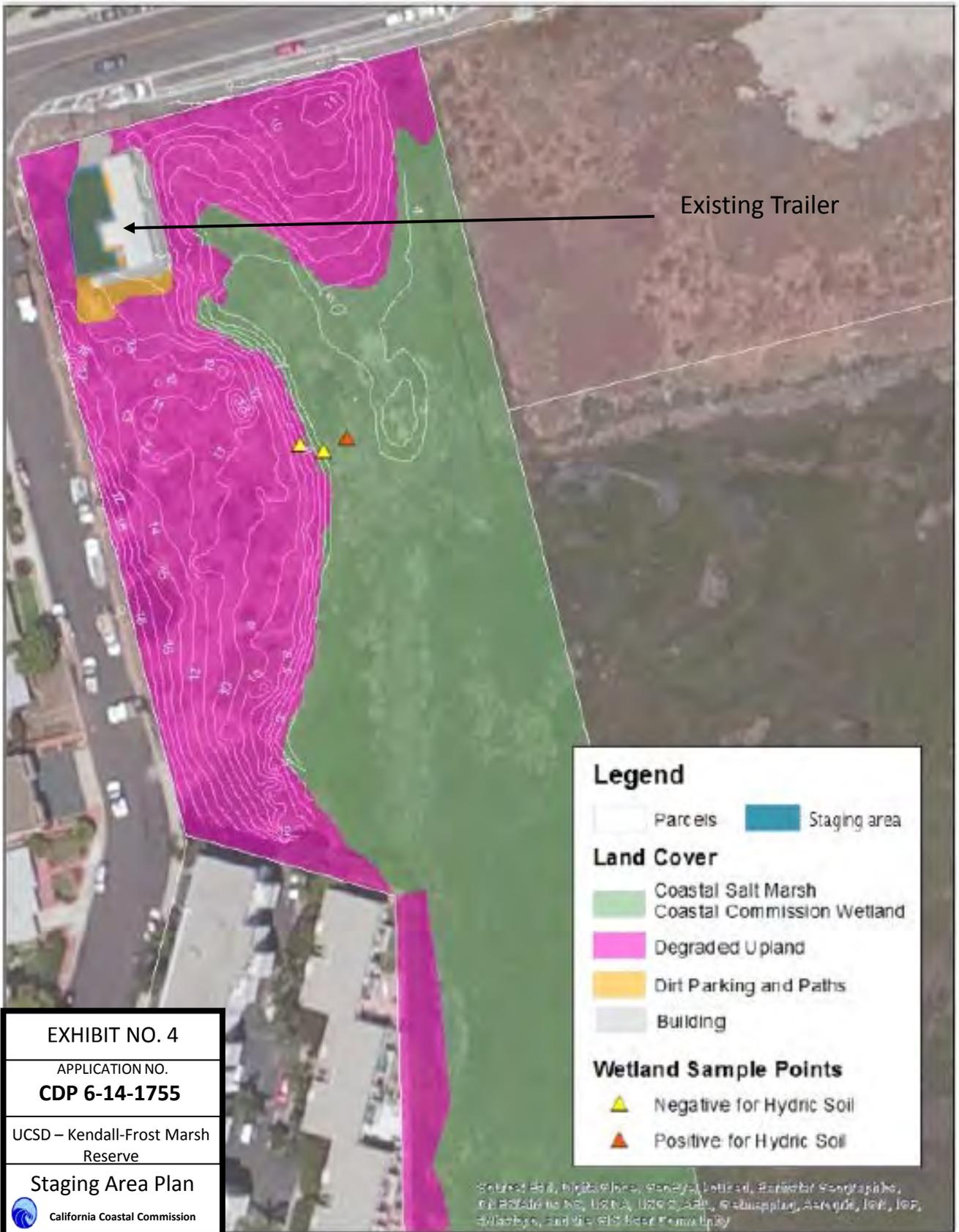


**EXHIBIT NO. 3**  
APPLICATION NO.  
**CDP 6-14-1755**  
UCSD – Kendall-Frost Marsh Reserve  
**Landscape Plan**  
California Coastal Commission

CROWN POINT

Scientific Name	Common Name	Location	Planting Method	Qty
<i>Artemisia californica</i>	California sagebrush	Upland	container	50
<i>Baccharis pilularis</i>	Coyote bush	Upland	seed	25
<i>Cleome isomeris</i>	Bladder pod	Upland	Container	25
<i>Encelia californica</i>	Coast sunflower	Upland	Seed + container	50
<i>Eriogonum fasciculatum</i>	Flat-top buckwheat	Upland	Seed + container	25
<i>Isocoma veneta</i>	Coast goldenbush	Upland	Seed	50
<i>Lotus scoparius</i>	Deerweed	Upland	Seed	25
<i>Opuntia spp.</i>	Coastal prickly pear	Upland	Container	25
<i>Rhus integrifolia</i>	Lemonadeberry	Upland	Container	10
<i>Cressa truxillensis</i>	Alkali weed	High, Upland	Plug/salvage	50
<i>Frankenia palmum</i>	Palmer's alkali heath	High	Container	10
<i>Iva haviana</i>	San Diego marsh elder	High	Container	25

- Notes**
- ① Planting will be conducted in the proposed ecotone (Figure 5) between November and February to take advantage of winter rains for plant establishment.
  - ② Container plants and cuttings will be installed in the ground at approximate four-foot centers in holes sized for the individual plants, which will be installed using best practices to maximize the chances of long-term plant survival and growth.
  - ③ Seeds will be broadcast in areas with weed cover of less than 10 percent. A variety of methods will be used to prepare sites for seed broadcasting including duff removal, raking, etc. In general, seeds will be raked into the dirt before or during the precipitation season.



Existing Trailer

**Legend**

Parcels
  Staging area

**Land Cover**

- Coastal Salt Marsh
- Coastal Commission Wetland
- Degraded Upland
- Dirt Parking and Paths
- Building

**Wetland Sample Points**

- Negative for Hydric Soil
- Positive for Hydric Soil

EXHIBIT NO. 4

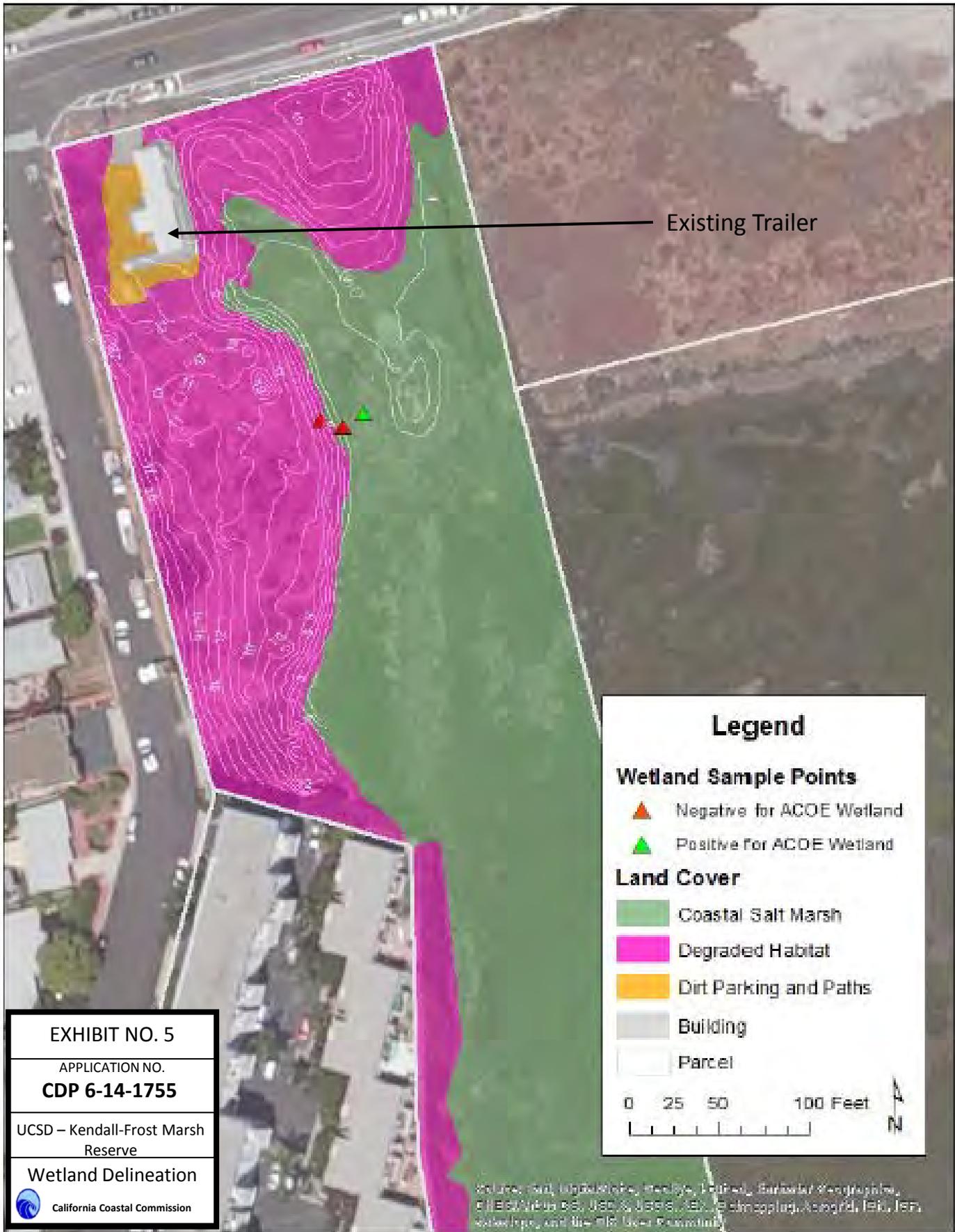
APPLICATION NO.  
**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

Staging Area Plan

California Coastal Commission

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airphoto, USDA/GIA, Earthstar Geographics, AeroGRID, IGN, IGA, Swirebird, and the GIS User Community



Existing Trailer

### Legend

#### Wetland Sample Points

- ▲ Negative for ACOE Wetland
- ▲ Positive for ACOE Wetland

#### Land Cover

- Coastal Salt Marsh
- Degraded Habitat
- Dirt Parking and Paths
- Building
- Parcel

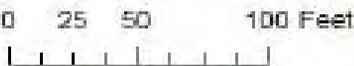


EXHIBIT NO. 5

APPLICATION NO.

**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

Wetland Delineation



California Coastal Commission

Source: Aerial, Hydrologic, Topographic, Bathymetric, Barbed/Wireframe, File, Elevation, DEM, USGS, USGS, DEM, 3-D, Topographic, X-Coordinate, Y-Coordinate, Z-Coordinate, and the NAD 83 datum.



**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# W30b

Filed: 1/29/15  
180th Day: 7/28/15  
Staff: R. Casswell - SD  
Staff Report: 2/13  
Hearing Date: 3/11-3/13

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-14-1755

**Applicant:** University of California, San Diego  
(UCSD)

**Location:** 2055 Pacific Beach Drive, San Diego, San Diego  
County. (APN: 424-510-03)

**Project Description:** Restoration of upland and transition zone habitat at  
the Kendall-Frost Marsh Reserve, including  
excavation and onsite relocation of existing fill  
material, removal of non-native plants, and planting  
of native vegetation.

**Staff Recommendation:** Approval with Conditions

---

## SUMMARY OF STAFF RECOMMENDATION

The proposed project consists of restoration of upland and transition zone habitat, adjacent to coastal salt marsh (i.e. wetland) at the Kendall-Frost Marsh Reserve (KFMR) property within the City of San Diego. The restoration will involve: excavation of existing upland and transition zone fill material to create a more gradual slope between the wetland and upland area (for an expanded transition zone); removal of non-native plants from the existing upland area; onsite relocation of the removed fill to stabilize the

fence and sidewalks located at the periphery of the upland area, between the reserve and adjacent public streets; and planting of new, native vegetation on the site's upland area.

Staff is recommending approval of the proposed project with **four special conditions**. The proposed grading and restoration will affect approximately one acre of the 20.5 acre reserve site, and no heavy machinery will be used within the adjacent wetland area. Native vegetation will replace existing invasive plant species and the upland habitat's downward slope will be made more gradual and will not impact public views across the site. [Special Condition No. 1](#) requires that final plans shall undertake development in accordance with the approved plans, submitted on January 29, 2015, in order to minimize potential adverse impacts to the wetland. [Special Condition No. 2](#) requires implementation of source control Best Management Practices (BMPs) in order to ensure all impacts to the water and biological quality of the adjacent wetland from construction activities are avoided. [Special Condition No. 3](#) requires that the proposed construction activities be restricted to avoid impacts to any onsite sensitive avian species during the nesting season. Additionally, [Special Condition No. 4](#) requires monitoring of the proposed native vegetation over three years, with a final status report to be provided at five years, in compliance with the revised Restoration Plan, dated January 28, 2015.

Commission staff recommends **approval** of coastal development permit application 6-14-1755, as conditioned. The standard of review for the subject development is the Chapter 3 policies of the Coastal Act.

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### **APPENDICES**

Appendix A – Substantive File Documents

### **EXHIBITS**

Exhibit 1 – Location Map

Exhibit 2 – Grading/Habitat Plan

Exhibit 3 – Landscape Plan

Exhibit 4 – Staging Area Plan

Exhibit 5 – Wetland Delineation Map

Exhibit 6 – Wetland Access Paths Map

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-14-1755 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves coastal development permit 6-14-1755 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

#### 1. **Final Plans.**

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicants shall submit to the Executive Director for review and written approval, final plans for the permitted development. Said plans shall be in substantial conformance with the revised plans submitted on January 29, 2015.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

#### 2. **Construction/Water Quality BMPs Plan.**

**PRIOR TO ANY CONSTRUCTION ACTIVITIES** source control Best Management Practices (BMP's) designed to prevent spillage or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:

1. Mechanical equipment shall not enter the wetland habitat, as established in the wetland delineation.
2. Temporary rolled erosion and sediment control products shall use netting made of natural fibers, constructed in a loose-weave design with movable joints between the horizontal and vertical twines.
3. Silt fences backed by plastic or metal mesh may not be used unless they are the only feasible method of fencing.
4. Leaks or spills of hydraulic fluid shall be prevented to the maximum extent feasible and BMPs shall be employed to contain spills. Non-petroleum hydraulic fluids shall be used preferentially for principal heavy

equipment operated for one week or longer over or in coastal waters or intertidal areas.

5. Perimeter BMPs shall be used to minimize polluted runoff from stockpiled soil and other excavated materials.
6. Fueling and maintenance of construction equipment and vehicles shall be done off-site, if feasible. Any fueling and maintenance of mobile equipment conducted on-site shall take place at a designated area located at least 100 feet from coastal waters, drainage courses, and storm drain inlets, unless these inlets are blocked to protect against fuel spills. The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment, such as cranes, that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
7. Site management “housekeeping” BMPs shall be implemented during construction, such as maintaining an inventory of products and chemicals used on-site, and having a written plan for the clean-up of spills and leaks.
8. A construction phasing schedule, outlining any phasing of the site shall be provided. Disturbed areas shall be kept to the minimum feasible at all times.
9. A schedule shall be provided for prompt installation of temporary erosion and sedimentation control BMPs and removal of temporary BMPs, and temporary BMPs that will remain as permanent BMPs shall be identified.
10. A schedule for the inspection and maintenance of construction-phase BMPs shall be provided, including for temporary erosion and sedimentation control BMPs as needed, to ensure the permit’s water quality requirements are met.

3. **Sensitive Species Monitoring.**

**PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, a qualified biologist shall conduct a site survey for evidence of active clapper rail, Belding’s savannah sparrow, and California gnatcatcher nests in all on-site vegetation. **PRIOR TO ANY CONSTRUCTION ACTIVITIES** during clapper rail, Belding’s savannah sparrow, and California gnatcatcher breeding/nesting season (February 15<sup>th</sup> through August 15<sup>th</sup>), a qualified biologist shall conduct a site survey for active nests no more than 72 hours prior to any development. If an active nest is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within 300 feet of the nest or within 500 feet of active clapper rails, or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. The

monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nest or clapper rail. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, and (2) working in other areas until the young have fledged. The monitoring biologist shall review and verify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when no other active nests are found. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the San Diego District office of the California Coastal Commission.

#### **4. Native Vegetation Planting Plan and Monitoring.**

The applicant shall undertake plant installation and comply with the proposed monitoring plan for the native upland vegetation as established in the revised Restoration Plan, dated January 28, 2015.

Vegetation in landscaped areas shall only consist of native plants. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized within the property.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The University of California (UC) has a Natural Reserve System (NRS), which is a unique assemblage of 34 protected wildland sites throughout California. Its reserves encompass nearly all of the state’s major ecosystems, which UC strives to conserve in their natural state as much as possible to support university-level research and teaching programs. While the NRS is a UC system-wide program, each of the 34 reserves is assigned to a particular UC campus. UCSD has four assigned reserves, including the Kendall-Frost Marsh Reserve (KFMR). This approximately 20.5 acre area of upland and salt marsh is located on the north shore of Mission Bay, within the City of San Diego’s Mission Bay Park Master Plan area ([Exhibit 1](#)). However, because this Master Plan has

not yet been certified by the Coastal Commission, Mission Bay is an area of deferred certification and subject to the provisions of Chapter 3 of the California Coastal Act.

The proposed project, which is a collaborative effort between UCSD and the U.S. Fish and Wildlife Service and tied to federal grant funding, will restore approximately one-acre of native upland-marsh habitat currently dominated by non-native vegetation. This upland area is located outside of defined wetland habitat (approximately 4 feet Mean High Water); per a wetland determination performed by UC and the U.S. Fish and Wildlife Service (USFWS), and is comprised of degraded fill material ([Exhibit 5](#)). The upland has become degraded due to poor soil conditions, insufficient tidal influence due to the overly steep gradient of the deposited fill material, and the dominance of invasive non-native plants.

Heavy equipment, operated from the existing upland fill area, will be used to pull back the lower edge of the fill material, to create an extended area (more than doubling the area for “transition zone” habitat) with a more gradual slope appropriate for transition zone vegetation to be established. A transition zone is critical for providing habitat for specifically-adapted plant and animal species, and serves as a temporary refuge for marsh species that cannot swim, as well as acting as a physical buffer to protect the wetlands against pollutants. The excavated fill material will be deposited upslope to create a berm area for stabilization of the sidewalk and fence located between the reserve and Pacific Beach and Crown Point Drives ([Exhibit 2](#)). The new upland area will undergo removal of non-native, invasive plants, and will be revegetated with native upland plants, while existing, mature lemonade berry plants will be retained ([Exhibit 3](#)). Additionally, a vegetation-growing area with tables and a shade cover will be established adjacent to the existing 12' x 25' trailer that serves as the KFMR headquarters. Monitoring of the revegetated areas is proposed for three years after completion of the project, with a final survey at five years, as required by [Special Condition No. 4](#).

The applicant proposes to use heavy machinery (notably an excavator) onsite for up to one month, between the hours of 8:00 a.m. and 4:00 p.m. on weekdays only. Heavy machinery will be restricted to upland areas only and will not enter the wetland at any point. The construction equipment staging area will be located in the northwest corner of the property, between the existing trailer and Pacific Beach and Crown Point Drives ([Exhibit 4](#)). Erosion control measures (in conformance with [Special Condition No. 2](#)) will include sediment fences, mulch, fiber mats, and fiber rolls, to avoid construction impacts to wetland habitat. Additionally, compliance with [Special Condition No. 3](#) will ensure that the proposed construction does not adversely impact nesting activities for any onsite clapper rail, Belding's savannah sparrow, or California gnatcatcher.

## **B. BIOLOGICAL RESOURCES/WATER QUALITY**

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act requires protection and maintenance of the biological productivity of coastal waters and states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrapment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30233 of the Coastal Act states, in part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects...*

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitats shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The applicant is proposing restoration of upland and transition zone habitat, adjacent to coastal salt marsh (i.e. wetland) at the KFMR property in San Diego. The restoration will involve: excavation of existing upland and transition zone fill material, to create a more gradual slope between the wetland and upland areas, resulting in an expanded transition zone; removal of non-native plants from the existing upland area; onsite relocation of the

removed fill to stabilize the fence and sidewalks located at the periphery of the upland area between the reserve and adjacent public streets; and planting of new, native vegetation on the site's upland area.

A wetland delineation report and soils transect report for the proposed project determined that the proposed scope of work would take place outside of both the U.S. Army Corps of Engineers' and Coastal Commission's definitions of a wetland ([Exhibit 5](#)). The study was able to make this determination, based on the presence of three parameters (hydrophytic vegetation, wetland hydrology, and hydric soils), with the Army Corps requiring a wetland to include all three; whereas the Coastal Commission only requires one of these three parameters to be present for an area to be defined as a wetland under Coastal Commission regulations. Commission staff's ecologist, Dr. John Dixon, has reviewed this delineation and agrees that the proposed scope of work will be located outside of the sensitive wetland area.

Section 30230 of the Coastal Act supports restoration of marine resources and stipulates that special protection shall be given to areas and species of special biological significance. The KMFR represents an area of special biological significance, and has been designated as one of only 34 reserves under the UC statewide system. The proposed restoration of the upland and transition zone habitats, to help restore those areas to a more natural state, is consistent with this section of the Coastal Act. Further, Section 30231 also encourages wetland habitat restoration to protect and maintain the biological productivity of coastal waters. Additionally, Section 30233 of the Coastal Act strictly limits the type of development permitted in wetlands to such uses as incidental public service purposes, restoration, nature study, and other similar resource dependent activities. Section 30240 of the Act also establishes that environmentally sensitive habitats shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas; while development in areas adjacent to environmentally sensitive habitat areas must be sited and designed to prevent impacts which would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas. The primary goal of the proposed project is to restore and enhance transitional habitat area adjacent to the KMFR salt marsh through regrading and replanting efforts. [Special Condition No. 1](#) requires that final plans shall undertake development in accordance with the approved plans, submitted on January 29, 2015, in order to minimize potential adverse impacts to the wetland, and thus comply with Section 30240. Additionally, applicant compliance with [Special Condition No. 2](#) (for water quality BMPs) will ensure that potential impacts (primarily relating to pollutant runoff) to the wetland are avoided. Additionally, [Special Condition No. 3](#) will ensure that the proposed construction activity respects any onsite sensitive avian species during nesting season. [Special Condition No. 4](#) requires monitoring of the proposed native vegetation over three years, with a final status report to be provided at five years, in compliance with the revised Restoration Plan, dated January 28, 2015.

Therefore, as conditioned, the proposed development will not result in any adverse impacts to coastal biological resources or water quality and can be found consistent with all applicable policies of the Coastal Act.

## C. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

*In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

The KFMR has historically been fenced off to the public in order to minimize human impacts to this sensitive habitat such as littering, trampling and destruction of native vegetation, and other disruptive impacts to wildlife. However, the site is used intermittently to support university-level research and teaching programs, which involve students or researchers using an existing informal mix of trails within the upland area to access the wetland habitat. Figure 7 of the wetland restoration plan proposes to formalize and unify the location of these trails and access paths from the upland area to the wetland, which will help minimize future impacts to the restored upland and transition zone vegetation ([Exhibit 6](#)).

Overall, it is evident that the KFMR is not open to the general public due to conservation activities related to the onsite sensitive wetland habitat resources. However, although research-driven usage of the site does occur, the potential impacts on the wetland and upland habitats from this usage will be further minimized by the proposed formal access paths which have been delineated on the plans. In summary, public access will continue to be limited across the site in order to protect the onsite sensitive habitat areas and related research activities.

## **D. VISUAL RESOURCES**

Section 30251 of the Coastal Act addresses visual resources, and states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

The proposed project will be restoring native vegetation to the KFMR and removing invasive, non-native plants – thus, resulting in a more natural setting and enhancing of the visual qualities of the subject site. Additionally, the transition zone area will be significantly expanded by a more gradual slope from the upland area to the wetland. This will improve the habitat value of the site, and will encourage a greater diversity in wildlife and flora. None of the proposed grading activities will result in a final elevated site condition that would block existing public views across the site. Construction activity will also be limited to only one month, so any potentially adverse visual impacts resulting from the onsite construction equipment and machinery will be temporary.

Therefore, the Commission finds that all public views and scenic resource concerns associated solely with the development approved herein are adequately addressed, and that the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

## **E. LOCAL COASTAL PLANNING**

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The City of San Diego has a certified LCP and issues permits for development in its area of jurisdiction. However, the subject site is located in an area of deferred certification, where the Commission retains permit authority until Commission certification of the Mission Bay Park Master Plan. Chapter 3 policies of the Coastal Act remain the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act as well as with the certified LCP, which the Commission uses as guidance in this area. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Pacific Beach community.

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing construction/water quality BMPs and monitoring of sensitive onsite species and native vegetation will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\Reports\2014\6-14-1755 Kendall-Frost Marsh Reserve Restoration stf rpt .docx)

6-14-1755 (UCSD)

**APPENDIX A**  
**SUBSTANTIVE FILE DOCUMENTS**

- Mission Bay Park Master Plan
- Wetland Delineation Report

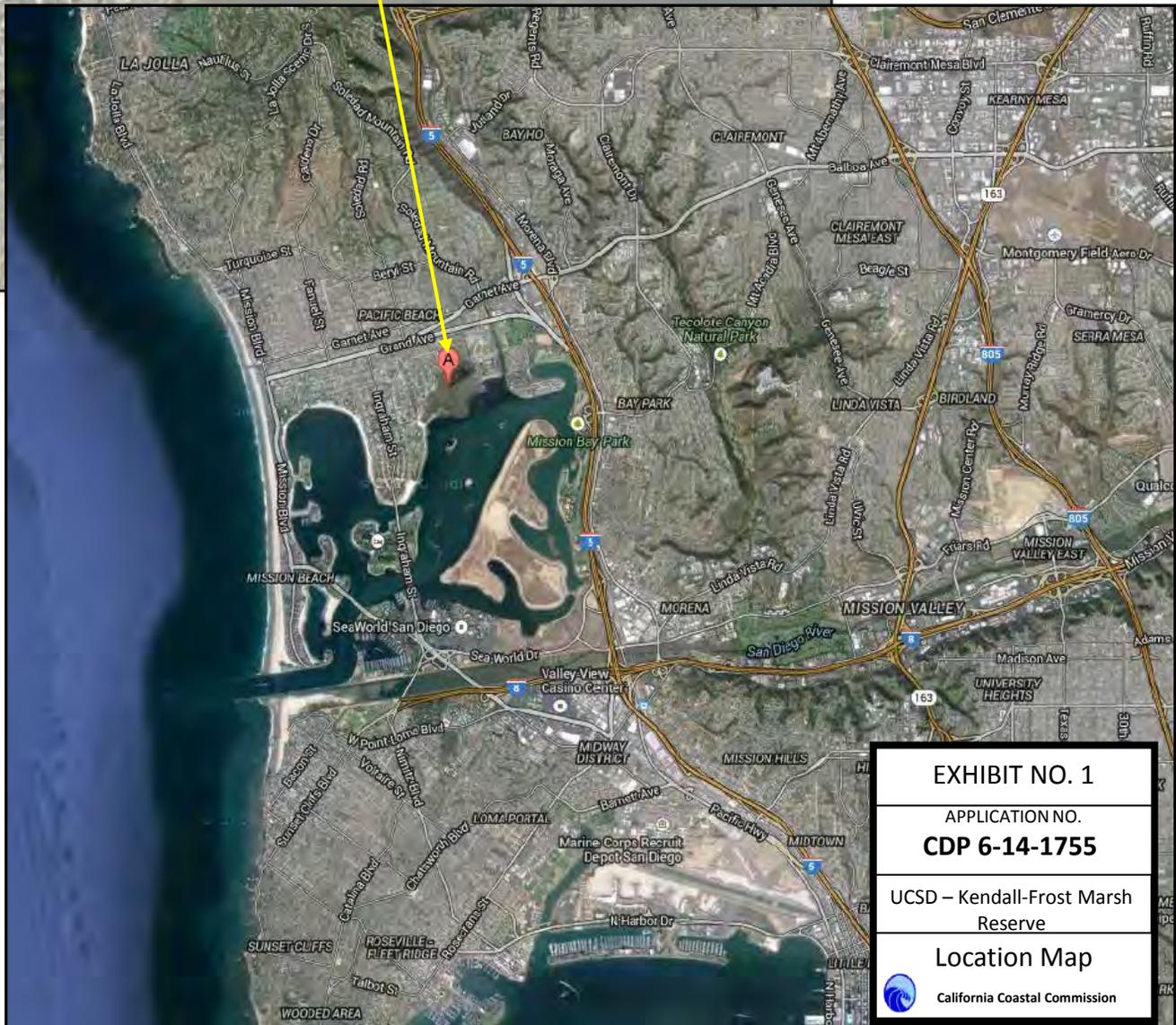


EXHIBIT NO. 1

APPLICATION NO.

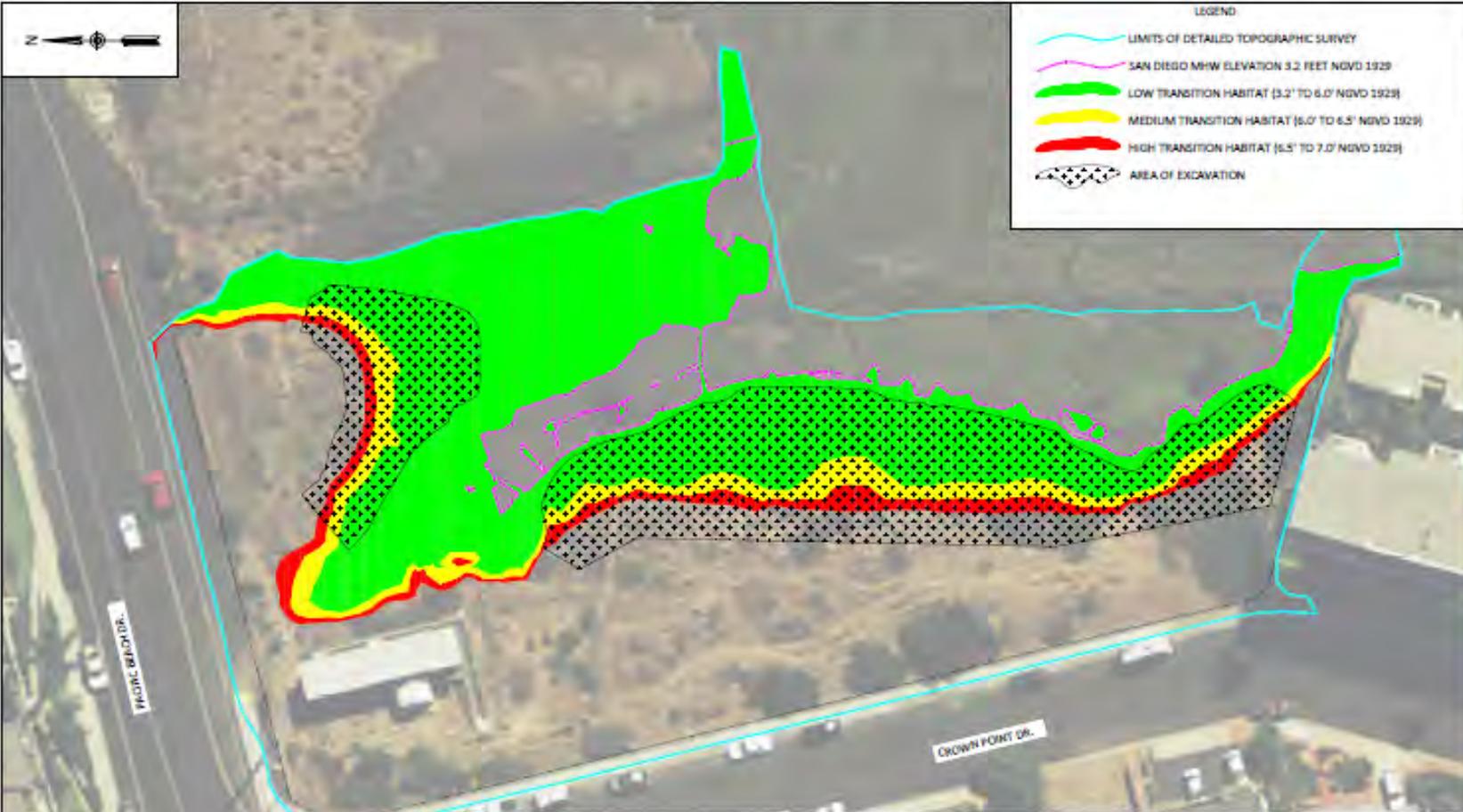
**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

Location Map



California Coastal Commission



**LEGEND**

- LIMITS OF DETAILED TOPOGRAPHIC SURVEY
- SAN DIEGO MHW ELEVATION 3.2 FEET NGVD 1929
- LOW TRANSITION HABITAT (3.2' TO 6.0' NGVD 1929)
- MEDIUM TRANSITION HABITAT (6.0' TO 6.5' NGVD 1929)
- HIGH TRANSITION HABITAT (6.5' TO 7.0' NGVD 1929)
- AREA OF EXCAVATION



U.S. FISH AND WILDLIFE SERVICE  
 COASTAL PROGRAM  
 2177 SUIA AVENUE, SUITE 200  
 CHICAGO, CA 90006

PROPOSED FOR:  
 UNIVERSITY OF CALIFORNIA  
 NATURAL RESERVE SYSTEM



RENEW-FROST MARSH RESERVE  
 TRANSITION HABITAT ENHANCEMENT  
 PROPOSED BANDS TO IN HABITAT ENHANCEMENT ZONES

SCALE: 1" = 100'

DATE: 05/14/2008

BY: [Signature]

LOCATION	CROWN POINT			KNOLL			WITHIN SURVEY AREA		
	LOW 3.2' - 6.0'	MEDIUM 6.0' - 6.5'	HIGH 6.5' - 7.0'	LOW 3.2' - 6.0'	MEDIUM 6.0' - 6.5'	HIGH 6.5' - 7.0'	LOW 3.2' - 6.0'	MEDIUM 6.0' - 6.5'	HIGH 6.5' - 7.0'
EXISTING	1500	451	506	1370	440	430	15,860	1370	1540
PROPOSED	5825	1410	1260	2230	540	360	20,250	2580	2130
CHANGE	4325	959	754	860	100	-50	5186	1208	704

**EXHIBIT NO. 2**  
 APPLICATION NO.  
**CDP 6-14-1755**  
 UCSD – Kendall-Frost Marsh Reserve

DATE: 05/14/2008

BY: [Signature]

SCALE: 1" = 100'

6



**GENERAL NOTES:**

- (1) NO OFF-SITE BORROW OR DISPOSAL IS REQUIRED FOR THIS PROJECT. ALL EXCAVATED MATERIALS WILL BE PLACED AND STABILIZED ON SITE.
- (2) SITE ACCESS FROM CROWN POINT DRIVE.
- (3) FILL VOLUME ALLOWS FOR 15% SOIL EXPANSION.
- (4) MAXIMUM CUT AND FILL SLOPES: 3H:1V.
- (5) MAXIMUM HEIGHT OF 3: 1 CUT SLOPE: 5 FEET.
- (6) MAXIMUM HEIGHT OF 3: 1 FILL SLOPE: 6 FEET.
- (7) PROJECT WILL CREATE 6,350 SQ.FT OF TRANSITION HABITAT AREA.

- (7) UPLAND FILL AREAS AND CUT AREAS WILL BE REVEGETATED AND STABILIZED PER THE FINAL KENDALL-FROST MARSH RESERVE - TRANSITION ZONE HABITAT RESTORATION PLAN.

**SITE SPECIFIC GRADING NOTES:**

- (1) CROWN POINT TRANSITION HABITAT ENHANCEMENT AREA:
  - ELEVATION 7.0 FEET AND ABOVE: 3:1 SLOPE
  - ELEVATION 3.2 FEET TO 6.0 FEET: SLOPE VARIES
- (2) CROWN POINT FILL AREA:
  - ELEVATION 17.5 FEET AND BELOW: 3:1 SLOPE
  - ELEVATION 17.5 FEET TO 18.3 FEET: SLOPE VARIES

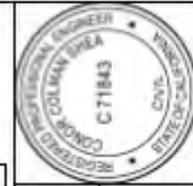
- (3) KNOLL TRANSITION HABITAT ENHANCEMENT AREA:
  - ELEVATION 8.0 FEET AND ABOVE: 3:1 SLOPE
  - ELEVATION 7.0 FEET TO 8.0 FEET: 4:3 SLOPE
  - ELEVATION 6.0 FEET TO 7.0 FEET: 8:3 SLOPE
  - ELEVATION 4.5 FEET TO 6.0 FEET: SLOPE VARIES - TYPICALLY GREATER THAN 10:1

- (4) KNOLL FILL AREA:
  - ELEVATION 12.0 FEET AND BELOW: 3:1 SLOPE
  - ELEVATION 12.0 FEET TO 12.9 FEET: 6:1 SLOPE
  - FLAT TOP AT 12.9 FEET

**LEGEND**

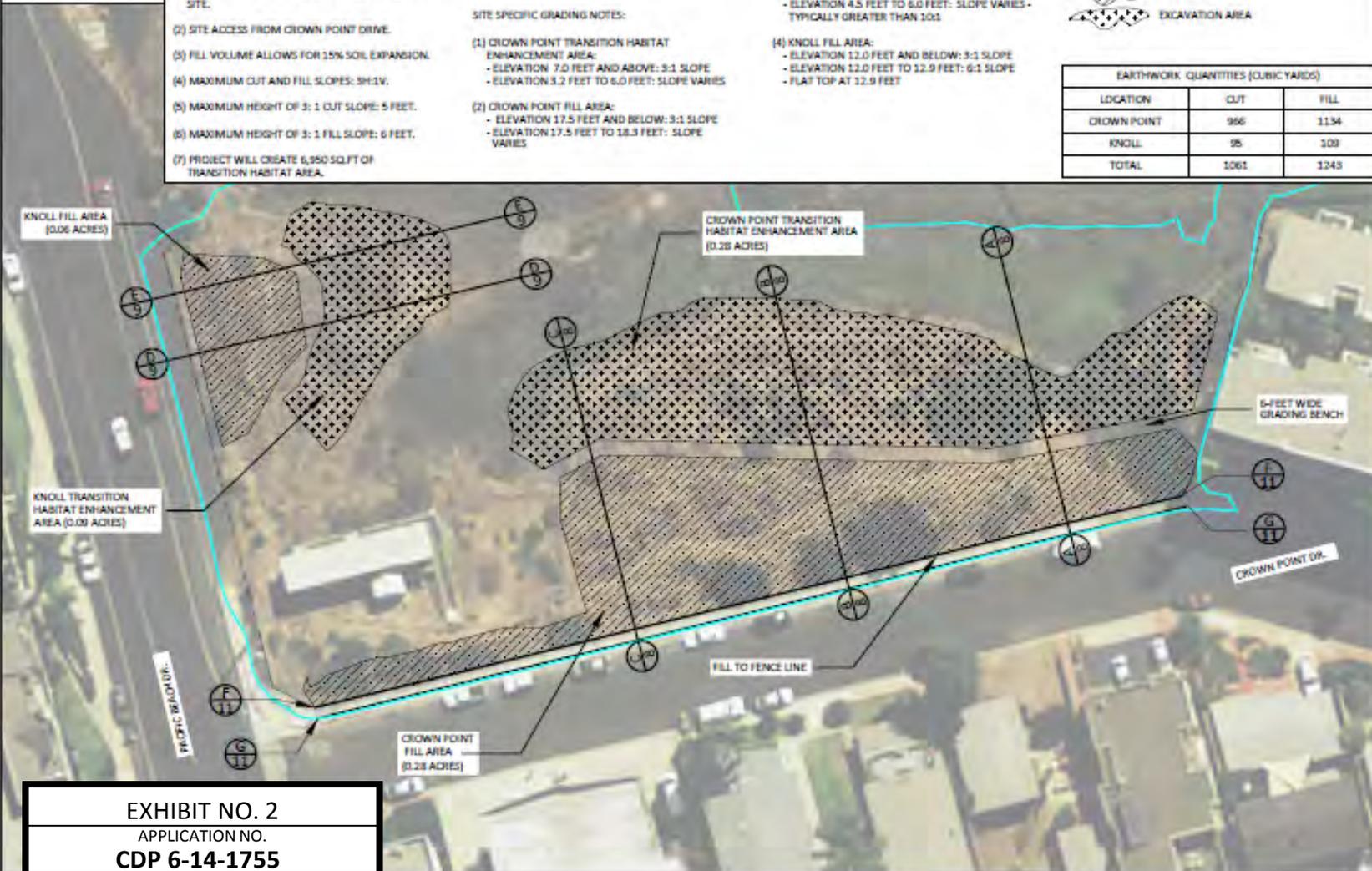
- FENCE
- FILL AREA
- EXCAVATION AREA

EARTHWORK QUANTITIES (CUBIC YARDS)		
LOCATION	CUT	FILL
CROWN POINT	956	1134
KNOLL	95	109
<b>TOTAL</b>	<b>1061</b>	<b>1243</b>



U.S. FISH AND WILDLIFE SERVICE  
 COASTAL PROGRAM  
 2177 94th AVENUE, SUITE 250  
 CARLSBAD, CA 92008

PREPARED BY:  
 UNIVERSITY OF CALIFORNIA  
 NATURAL RESERVE SYSTEM



KENDALL-FROST MARSH RESERVE  
 TRANSITION HABITAT ENHANCEMENT

GRADING NOTES AND CROSS SECTION LOCATIONS

WITH:  
 J. SALT MARSH VEG. CALCULATIONS BY TULLOCH AND COMPANY INCORPORATED  
 10000 14th AND 10th ST. CARLSBAD, CALIFORNIA 92008

DESIGNED BY OCS	DATE NOV. 3, 2017	7
APPROVED BY OCS	REV. NO.	



**EXHIBIT NO. 2**  
 APPLICATION NO.  
**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

**Grading/Habitat Plan**  
 California Coastal Commission



Topographic base layer courtesy USFWS (C. Shea)  
Plan details I. Kay, U

# Landscape plan

**EXISTING SHRUBS**

Natives to remain	Exotics to be removed
<ul style="list-style-type: none"> <li> Iva</li> <li> Lycium/Cleome</li> <li> Rhus</li> </ul>	<ul style="list-style-type: none"> <li> Brazilian pepper</li> <li> Olive</li> <li> Myoporum</li> </ul>

Scientific Name	Common Name	Location	Planting Method	Qty
<i>Lycium californicum</i>	California boxthorn	Intermediate, High	Container	25
<i>Distichlis spicata</i>	Saltgrass	Int., High	Plug/salvage	100
<i>Distichlis (Monanthochloe) littoralis</i>	Salt cedar	Low, Int.	Plug	50
<i>Frankenia grandifolia</i>	Alkali heath	Low, Int., High	Container	50
<i>Salicornia subterminalis</i>	High marsh pickleweed	Low, Int.	Container	30
<i>Sueda spp</i>	Seablites	Low, Int.	Container	25
<i>Limonium californicum</i>	Sea lavender	Low	Container	25

**LEGEND**

-  LIMITS OF DETAILED TOPOGRAPHIC SURVEY
-  EXISTING INDEX CONTOUR LINE
-  EXISTING MINOR CONTOUR LINE
-  LIMIT OF GRADING
-  PROPOSED INDEX CONTOUR LINE
-  PROPOSED MINOR CONTOUR LINE
-  FENCE



**EXHIBIT NO. 3**  
APPLICATION NO.  
**CDP 6-14-1755**

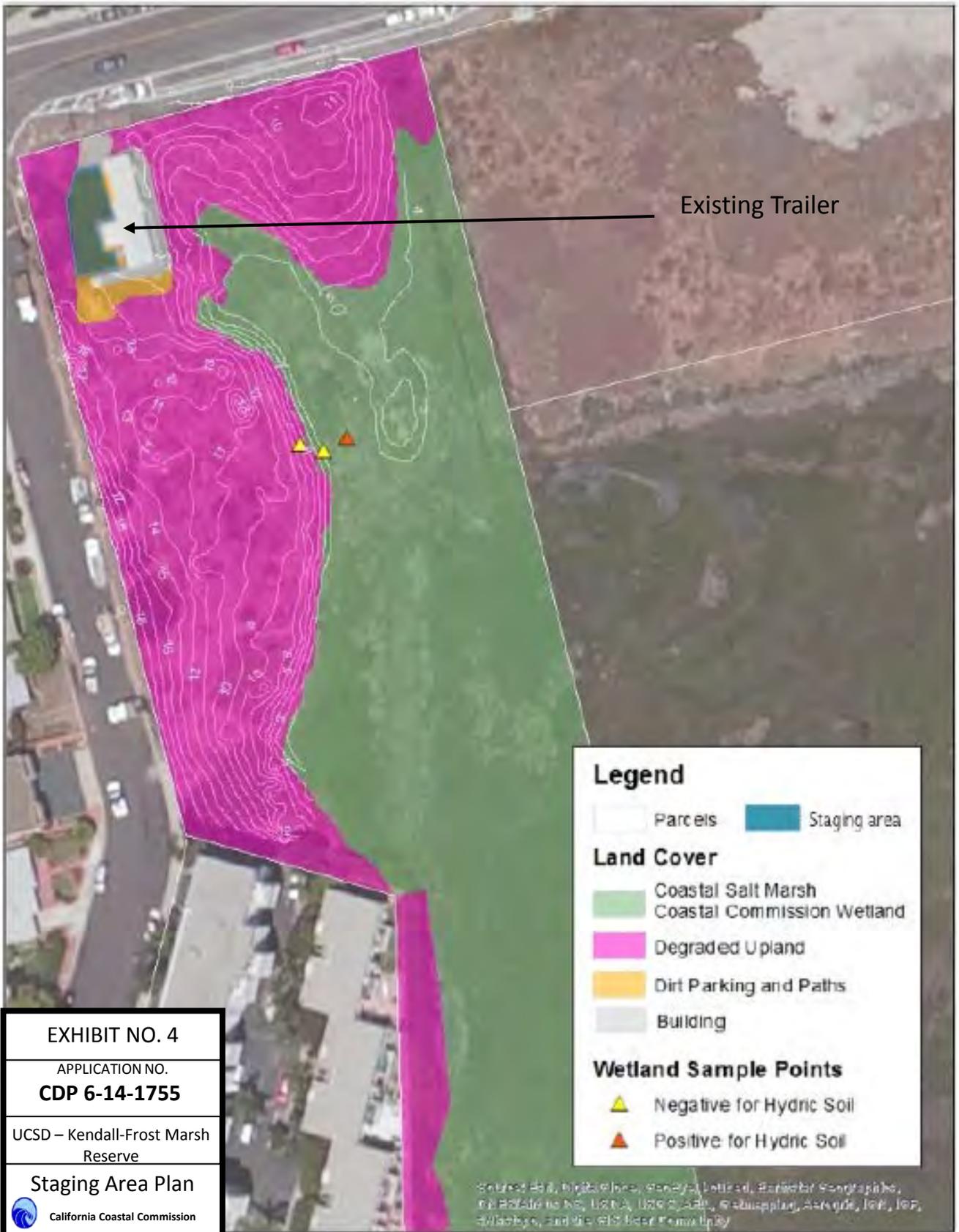
UCSD – Kendall-Frost Marsh Reserve

**Landscape Plan**  
California Coastal Commission

**CROWN POINT**

Scientific Name	Common Name	Location	Planting Method	Qty
<i>Artemisia californica</i>	California sagebrush	Upland	container	50
<i>Baccharis pilularis</i>	Coyote bush	Upland	seed	25
<i>Cleome isomeris</i>	Bladder pod	Upland	Container	25
<i>Encelia californica</i>	Coast sunflower	Upland	Seed + container	50
<i>Eriogonum fasciculatum</i>	Flat-top buckwheat	Upland	Seed + container	25
<i>Isocoma veneta</i>	Coast goldenbush	Upland	Seed	50
<i>Lotus scoparius</i>	Deerweed	Upland	Seed	25
<i>Opuntia spp.</i>	Coastal prickly pear	Upland	Container	25
<i>Rhus integrifolia</i>	Lemonadeberry	Upland	Container	10
<i>Cressa truxillensis</i>	Alkali weed	High, Upland	Plug/salvage	50
<i>Frankenia palmis</i>	Palmer's alkali heath	High	Container	10
<i>Iva haviana</i>	San Diego marsh elder	High	Container	25

- Notes**
- ① Planting will be conducted in the proposed ecotone (Figure 5) between November and February to take advantage of winter rains for plant establishment.
  - ② Container plants and cuttings will be installed in the ground at approximate four-foot centers in holes sized for the individual plants, which will be installed using best practices to maximize the chances of long-term plant survival and growth.
  - ③ Seeds will be broadcast in areas with weed cover of less than 10 percent. A variety of methods will be used to prepare sites for seed broadcasting including duff removal, raking, etc. In general, seeds will be raked into the dirt before or during the precipitation season.



Existing Trailer

**Legend**

Parcels
  Staging area

**Land Cover**

- Coastal Salt Marsh
- Coastal Commission Wetland
- Degraded Upland
- Dirt Parking and Paths
- Building

**Wetland Sample Points**

- Negative for Hydric Soil
- Positive for Hydric Soil

EXHIBIT NO. 4

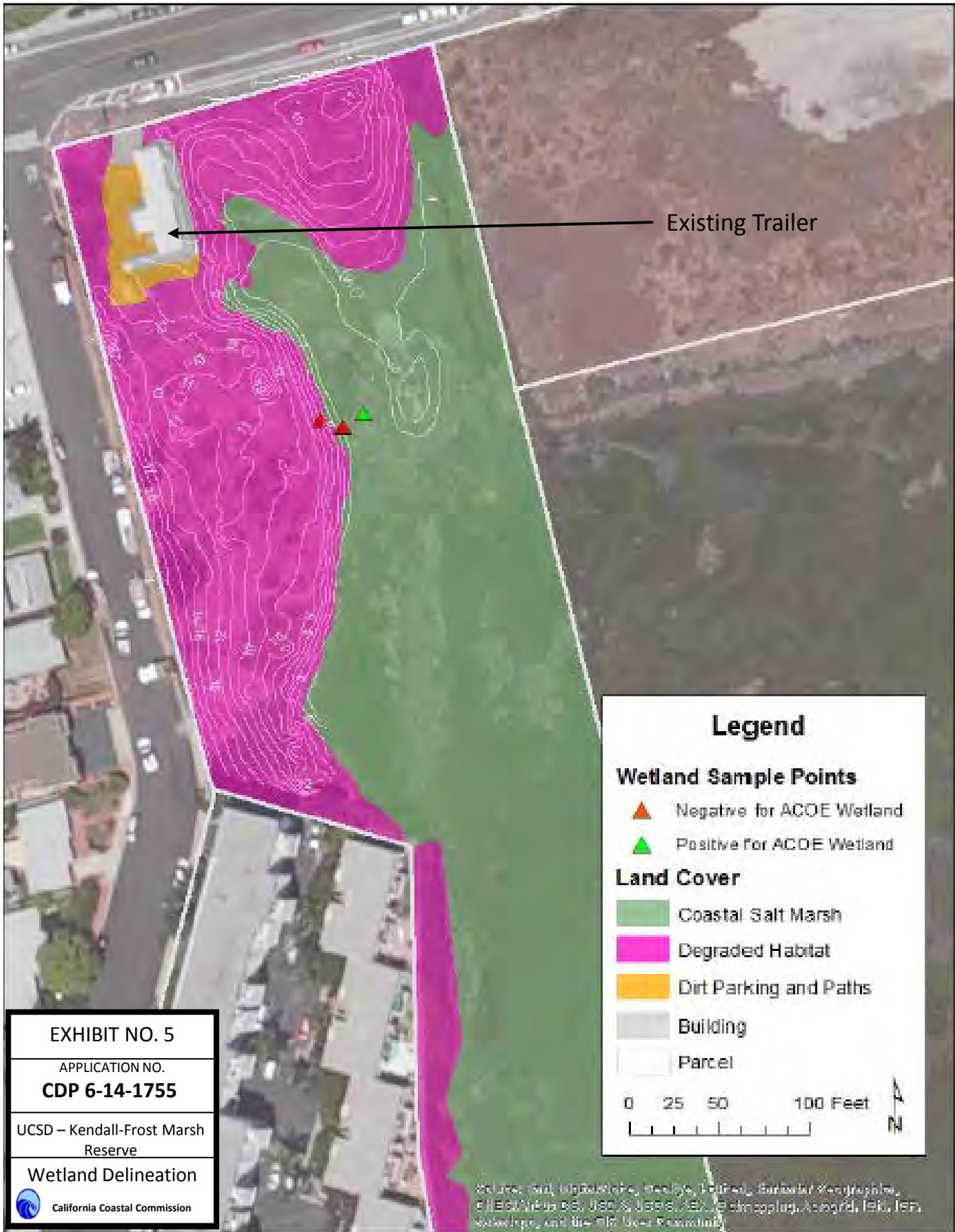
APPLICATION NO.  
**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

**Staging Area Plan**

California Coastal Commission

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Existing Trailer

### Legend

#### Wetland Sample Points

- ▲ Negative for ACOE Wetland
- ▲ Positive for ACOE Wetland

#### Land Cover

- Coastal Salt Marsh
- Degraded Habitat
- Dirt Parking and Paths
- Building
- Parcel

0 25 50 100 Feet



EXHIBIT NO. 5

APPLICATION NO.

**CDP 6-14-1755**

UCSD – Kendall-Frost Marsh Reserve

Wetland Delineation



California Coastal Commission

Source: Aerial, Hydrologic, Topographic, Bathymetric, and Wetland Data; USGS, USFWS, DEIR, and other data; Aerial, Topographic, Bathymetric, and Wetland Data; and the MR Data Repository.

