

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

Date Filed: August 23, 2002  
49th Day: September 10, 2002  
180th Day: January 19, 2002  
Staff: SLB - SF  
Staff Report: July 25, 2002  
Hearing Date: August 9, 2002

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION FILE NO.:** 2-02-016

**APPLICANTS:** City of San Francisco

**PROJECT DESCRIPTION:** Erosion repairs and landscaping on embankment of Lake Merced, realignment and repaving of pathway, resurfacing of parking lot, installation of rock for drainage repairs and construction of picnic area at southwestern shore of Lake Merced

**PROJECT LOCATION:** APN: 044-7283-01  
San Francisco City and County  
(Exhibit 1, Regional Map)

**LOCAL APPROVALS:** Class 1 Categorical Exemption

**SUBSTANTIVE FILE DOCUMENTS:** See Appendix A.

**1.0 EXECUTIVE SUMMARY**

The San Francisco Recreation and Parks Department proposes various improvements to the embankments and pathways of Lake Merced and the adjacent John Muir Drive parking lot and pedestrian area. The proposed development includes the following: (1) approximately 6,000 square feet of clearing and grubbing and 168 cubic yards of cut and fill on the southwestern embankments to reestablish and stabilize the grade; (2) realignment and reconstruction of existing pedestrian pathways with asphalt and concrete to meet ADA requirements; (3) placement of 45 cubic yards of rip rap edging around the pathways for erosion control; (4) installation of 10 cubic yards of rock to prevent erosion at an existing storm drain outlet; (5) the realignment and resurfacing of an existing parking lot to add two additional parking spaces for a

total of 25 spaces; (7) placement of three picnic tables and four benches; and (8) landscaping. Commission staff recommends approval of the permit application with conditions to avoid significant adverse impacts to environmentally sensitive habitat areas and to control erosion and runoff.

### **STAFF NOTE**

The proposed project is located on the embankment of Lake Merced in the City and County of San Francisco (Exhibit 2, Project Location Map). Although the City and County of San Francisco has a certified LCP, the project site is located on filled public trust lands over which the State retains a public trust interest. Therefore, pursuant to Section 30519 of the Coastal Act, the Commission maintains development review authority. The standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act. The policies of the City and County of San Francisco LCP serve as guidance only and are not the standard of review for this project.

## **2.0 STAFF RECOMMENDATION**

The staff recommends that the Commission approve Coastal Development Permit No. 2-02-016 subject to the conditions in Sections 2.1 and 2.2 below.

### ***Motion:***

*I move that the Commission approve Coastal Development Permit No. 2-02-016 pursuant to the staff recommendation.*

### ***Staff Recommendation of Approval:***

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

### ***Resolution to Approve the Permit:***

The Commission hereby approves a coastal development permit for the proposed development 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.

## **2.1 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.

## 2.2 Special Conditions

### 1. Nesting Birds

If construction occurs during the nesting season (February 15 – August 31), a qualified biologist shall survey the area within 250 feet of the construction areas at South Lake and Impound Lake, no more than 14 days prior to the commencement of work. If any active nest is discovered, a 100-foot construction-free buffer zone shall be established around the nest. In the case that an active hawk, owl, heron, or egret nest is discovered, the distance shall be increased to 250 feet. No development shall occur within the buffer zone of any active nest until the young have fledged.

### 2. California Red-Legged Frog

***Prior to commencement of any other construction***, the permittee shall construct a four-foot high plywood exclusion fence around the outer limit of the pathway and embankment construction area adjacent to Impound Lake as depicted on Exhibit 9 to prevent California red-legged frogs from entering the construction area.

No more than two days prior to construction of the exclusion fence, the permittee shall survey the area within 100 feet of the construction area adjacent to Impound Lake for California red-legged frogs. The surveys shall be conducted by a qualified biologist in accordance with USFWS protocol (USFWS 1997).

A qualified biological monitor experienced with the California red-legged frog shall be present at the Impound Lake construction area during all construction activities, including construction of the exclusion fence. The biological monitor shall have the authority to halt all construction activities as necessary to protect habitat and individual animals. Construction within the Impound Lake project area is prohibited at any time that a California red-legged frog is present in the construction area. If a California red-legged frog is found within the construction area at Impound Lake, no work shall occur until the frog has moved outside of the construction area. If the California red-legged frog will not move outside the construction area at Impound Lake on its own, the biological monitor shall consult U.S. Fish and Wildlife Services for further instructions.

3. Landscaping

Only native plants indigenous to the area shall be planted on the property that is the subject of this permit for the life of the development authorized herein.

4. Construction Period Erosion Control Plan.

A. *Prior to commencement of construction*, the permittee shall submit, for review and approval of the Executive Director, an erosion control plan to prevent the transport of sediment from the project site into Lake Merced. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff, and retain sediment on-site during construction. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and ensure the application of nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to Lake Merced. The Erosion Control Plan shall include, at a minimum, the Best Management Practices specified below:

If construction is carried out during dry season (May 1 – October 14):

- Areas where trucks and equipment hauling the fill are located shall be swept at the end of everyday;
- Stockpiles of fill left onsite shall be covered at all times;
- Nearby stormdrain inlets shall be protected;

If construction occurs during the rainy season (October 15- April 30) the following BMPs shall also be included:

- Perimeter control for the stockpiles, vehicles and equipment.
- Provide sediment capturing devices to prevent runoff from entering Lake Merced

B. The permittee shall be fully responsible for advising construction personnel of the requirements of the final Erosion Control Plan.

C. The permittee shall undertake development in accordance with the approved Erosion Control Plan. No proposed changes to the approved Erosion Control Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Post-Construction Stormwater Pollution Prevention Plan.

A. *Prior to commencement of construction*, the permittee shall submit, for the review and approval of the Executive Director, a drainage and runoff control plan prepared by a licensed engineer. The plan shall be in substantial conformance with the following requirements:

- (1) Drainage from all parking lot areas susceptible to runoff, used for motor vehicle parking, shall be directed through structural BMPs (such as vegetative or other media filter devices) effective at removing and/or mitigating pollutants of concern including petroleum hydrocarbons, heavy metals, and particulates. Selected BMPs (or suites of

BMPs) shall be designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume based BMPs and/or the 85<sup>th</sup> percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.

- (2) Parking lots susceptible to stormwater should be swept with a vacuum regenerative sweeper on a regular basis
- (3) The plan shall include provisions for maintaining the drainage and filtration systems, including BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration or BMP structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The permittee shall undertake development in accordance with the approved plan. No proposed changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines no amendment is legally required.

### 3.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

#### 3.1 Site Description

The project site is located on the southwestern embankment of Lake Merced in the City and County of San Francisco (Exhibit 2, Project Location Map & Exhibit 3, Assessor Parcel Map). Lake Merced, the largest natural freshwater lake in the City of San Francisco (603 acres in size of which 245 acres is open water), is in a low-lying area adjacent to the Great Highway and the Pacific Ocean. It is surrounded by a freshwater marshland that supports a variety of wildlife and vegetation including a nesting colony of double-crested cormorants and great blue herons, California red-legged frogs, and the San Francisco wallflower (Exhibit 4, Biological Resources Map). Lake Merced is located in a basin and was formed when sand dunes migrating along the shoreline blocked the mouth of a stream resulting in the formation of the lake. Periodically after its formation, Lake Merced was naturally connected to the Pacific Ocean and subject to tidal flushing until a sand bar formed a barrier between it and the ocean. Water would occasionally breach the sand bar until the 1880s when humans began to manipulate the seasonal conditions to permanently keep the lake separate from the ocean. Using berms and causeways, the lake was

subsequently divided into four separate bodies of water: North Lake, South Lake, East Lake and Impound Lake (EIP Associates 2000).

The project site is located on the banks of both South Lake and Impound Lake on either side of the viaduct, which serves as a bridge and separates the two lakes, as well as the adjacent John Muir Drive. At present, the area is developed with pedestrian pathways, an unimproved parking area and a public fishing pier and dock that extends into South Lake. The parking area, located along John Muir Drive, northwest of the causeway, allows for perpendicular parking along the street curb and for pedestrian activity on the unimproved surface. There are pathways that lead from the parking area to the fishing pier and dock and along the embankments of South Lake and Impound Lake to the causeway. Steps extend from the path along South Lake down to the shoreline. Severe erosion has impacted the walking pathways and lake embankments. For example, existing sloped areas around the paths on the South Lake embankment have eroded to such an extent that two large ravines approximately 80 feet long and 15 to 20 feet wide have formed (Exhibit 5, Site Photographs). The eroded areas on the embankments are composed of sandy soils susceptible to water and wind erosion when unvegetated. The embankments are either barren or vegetated with ice plant. Adjacent to and north of the fishing pier path, is an area vegetated with willow scrub (Exhibit 6, Existing Vegetation Map). Within the willow scrub is a drainage pipe, 14 inches in diameter, which extends from John Muir Drive to just before the fishing pier begins.

### 3.2 Project Description

The goals of the proposed project are: (1) to correct the damage caused by human use and/or overuse; (2) prevent further damage; (3) correct the problems resulting from erosion and from the invasion of non-native growth and non-native pests; and (4) restore native habitat. The City proposes various improvements to achieve these goals.

On the embankments of Impound Lake adjacent to the causeway, the City proposes to remove ice plant and other invasive plants, revegetate the area with native plants, and perform minor grading to reestablish the grade for the pedestrian path (Exhibit 8, Site Plan).

Just north of the causeway, on South Lake, the City proposes to repair and replace the pathways that run along the embankment to the causeway and down to the fishing pier, as well as repair the two large ravines. The existing pathways and embankment would be graded in order to stabilize the embankment and reestablish the slope to meet ADA requirements. This would involve 6,000 square feet of clearing and grubbing, 165 cubic yards of cut and fill and the planting of native vegetation (Exhibit 9, Grading Plan). The pathways would be realigned and paved with asphalt and concrete. In addition, several new steps, warning stripes and handrails would be added to the fishing pier path to meet current codes. Around the pedestrian path and stairs that lead to the fishing pier, 45 cubic yards of rip rap edging would be placed as an erosion control measure. Ten cubic yards of rock would be placed at the end of the drainage pipe adjacent to the pier pathway to dissipate future storm flows.

The proposed project also includes improvements to the John Muir Drive parking lot and pedestrian areas, which total 31,000 square feet. This would consist of demolishing and reconfiguring the existing parking to create two rows of perpendicular parking and add two

additional spaces. The new lot would contain 25 parking spaces, including two handicapped spaces. The pedestrian area would also be landscaped and three picnic tables and four benches would be added.

In addition to the proposed project, the City is replacing the fishing pier and dock, which was destroyed by overland stormwater flooding from the Vista Grande Canal flooding in 1997. Vista Grande Canal, an approximately six-foot wide brick culvert, runs adjacent to John Muir Drive and carries urban runoff from Daly City to the Pacific Ocean. Coastal Act Section 30610 exempts certain development from the coastal development permit requirements. Section 30610(g) states in relevant part:

*Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:*

...

*(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.*

*(2) As used in this subdivision:*

*(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.*

*(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.*

The City is proposing to replace the fishing pier and dock with an in kind replacement consistent with the criteria listed under Section 30610(g). Thus, the fishing pier and dock replacement is exempt from the coastal development permit process.

### **3.3 Biological Resources**

Section 30240 of the Coastal Act states:

*(a) Environmentally sensitive habitat areas 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.*

Coastal Act Section 30107.5 states:

*"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Lake Merced is the largest fresh water coastal lake and wetland system between Point Reyes Peninsula in northern Marin County and Pescadero Marsh in southern San Mateo County. Due to its size and location, the lake provides shelter for thousands of migratory birds. The lake area contains a mix of native wetlands and scrub habitats, which border the shoreline, and non-native forest and grasslands, which dominate the surrounding uplands. Forty-eight species of birds have been documented nesting within the Lake Merced area including species of concern, locally rare species, and neotropical migrants (EIP Associates 2000). There are two documented areas of nesting and roosting colonies. In a cluster of eucalyptus groves on the western embankment of South Lake there are double-crested cormorant (federal species of concern) and great blue heron nesting colonies, and on the southeastern shore of Impound Lake there is a black-crowned night heron roosting area. All of these three bird species are protected under the Migratory Bird Treaty Act and are known to be sensitive to human disturbances.

Section 30107.5 of the Coastal Act defines environmentally sensitive habitat areas (ESHA) as those in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. According to Section 30107.5, the eucalyptus grove and area on the southeastern shore of Impound Lake are defined as ESHA because they support nesting and roosting colonies for the above mentioned bird species, one of which is a federal species of concern, and they could be easily disturbed or degraded by human activity and development.

In contrast, the areas where the development activities are proposed do not support sensitive or protected plants or animals and do not therefore fit the definition of ESHA under Coastal Act Section 30107.5. As such, the proposed project does not raise an issue of conformity with Coastal Act Section 30240(a) concerning direct impacts to ESHA. However, in accordance with Coastal Act Section 30240(b), the Commission must determine whether the proposed development is sited and designed to prevent impacts that would significantly degrade the adjacent sensitive habitat areas described above and would be compatible with the continuance of those habitat areas.

The site of the proposed development is approximately 4,200 feet from the double-crested cormorant and great blue heron nesting colonies and approximately 1,350 feet to the black-crowned night heron roosting area. Both the nesting sites and the roosting area are located adjacent to Skyline Boulevard and John Muir Drive, roadways which are subject to substantial traffic noise. Considering the distance between the project sites and the ESHA areas and the noise already caused by the daily traffic adjacent to the ESHA areas, the proposed construction activities would not significantly disturb the nesting and roosting colonies.



Although the proposed construction would not impact the identified double-crested cormorant and great blue heron nesting colonies or the roosting habitat of the black-crowned night heron, other bird species may nest in the willows adjacent to the fishing pier pedestrian pathway. The City does not propose to remove any of the adjacent willows; however, grading and other construction activities and associated noise may disturb birds nesting in the areas adjacent to the project sites. Construction activity and noise may cause birds to abandon nests, reduce the number of broods they produce, or cause other behaviors that result in reducing population numbers. The City has proposed that if construction occurs during the nesting season (February 15 – August 31), a nesting raptor report will be prepared as a mitigation measure to prevent the disruption of nesting habitat values. However, the Commission finds that more specific measures are necessary to ensure that construction will not disrupt the potential nesting birds.

Therefore, to prevent significant adverse impacts to nesting birds, **Special Condition 1** requires that if construction occurs during the nesting season (February 15 – August 31), a qualified biologist shall survey the area within 250 feet of the construction areas at South and Impound Lakes, no more than 14 days prior to the commencement of work. If any active nest is discovered, a 100-foot construction-free buffer zone shall be established around the nest. In the case that an active hawk, owl, heron, or egret nest is discovered, the distance shall be increased to 250 feet. No development shall occur within the buffer zone of any active nest until the young have fledged.

Thus, as conditioned to protect any active nests adjacent to the project site, the Commission finds that the development as proposed conforms with Section 30240(b) of the Coastal Act.

A biologist from San Francisco State University observed a California red-legged frog (federally listed as threatened) in March of 2000 on the eastern shore of Impound Lake. According to the Lake Merced Management Plan, the vegetation of Impound Lake provides a complex habitat more favorable to the California red-legged frog than the other three lakes. Consequently, the location and surrounding area of Impound Lake where the frog was observed is ESHA because it supports a threatened species and may be easily disturbed or degraded by human activities and developments. Coastal Act Section 30240(a) protects ESHA from any significant disruption of habitat values and 30240(b) protects ESHA from adjacent development which would significantly degrade those areas. Situated on the embankment of Impound Lake, the proposed pathway and embankment restoration is approximately 900 feet from the red-legged frog habitat.

Consistent with Section 30240(b), the proposed development must be sited and designed to avoid significant impacts to the adjacent ESHA. California red-legged frogs are very mobile and are known to disperse and change locations. Although the red-legged frog was initially observed on the opposite side of the lake from the proposed Impound Lake embankment and pathway restoration, it is possible that a frog will move around the lake and may come close to the project site. If a red-legged frog enters the project site, construction activities may cause a frog mortality. The City, as part of the project description, stated that:

*A biologist will perform a preconstruction survey for the presence of red-legged frog. If a red-legged frog is seen in the project area during the biological survey, we shall follow*

*the conditions specified by the biologist, which may include installing exclusionary fencing [sic] the area; performing daily inspections; and stopping work if a frog is found in the construction site.*

Although preconstruction surveys are important to assure that no red-legged frogs are present in the project areas, it is also important to ensure that red-legged frogs will be unable to enter the site. On a similar project just south on the embankments of Impound Lake, the California Department of Fish and Game recommended various mitigation measures to prevent red-legged frogs from entering the site, which included erecting exclusionary fencing around the construction area, carrying out a California red-legged frog survey of the project area before construction, and having a biologist present during construction to monitor for the presence of red-legged frogs. The Commission finds that these measures, designed to prevent impacts to California red-legged frogs, are necessary and applicable to the proposed project to ensure that the proposed development is carried out in a manner that is consistent with Coastal Act Section 30240(b). Therefore, **Special Condition 2** requires that: (1) the City construct a four-foot high plywood exclusion fence around the outer limit of the pathway and embankment construction area adjacent to Impound Lake as depicted on Exhibit 9 to prevent California red-legged frogs from entering the construction area; (2) no more than two days prior to construction of the exclusion fence, the City shall survey the construction area for California red-legged frogs (the surveys shall be conducted by a qualified biologist in accordance with USFWS protocol (USFWS 1997)); (3) a qualified biological monitor experienced with the California red-legged frog shall be present at the project site during all construction activities, including construction of the exclusion fence; (4) the biological monitor shall have the authority to halt all construction activities as necessary to protect habitat and individual animals; (5) construction is prohibited at any time that a California red-legged frog is present in the construction area; (6) if a California red-legged frog is found within the construction area, no work shall occur until the frog has moved outside of the construction area; and (7) if the California red-legged frog will not move outside the construction area on its own, the biological monitor shall consult U.S. Fish and Wildlife Services for further instructions.

In addition, the proposed development includes landscaping areas of the project site adjacent to suitable red-legged frog habitat. Introduction of non-native invasive species would threaten native plants and the overall habitat value of the lake. Thus, the use of invasive exotic plants for the proposed landscaping would be inconsistent with Coastal Act Section 30240(b), which prohibits development adjacent to ESHAs that would significantly degrade those areas. The City has stated that it would only use native plants. However, to ensure that non-native invasive plant species do not threaten native plants and the overall habitat value of the lake for the life of the project, **Special Condition 3** requires that only native plants indigenous to the area shall be planted on the property that is the subject of this permit for the life of the development authorized herein.

Thus, as conditioned to protect any California red-legged frogs that enter the project site and to prevent the introduction of non-native invasive plant species to the habitat, the Commission finds that the development conforms with Section 30240(b) of the Coastal Act.

### 3.4 Erosion and Polluted Runoff

Section 30231 of the Coastal Act 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 entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30412(b) of the Coastal Act states:

*(b) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

*Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.*

The project locations are on the embankments of Lake Merced upland from the shoreline. Between the embankment and the shoreline is ice plant and in some areas willows and bulrush. Runoff from the eroded embankments and pathways flows through this vegetated area into the lake. Lake Merced is an open water lake with wetland, riparian and upland habitats, which provide valuable habitat for wildlife, including rare and unusual species such as the double-crested cormorant, the common yellow-throat and the California red-legged frog. Thus, the protection of Lake Merced's water quality from sediment runoff is essential to preserving the lake and the coastal resources it supports.

Section 30231 of the Coastal Act protects the biological productivity and quality of coastal waters and wetlands. As proposed the project would support the goals of Section 30231 because it would enhance slope and pathway stability, thus preventing further erosion and introduction of sediments into the lake. At present, existing sloped areas around the path are severely eroded formed two large ravines approximately 80 feet long and 15 to 20 feet wide. This sediment has the potential to be washed into the lake. Filling, recontouring, compacting, and revegetating the embankment will help to prevent the transport of sediment into the water. In addition, the project includes the placement of 10 cubic yards of rock at the drainage pipe outlet, which will help dissipate the runoff rate and would help prevent future erosion of the area below the pipe.

However, before the restoration is completed, any erosion and runoff that occurs during grading and construction activities on the embankment may adversely impact water quality and biological productivity of Lake Merced. Increased sediment load could affect the water quality and the ecological productivity of the lake. The City has proposed the installation of silt fencing

to control grading activities and debris and as a protective barrier to provide a clear construction area. However, the Commission finds that additional measures are necessary to ensure that grading and construction will not introduce sediment or other contaminants into the lake. To prevent impacts to Lake Merced, the Commission finds that additional temporary erosion control and runoff control best management practices (BMPs) are necessary. Therefore, to protect the water quality and biological productivity of Lake Merced, **Special Condition 4** requires that prior to issuance of permit, the City shall submit for the review and approval of the Executive Director, erosion control and surface runoff control plans which implement the BMPs listed in **Special Condition 4**.

The proposed project includes the replacement of the existing parking lot. Even though the amount of impervious surfaces would not increase greatly as a result of the new parking lot, it is necessary to ensure that the new configuration does not increase surface erosion on the adjacent embankment and sedimentation of South Lake and Impound Lake. Therefore, **Special Condition 5** requires that prior to commencement of construction, the permittee shall submit, for the review and approval of the Executive Director, a Post Construction Stormwater Pollution Prevention Plan for the parking lot area which implements the BMPs listed in **Special Condition 5**.

Section 30412(b) of the Coastal Act prohibits the Commission from taking any action in conflict with any determination by the State Water Resources Control Board or any regional water quality control board. The San Francisco Regional Water Quality Control Board has not issued any determination for the proposed project. Thus, the Commission finds that its action does not conflict with Section 30412(b) because it does not modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.

As conditioned to prevent sediment and debris from entering into Lake Merced during or after construction, the proposed development will not result in significant adverse impacts to coastal water quality. The Commission therefore finds that the proposed development as conditioned will protect the biological productivity and the quality of coastal waters consistent with Section 30231 of the Coastal Act.

### 3.5 Public Recreation

Section 30240 of the Coastal Act also states in relevant part:

*(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. [emphasis added]*

Lake Merced supports numerous recreational activities including boating, fishing, golfing, jogging, bicycling, windsurfing, and picnicking (EIP Associates 2000). The project site is located adjacent to and within the jogging path/pedestrian walkway that encircles Lake Merced and is used frequently by runners and walkers. Coastal Act Section 30240(b) requires that development in areas adjacent to parks and recreation areas be sited and designed to prevent

impacts which would significantly degrade those areas, and shall be compatible with the continuance of those recreation areas. Construction activities related to the proposed development would temporarily disrupt use of the jogging path/pedestrian walkway at the project site. However, this impact will not be significant because it is temporary and will avoid peak-use times. As proposed, construction will not take place on weekends or holidays and will be limited to the hours between 8am – 5pm during the week. Furthermore, the proposed development will repair eroded portions of the pedestrian walkways to restore recreational uses in that area. Thus, the proposed development will not significantly degrade and will be compatible with the continuance of these recreational areas.

Therefore, as proposed, the Commission finds that the development conforms with Section 30240(b) of the Coastal Act.

#### **4.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, 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 effects, which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. This staff report addresses and responds to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. The proposed project has been conditioned to be found consistent with the policies of the Coastal Act and to minimize all adverse environmental effects. Mitigation measures have been imposed to prevent disruption of significant habitats during construction activity to nesting birds, prevent impacts to California red-legged frogs, and prevent the introduction of runoff and sediment from grading into Lake Merced. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts, which the development may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with Coastal Act requirements to conform to CEQA.

**EXHIBITS:**

1. Regional Map
2. Project location Map
3. Assessor parcel Map
4. Biological Resources Map
5. Site Photographs
6. Existing Vegetation Map
7. Site Plan
8. Grading Plan
9. California red-legged frog exclusionary fencing

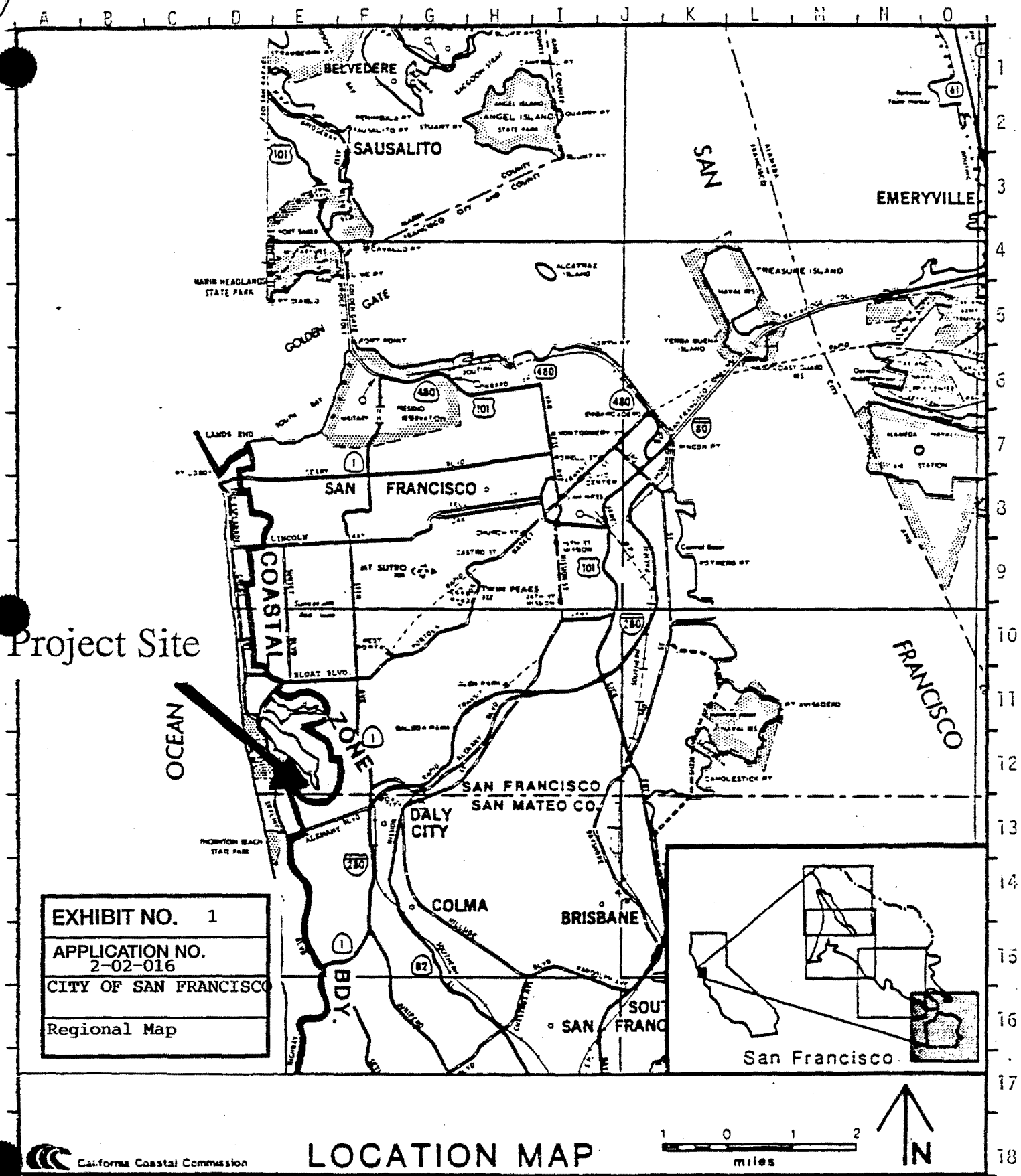
**APPENDICES:**

A - Substantive File Documents

**APPENDIX A: SUBSTANTIVE FILE DOCUMENTS**

EIP Associates. Lake Merced Management Plan, Excerpted from Significant Natural Resources Areas Management Plan. September 11, 2000.

US Fish and Wildlife Service (USFWS). Guidance on Site Assessment and Field Surveys for California Red-legged Frogs (*Rana aurora draytonii*). February 18, 1997.



# ATTACHMENT 1 PROJECT LOCATION

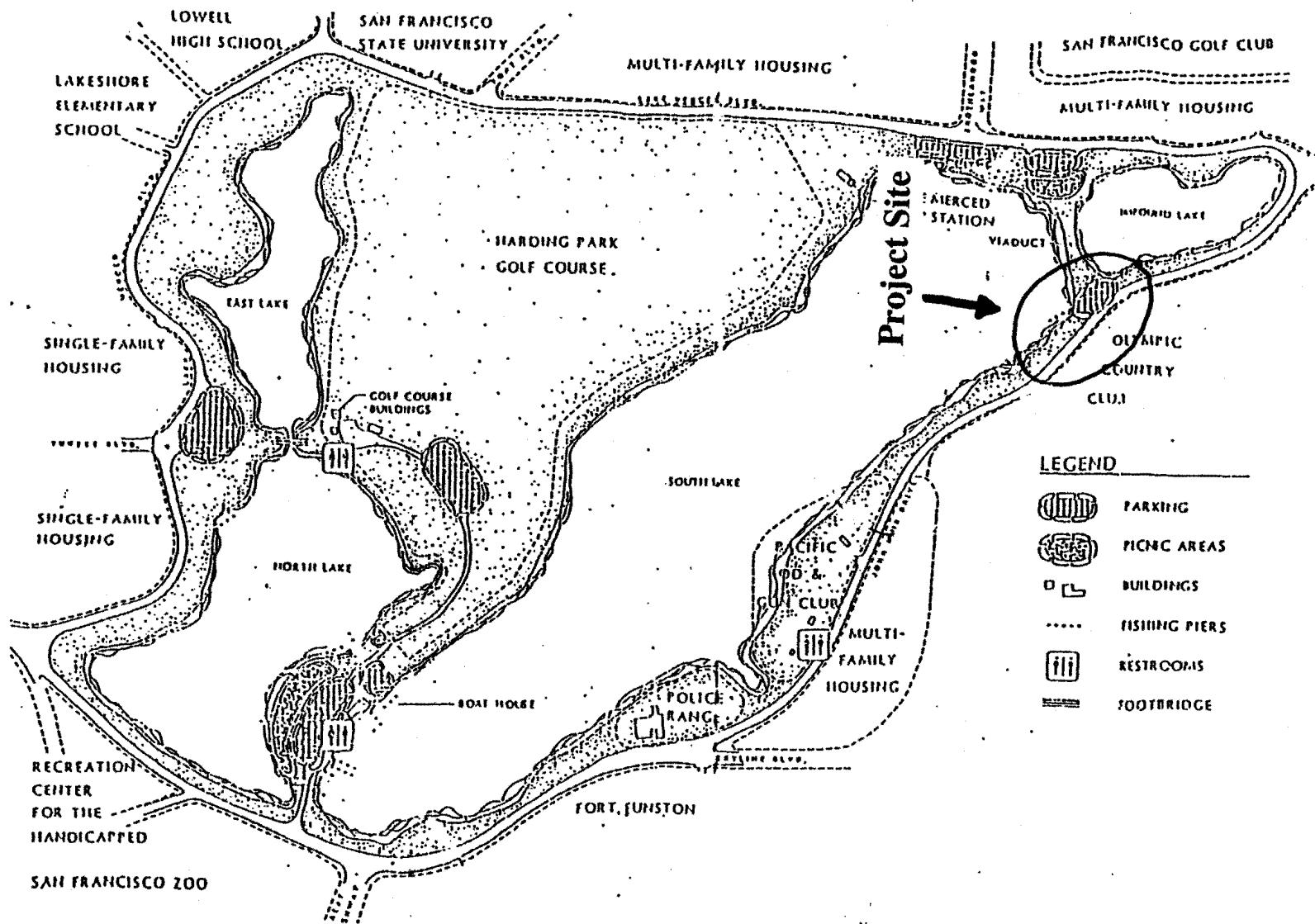
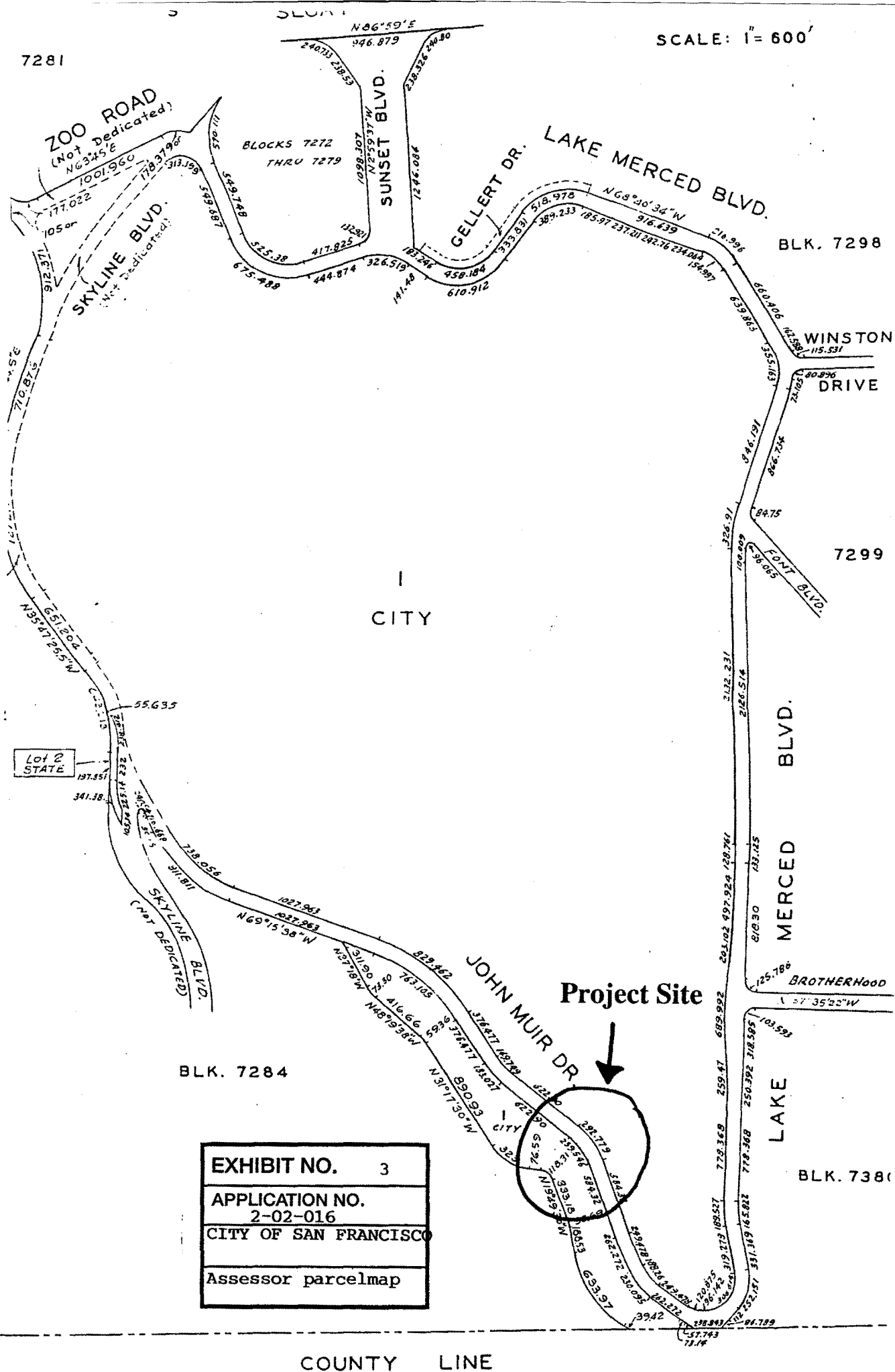


EXHIBIT NO. 2
APPLICATION NO. 2-02-016
CITY OF SAN FRANCISCO
Project Location Map



7281

SCALE: 1" = 600'



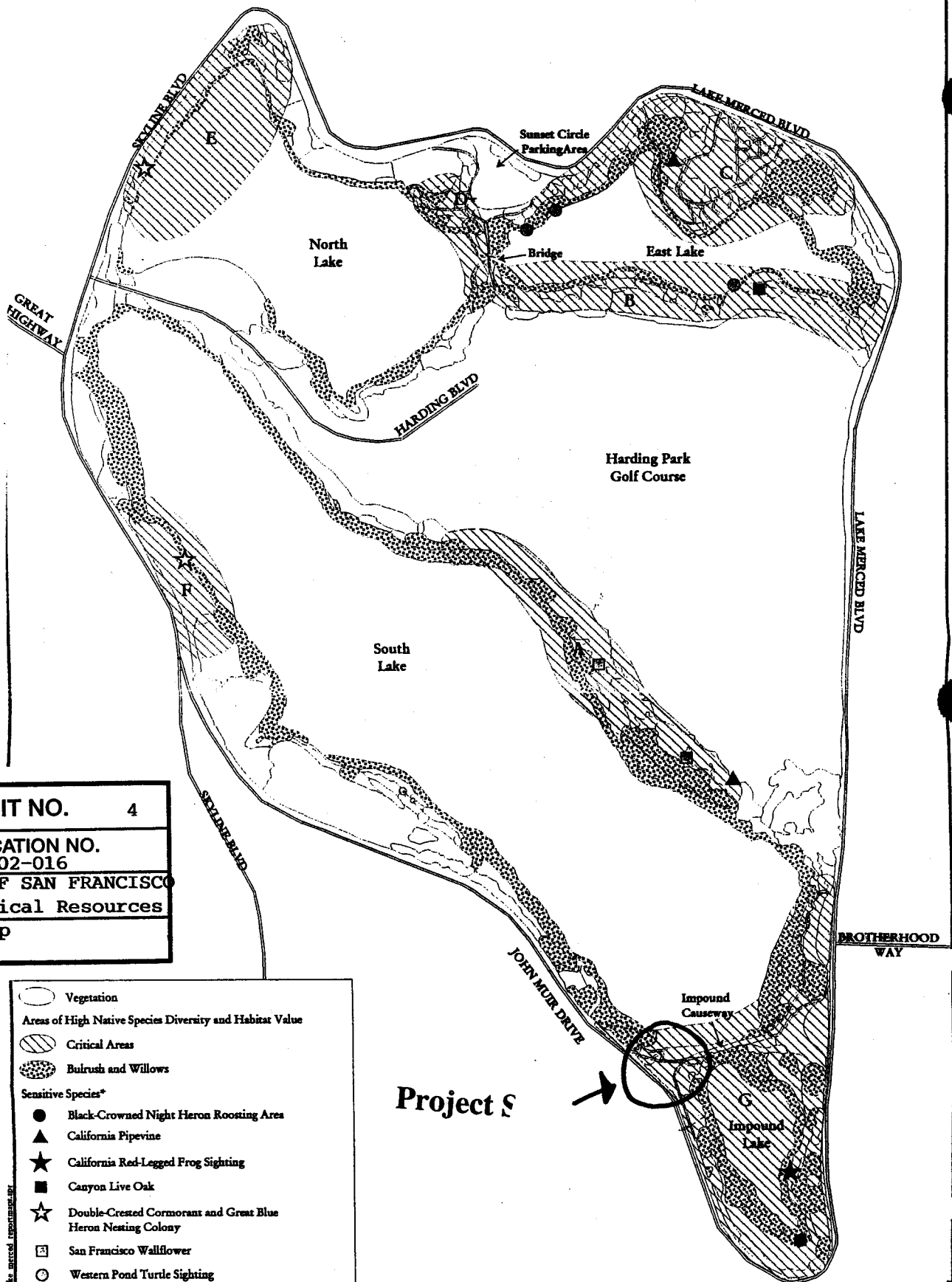
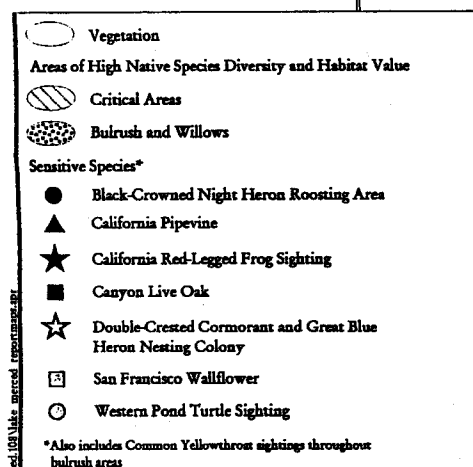


EXHIBIT NO.	4
APPLICATION NO.	2-02-016
CITY OF SAN FRANCISCO	
Biological Resources	
map	





3. WASHED AWAY SLOPE AREAS



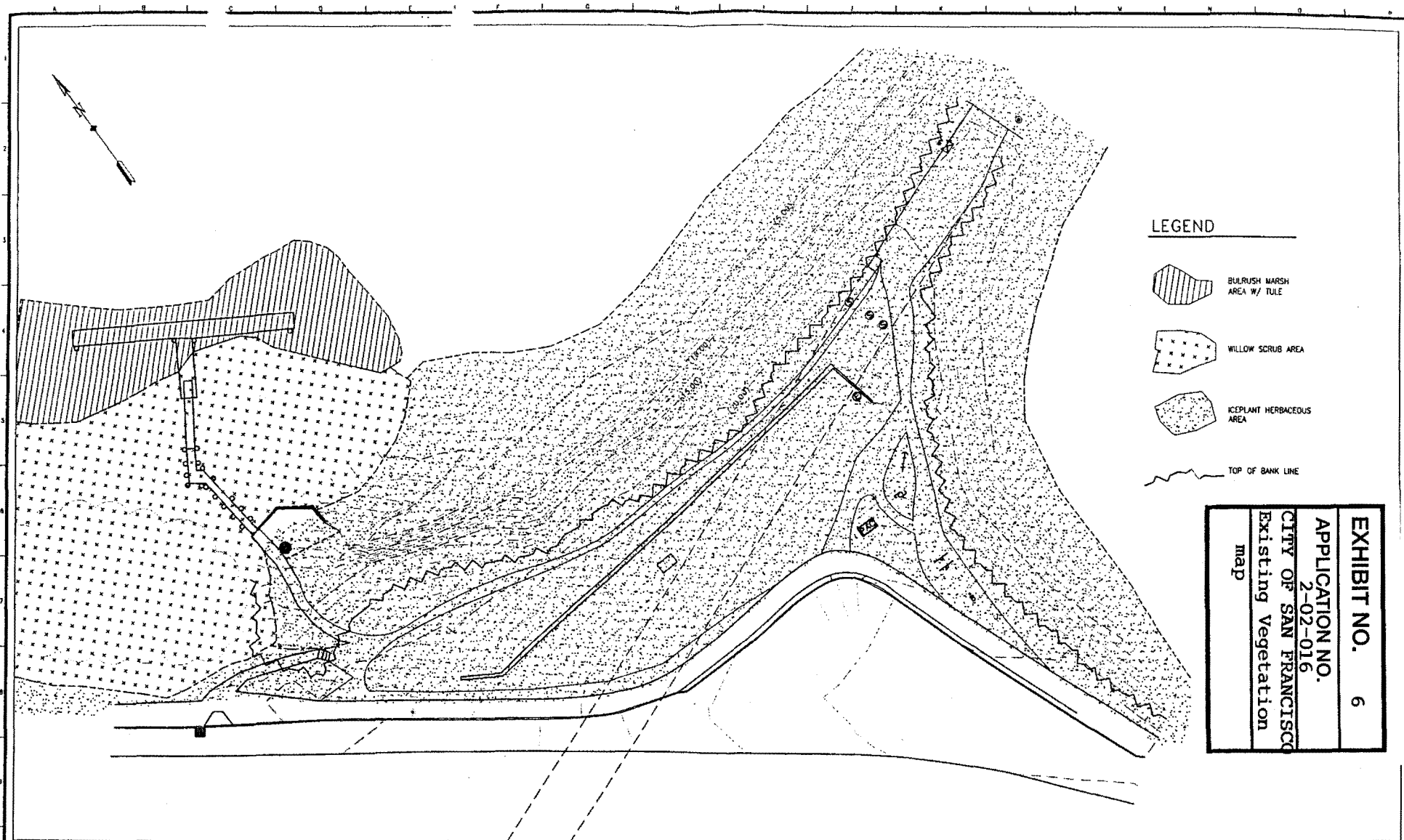
4. DAMAGED STAIRS

EXHIBIT NO.	5
APPLICATION NO.	2-02-016
CITY OF SAN FRANCISCO Site Photographs	
(Page 1 of 2)	



## 7. DANGEROUS PATH





# LEGEND



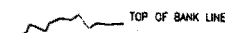
BULRUSH MARSH  
AREA W/ TULE



WILLOW SCRUB AREA



ICEPLANT HERBACEOUS  
AREA



TOP OF BANK LINE

**EXHIBIT NO. 6**  
**APPLICATION NO. 2-02-016**  
**CITY OF SAN FRANCISCO**  
**Existing Vegetation**  
**map**

NO.	DATE	DESCRIPTION	BY	APP.
1	05/2002	DESIGN	MARK	GK
2	05/2002	CHECK	GK	MARK
3	05/2002	DESIGN	MARK	GK
4	05/2002	CHECK	GK	MARK
5	05/2002	DESIGN	MARK	GK
6	05/2002	CHECK	GK	MARK
7	05/2002	DESIGN	MARK	GK
8	05/2002	CHECK	GK	MARK
9	05/2002	DESIGN	MARK	GK
10	05/2002	CHECK	GK	MARK

REFERENCE INFORMATION	FILE NO. OF SURVEY
TABLE OF REVISIONS	77 APP.
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION	



**BUREAU OF ENGINEERING**  
**DEPARTMENT OF PUBLIC WORKS**  
**CITY AND COUNTY OF SAN FRANCISCO**

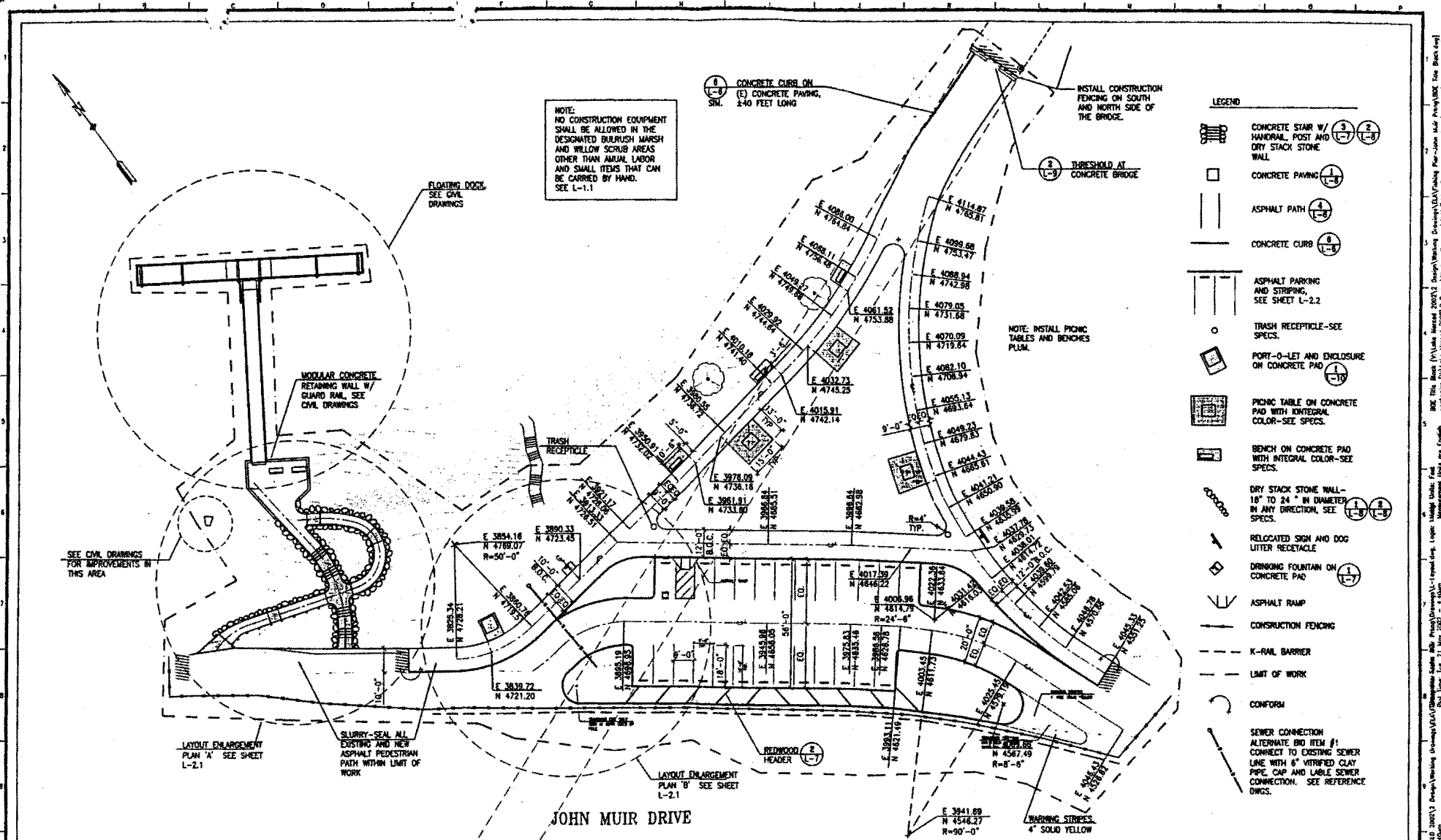


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MARK, GK	05/2002	SECTION MANAGER	DATE:
ORIGIN:	DATE:	DIVISION MANAGER	DATE:
GK	05/2002	CITY ENGINEER	DATE:
CHECKED:	DATE:		
MARK	05/2002		

SCALE:	1" = 20 feet
SHEET OF SHEETS	XX OF XX

LAKE MERCED 2002 RENOVATION	SPECIFICATION NO. 0488.J
FISHING PIER AND JOHN MUIR DRIVE	DRAWING NO. L-1.1
PARKING LOT RENOVATION	FILE NO. 79.857
EXISTING VEGETATION MAP	REV. NO. XX

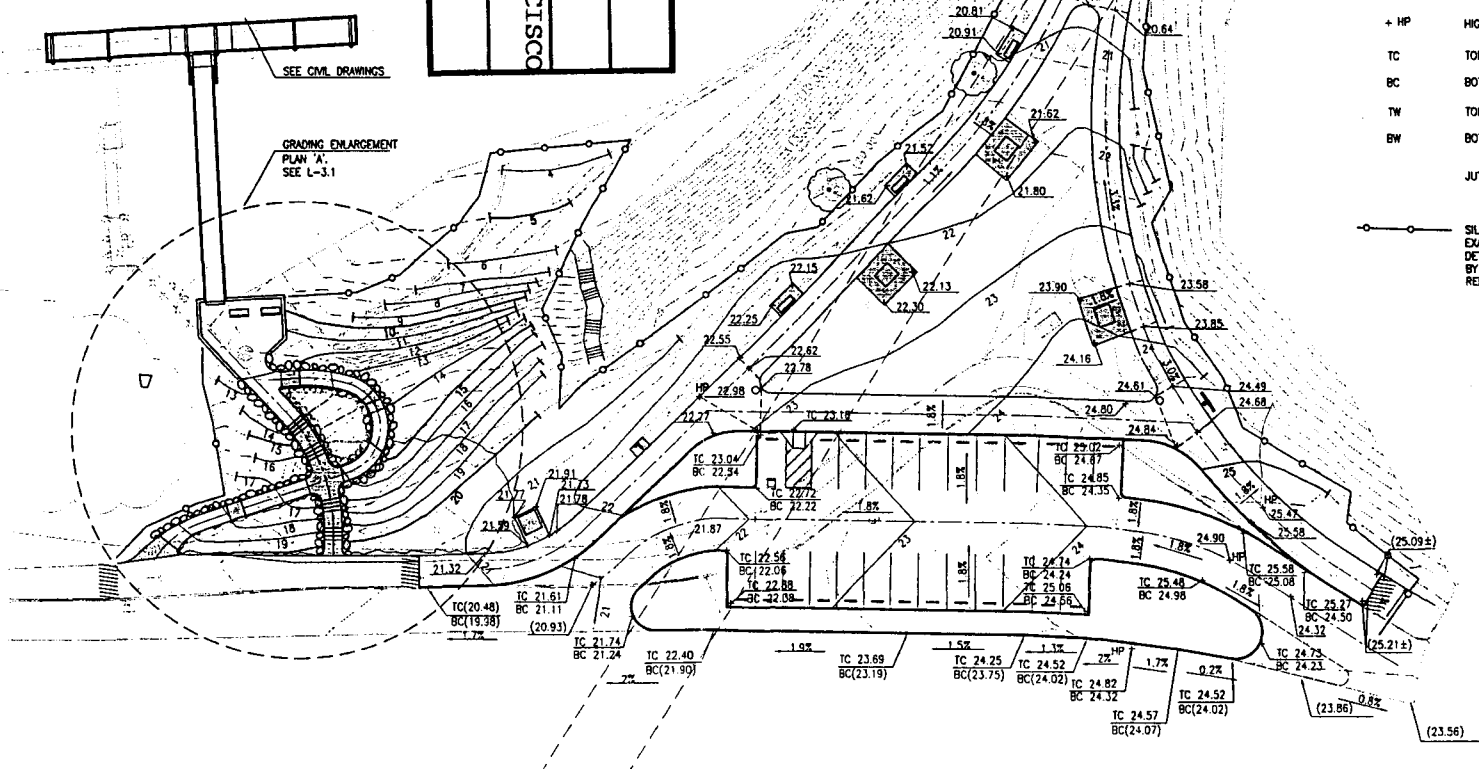
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5	05/2002	DESIGN	MARK	GK
6	05/2002	CHECK	GK	MARK
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10	05/2002	CHECK	GK	MARK













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DESIGNED: DATE:	APPROVED	SCALE:
MR. GK 05/02		1" = 20 feet
DRAWN:	SECTION MANAGER DATE:	SHEET OF SHEETS
GK 05/02		XX OF XX
CHECKED: DATE:	DIVISION MANAGER DATE:	
MR -/-/-		
	CITY ENGINEER DATE:	

LAKE MERCED 2002 RENOVATION	SPECIFICATION NO.
FISHING PIER AND JOHN MUIR DRIVE	0488J
PARKING LOT RENOVATION	DRAWING NO.
	L-2
LAYOUT PLAN	FILE NO.
	79.659
	REV. NO.
	XX

EXHIBIT NO. 8
APPLICATION NO. 2-02-016
CITY OF SAN FRANCISCO
Grading Plan



LEGEND	
	EXISTING CONTOUR
	NEW CONTOUR
	EXISTING SPOT ELEVATION
	NEW SPOT ELEVATION
	GRADE BREAK
	HP HIGH POINT
	TC TOP OF CURB
	BC BOTTOM OF CURB
	TW TOP OF WALL
	BW BOTTOM OF WALL
	JUTE MESH, SEE SPECS.
	SILT FENCING, EXACT LOCATION WILL BE DETERMINED IN THE FIELD BY A CITY REPRESENTATIVE.

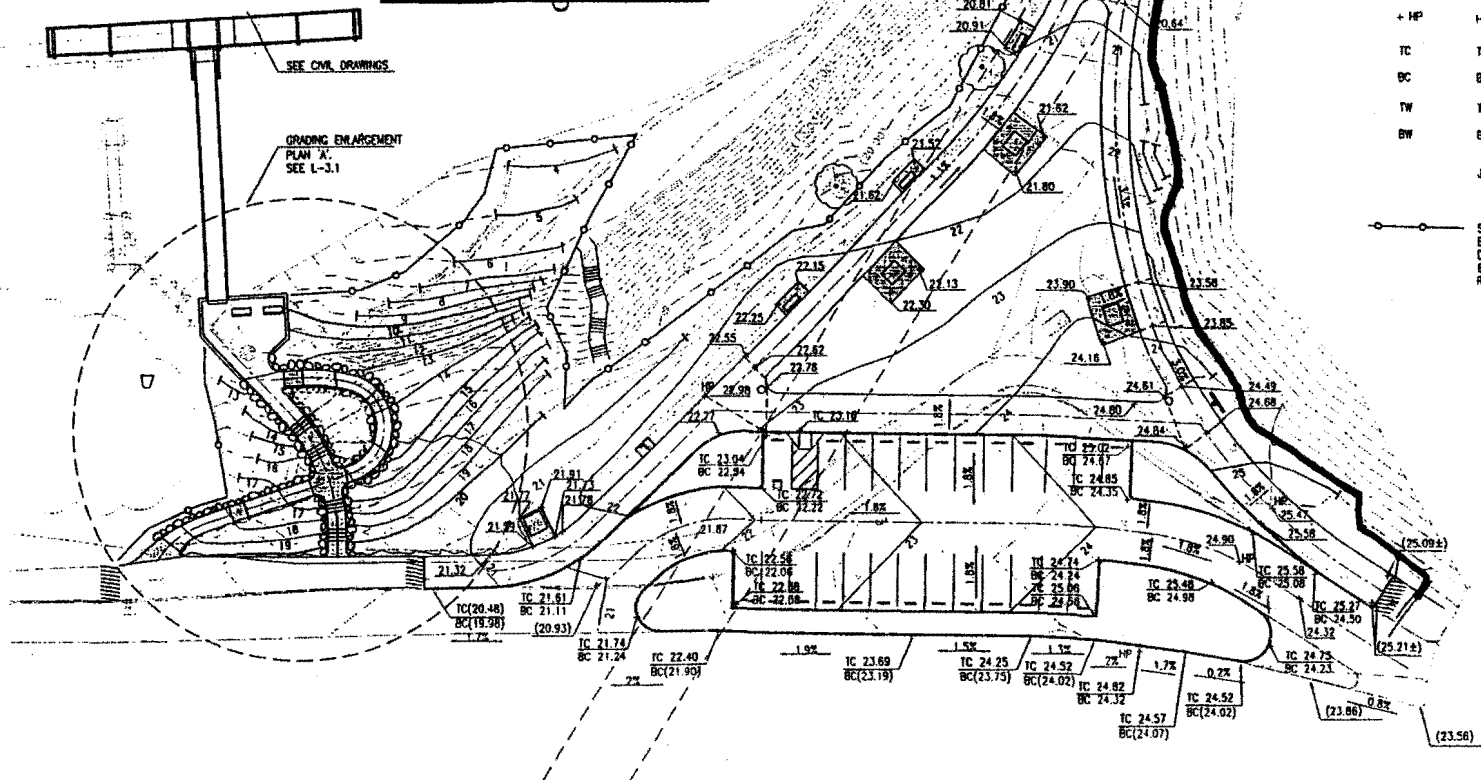
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**EXHIBIT NO.**  
9

**APPLICATION NO.**  
2-02-016

**CITY OF SAN FRANCISCO**  
California red-  
legged frog  
exclusionary fencing

- LEGEND**
- EXISTING CONTOUR
  - 20 NEW CONTOUR
  - (25.09±) EXISTING SPOT ELEVATION
  - 25.09 NEW SPOT ELEVATION
  - GRADE BREAK
  - + HP HIGH POINT
  - TC TOP OF CURB
  - BC BOTTOM OF CURB
  - TW TOP OF WALL
  - BW BOTTOM OF WALL
  - JUTE MESH, SEE SPECS.
  - SILT FENCING, EXACT LOCATION WILL BE DETERMINED IN THE FIELD BY A CITY REPRESENTATIVE.



NO.	DATE	DESCRIPTION	BY	APP.
1		TABLE OF REVISIONS		
CHECK WITH TRACING TO SEE IF YOU HAVE LATEST REVISION				

REFERENCE INFORMATION  
& FILE NO. OF SURVEYS



**BUREAU OF ENGINEERING**  
DEPARTMENT OF PUBLIC WORKS  
CITY AND COUNTY OF SAN FRANCISCO



DESIGNER: DATE: MK, GK  
CHECKED: DATE: GK 05/2002  
CITY ENGINEER: DATE: MK 05/2002

APPROVED  
SECTION MANAGER: DATE: MK  
DIVISION MANAGER: DATE: MK  
CITY ENGINEER: DATE: MK

SCALE:  
1" = 20 feet  
SHEET OF XX  
XX OF XX

**LAKE MERCED 2002 RENOVATION**  
FISHING PIER AND JOHN MUIR DRIVE  
PARKING LOT RENOVATION  
GRADING AND EROSION CONTROL PLAN

SPECIFICATION NO. 0488J  
DRAWING NO. L-3  
FILE NO. 79.662  
REV. NO. XX