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Staff: Renée T. Ananda – SF
Staff Report: August 26, 2010
Hearing Date: September 15, 2010
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 2-00-026

APPLICANT: North San Mateo County Sanitation District (Daly City)

PROJECT LOCATION: The beach below the western boundary of Fort Funston/Golden Gate National Recreation Area near the San Francisco/San Mateo County line, City and County of San Francisco.

PROJECT DESCRIPTION: Repair and maintenance of existing Vista Grande tunnel, outfall structure, and outfall pipe located below Fort Funston, including: (1) After-the-fact maintenance work conducted on the existing facility in 1995 and 1999; (2) follow-up for emergency work on the failed sewer line conducted in 2010; and (3) future on-going, routine repair and maintenance.

1.0 SUMMARY OF STAFF RECOMMENDATION

This Coastal Development Permit (CDP) application proposes: (1) after-the-fact authorization of repairs to the existing Vista Grande tunnel and outfall structure that were conducted in 1995 and repairs that were conducted under Emergency Permit No. 1-99-061-G in 1999; (2) follow-up authorization for repairs conducted under Emergency Permit No. 2-10-018-G; and (3) authorization to conduct future routine repair and maintenance.

The proposed method of repair to the tunnel, outfall structure, and outfall pipe, in summary, would include: a) removal of deteriorated shotcrete and concrete and replacement with new, reinforcement with steel to protect the structure more thoroughly; b) installation of sheet piling under the foundation; c) replacement of a section of the pipe and vent riser; d) inserting new interior lining inside the pipe; and e) routine, on-going future maintenance repair of cracks in the structure by sandblasting and filling with epoxy; removing sand and debris from undermined

portions of the tunnel; and filling voids along the base of and under the structure and the tunnel with shotcrete to prevent undermining and pressure build-up.

The Vista Grande tunnel and outfall structure is located on the beach below Fort Funston in the City and County of San Francisco. (Exhibits 1 and 3) It is located within the Golden Gate National Recreation Area (GGNRA), a popular public recreation area. Due to its size and location on the beach and its deteriorated state, the existing structure can be considered a hindrance to lateral public access, and a visual blight on the beach. The proposed work is considered extraordinary repair and maintenance requiring a coastal development permit pursuant to Section 30610(d) of the Coastal Act and section 13252 of the Commission's regulations because it involves repair and maintenance involving substantial alteration of structures and the placement of materials on the beach. Although a CDP is required, since the repair and maintenance work does not involve replacement of 50% or more of the structure, the Commission only reviews the method of repair (Title 14, CCR, §13252(a) (1) (D), Repair and Maintenance of Activities Requiring a Permit) rather than the consistency of the underlying structure with the policies of the Coastal Act. The Commission will have the ability to review any future repairs involving replacement of 50% or more of the structure, thereby meeting the definition of a replacement structure contained in 14 CCR 13252(b), as 'new development'.

The proposed repair and maintenance activities would help prevent failures that could result in discharging effluent to the ocean before it reaches the diffuser. The proposal would also help prevent any future damage that would compromise its ability to function properly. Therefore, the proposed repair and maintenance activities will help to prevent future water quality and marine resource impacts associated with the existing facility.

Therefore, Coastal Commission staff recommends that the Commission approve the CDP with conditions to ensure that the repair and maintenance activities are consistent with the public access, water quality, and marine resources policies of the Coastal Act. **Special Condition Nos. 3 and 4** authorize repair and maintenance for a limited period of five years, with a one-time opportunity for the Executive Director to authorize an additional five years for a total of ten years. Any development proposed beyond September 15, 2015 shall require additional permit authorization. In addition, any development that constitutes a "replacement structure" as defined by Title 14 CCR Title 14 CCR §13252(b) shall require submittal of a new Coastal Development Permit application accompanied by an alternatives analysis identifying feasible alternatives to the current facility, including, but not limited to: (1) removal of the structure from the beach; and (2) reducing / modifying the structure's footprint such that public access along the beach is enhanced and improved.

In addition, Staff recommends **Special Condition Nos. 6 (C), (D), and (E)** which require the protection of water quality through the implementation of Best Management Practices (BMPs); the protection of biological resources and potential impacts to snowy plover during construction activities; and the maintenance of public access to and along the beach .

2.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution to approve Coastal Permit No. 2-00-026 subject to the conditions in Sections 2.1 and 2.2 below.

Motion:

I move that the Commission approve the Coastal Permit No. 2-00-026 subject to conditions pursuant to the staff recommendations.

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 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 of the Coastal Act. 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 this permit is reported to the Commission. 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 or 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. Approved Development; Conformance to Plans

The Permittee shall undertake development in accordance with the Maintenance Plan prepared by Brown and Caldwell, dated June 15, 2010. The Permittee or its authorized agent shall report to the Executive Director any proposed changes to the approved final plans. No changes to the approved final plans shall occur without an amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

2. 'As-Built' Plans

WITHIN THIRTY DAYS OF COMPLETION OF REPAIR AND MAINTENANCE WORK, the Permittee shall submit 'As-Built' Plans (in full-size and 11" x 17" formats with a graphic scale) to the Executive Director for review and approval. The 'As-Built' Plans shall clearly identify in site plan and cross-section all work completed pursuant to this Coastal Development Permit. The 'As-Built' Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the approved project plans described by **Special Condition 1** above.

3. Length of Repair Authorization

A. This repair and maintenance authorization is valid through September 15, 2015. Any development proposed on the Vista Grande tunnel, outfall, effluent line, or any other associated components of the facility, beyond this date shall require additional permit authorization. In addition, any development proposed beyond September 15, 2015 that constitutes a "replacement structure" as defined by Title 14 CCR Title 14 CCR §13252(b) shall require submittal of a new Coastal Development Permit application accompanied by an alternatives analysis identifying feasible alternatives to the current facility, including, but not limited to: (1) removal of the structure from the beach; and (2) reducing / modifying the structure's footprint such that public access along the beach is enhanced and improved.

B. The Executive Director may extend the five-year authorization specified in subsection A above for a period not to exceed 5 years. The Permittee shall make a request for such extension no later than 30 days before the end of the initial five-year period.

4. Repair and Maintenance

A. This approval authorizes the following after-the-fact, repairs that were conducted in 1995:

1. Extension of the shotcrete cap on the exposed tunnel;

2. Replacement of a section of the cement mortar-lined concrete pipe and enclosure of the pipe with steel-reinforced concrete
 3. Construction of a new reinforced concrete wall; and
 4. Installation of sheet piling under the new slab foundation
- B. This approval permanently authorizes repairs that were conducted in 1999 under Emergency Permit 1-99-061-G:
1. Placement of warning signs around the work area;
 2. Removal of sand and debris from the undermined tunnel section and shoring of the undermined portion of the tunnel so that the longitudinal span does not exceed six feet;
 3. Construction of a cofferdam with sandbags or other means to protect the construction area from tidal and storm action and dewatering of the area;
 4. Removal of shotcrete wings from the north side of the outfall tunnel, and application of 18 cubic yards of shotcrete, no less than nine inches thick, to cap the remaining exposed brick on the outfall tunnel;
 5. Removal of the vent riser, concrete and grout, installation of an 8" x 6" reducer, and installation of a 6" x 20" section of schedule 40 PVC, with a 180-degree return at the top; and
 6. Pouring of concrete for the outfall tunnel base.
- C. This approval permanently authorizes repairs that were conducted in May 2010 under Emergency Permit 2-10-018-G which entailed repairing the 33-inch diameter submarine sewer outfall line by:
1. Inserting redwood wedges in the cracks and holes; and
 2. inserting a new interior liner inside the existing pipe
- D. This Coastal Permit authorizes repair and maintenance activities for a period of 5 years from the date of this approval, with a one-time opportunity for the Executive Director to authorize an additional five years for a total of ten years, only if carried out in accordance with all of the standard and special conditions of this permit and the following conditions:

Maintenance and repairs may include no more than:

1. Installation of a new effluent force main over the existing structure using continuous supports as follows: a) removal and disposal of 75 feet of the existing 27-inch diameter force main, b) removal of attached shotcrete, c) installation of new dowel supports and saddles for the new pipeline on top of the tunnel, d) application of an even layer of shotcrete to the new pipe and support system;
 2. Removing deteriorated concrete and replacing it with new concrete on outfall structure; wrapping the intended shotcrete area with wire 2 feet below grade and flaring to form wing at the bottom and filling with shotcrete;
 3. Applying reinforced shotcrete to cover brick on outfall tunnel;
 4. Removing and saving the existing railing, repair damaged concrete, and re-install railing; and
 5. Routine repair and maintenance such as: a) sandblasting and injecting epoxy into cracks found on the structure; b) concreting the structure, possibly over a supplemental reinforcing steel cage tied to the existing structure to protect the structure more thoroughly; c) reinforce exposed brick tunnel section with steel and shotcrete; and d) fill voids along the base of and under the structure and the with shotcrete to prevent undermining and pressure build-up.
 6. No expansion or enlargement of the existing structure, or increase in capacity is permitted under this Coastal Permit
- E. Routine repair and maintenance activities identified in Subsection D, item 6. shall be completed as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.
- F. Consistent with **Special Condition No. 3**, repair and maintenance activities other than those identified in Subsections A, B, C, and D as well as repair and maintenance activities proposed beyond the time limitation specified by Special Condition 3 , shall require an amendment to this permit or a new Coastal Development Permit.

5. Maintenance Activities Report

- A. Summary reports on the condition of the structure and maintenance activities shall be prepared and submitted to the Executive Director for review annually. The first report shall be submitted by September 30, 2011). Each maintenance report shall contain the following:
1. A brief, written description of the maintenance and repair work that was conducted;
 2. Plans and/or photographs showing areas prior to and after repair;

3. Description and documentation of site conditions, i.e., beach and bluff erosion;
4. Description and schedule of recommendations for repair, maintenance, modifications or other work to the structure.

6. Construction Responsibilities

The Permittee shall comply with the following construction-related requirements. All work shall take place in a time and manner to minimize any potential damages to any coastal resources:

A. Staging

1. Equipment and material shall be staged as follows:
 - a) During construction activities only, construction equipment and materials shall be staged immediately adjacent to the work site on the south side of the effluent pipe, as site conditions will allow; and/or
 - b) On top of the structure during construction activities only; and/or
 - c) On the top of the bluff in the existing parking lot area, within approximately 5 parking spaces as negotiated with the National Park Service.
 - d) Debris material shall be stored to the south of the project site in a contained area on the beach and removed at the end of each work day. BMPs shall be used to protect and stabilize stockpiles of construction materials, when not in use.
2. Any fueling and maintenance of construction equipment shall occur within the designated upland staging parking lot area and/or off-site.
3. All excess material shall be removed from the site and the adjacent area and disposed of in an approved disposal site after completing the repair work.

B. Construction Access

1. Construction access shall be restricted to the existing Avalon Canyon Road located 2.25 miles south of the project site.
2. A qualified biologist shall identify the beach access route and escort the contractor/crew, with the heavy equipment, to and from the construction site in order to avoid potential impacts to snowy plover or other wildlife and ensure that beach habitat is not disturbed.

C. Water Quality

1. Best Management Practices (BMPs) shall be used to prevent the entry of polluted storm water runoff, debris, and construction material into coastal waters during repair and maintenance work:
2. The City / Permittee shall coordinate the work to avoid any interference with normal operation of effluent discharge. The City shall not pump through the 27-inch force main during repair and maintenance construction work.
3. Bypassing of effluent to surface waters or drainage courses shall be prohibited during construction.
4. Work shall be conducted outside of rain events. Work on the beach structure using heavy equipment shall only occur during windows of acceptable low tides.
5. All areas used for construction staging and access purposes shall be kept free from any trash or debris not needed for construction purposes. All trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of coastal resources during construction activities. Construction crews shall monitor the beach and project area regularly during construction to ensure no construction material / debris is left on the bluff area, beach, or discharged to the ocean. Non-buoyant debris inadvertently discharged into the ocean shall be recovered as soon as possible after discharge. All debris, including, but not limited to, demolished shotcrete, deteriorated concrete and hand rail, coated steel pipe, wire, rebar, and stockpiled material, shall be removed from the site daily and disposed of in an upland location at an approved / permitted off-site disposal facility.
6. Equipment shall be clean and free of leaks that may deposit fluids onto the beach or into the ocean. Vehicles shall be checked for leaking oil, fuel, and other associated vehicle fluids, and maintained prior to entering the tide zone. Stationary / staged equipment shall be positioned over drip pans.
7. A floating boom or sandbags shall be installed around the project area within the tidal zone to contain any debris that may become inadvertently dislodged during construction work within the project site.

D. Biological Resources Protection Measures

1. A qualified biologist shall identify the beach access route and escort the contractor/crew, with the heavy equipment, to and from the construction site in order to avoid potential impacts to snowy plover or other wildlife and ensure that beach habitat is not disturbed.
2. A qualified biologist shall monitor the project area during construction activities.

E. Public Access

Lateral and vertical beach access shall not be restricted during construction work. A City staff / construction worker, for purposes of public safety, shall escort any members of the public through the construction site as needed.

7. Spill Prevention, Control, and Countermeasure Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit, for the review and written approval of the Executive Director, a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan), which includes measures to reduce impacts to water quality from the accidental spill of hazardous materials on the site. The plan shall be prepared by a licensed engineer with experience in hazardous material management. The plan, at a minimum, shall provide for the following:

- A. A spill kit shall be maintained on-site throughout the duration of the project;
- B. Fuels, lubricants, and solvents shall not be allowed to enter the ocean. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site. Any accidental spill shall be rapidly contained and cleaned up. Provisions for the handling, cleanup and disposal of any hazardous or non-hazardous materials used during the construction project including, but not limited to, paint, shotcrete, cement, equipment fuel and oil, and contaminated sediments;
- C. Reporting protocols to the appropriate public and emergency services agencies in the event of a spill;
- D. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site.

The Permittee shall undertake development in accordance with the approved final plan. 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 legally required.

8. National Park Service Approval

PRIOR TO ISSUANCE OF THE PERMIT, the Permittee shall provide to the Executive Director a copy of any permit approval issued by the National Park Service, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the National Park Service. No changes shall be incorporated into the project until the Permittee obtains a Commission amendment to this Coastal Permit, unless the Executive Director determines that no amendment is legally required.

9. U. S. Fish and Wildlife Service Approval

PRIOR TO ISSUANCE OF THE PERMIT, the Permittee shall provide to the Executive Director a copy of written statement of approval or concurrence from the U. S. Fish and Wildlife Service (USFWS) that the proposed measures to protect snowy plover are adequate. The Permittee shall inform the Executive Director of any changes to the project required by the USFWS. No changes shall be incorporated into the project until the Permittee obtains a Commission amendment to this Coastal Permit, unless the Executive Director determines that no amendment is legally required.

10. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this permit, the Permittees acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, bluff retreat, erosion, and earth movement; (ii) to assume the risks to the applicants and the properties that are the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

3.0 Findings and Declarations

The Commission hereby finds and declares:

3.1 Background

The Vista Grande Tunnel was built in 1895 to handle storm water overflow from Lake Merced, which is located in San Francisco. The brick tunnel is still used to transport treated wastewater from the North San Mateo County Sanitation District's City of Daly City (City) treatment plant effluent line (Exhibit 2). The beach/outfall structure was added around 1950 and the force main drop shaft was constructed in 1977. The outfall extends approximately 80 feet onto the beach from the base of the bluff. Final discharge is through a submerged diffuser that extends 2,500 feet from the shoreline into approximately 32-foot depth of water.¹ The outfall and the 27-inch diameter effluent force main drop shaft have become more and more exposed as a result of beach and bluff erosion over the years. (Exhibit 6)

The Vista Grande tunnel and outfall structure is located on the beach below Fort Funston in the City and County of San Francisco. It is located within the Golden Gate National Recreation Area (GGNRA), a popular public recreation area. Therefore, the Commission imposes Special

¹ Philip Williams & Associates, Ltd., December 2007, *Coastal Processes Summary, Daly City Vista Grande Outfall*, prepared for Brown and Caldwell (for use and benefit of the City of Daly City).

Condition 8 requiring the Permittee to provide evidence of permission from the National Park Service to carry out project as conditioned herein and discussed below.

3.2 **Project Description**

The City seeks 'after-the-fact' authorization for emergency repairs conducted in 1995, repairs that were conducted under Emergency Permit No. 1-99-061-G in 1999, and follow-up authorization for repairs conducted under Emergency Permit 2-10-018-G in 2010. The requested after-the-fact authorization for the proposed 1995 repairs include: (1) an extension of the shotcrete cap on the exposed tunnel; (2) replacement of a section of the cement mortar-lined concrete pipe (CCP) and vent; (3) construction of a new reinforced concrete wall (to a thickness matching the existing concrete) using new steel-reinforced concrete to enclose pipe with sheet piling under a new slab foundation. (Exhibit 6)

The requested after-the-fact authorization for repairs conducted under emergency permit 1-99-061-G, to repair damage that occurred during the 1998 storm season, include: (4) placement of warning signs around the work area; (5) removal of sand and debris from the undermined tunnel section, and shoring of the undermined portion of the tunnel so that the longitudinal span does not exceed six feet; (6) construction of a cofferdam with sandbags or other means to protect the construction area from tidal and storm action and dewatering the area; (7) removal of existing shotcrete wings from the north side of the outfall tunnel, and application of 18 cubic yards of shotcrete, no less than nine inches thick, to cap the remaining exposed brick on the outfall tunnel; (8) removal of the existing vent riser, chipping away concrete and grout, installation of 8" x 6" reducer, and installation of 6" x 20" section of schedule 40 PVC, with a 180-degree return at the top; (9) Pouring of concrete for the outfall tunnel base. (Exhibit 6)

The requested follow-up authorization sought by the City for repairs conducted under Emergency Permit 2-10-018-G, includes: (10) reparation of a holes and splinter cracks in the existing 33-inch diameter sewer outfall line, located between 40 and 80 feet west of the outfall beach structure, by inserting redwood wedges into the cracks and holes and installation of a new interior liner inside the existing pipe when environmental conditions allow during the low tide cycle. (Exhibit 5)

The City also proposes the following future repair and maintenance work for: (11) removal of approximately 75 feet of the existing effluent force main pipe and steel casing and replacement with a new steel pipe that is mortar-lined and coated, located on top of the existing Vista Grande tunnel. The new pipe would be connected to the existing effluent force main steel pipe entering the pipe encasement adjacent to the Vista Grande outfall structure. Proposed repair methods include: (a) sand blasting and injecting epoxy into the cracks of the effluent force main and beach structure.; (b) Concreting the structure, possibly over a supplemental reinforcing steel cage tied to the existing structure; (c) reinforcing the exposed brick tunnel section with steel and shotcrete and filling voids along the base of and under the structure with shotcrete to prevent undermining and pressure build-up.

Future routine maintenance proposed by the applicant would occur approximately every five years and would include sandblasting and injecting epoxy into cracks found on the structure. Methods include sandblasting and injecting epoxy into cracks found on the structure (effluent force main and beach structure). Concreting the structure, possibly over a supplemental reinforcing steel cage tied to the existing structure. The exposed brick tunnel section would be reinforced with steel and shotcrete and voids along the base of and under the structure and the tunnel would be filled with shotcrete to prevent undermining and pressure build-up. Engineered fabric would be placed from the top of the bluff down the face to the project site to protect the bluff from additional erosion as necessary during maintenance / repair construction activities.

Special Conditions 1 and 2 requires the applicant to undertake development in accordance with the Maintenance Plan prepared by Brown and Caldwell dated June 15, 2010 and submit 'As-Built' Plans (in full-size and 11" x 17" formats with a graphic scale) to the Executive Director for review and approval. The 'As-Built' Plans must clearly identify in site plan and cross-section all work completed pursuant to this Coastal Development Permit.

3.3 Permit Authority, Extraordinary Methods of Repair and Maintenance, Shoreline Protection Structures

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair and maintenance of structures that do not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures which involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in applicable part:

Notwithstanding any other provision of this division, no Coastal Permit shall be required pursuant to this chapter for the following types of development and in the following areas. . .

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter. [Emphasis added.]

Section 13252 of the Commission regulations provides, in relevant part:

(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a Coastal Permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(A) *Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;*

(B) *The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;*

...

(D) *The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.*

(3) *Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*

(A) *The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*

(B) *The presence, whether temporary or permanent, of mechanized equipment or construction materials.*

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code Section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

...

(b) *Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

(c) Notwithstanding the above provisions, the executive director of the commission shall have the discretion to exempt from this section ongoing routine repair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation road ways. [Emphasis added.]

The City states that 10% to 15% of the structure was replaced for each repair authorized herein (including 1995, 1999, and 2010 emergency repairs, and the additional proposed work covered by this permit). Although the proposed repair and maintenance work on the Vista Grande Outfall and the associated tunnel and effluent line would not expand the existing footprint of the facility or involve replacement of 50% or more of the structure and thus, had the potential to be considered an exempt repair and maintenance project under Section 30610(d) of the Coastal Act and Title 14, CCR Section 13252(b). As stated above, Coastal Act Section 30610(d) and Section 13252 of the Commission's regulations require a Coastal Development Permit (CDP) for extraordinary methods of repair and maintenance enumerated in the regulation. The proposed development involves repair to the existing tunnel, outfall, and pipe line structure located on the beach and within the tidal zone. The proposed repair and maintenance therefore requires a CDP pursuant to Section 13252(a) (1) (A), 13252(a) (1) (B), 13252(b), and 13252(D) of the Commission's regulations.

When reviewing repair and maintenance activities, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act in considering a permit application for a repair or maintenance project pursuant to the above-cited authority. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

3.4 Consistency with Chapter 3 Policies of the Coastal Act:

Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement 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 where acquired 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.

The existing outfall structure is located on the beach extending 80-feet westward of the bluff. Current conditions are such that the structure limits the public's ability to obtain maximum use of the beach area. (Exhibits 4 and 5) The proposed repair and maintenance, however, would not result in a permanent change in public access at the site, as the structure's footprint and capacity would not be increased. Temporary disruption to public access may result from the equipment working on the public beach area. The proposed future repair and maintenance would take less than 30 days to complete. Public access would not be restricted during construction work. A City staff / construction worker, for purposes of public safety, would escort any members of the public through the construction site as needed. Additionally, existing vertical access from the bluff area, e.g., public parking lot, to the beach would not be restricted.

Consistent with the 1999 and 2010 emergency permits conditions; the Commission imposes **Special Condition No. 3** and requires that all repair and maintenance work take place in a time and manner that minimizes impacts to public access.

The Vista Grande outfall structure is anticipated to reach a point in its structural life where work on it will no longer constitute repair and maintenance and it will become a "replacement structure", as defined by Title 14 CCR Section 13252(b) because more than 50% of the structure will be proposed for replacement. The applicant has stated that maintaining the existing structure over the immediate near-term, rather than replacing it, is necessary but is not likely to be successful within a 10-year planning period.² As described above, the existing outfall structure is located on the beach extending 80 feet westward of the bluff. Current conditions are such that the structure limits the public's ability to obtain maximum use of the beach area. The Commission finds that in order to enhance and improve public access at the site, **Special Condition Nos. 3** and 4 only authorize repair and maintenance for a limited period of five years, with a one-time opportunity for the Executive Direct to authorize an additional five years for a total of 10 years. After that time, a new Coastal Development Permit application will be required for all further development. Special Condition 3 also requires that any future CDP application involving replacement of 50% or more of the structure contain an alternatives analysis identifying feasible alternatives to the current facility, including, but not limited to: (1) removal of the structure from the beach; and (2) reducing / modifying the structure's footprint such that public access along the beach is enhanced and improved.

Therefore, due to the facts that: (1) lateral access would only be restricted immediately adjacent to the structure, consistent with public safety needs, (2) the restriction would be temporary in nature, (3) there is adequate lateral beach access nearby (4) as conditioned, future development involving a replacement structure would require a CDP application that examines alternatives to the beach structure; and (5) vertical access from the bluff to the beach would not be restricted, the proposed repair and maintenance is consistent with Coastal Act Sections 30210 and 30211.

Marine Resources and Water Quality

² Philip Williams & Associates, Ltd., December 2007, *Coastal Processes Summary, Daly City Vista Grande Outfall*, prepared for Brown and Caldwell (for use and benefit of the City of Daly City).

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 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.

The Vista Grande Outfall facility discharges treated wastewater from the North San Mateo County Sanitation District's treatment plant. The proposed repair and maintenance activities would help prevent failures that could result in discharging effluent to the ocean before it reaches the diffuser. The proposal would also help prevent any future damage that would compromise its ability to function properly. Therefore, the proposed repair and maintenance activities will help to prevent future water quality and marine resource impacts associated with the existing facility. However, as described below, the proposed methods of repair are located on the beach and tidal and therefore have the potential for water quality and marine resource impacts.

The Vista Grande outfall structure and its associated tunnel and effluent line occupy portions of the bluff area, beach, and tidal area near Fort Funston. Proposed repair activities would be undertaken on the beach and have the potential to discharge debris or materials into the ocean. This could result in adverse effects on the quality of the ocean water, marine habitat, and organisms, inconsistent with Coastal Act Sections 30230 and 30231. **Special Condition No. 6** requires work to take place in a time and manner such that any potential for damaging any marine resources would be minimized. These conditions require Best Management Practices (BMPs) to be implemented to avoid marine and water quality impacts. These include conducting work within the beach area during low tide, using a cofferdam with sand bags, or when needed placing silt fencing. **Special Condition No. 7** also includes a requirement to collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent. Equipment washing, refueling, and/or servicing shall not take place on the beach. The submission of a Spill Prevention Plan and Safety Plan is required to ensure appropriate action for accidental spills during repair and maintenance activities. The 1995 and 1999 emergency permits also required BMPs to avoid impacts to marine resources and water quality (Exhibits 7 and 8).

Due to the reasons described above, the Commission finds that the proposed repair and maintenance work, as conditioned, would protect the biological productivity and the quality of coastal waters in conformity with Coastal Act Sections 30230 and 30231.

Environmentally Sensitive Habitat Areas (ESHA)

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.*

Snowy plover (*Charadrius alexandrinus nivosus*) is a Federally-listed, Threatened species and a California Species of Special Concern. The U. S. Fish and Wildlife Service's *Recovery Plan for the Pacific Coast Population of Western Snowy Plover* identifies Ocean Beach in San Francisco as a wintering location for western snowy plover and has designated a protection area that extends along the beach between "Stairwell 21" and Sloat Blvd (Exhibit 9). The Snowy Plover Protection Area is located 2.5 miles to the north of the proposed project area. According to 15-years of data provided by the City, there is no report of snowy plover within the project area.

The proposed repair and maintenance activities entail accessing the site 2.25 miles from the south along a route down the beach. It is expected that the proposed work would not result in impacts to snowy plover; however, should access be required from the north of the project site, measures are in place to avoid potential impacts to snowy plover. The City proposes to have a wildlife biologist conduct pre-construction surveys for the snowy plover and special status wildlife species and to monitor the area during construction. The wildlife biologist would also escort the construction crew and equipment along the beach to and from the project site. These activities were already conducted once, while undergoing the emergency repairs under 2-10-1-018-G. The wildlife biologist reported no occurrence of snowy plover or special status species.

Special Condition No. 6 requires the City to continue the measures described above to avoid potential impacts to the species, sensitive habitat areas, and the Golden Gate National Recreation Area. A qualified biologist shall identify the beach access route and escort the contractor/crew and its equipment to the construction site in order to avoid potential impacts to any wildlife and ensure that beach habitat is not disturbed.

The City informed the U. S. Fish and Wildlife Service (in a letter to the Service from Sandra Etchell, Project Biologist, dated June 8, 2010) of the proposed repair and maintenance project and presented the measures that would be implemented to protect the western snowy plover. The

City is awaiting a response from the Service to determine whether these measures are adequate. **Special Condition No. 9** requires that prior to issuance of the permit the City shall provide evidence that the USFWS concurs with these protective measures. In addition, **Special Condition No. 6** requires that the repair and maintenance activities take place in a specified time and manner to minimize any potential damages to any resources, including intertidal species.

Therefore, the Commission finds that proposed repair and maintenance work, as conditioned, is consistent with Coastal Act Section 30240.

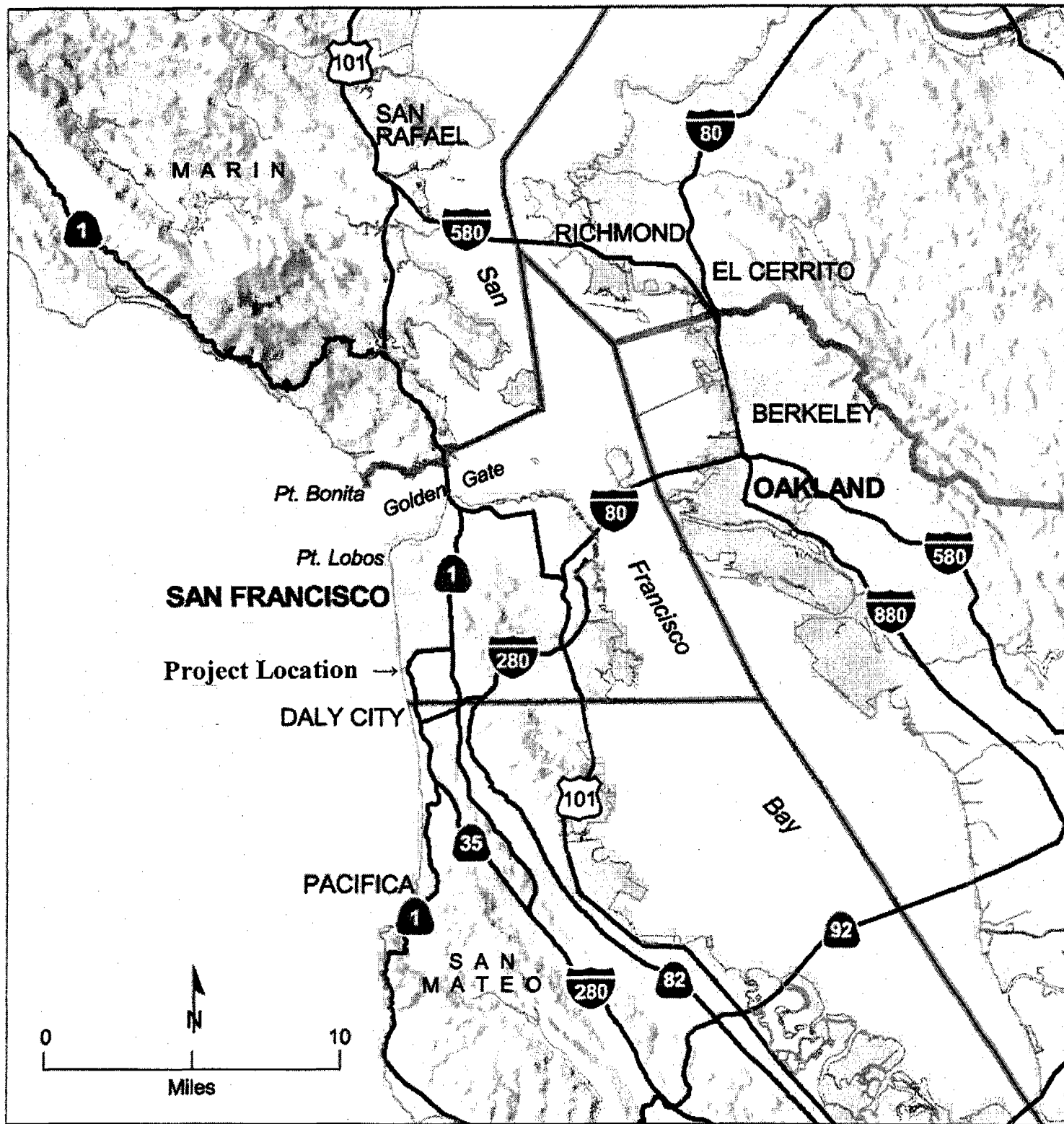
3.5 California Environmental Quality Act (CEQA)

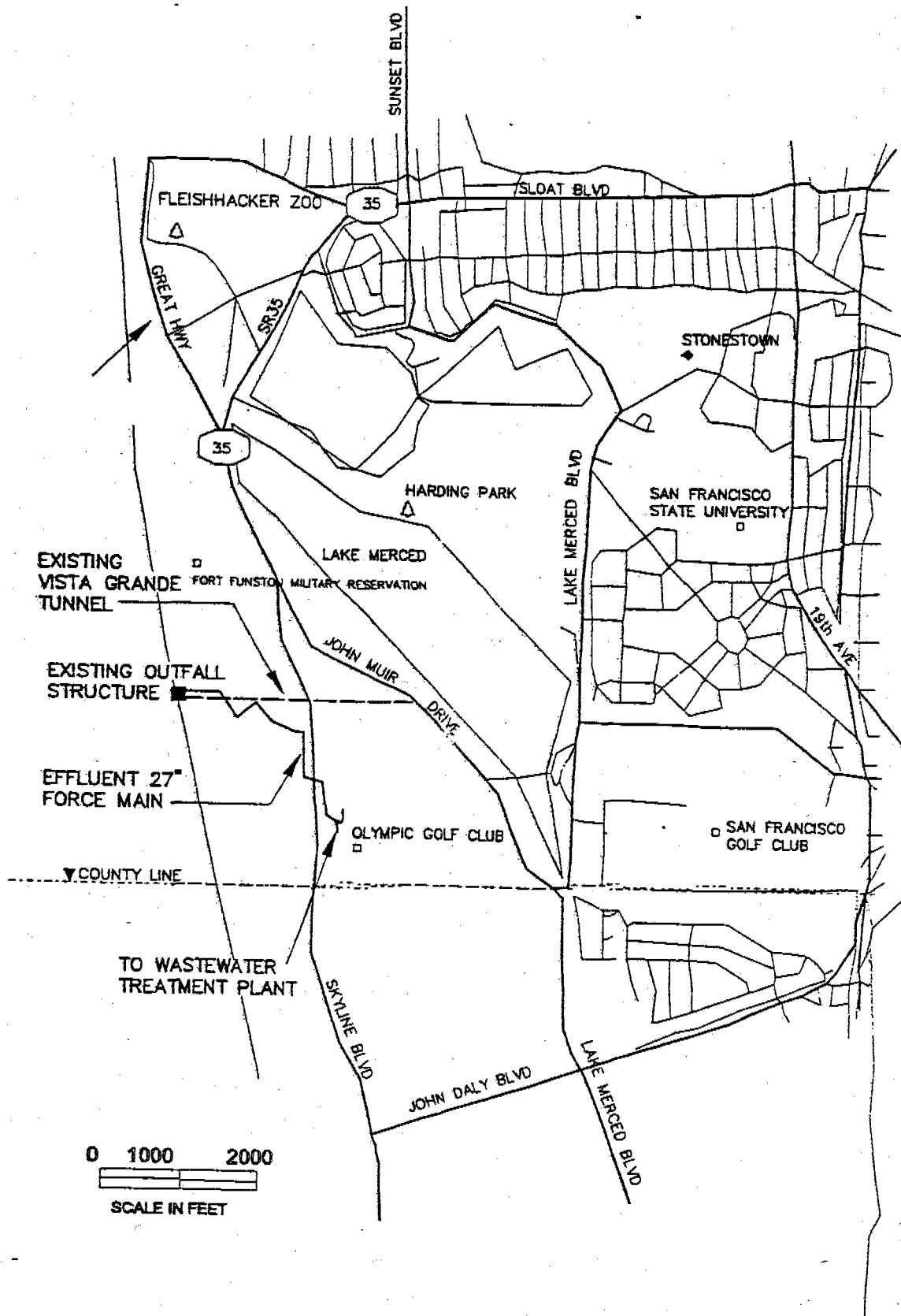
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Permit applications to be supported by a finding showing that the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality 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. The proposed project has been conditioned to mitigate or eliminate any significant impacts to public access and geologic hazards. As discussed above, 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 has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

EXHIBITS:

1. Regional Map
2. Vicinity Location Map
3. Aerial Vicinity and Project Area
4. Aerial View Project Area from West
5. Project Site Effluent Pipe
6. Maintenance Plan
7. Emergency Permit 1-99-061-G
8. Emergency Permit 2-10-018-G
9. Western Snowy Plover Protection Area Map







Vista Grande Outfall Tunnel Structure





APPENDIX A

Maintenance

This plan describes maintenance carried out by the City of Daly City over the past 15 years, maintenance that the City needs to accomplish in the coming year, and typical maintenance expected in coming years.

Past Maintenance

The City has performed major repairs to the tunnel, outfall structure, and outfall pipe several times, with the most recent repairs being completed in 1995 and 1999. The eroding bluff exposed the brick tunnel, and left a large portion of the CCP unsupported. In 1995 the City extended the gunite cap on the exposed tunnel and replaced a section of the CCP and vent. In 1999, the City further extended the gunite cap on the exposed tunnel. Figures 1 through 3 illustrate past maintenance completed on the Vista Grande structure.



Figure 1. View from the South of 1995 and 1999 Maintenance to Vista Grande Outfall Structure

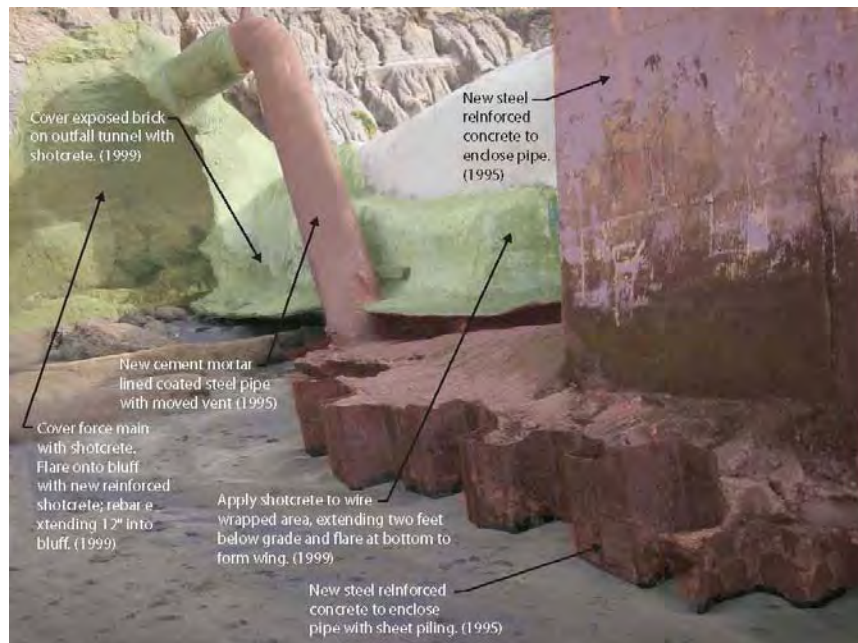


Figure 2. View from the North of 1995 and 1999 Maintenance to Vista Grande Outfall Structure



Figure 3. View from Above of 1995 and 1999 Maintenance to Vista Grande Outfall Structure

Proposed Maintenance

The force main is currently unsupported where it exits the bluff and transitions into the outfall structure owing to bluff retreat since it were repaired in 1995 and 1999. Recent weather conditions have caused accelerated erosion around the force main and approximately 40 feet of the force main and casing are partially exposed. The force main's exposed steel casing has corroded significantly. When the force main/casing becomes fully exposed, the unsupported pipe length will exceed 65 feet and the force main will likely fail due to overstressing at the pipe joints.

Where the force main connects to the outfall structure, it has cracks in its mortar coating and shows some red staining; staining indicates that the steel pipe is suffering corrosion attack. It is not clear if the cracks in the mortar coating were caused by tensile stresses in the pipe or by impacts from ocean debris.

Based on Brown and Caldwell's field inspection and initial analyses, the City recognizes maintenance must be completed as soon as possible. Proposed maintenance will involve removing approximately 75 feet of the existing force main pipe and steel casing and replacing it with a new steel pipe, mortar lined and coated. The new force main would be located atop the existing Vista Grande Tunnel. The new pipe would be connected to the existing force main steel pipe entering the pipe encasement adjacent to the Vista Grande Outfall structure. This maintenance will provide protection and continuous support for the force main and should require less long-term maintenance. Work will also include sandblasting the cracks and epoxy injecting the cracks to the force main and the beach structure. As part of the proposed maintenance, the City anticipates concreting the structure, possibly over a supplemental reinforcing steel cage tied to the existing structure, to protect the structure more thoroughly. Reinforce the exposed brick tunnel section with steel reinforcing and shotcrete following similar procedures used for previous repairs. Fill voids along base of and possibly under the structure and the tunnel with shotcrete to prevent undermining and build up of pressure underneath. Figures 4 through 8 illustrate the proposed maintenance to be completed on the Vista Grande structure.



Figure 4. View from Above of Proposed 2010 Maintenance to Vista Grande Outfall Structure

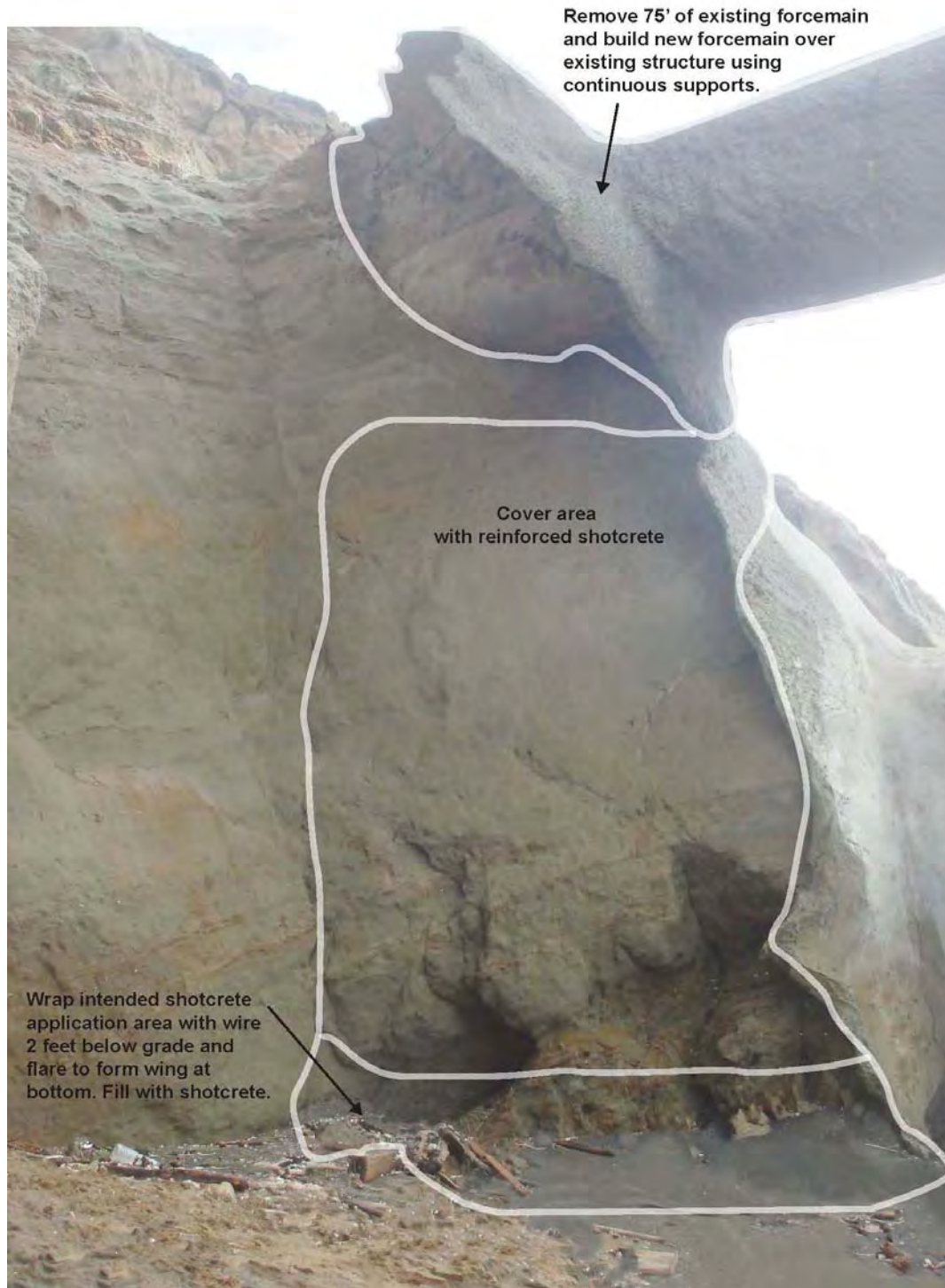


Figure 5. View from the North of Proposed 2010 Maintenance to Vista Grande Outfall Structure

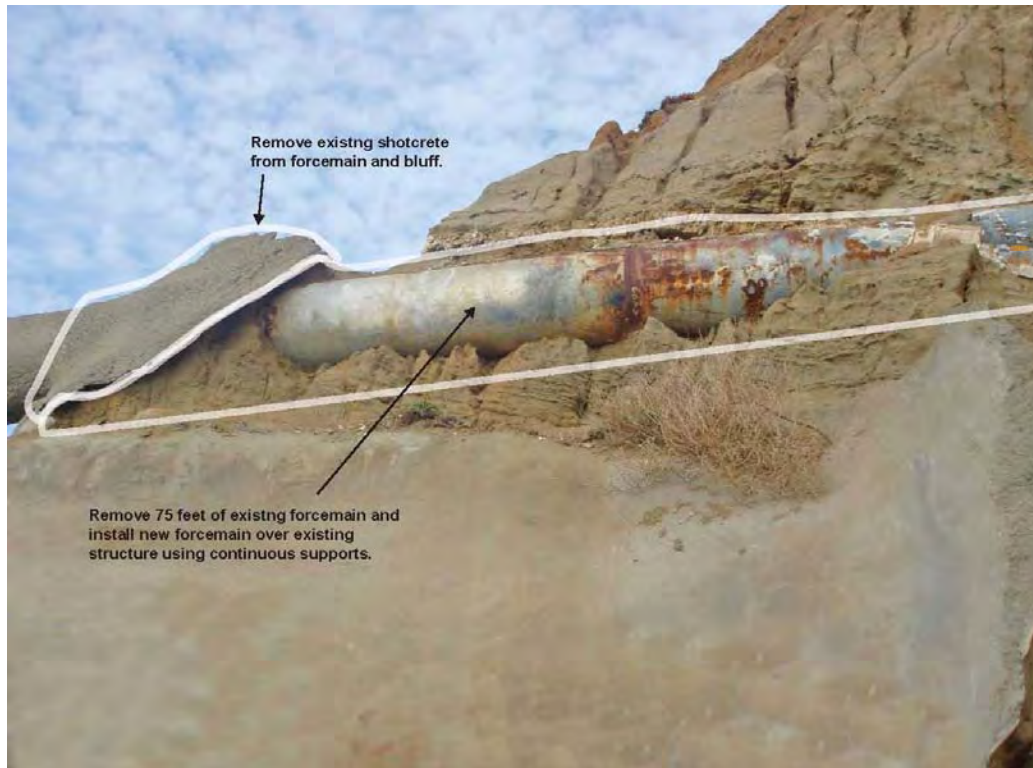


Figure 6. View from the South of Proposed 2010 Maintenance to Vista Grande Outfall Structure

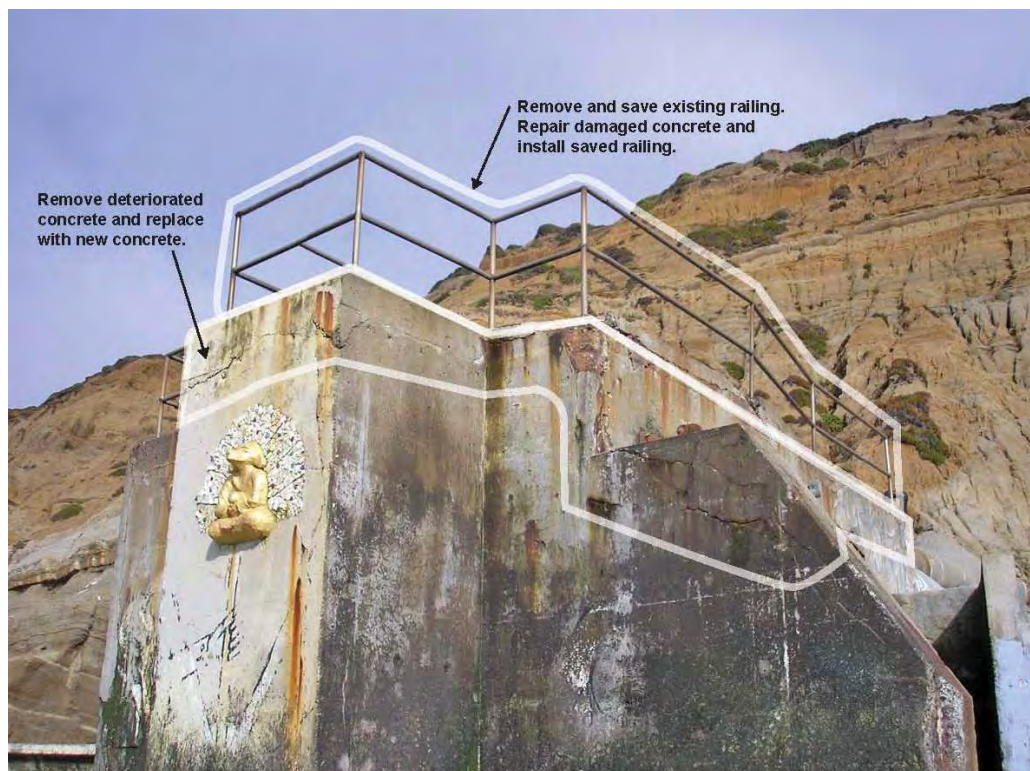


Figure 7. View from the West of Proposed 2010 Maintenance to Vista Grande Outfall Structure

Brown AND Caldwell



Figure 8. View from the South of Proposed 2010 Maintenance to Vista Grande Outfall Structure

Proposed maintenance will occur on a schedule coordinated with both the California Coastal Commission (CCC) and National Park Service (NPS). Heavy equipment will be required for pipe removal and installation. The equipment will gain beach access approximately 2 miles to the north on Ocean Beach. City staff or representatives will walk in front of the equipment to ensure sensitive beach habitat is not disturbed. Maintenance workers will also gain access to the site by the sand ladder located approximately half a mile to the south. Shotcrete will be pumped to the project site from the top of the bluff. The City's Contractor will place an engineered fabric from the top of the bluff down the face to the project site to protect the bluff from additional erosion. The City will coordinate with the Contractor to ensure all work is completed in a timely, safe manner with as little disruption possible to the people that utilize the park.

The City anticipates the proposed maintenance will have no effect on the bluff both directly above the structure, and to the north or south of the structure. The existing structure currently protects the bluff directly above it; and the proposed maintenance will not change this projection. Erosion will continue to occur in the area, however, at a slower rate than the bluff to just to the north or south. In 2009, Phillip Williams and Associates (PWA) completed a report for the City on area bluff erosion and beach sand transport around the outfall structure. The report (Attachment C) discusses how the structure does not affect the erosion occurring on the bluffs to the north and south.

Future Maintenance

For planning purposes, we estimate that routine maintenance to the tunnel would be needed every five years with more extensive maintenance to the outfall structure required every 10 to 15 years.

Approximately every five years work will include sandblasting the cracks and epoxy injecting the cracks to the force main and the beach structure. As part of the proposed maintenance, the City anticipates concreting the structure, possibly over a supplemental reinforcing steel cage tied to the existing structure, to protect the structure more thoroughly. Reinforce the exposed brick tunnel section with steel reinforcing and shotcrete following similar procedures used for previous repairs. Fill voids along base of and possibly under the structure and the tunnel with shotcrete to prevent undermining and build up of pressure underneath.

Every 10 to 15 years, the City anticipates performing maintenance similar to what is currently being proposed.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

EMERGENCY PERMIT



Cynthia Royer
North San Mateo County Sanitation District
153 Lake Merced Boulevard
Daly City, CA 94015

Date August 18, 1999
Emergency Permit 1-99-061-G

LOCATION OF EMERGENCY WORK:

Below the Fort Funston visitor parking lot, on the ocean beach at the foot of the cliffs on Fort Funston's western boundary, San Mateo County.

WORK PROPOSED:

Repair the North San Mateo County Sanitation District's (NSMCSD) Vista Grande Outfall Structure that was damaged during the 1998 storm season. Work includes (1) placement of warning signs around the work area; (2) removal of sand and debris from the undermined tunnel section, and shoring, if needed, of the undermined portion of the tunnel so that the longitudinal span does not exceed six feet; (3) if needed, construction of a cofferdam with sandbags or other means to protect the construction area from tidal and storm action and provision of dewatering; (4) Removal of existing shotcrete wings from the north side of the outfall tunnel, and application of 18 cubic yards of shotcrete, no less than nine inches thick, to cap the remaining exposed brick on the outfall tunnel; (5) removal of existing vent riser, chipping away concrete and grout, installation of 8" x 6" reducer, and installation of 6" x 20" section of schedule 40 PVC, with a 180-degree return at the top; and (6) if needed, pouring of concrete for the outfall tunnel base.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of a minor discharge of effluent onto the beach from the exposed bricks on the treated wastewater effluent tunnel and a broken vent tube, requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director

By: JO GINSBERG
Coastal Planner

Emergency Permit: 1-99-061-G

Date: August 18, 1999

Page 2 of 2

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed by October 1, 1999.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. If no such Application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

Other condition:

7. Construction Debris: Immediately following completion of the project, all construction debris shall be removed from the site and disposed of at a lawful disposal site. Any construction debris that enters the ocean waters shall be retrieved and lawfully disposed.

Condition #4 indicates that the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include, but are not limited to, provisions for public access (such as an offer to dedicate an easement) a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area Office.

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400



EMERGENCY PERMIT

Patrick Sweetland, Director
Department of Water and Wastewater
City of Daly City
153 Lake Merced Blvd.
Daly City, California 94015

Date: May 11, 2010
Emergency Permit No: 2-10-018-G

LOCATION OF EMERGENCY

Vista Grande Outfall on the beach at Fort Funston, near 500 Skyline Boulevard, San Francisco, CA 94101

EMERGENCY WORK

Repair damaged section of the existing 33-inch diameter sub-marine sewer outfall line located on the beach west of Fort Funston, in San Francisco. Emergency work entails inserting a new interior liner inside the existing pipe. Redwood wedges will be inserted in the cracks and holes in the interim until the liner can be installed during a low-low tide cycle.

Commission staff reviewed your emergency permit application, and provided verbal approval on April 28, 2010. We understand that two portions of the existing onshore side of Daly City's final effluent submarine outfall main failed without warning. The two failures occurred between 40 and 80 feet west of the outfall beach structure and holes and splinter cracks have appeared in the outfall line. Treated effluent and storm water are being improperly disposed of by not going through diffuser. The effluent now is entering into the intertidal zone. The emergency repair is needed immediately to prevent risks to human health. The unexpected occurrence of the pipeline failure requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to Title 14 California Code of Regulations Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

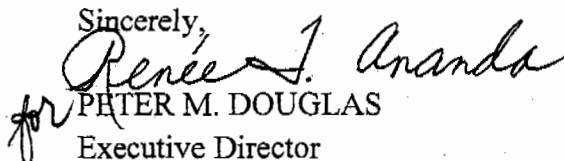
(a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and

(b) Public comment on the proposed emergency development has been reviewed if time allows.

Date: May 11, 2010

Page 2

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: Delvin Washington, Planning Department, City of San Francisco

Tom Birmingham, Brown and Caldwell

Enclosure: Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days from the date of this permit.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to that which is described in your emergency permit application submitted on April 27, 2010, and finalized on May 5, 2010, which includes a copy of the State Lands Commission letter (dated 3/8/2010) confirming that the maintenance and repair work is within the existing Right-of-way Easement Permit PRC 1364, and a copy of the National Park Service Special Use Permit to conduct emergency sewer outfall protection. The emergency work is restricted to the portion of the structure as shown in Figures 2 - 4 of the permit application. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Game, U.S. Fish & Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the California State Lands Commission.
7. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

8. Permittee shall monitor the interim, temporary repair daily, as conditions allow, ensuring that the redwood wedges continue to reduce or eliminate the flow of treated effluent from the damaged portion of the pipeline; until installation of the new interior liner.
9. No expansion or enlargement of the existing outfall sewer line is permitted under this Emergency Permit.
10. Access shall be restricted to the existing Avalon Canyon Road located 2.25 miles south of the project site.
11. A qualified biologist shall identify the beach access route and escort the contractor and crew to the construction site in order to avoid potential impacts to any wildlife.
12. No more than four pieces of construction equipment (e.g., two backhoes, one excavator, and one bulldozer) shall be allowed on-site during construction.
13. No pumping of effluent and storm water may be conducted during construction repair work.
14. Work shall be conducted during non-rain events.
15. Equipment shall be clean and free of leaks that may deposit fluids onto the beach. Vehicles shall be checked for leaking oil, fuel, and other associated vehicle fluids, and maintained prior to entering the tide zone. Stationary equipment shall be positioned over drip pans.
16. Equipment and material shall be staged immediately adjacent to the work site on the south side of the effluent pipe, as site conditions will allow.
17. All areas used for construction staging and access purposes shall be kept free from any trash or debris not needed for construction purposes. Daily trash and debris haul shall be implemented.

18. No construction equipment, materials, or debris may be placed where they may be subject to ocean waters or dispersion. Contractors shall take available precautions to ensure that construction materials are protected from wind and wave run-up. No construction equipment or materials may be staged or stored on the beach. All excess material shall be removed from the site and the adjacent area after completing the repair work.
19. All construction material, equipment, and any debris from the pipeline emergency repair site shall be removed from behind the beach and adjacent areas as part of the work required. No construction debris or project materials or equipment may be left on the beach. All debris shall be disposed off-site.
20. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Permittee must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.
21. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall avoid impacts outside of the repair area to the maximum extent possible. Contractors shall monitor the beach and project area regularly during construction to ensure no construction materials and or debris is left on the beach. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary or feasible (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
22. A copy of the signed Emergency Permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the Emergency Permit, including all of its terms and conditions, prior to commencement of construction.
23. Construction Contractors shall use Best Management Practices (BMPs) to ensure that no debris or contaminants are discharged to the ocean. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, garbage, chemicals, etc.) from

entering Pacific Ocean waters. Methods may include, as applicable or feasible, placing hay bales, fiber roles, sand bags, and or silt fencing. Contractors shall ensure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

24. The construction site and staging area(s) shall be maintained with good construction housekeeping measures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; and remove all construction debris from the beach.

Post-Construction Responsibilities:

25. Within seven days of completion of the work authorized by the Emergency Permit, the permittee shall submit photographic evidence of compliance with the Emergency Permit.
26. Within 30 days of completion of the construction authorized by this Emergency Permit, Permittee shall submit as-built plans of the work completed under this Emergency Permit. The permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist, clearly detailing the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit.
27. Within 60 days of the date of this permit, the Permittee shall apply for a regular submit a Coastal Development Permit application to have the emergency work considered permanent. Such application shall include an analysis of alternatives for fixing the pipe permanently. The follow-up application shall include, but not be limited to information describing:
 - a. What caused the failure (holes and cracks) in the effluent sewer line;
 - b. A proposal for fixing the pipe permanently;
 - c. Risk and likelihood of similar damage to the existing structure re-occurring; and
 - d. Estimated amount of effluent that has not been properly disposed of through the diffuser.
28. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

Protecting the Snowy Plover

National Park Service
U.S. Department of the Interior
Golden Gate National Recreation Area



A Bird in Danger



Western Snowy Plover resting on Ocean Beach.

In March 1993, the Western Snowy Plover (*Charadrius alexandrinus nivosus*) was listed as a threatened species, protected under the Endangered Species Act. Up to 100 of the estimated 2,300 birds remaining on the Pacific Coast can be found in Golden Gate National Recreation Area (GGNRA).

The Snowy Plover is a small shorebird that stands about 6 inches high, with dark markings across the forehead, behind the eyes, and a partial breast band. Snowy Plovers use sandy beaches, mudflats and salt ponds in San Francisco Bay and along the outer coast for breeding, resting and foraging. The Western Snowy Plover and its beach habitat are threatened by urban development, the spread of European dune grass, increased predation, intense recreational use, and human-caused disturbance.

Western Snowy Plovers at GGNRA

Although Western Snowy Plovers do not nest at GGNRA, they do spend up to ten months of the year on portions of Ocean Beach and Crissy Field. During their time here (approximately July until May), Snowy Plovers spend their days resting in shallow depressions in the sand (such as footprints), where they are camouflaged and out of the wind. They also build up their fat reserves for breeding by eating small invertebrates in debris left by the tides. In spring they move up and down the coast and to inland salt flats to nest.

The National Park Service, established in part to protect America's vanishing wildlife, faces an important challenge in protecting the Western Snowy Plover.

YOU play an important role in the recovery of the Western Snowy Plover!



A Snowy Plover's natural response is to run or fly from danger. Continuous or repeated disturbance uses up their stored energy reserves and may jeopardize future breeding success.

To protect the Western Snowy Plover, GGNRA has created two seasonal (July until May) protection areas—see maps on reverse:

- Ocean Beach Snowy Plover Protection Area (Stairwell #21, just south of the Beach Chalet, to Sloat Blvd.—including all tidelands.)
- Crissy Field Wildlife Protection Area (west end of Crissy Field Beach)

The following are prohibited in these protection areas:

- Dogs off leash (36 CFR 1.5(a)(2))
- Disturbing wildlife (36 CFR 2.2)
- Disturbing threatened species (16 USC 1538)



When you are in the Snowy Plover protection areas, you should:

- Keep your dog on leash. Snowy Plovers perceive dogs as predators; dogs often chase them and other shorebirds.
- Walk, jog, or ride your horse on the wet sand away from the upper parts of the beach where Snowy Plovers are most likely to be found.
- Fly your kites, play frisbee and throw balls in the areas close to the water, away from where Snowy Plovers rest.
- Dispose of garbage properly to avoid attracting predators.
- Leave kelp and driftwood on the beach—these provide resting and feeding areas for the Snowy Plover.
- Call Park Dispatch at (415) 561-5505 if you notice any disturbance or threat to the Western Snowy Plover.

Well hidden within the beach sand, these tiny birds blend into their environment. Please use the beach close to the water.

Exhibit 9
0-026 (N. San Mateo County Sanitation Dist.)
Snowy Plover Protection Plan and Map

The Community of Shorebirds

Snowy Plovers are often seen with other wintering and migratory shorebirds such as Marbled Godwits, Willets, Heerman's Gulls, Caspian Terns, and Sanderlings, many of whom travel hundreds of miles during migration. These birds are also susceptible to the effects of constant disturbance. Because half of the shorebirds in North America are in decline, effective protection strategies must consider all shorebirds and not just a single species.

YOUR actions make a difference!

Please help protect the Western Snowy Plover and other shorebirds from human-caused disturbance.

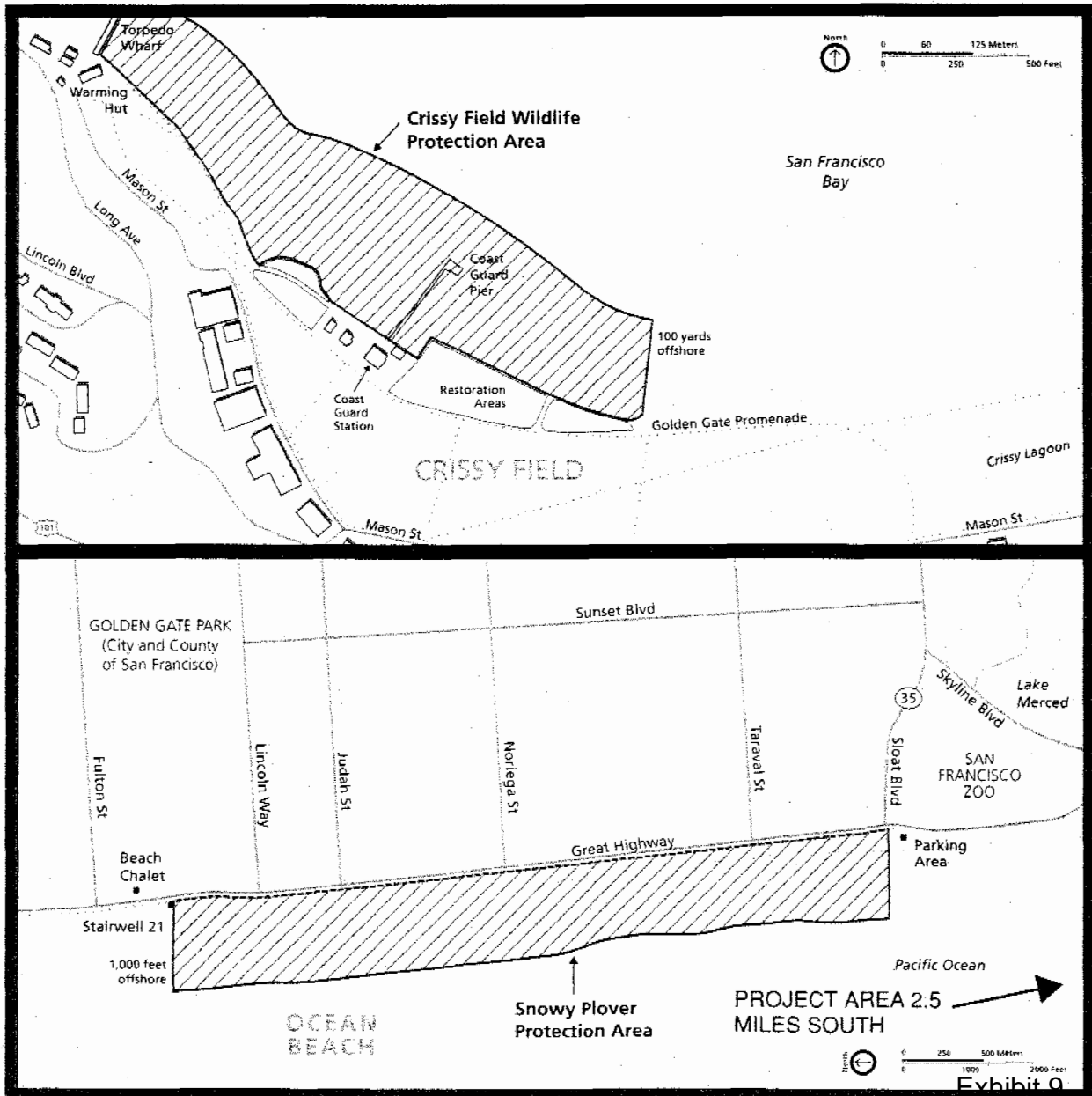
To volunteer to monitor the Western Snowy Plover or improve habitats in the park call (415) 561-4755.

Together we can help the Western Snowy Plover survive and thrive.



Top: Western Snowy Plover feeding at the high tide line. Bottom: Shorebirds feeding at the water's edge.

Western Snowy Plover Protection Areas



Top: Map of Crissy Field Wildlife Protection Area. Bottom: Map of Ocean Beach Snowy Plover Protection Area.

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Snowy Plover Protection Plan and Map

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