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Staff:	S. Pfeifer - SF
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STAFF REPORT: CDP HEARING

Application Number:	2-17-0184
Applicant:	City and County of San Francisco Public Utilities Commission
Project Location:	Westside Pump Station at 2900 Great Highway, on the corner of Sloat Boulevard and the Great Highway, adjacent to south Ocean Beach in the western portion of the City and County of San Francisco adjacent to the Pacific Ocean.
Project Description:	New above-ground and subsurface redundancy wastewater collection, transport, and treatment equipment, including an ancillary force main and related pumps, and construction of a new electrical building.
Staff Recommendation:	Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City and County of San Francisco Public Utilities Commission (SFPUC) proposes to improve the reliability of its existing Westside Pump Station, located on the corner of the Great Highway and Sloat Boulevard fronting south Ocean Beach in San Francisco. Specifically, the project proposes to address potential threats to water quality through adding functional redundancy to the Pump Station and the SFPUC's wastewater treatment system overall at this location to help avoid potential effluent discharges, including as directed by the SFPUC's San Francisco Bay Regional Water Quality Control Board (RWQCB) permit.

The Westside Pump Station is part of a greater network of combined sewer and stormwater runoff collection and treatment systems in West San Francisco that are operated by the SFPUC. Storage and transport boxes associated with the Pump Station provide the equivalent of wet-weather primary treatment by solids settling and screening. The proposed improvements to the Pump Station's redundancy would involve construction of a new wet-weather force main and flowmeter vault some 65 feet underground and seaward of the Pump Station; the expansion of an existing subsurface pump chamber to accommodate larger capacity pumps; a new above-ground electrical building to house more powerful equipment; and other related changes and additions to improve the performance of the facility. The primary intent of the project is to provide wet weather redundancy to allow for both maintenance (i.e., allowing part of the system to be shut down for maintenance while the redundant equipment continues to function) as well as backup function should part of the system fail during a wet weather event, thus avoiding potential adverse impacts from inadequately treated wastewater discharge.

The existing Pump Station is located just inland of South Ocean Beach, a small public parking area, and the four-lane Great Highway, with existing above-ground Pump Station infrastructure located between 100 and 200 feet from the bluff top edge above the beach. This area is protected against erosion through ongoing sand and sand bag placement permitted on a temporary basis by the Commission through CDP 2-15-1357 in 2015. There is also temporarily authorized riprap in this area, and the SFPUC is required by CDP 2-15-1357 to develop and implement a long-term managed retreat solution to the erosion threat to the Great Highway and related SFPUC infrastructure in this area (including the SFPUC's Oceanside Treatment Plant and the Lake Merced Tunnel) by December 31, 2021 (when the existing described armoring is also required to be removed). In short, however, coastal hazard risks are present at the proposed project location.

The at-issue project proposes to locate the above-described subsurface infrastructure about 25 feet seaward of most existing subsurface wastewater infrastructure in the area, but between 18-55 feet *inland* of the Lake Merced Tunnel (LMT). The Applicant analyzed project alternatives that would locate the proposed redundancy equipment inland of the Pump Station, but these alternatives were dismissed due to infeasibility or conflicts with other Coastal Act policies.[1] In addition, existing underground infrastructure also constrains the potential for moving the project further inland, and reducing the scale of the proposed project was deemed infeasible due to the interdependence of the proposed infrastructural elements. Finally, a "no project" alternative has the potential to result in a greater frequency of effluent discharge than is permitted by the RWQCB, and such potential discharge could threaten the marine environment and create a public health risk for beach goers.

The primary Coastal Act concern with the proposed project, as it is with existing wastewater treatment infrastructure in this general area, is the issue of siting such infrastructure in areas subject to coastal hazards. The project has been set back to address some 30 years of coastal hazards (without a reliance on the above-referenced armoring measures currently temporarily in place), including in relation to sea level rise, and it can be conditioned to ensure that it will not

[1] Specifically, inland locations were constrained by coastal dunes and by the San Francisco Zoo, which is located directly east and inland of the Pump Station.

itself be used to justify shoreline armoring in the future. In addition, and as indicated above, the infrastructure would be located inland of the LMT, which is the most significant piece of Westside Pump Station infrastructure closest to the ocean, and one of the primary focuses of the above-referenced and previously required long-term managed retreat solution as a part of the requirements of previously approved CDP 2-15-1357. In other words, the potential issues associated with the required solution for this area should not be prejudiced by this proposed redundancy project due to its location inland of the LMT, as issues associated with the LMT will be the primary driver for the required solution given its location, and these facilities are all located inland of the LMT.

In short, the proposed project, as conditioned, would protect water quality, public health, and recreational opportunities. To address coastal hazards, conditions are included to require completion of a comprehensive evaluation of long-term management options that are tied into the requirements of CDP 2-15-1357. To address other issues, conditions are also included to provide for appropriate site restoration, construction best management practices, and related mitigation measures designed to avoid and minimize impacts to birds, public views, and public access. Therefore, as conditioned, the project can be found consistent with the Coastal Act, and staff recommends approval of the CDP. The motion is found on page 5 below.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Number 2-17-0184 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 2-17-0184 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Project Plans.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and written approval of the Executive Director, two copies of Final Project Plans. The Final Project Plans shall clearly identify all development to be undertaken, shall be in substantial conformance with the Permittee's proposed 65% design-level plans (dated received in the Coastal Commission's North Central Coast District Office on June 30, 2017, as amended by materials dated received on November 3, 2017. All requirements above and all requirements of the approved Final Project Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Final Project Plans.

2. **Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit, for the review and written approval of the Executive Director, two copies of a Construction Plan. The Construction Plan shall, at a minimum, include the following:

   (a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all public pedestrian access corridors. All such areas within which construction activities and staging are to take place shall be sited and designed to minimize construction encroachment on all publicly available pathways, the beach, and beach access points, to have the least impact on coastal resources, including public access. The Plan shall describe all alternative vehicular, bicyclist, and pedestrian access routes to be used when construction would close off the Great Highway or portions thereof, including in terms of all associated barriers and signs.

   (b) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas, including using the space available on inland portions of the project area for staging, storage, and construction activities to the maximum extent feasible provided it does not significantly adversely affect public access, and including using unobtrusive fencing or equivalent measures to delineate construction areas, and including all methods to be used to protect coastal resources, including public access and water quality. All erosion control and water quality best management practices to be implemented during construction and their location shall be noted on the Plan.

   (c) Construction BMPs. The Construction Plan shall identify the type and location of all best management practices to be applied to avoid, and if unavoidable to minimize impacts on coastal resources, including at a minimum all of the following:

      1. Work Hours. All exterior work shall take place only during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset), and no earlier than 7am and no later than 7pm.

2. Construction Activities Contained. Construction (including but not limited to construction activities, and materials and equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

3. Equipment BMPs. Equipment washing, servicing, and refueling shall be allowed only at a designated inland location away from coastal resource areas as noted on the Plan. Appropriate best management practices shall be used to ensure that no spills of petroleum products or other chemicals take place during these activities, and that proper cleanup and emergency provisions are in place to avoid coastal resource impacts from such equipment-related activities.

4. Housekeeping BMPs. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; etc.).

5. Erosion Control BMPs. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and sediment from entering into adjacent areas and drainage ways that could lead to the beach or coastal waters.

6. Restoration. All public access facilities (e.g., parking lots, roads, paths, etc.) impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.

(d) Adjacent Habitat Protection. The Construction Plan shall identify provisions for the protection of adjacent species and habitats prior to and during construction, including at a minimum all of the following:

1. Biological Monitors. The names and qualifications of the proposed Biological Monitors shall be submitted to the Executive Director for approval at least 30 days prior to required biological monitoring, and shall be accompanied by a letter from each proposed Biological Monitor verifying that they have a copy of the CDP, and that they understand and will enforce all of its terms and conditions.

2. Bird Surveys. The approved Biological Monitors shall conduct bird surveys 30 days prior to construction activities to detect any active bird nests in the area that may be impacted, and any other potential nesting habitat within 500 feet of the construction area for the presence of raptor nests. A final survey shall be conducted 72 hours or less prior to the initiation of clearance/construction to detect any active bird nests. If nests are found, trees will not be removed until young of the year have fledged, and remedial measures will be applied to assure adverse impacts to any nesting birds present are avoided, lessened and/or mitigated for. At a minimum, construction activities may not occur within 500 feet of raptor nests, or within 300 feet of an active

nest of any rare, threatened, or endangered species, or species of concern. Buffers of at least 150 feet shall be maintained for all other active nests during the extent of the breeding season, typically February 1 through September 1, or until young of the year have fledged.

3. Western Burrowing Owl. The Construction Plan shall include a component that provides further details regarding avoidance and minimization measures for western burrowing owl, including with respect to their burrows and/or foraging habitat. At a minimum, these measures must include pre-construction activity surveys of western burrowing owl foraging and burrowing habitat the same day prior to any work occurring from October 1st to March 31st. The Biological Monitors shall monitor the project area for the presence of western burrowing owl and for any potential owl burrows and foraging areas within 500 feet of staging and construction areas before activity is allowed in any staging or construction area. If an owl is found in any of the staging or construction areas, or within 500 feet of these areas prior to or during construction, all work must cease until the end of the overwintering season or until the Biological Monitors have confirmed, in writing, that the area is clear of owl activity or that the construction activities will not affect burrowing owl.

4. Other Agency Compliance. The Permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, and the U.S. Fish and Wildlife Service. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the change requires an amendment to this CDP or can proceed under its authorization.

(e) Staging Area A Pre-Construction Survey. The staging area described as Staging Area A on the Permittee's proposed project plans (see page 2 of **Exhibit 3**) shall be surveyed for the presence of special status species prior to its use. If any special status species are found, these plants will be protected and clearly delineated buffer zones identified by the Biological Monitors will be established around them.

(f) Staging Area Revegetation. If utilized, the staging area called out as Staging Area D on the Permittee's proposed project plans (see page 4 of **Exhibit 3**) shall be restored pursuant to the Construction Plan to a natural state with resource values at least as good or better than existing before the construction within 30 days of construction completion. At a minimum, the Plan shall include such grading as is necessary to achieve natural contours, and at least the following must be included in the submitted Construction Plan:

1. Revegetation Methods. All vegetation planted in the restoration area shall consist of plants native to the local dune system, and consist only of local genetic stock. The planting plan should be designed to avoid the use of irrigation following the stage of plant establishment. If irrigation is considered necessary to initiate vegetation planting, it should be temporary and provisions for its removal must be included in the plan. If fencing is required to protect the revegetation area, such fencing shall be limited to temporary rope and pole barriers or equivalent, and shall be sited and designed to limit visual impacts. The plant palette used in the revegetation area shall

be determined based on sampling of an appropriate and pre-approved reference site and sampling scheme for the reference site. Appropriate criteria for choosing a reference site include similar slope, soil type, aspect and landscape position to the area to be revegetated. The reference site shall be undisturbed and consist of primarily native plants.

2. Non-Native and Invasive Plant Removal. All non-native and invasive species shall be removed, and continued removal shall occur as needed to ensure establishment of natives. If species of special concern are found, these plants shall be protected and clearly delineated buffer zones shall be established around them.

3. Monitoring and Reporting. The Permittee shall submit, for the review and approval of the Executive Director, a monitoring report prepared by a qualified specialist that certifies that revegetation, once completed, is in conformance with the approved Construction Plan. In addition to a narrative, the Report shall include photographic documentation of plant species and plant coverage, progress towards meeting performance criteria, any management and remedial measures in establishing and maintaining the area. Monitoring and reporting shall occur immediately following completion of initial revegetation activities, and then again at the following post-initiation intervals: six months, one year, and annually for at least five years, or until the performance criteria have been met for at least three consecutive years, whichever is less. All revegetation activities, including remedial measures that might be necessary to meet native plant objectives over time, pursuant to the approved Construction Plans shall be the Permittee's responsibility for as long as any portion of the approved development exists at this site.

(g) Construction Site Documents. The Construction Plan shall provide that a copy of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times during construction, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

(h) Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction for questions by the public. Contact information (including at least a phone number and email and mailing addresses) shall be conspicuously posted at the job site and readily visible from public viewing areas (while also limiting public view impacts as much as possible), along with indication that the construction coordinator should be contacted in the case of questions regarding the construction. The construction coordinator shall record the name, contact information (i.e., address, phone number, email address, etc., as applicable) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.

(i) Notification. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement

of construction, and immediately upon completion of construction.

Minor adjustments to the Construction Plan may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake construction in accordance with this condition and the approved Construction Plan.

3. **CDP 2-15-1357 Requirements.** The development authorized by this CDP shall be subject to the required Long-Term Solution evaluation pursuant to Special Condition 2 of CDP 2-15-1357, which requires the Permittee to develop and implement a Commission-approved long-term managed retreat solution to the erosion threat to the Great Highway and related public infrastructure in this area.

4. **Coastal Hazards.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns to all of the following:

   (a) Coastal Hazard Risks. The site is subject to coastal hazards, including those associated with episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, sea level rise, and the interaction of same.

   (b) Assumption of Risk. The Permittee assumes all risks to the Permittee and the property that is the subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development.

   (c) Liability/Damage Waiver. The Permittee unconditionally waives any claim of damage or liability against the Commission, its officers, employees, agents, successors and assigns for injury or damage from such coastal hazards.

   (d) Indemnification. The Permittee indemnifies and holds harmless the Commission, its officers, employees, agents, successors and assigns 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 due to such coastal hazards of such claims), expenses, and amounts paid in settlement arising from any injury or damage.

   (e) Armoring Waiver. In the event that the development approved pursuant to this CDP is threatened with damage due to such coastal hazards, no shoreline armoring is allowed to protect such threatened development. Rather, such threatened development shall be required to be moved or removed out of harm's way, where such relocation or removal shall require a separate CDP.

   (f) 30235 Waiver. The Permittee waives any rights that it may have under Coastal Act Section 30235, the certified City and County of San Francisco LCP, or any other applicable laws, to shoreline armoring to protect the development authorized by this CDP.

5. **Indemnification by Permittee/Liability for Costs and Attorneys' Fees.** By acceptance of this CDP, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal

Commission costs and attorneys' fees (including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval, issuance, and/or exercise of this CDP. The Coastal Commission retains complete authority to conduct and direct the Commission's defense of any such action against the Coastal Commission, its officers, employees, agents, successors and assigns. WITHIN 45 DAYS OF CDP APPROVAL, the Permittee shall enter into a separate written agreement with the Executive Director agreeing to reimburse the Coastal Commission for all such court costs and attorneys' fees, consistent with the requirements of this condition.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION

The proposed project is located at the existing City and County of San Francisco Public Utilities Commission (SFPUC) Westside Pump Station (WPS) at 2900 Great Highway, on the corner of the Great Highway and Sloat Boulevard, adjacent to South Ocean Beach in West San Francisco (**Exhibit 1**). Ocean Beach is a north-south trending sandy beach that is approximately 3.5 miles long and that is located on the western, Pacific Ocean side of the City, situated south and west of the Golden Gate entrance to the San Francisco Bay. Generally speaking, the land west of the Great Highway is owned by the National Park Service (NPS) as part of the Golden Gate National Recreation Area (GGNRA), and areas immediately to the east of the Great Highway are under the ownership of the City and County of San Francisco. The Pump Station is located between the San Francisco Zoo and the Great Highway, with significant associated Pump Station and wastewater infrastructure located under the Great Highway itself. A parking area to the east separates the Zoo from the Pump Station (see **Exhibit 1** for aerial detail of the project area).

B. PROJECT DESCRIPTION

San Francisco Wastewater System Background

The City and County of San Francisco's wastewater system is made up of three distinct wastewater collection and treatment facilities. These facilities are a combined system that is designed to collect, transport, treat, and dispose of both sewer effluent as well as stormwater runoff that is comingled in the system. The WPS is part of the overall network of infrastructure, and it primarily services Western San Francisco. Wastewater and stormwater runoff collected and transported to this facility comes from what is known as the Westside Drainage Basin, representing the City's western natural watershed. Constructed in 1985, the WPS is the site where collection, storage, and pumping of 35% of San Francisco's storm and sewage wastewater occurs. The facility occupies a space slightly less than one acre. After converging at the WPS, wastewater is eventually conveyed to the Oceanside Treatment Plant (OSP) about one-half mile further to the south or, if wet weather events overwhelm the system, the increased and partially

treated flows may be discharged at an offshore location; the potential for which the proposed project is intended to reduce. The SFPUC's offshore discharge pipe, called the Southwest Ocean Outfall (SWOO), originates on land about a half-mile south of the WPS extending west and out into the Pacific Ocean to its termination approximately four miles offshore.

The Lake Merced Tunnel (LMT), Richmond Tunnel, and the Westside Storage and Transport Box all lead to the Westside Pump Station. Collectively, they are known as the Westside Transport and Storage Boxes (see **Exhibit 2** for project component schematic). Each of these tunnels and transport boxes carry effluent and stormwater from the north, south, and east to the WPS, which is located at a topographic low point, allowing for a gravity-fed system. Wastewater receives pre-treatment in this system before it is transported further down-system to the OSP. Specifically, dry-weather flows are screened for large debris and wet-weather flows are decanted in the WPS wet-weather box by separating solids from effluent. Sumps, or large pump chambers buried deep beneath the WPS, contain the pumps used to channel dry-weather flows from a dry-weather transport and storage boxes to the Westside Force Main. While the East pump chamber channels dry-weather flows, the West pump chamber directs wet-weather flows from the wet-weather transport and storage boxes through a separate, parallel force main, transporting it to the Plant for additional treatment and discharge via the SWOO.

Although not desirable, at times the Applicant's wastewater treatment system can be overwhelmed, and the Applicant has in the past discharged partially treated wastewater to the ocean. Pursuant to San Francisco Bay Regional Water Quality Control Board (RWQCB) permit requirements emanating from the requirements of the Clean Water Act's National Pollution Discharge Elimination System (NPDES), such discharges are limited to a maximum of eight annually. The dry-weather system consists of two separate pump chambers, one of which can be used as backup to allow for maintenance of the other. The wet-weather system does not include this redundancy, so a system failure during heavy wet-weather flows can result in partially treated wastewater discharges. The proposed project is intended to address this issue via constructing a series of redundancy improvements, as described below.

Proposed Project

The Applicant, the SFPUC, proposes both above and below-ground development of new redundancy elements at the Westside Pump Station. Above-ground, the proposed project includes demolition and rebuilding elements of its main building; replacement of two existing bar screens and addition of one new bar screen; removal and replacement of retaining walls along the eastern border of the Pump Station yard; and construction of a new electrical building with more powerful electrical equipment needed to support existing and proposed project elements. Proposed subsurface development involves increasing the subsurface building footprint, including expansion of the West pump chamber to accommodate the replacement of four submersible pumps with pumps of greater capacity, and constructing a wet-weather force main and vault (**Exhibit 2**). Three temporary staging areas and an additional vehicle parking area would be occupied during construction of the project (**Exhibit 3**).

Demolition and rebuilding of sections of the existing one and a half story main building would include a height increase of 8 feet, from 28 to 36 feet. Also proposed is the slight expansion of the building westward, not exceeding the footprint of the existing, adjoining concrete planter

boxes. Both the height and footprint additions would correspond to the construction of a third wet-weather bar screen. A retaining wall surrounds the two paved parking and storage areas to the north and south of the Main Building. Much of the west-facing wall would be demolished and replaced, as well as some portions of the wall in the northern section of the main parking and storage area. The proposed new electrical building would be located on the northern portion of the property nearest the intersection of the Great Highway with Sloat Boulevard, and it would replace the existing, insufficient-capacity underground electrical system. It would include removal of existing 480-volt low voltage equipment and replacement with 4,160-volt medium voltage electrical equipment. Pacific Gas & Electric would provide new buried electrical feeds from Skyline and Sloat Boulevards. At 20 feet in height and 4,641 square feet (82' x 59'), this new building would partially occupy space currently used for parking and storage, and also expand into a currently undeveloped area. Construction of the building and new retaining wall requires excavation of this area down to sidewalk level and removal of non-native vegetation and trees (**Exhibit 2**). An electrical utility trench would house feeds under Sloat Boulevard. The trench would require approximately 1,450 cubic yards of cut and fill.

The existing Pump Station development extends 65 feet below grade and west to the inner edge of the Great Highway sidewalk fronting the facility (**Exhibit 2**). Proposed subsurface expansion of facilities would move the proposed infrastructure 25 feet seaward of the existing infrastructure (on subsurface levels two through five of the building) to accommodate replacement of the existing pumps housed within the West Wet-weather Pump Chamber with larger pumps. The new 54-inch diameter and 190-foot long force main will connect the wet-weather pumps with an existing subsurface vault and one new vault. The new vault, referred to as vault 4, would house a flowmeter and also extend seaward of existing development by 25 feet. The force main would be located in the same position as a previously abandoned, existing force main (**Exhibit 2**). From vault 4, wastewater would be conveyed south to existing vault 3 and south to the OSP via existing infrastructure. Excavation required for underground expansion and placement of new infrastructure would require temporary closure of both northbound lanes of traffic on the Great Highway. This project element would require approximately 1,300 cubic yards of cut, and backfill of 1,000 cubic yards of material.

The first temporary construction staging area is proposed on a portion of the parcel adjacent to and south of the Westside Station, referred to as "Staging Area D." It is an area of about 60 feet north-south by about 15 feet east-west, extending along the Great Highway. This staging area would be accessed by the Station's driveway and would require the addition of temporary fencing, rough grading, and the spreading of crushed gravel. A second proposed staging area would be in the existing, developed Zoo stockpile yard, about a 1,000 feet south of the project site. This location can be accessed by the main Zoo parking entrance adjacent to the Westside Station from the Great Highway, or from Herbst Road to the east. It is currently used for spoils storage, equipment storage and maintenance, and staging for other nearby projects. The third proposed staging area is located at the corner of Sloat and Skyline Boulevards, on a paved portion of Zoo overflow parking lot, southeast of the project site. These staging areas would be used to store construction vehicles and for the storage of project equipment and materials. Finally, the Applicant proposes storage of equipment and materials and a temporary contractor office in a small portion of the Zoo parking area directly behind the Station, which is closed off to public access by fencing and contains the Zoo's lift station. Zoo visitor parking would not be

impacted by the use of these staging areas. Project construction is expected to last approximately 31 months.

C. STANDARD OF REVIEW

The southern portion of the proposed project is located in the City and County of San Francisco's coastal permit jurisdiction area, while a portion of the northern part of the proposed project (essentially at Sloat Boulevard) is located in an area where the Coastal Commission retains CDP jurisdiction. Pursuant to Coastal Act Section 30601.3 the Applicant and the City and County of San Francisco requested that the Coastal Commission review the project as a consolidated CDP application, and the Executive Director agreed. The standard of review for consolidated CDP applications is the Coastal Act, with the City and County's certified Local Coastal Program (LCP) policies and standards providing non-binding guidance.

D. COASTAL DEVELOPMENT PERMIT DETERMINATION

1. Marine Resources and Water Quality

Applicable Coastal Act Provisions

The Coastal Act protects marine resources and coastal waters, including by requirements to minimize waste water discharges and to control runoff. Coastal Act Sections 30230 and 30231 state:

> ***Section 30230.*** *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.*** *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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Consistency Analysis

As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) Program requires that pollutants discharged from a point source obtain an NPDES permit. This federal program has been delegated to the State of California for implementation through the State Water Resources Control Board and the State's Regional Boards. The goal of the Program to improve water quality, including by limiting and monitoring discharges, is

consistent with Coastal Act water quality and marine resource protection goals, including as identified in Coastal Act Sections 30230 and 30231.

According to water quality monitoring data submitted by SFPUC under its NPDES permit from 2012-2017, the City has had multiple episodes of partially treated wastewater being discharged to the Pacific Ocean during this recent time frame, from a low of 7 such annual discharges to a high of 35, with the higher discharge amounts corresponding to wetter winters such as that of 2016-2017.[2] The SFPUC's NPDES permit allows for a maximum of 8 such discharges annually, and the Westside Pump Station was designed to ensure that this limit was not exceeded. Exceedance of this limit as established in a facility's NPDES permit means that the facility is not meeting the design criteria originally established for the particular facility. The WPS was originally designed to allow for 8 such discharges, however, severe storms have led to power failures, which resulted in the failure of pumps. While the overall wet-weather pump capacity will be increased from 110 to 170 million gallons/day (mgd), routine capacity during dry-weather will remain around 43 mgd. Maintaining 8 or fewer annual discharges, in order to be consistent with the NPDES permit for this facility, is a project goal.

If no action is taken to provide redundancy to the existing infrastructure to manage excess wet-weather flows, and to enhance the capacity of the existing electrical system, partially treated wastewater from overwhelmed wet-weather storage and transport boxes could be discharged and deposited to the adjacent beach and ocean, adversely impacting water quality and marine resources at this section of the Coast. This could result in adverse effects to the marine habitat and organisms that rely on these resources, contrary to Coastal Act Sections 30230 and 30231. Thus, the proposed project should have an overall positive effect on marine resources, and it should improve coastal water quality by providing backup to existing infrastructure.

To further ensure that the Applicant implements Best Management Practices (BMP) and control measures adequate to protect coastal water quality and resources during construction, **Special Condition 2** will require the submittal and approval of a Construction Plan**. Special Condition 2** requires that this plan includes a pollution prevention component, with required BMPs, for Executive Director review and approval. Through the Construction Plan, the Applicant is to demonstrate adherence to various controls and construction responsibilities during project implementation to protect resources and water quality. These include the type of controls often imposed by the Commission to minimize stormwater runoff, surface erosion, and potential pollutants resulting from construction activities.

Conclusion

As conditioned, the project would protect the biological productivity and the quality of coastal waters, as well as marine resources in the project area, in conformity with Sections 30230 and 30231 of the Coastal Act.

[2] SFPUC emails dated November 3, 2017 and January 12, 2018.

2. Geological Conditions and Hazards

Applicable Coastal Act Provisions

Coastal Act Section 30253 addresses the need to ensure new development maintains long-term structural integrity, minimizes future risk, and avoids landform altering protective measures both now and in the future. Section 30253 also requires new development to assure stability and structural integrity, to not create or contribute to erosion or geologic instability, and not to rely on protective devices. Section 30253 provides, in part:

> ***Section 30253.*** *New development shall do all of the following:*
>
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The San Francisco LCP was certified in 1986, and it includes limited coastal hazard provisions. The City is in the process of finalizing a minor update to the LCP to help provide increased precision on these points moving forward, and has also prepared a framework for assessing vulnerability and risk to support adaptation.[3] The vulnerability/adaptation effort identifies and describes key steps for assessing and adapting to the effects of sea level rise and presents a framework for integrating this information into the capital planning process for the City and County of San Francisco. These LCP efforts are not yet complete, and thus their applicability as guidance in this case is imperfect. That said, these provisions, at least in their current proposed form, amplify and build upon the above-described Section 30253 requirements, and the following analysis is thus consistent with their intent in that regard.

Consistency Analysis

Background

The Westside Pump Station (WPS) is located adjacent to the a stretch of South Ocean Beach south of Sloat that already suffers from chronic, ongoing erosion of the beach and bluffs fueled by wave action and episodic coastal storms. Essentially, the project site is located inland of an eroding bluff complex that itself was created over time by placing dune sand, earth, and rubble to extend the bluff seaward to support development of the Great Highway, parking, and infrastructure over the past century. A beach access parking area and the Great Highway currently separate the Pump Station from the blufftop edge and the beach.

During severe storm seasons in the 1990s through 2010, significant damage occurred to the parking lots and the Great Highway itself in this area south of Sloat Boulevard, leading to temporary closure and sending significant amounts of debris onto the sandy beach and into the Pacific Ocean as the bluff eroded. The ongoing threat to public road and other infrastructure located inland of South Ocean Beach led SFPUC to install two large rock revetments, 600 linear

[3] Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation, prepared by the City and County of San Francisco. Final Draft adopted on December 14, 2015.

feet in 1997 and 440 linear feet in 2010. When SFPUC applied after-the-fact to retain these revetments and install additional armoring in 2011, the Commission denied the CDP application, citing inadequate consideration of alternatives by the Applicant that would avoid and/or minimize the adverse impacts of the proposed project, and encouraged the City to develop a viable planning alternative for consideration.

Following denial, SFPUC worked with the San Francisco Planning and Urban Research Association (SPUR) and interested and engaged stakeholders on the Ocean Beach Master Plan, which was completed in May 2012. That Plan includes many prescriptions for all of Ocean Beach, including a long-term solution for the area south of Sloat Boulevard that envisions narrowing and ultimately abandoning Great Highway south of Sloat, removing armoring, and managing shoreline retreat in this area in a more sensitive manner than large armoring structures. The long-term project, due to be implemented beginning in the early 2020s, would include removal of existing armoring and a series of managed retreat measures designed to avoid hard armoring as much as possible in favor of instead managing the shoreline more naturally (with sand dunes, for example) and facilitating enhanced public recreational access and in the area.

Ultimately, in 2015 the Commission approved Phase I of a two-phase project to implement temporary coastal protection measures and a management strategy for the area south of Sloat Boulevard with the dual-goal of protecting critical public infrastructure and the coastal environment (CDP 2-15-1357, see **Exhibit 5**). Phase I involved temporary authorization of the above-described armoring, as well annual sand relocation from accreting areas of North Ocean Beach to the erosion hotspots identified at South Ocean Beach south of Sloat, and the placement of stacked sandbags on an as-needed basis. Phase I was designed as an interim project to be implemented while the Phase II long-term solution is developed for submittal and Coastal Commission action. The long-term solution envisions narrowing and ultimately abandoning the Great Highway south of Sloat, removing armoring, and managing shoreline retreat in this area differently, all as called out in the Ocean Beach Master Plan. CDP 2-15-1357 requires the SFPUC to develop their preferred long term plan for Coastal Commission consideration by the end of 2021 (see CDP 2-15-1357 Special Condition 2), and to permit and implement the plan thereafter.[4]

Site Characteristics

The geologic report supplied by the Applicant for this project demonstrates that the coastal bluffs seaward of the project location and the Great Highway are made up of fill, dune sands, and Colma formation sandy deposits (i.e., ancient sandy deposits). Seaward of the northern end of the proposed project, the bluff is characterized as low and comprised of sandy soils. Farther south, the bluffs are higher, more cliff-like, and made up of the more durable substrate, including the Colma formation. The height of the exposed coastal bluff varies through the year at this location, as the level of beach sand fluctuates because of various factors (i.e., the amount of beach nourishment, existing armoring structures, the length and intensity of storm events, and the ocean's ebb and flow)**.** The sand intersection with the toe of the bluff fronting this section of

[4] The Applicant's preferred approach as of today would involve the removal of existing rock revetments and other shoreline protection measures that are currently in place, the restoration of the bluffs and beach, and the phased construction of a low-profile shoreline protection device landward of the current bluff face and adjacent to the Lake Merced Tunnel (SPUR/ESA PWA, April 24, 2015).

South Ocean Beach currently fluctuates between +2 and +12.4 feet NAVD88,[5] while bluff height is at +30' NAVD88, depending on the height and width of the beach.[6] The above-ground portion of the WPS is situated at approximately +33' NAVD88 (or 30 feet above mean sea level). The proposed project involves the placement of a new redundant force main and flow vault meter, approximately 25 feet seaward of the existing Pump Station, between 0 (vault ceiling) and 65 feet (force main depth) below grade.

Design Life

Coastal Act Section 30253 requires that development minimize risk in high hazard areas, and that it assure stability and structural integrity without the use of armoring that would substantially alter natural landforms. In short, Section 30253 ensures that the public will not be held responsible for future shoreline stability or future threats to public infrastructure because of the development's location along hazardous sections of the coast. One way of addressing such concerns is to ensure that development is sited far enough back from the immediate shoreline as to be safe during its lifetime. Wastewater treatment plants and related infrastructure are regarded as public service projects and are generally developed with a functional life of 75 to 100 years.[7] In this case, the Applicant indicates that the infrastructure is planned to have a design life of approximately 30 years.

Coastal Hazard Impacts

The Applicant submitted several sources of information identifying coastal hazard threats and how the project has been sited and designed to be safe from them (including an analysis of site geology and seismic vulnerability, and technical background reports from Ocean Beach Master Plan efforts[8] and its Technical Advisory Committee). This information included analysis of potential erosion without the ongoing beach nourishment and temporary armoring, and with the most severe sea-level rise predictions, with reference given to the National Resource Council's 2012 projections.[9] This approach to estimating hazards issues is consistent with the Commission's, which requires that development projects be analyzed for their coastal hazard vulnerability without reliance on any existing or future armoring, soft or hard, and potential worst case sea level rise repercussions.

Without considering any of the existing interventions protecting the bluff, such as existing armoring and beach nourishment activities, the submitted information indicates that erosion at

[5] NAVD88 is an elevation datum where mean sea level is approximately 3 feet above the NAVD88 zero elevation (i.e., mean sea level is at +3 NAVD88).

[6] Such beach height and width fluctuations in this case can be both natural and seasonal, or the result of the afore-mentioned beach nourishment projects that bring sand to South Ocean Beach from North Ocean Beach.

[7] See, for example, California Coastal Commission Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits. Adopted August 12, 2015.

[8] Coastal Protection Measures & Management Strategy for South Ocean Beach. Ocean Beach Master Plan: Coastal Management Framework. April 24, 2015. Prepared for San Francisco Public Utilities Commission by SPUR, ESA PWA, Moffatt & Nichol, McMillen Jacobs Associates, AGS, Inc.

[9] National Research Council. 2012. *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*. Washington, DC: The National Academies Press. https://doi.org/10.17226/13389.

South Ocean Beach could lead to bluff retreat of between 110 and 190 feet by 2050.[10] This calculation factored in 2 feet of erosion per year plus the occurrence of one severe El Niño event. Above ground Westside Pump Station infrastructure, both existing and proposed, is as close as 150 feet from the blufftop edge (see **Exhibit 4**), while the proposed subsurface infrastructure would be located about 125 feet from the blufftop edge. This projection means the resulting buffer between the new infrastructure proposed for this project and the bluff edge could be as little as 15 feet by 2050, applying the lower erosion projection, or could be surpassed entirely, using the higher erosion rate. Given the estimates above, the new development may not be safe from coastal hazards through its proposed design life, and even the low estimates of erosion would mean only a 15-foot setback would remain in 32 years, and the infrastructure could be exposed even earlier than that if more severe erosion were to occur. Although not the typical time-frame that the Commission would utilize for evaluating threats to new critical infrastructure development such as this, there are other factors at play in this application that suggest that such a setback, properly conditioned (e.g., to ensure that armoring is not proposed to protect this new development itself), could be found consistent in this case.

Specifically, as described earlier, CDP 2-15-1357 addresses the need for the Applicant to develop and implement a long-term managed retreat solution to the erosion threat to the Great Highway and related public infrastructure in this area (again, see CDP 2-15-1357 in **Exhibit 5**). Such infrastructure includes the Great Highway as well as the significant wastewater facility infrastructure already in the area, including the Lake Merced Tunnel that is located *seaward* of the development being considered in this application. In other words, the Commission has already put in place a required adaptation process for this stretch of coast that will lead to a final resolution of the myriad of issues, and, because this redundancy project is inland of the Great Highway and the Lake Merced Tunnel, it can be approved with conditions designed to ensure that it does not prejudice that outcome, whatever it is.

Public Infrastructure Exposed to Coastal Hazards Threat

The Great Highway was reconstructed in 1993 to allow the construction of the Lake Merced Tunnel (LMT). Its location varies from 45-80 feet seaward of the Westside Pump Station, and it was located approximately 89 feet inland from the blufftop edge in 2010.[11] This tunnel is the seaward-most element of infrastructure associated with the Westside Pump Station and the Oceanside Treatment Plant and the SFPUC's wastewater infrastructure in general on the west side of the City, and it is located beneath the north and southbound traffic divide of the Great Highway. At 14 feet in diameter and 1,800 feet long, the tunnel is a critical part of the SFPUC's wastewater conveyance and treatment infrastructure and system. Past armoring and planning for this stretch of coast have historically focused on how best to protect such continued function, including in relation to armoring to protect the tunnel, or relocation of the tunnel, or other permutations with a little of both. This is because the risk of damage to the LMT, especially

[10] Appendix 1: South Ocean Beach Shore Recession Estimates, Ocean Beach Master Plan, with Consideration of TAC Input. Coastal Protection Measures & Management Strategy for South Ocean Beach. Ocean Beach Master Plan: Coastal Management Framework. April 24, 2015. Prepared for San Francisco Public Utilities Commission by SPUR, ESA PWA, Moffatt & Nichol, McMillen Jacobs Associates, AGS, Inc.

[11] Coastal Protection Measures & Management Strategy for South Ocean Beach. Ocean Beach Master Plan: Coastal Management Framework. April 24, 2015. Prepared for San Francisco Public Utilities Commission by SPUR, ESA PWA, Moffatt & Nichol, McMillen Jacobs Associates, AGS, Inc.

given it is the seaward-most element of the system, could result in partially treated wastewater discharge or even partial/complete structural failure, with the resultant release of significant discharges into the coastal environment and the loss of wastewater function for a significant part of the City.

The structural integrity of the LMT is at risk of being compromised as the sand and bluff materials that provide lateral support to it are removed by shoreline erosion episodes. Geo-structural modeling of the LMT, carried out to inform the Ocean Beach Master Plan, recommended that a minimum soil dimension of 35 feet between the tunnel and the edge of the bluff be maintained to avoid risk to the structure. While the LMT is not currently under review as part of the current proposed project, it is a critical element of the Westside Pump Station facility and the SFPUC's infrastructure overall, and it is a major focus of the long-term shoreline management strategy at Ocean Beach, including in the Ocean Beach Master Plan.

In order to provide time for the SFPUC to appropriately plan for a long-term solution for the LMT and other critical public infrastructure, the 2015 CDP temporarily authorized hard revetments as well as relatively "soft" armoring measures, including sand relocation and the placement of sandbags through approval of CDP 2-15-1357. As indicated above, Special Condition 2 of CDP 2-15-1357 requires that the Applicant develop a long-term managed retreat solution for the threat that erosion presents to the critical public infrastructure in this area by December 31, 2021. In short, it is through that already identified CDP 2-15-1357 process that issues associated with the infrastructure in this area and coastal hazards are intended to be resolved.

Conclusion

The proposed project is important to maintain to critical wastewater treatment functions, especially in the short term as the Applicant develops its required Phase II long term plan under CDP 2-15-1357. Specifically, the new wet-weather redundancy elements and enhanced electrical capacity of the proposed project would help to prevent partially treated wastewater spills in the case of a system failure or overload, and help ensure compliance with NPDES effluent permit limits. Thus, the proposed project would help ensure that the Westside Pump Station continues to protect coastal water quality.

An analysis of project alternatives included a reduced-scale project, alternative project location, and no-project alternatives. Results of this analysis demonstrated that the proposed project would incorporate the most feasible siting and scale. A reduced scale project would not achieve more redundancy within the system, as needed for NPDES compliance and to meet the stated goal for the project to create backup for the existing system, and to avoid potential problematic discharge and environmental damage associated with electrical capacity failures or extreme wet-weather events. Each component of the proposed infrastructure is dependent on other elements (both within new proposed and existing elements), and therefore eliminating one element through a reduced-scale project could interfere with the utility of other components. The Applicant examined the alternative of locating the proposed infrastructure inland of the Westside Pump Station (rather than seaward), and found this alternative infeasible, as the siting of the proposed infrastructure would conflict with existing underground infrastructure and require extensive, and

prohibitively costly, retrofitting. As described above, a no-project alternative could result in inappropriate discharges from the wastewater conveyance system.

Thus, the Commission finds that the project is needed in the immediate term, and that approval of the proposed redundancy system and other related development to improve the functioning of the facility is an appropriate measure to provide continuing services to the western San Francisco community while long-term solutions for wastewater conveyance are identified, as described in **Special Condition 3**. To avoid stimulating more erosion, further narrowing the beach, and other coastal resource impacts created by shoreline protective devices, **Special Condition 4** requires the Applicant to waive rights to pursue shoreline protection for this redundancy infrastructure itself, to remove this approved development if threatened by erosion to such a degree as it requires armoring, to remove all infrastructure once it is no longer functional, and to recover any failed elements of the proposed development that collapse onto the bluff, beach, or ocean.

In terms of recognizing and assuming the risks for hazardous shoreline development, the Commission's experience in evaluating proposed developments is that applicants continue to pursue development despite periodic episodes of heavy storm and other damage. Development of the California coastline in such dynamic environments has resulted in the public bearing costs in the hundreds of millions of dollars. Potentially impacted properties, including the Great Highway, adjacent parking lots along the Ocean Beach stretch, significant infrastructure under the Great Highway, and the beach itself — are all in public ownership. To allow for development in hazardous locations while avoiding placing an economic burden onto the people of the State of California, applicants are regularly required to acknowledge site hazards, assume the risks of such hazards, and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, this approval is conditioned for the Applicant to assume all risks for developing at this site (**Special Condition 4**).

The project represents an appropriate measure to ensure the continued reliability of the Westside Pump Station's wastewater conveyance and treatment infrastructure. Redundancy of this system will minimize risks associated with excessive or unintended release of effluent, thereby protecting water quality and public health. The project is conditioned to ensure that new and existing infrastructure related to the Westside Pump Station would be protected from coastal hazards, until a long-term solution for this section of coast and the wastewater treatment functions associated with the Station is identified as required by CDP 2-15-1357. Thus, as conditioned the proposed redundancy project is consistent with the requirements of Coastal Act Section 30253.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Applicable Coastal Act Provisions

Environmentally sensitive habitat areas (ESHA) are defined as areas 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. Coastal Act Section 30240 states:

Section 30240.

(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.

Section 30240 requires that only resource-dependent uses that do not significantly disrupt habitat values are permitted in ESHA, and any uses in areas adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade those areas, and must be compatible with their continuance.

Consistency Analysis

The proposed project, including construction and staging areas, would not occur in ESHA,[12] but there are nearby habitats and species that constitute ESHA that must be protected pursuant to Section 30240(b). With respect to animal species, although no special status birds or bats were identified in surveys of the site for the project, birds that forage or nest in the vicinity of the project site include the bank swallow and the western burrowing owl.[13] Specifically, bank swallows have been known to burrow within the beach bluffs at Ocean Beach, and while no burrows have been identified within the bluffs seaward of the project area, active bank swallow burrows have been previously recorded a few hundred feet from the proposed Zoo stockpile Staging Area A. With respect to burrowing owl, an owl has been documented using the bluff area between 600 and 800 feet southwest of Staging Area A as a winter roost. For at least the past 4-5 years, the owl has come to this site in mid-October and leaves mid-February to early-March, although presence of the western burrowing owl was not documented in a recent survey. Potential foraging habitat for this population overlaps with the project area.

Project activities have the potential to adversely affect these species through disturbance. In addition, migratory and native raptor species are also potentially located in the area, as well as numerous more common song bird species that have been documented in the project area and may use the shrubs, trees, grasslands and artificial structures for nesting. Many nesting birds are protected under the Migratory Bird Treaty Act. In order to assure the protection of sensitive species known to use areas adjacent to project activities, as well as any raptors or migratory birds that may use areas around the project site as nesting or foraging habitat, **Special Condition 2** requires that the Applicant avoid the nesting season of raptors and other birds, and limit

[12] Most development would occur in existing paved areas associated with the Great Highway. The electrical building would be constructed in an isolated area enclosed by existing fences and walls that create a barrier for sediment transport and limit seed dispersal, and that does not meet ESHA criteria. The staging areas may have constituted dunes historically, but these those dunes were long ago graded, filled with miscellaneous sediments, and developed prior to CDP requirements. Staging Area A is currently used for Zoo spoils and equipment storage, and Staging Area D was the site of the former Fleishhacker Pool structure from the 1920s until it was demolished in 2000.

[13] Bank swallow are listed as a threatened species under the State Endangered Species Act, and western burrowing owl are a State Species of Special Concern.

construction activities to September 1 through January 31, outside of nesting season. If construction must occur during nesting season, a qualified biologist must survey the project area for the presence of active nests prior to the commencement of project activities. If an active nest is discovered, buffers would be established between construction activities and active nests. In addition, special requirements applicable to burrowing owl would apply, including monitoring the project area for the presence of owls within 500 feet of any staging or construction areas before initiating construction activities, and limiting work within a 500-foot radius of owls.

In addition, although no construction would occur in areas deemed dune ESHA, including based on a review of project materials and a site visit by the Commission's Ecologist Dr. Laurie Koteen, construction would occur in areas adjacent to dunes that could be considered ESHA. To address these issues consistent with Section 30240(b), this approval is conditioned to require revegetation of the staging areas after construction (see **Special Condition 2**).

Conclusion

As conditioned, the proposed project is sited and designed to prevent any adverse habitat impacts to the ESHA areas adjacent to project construction and staging areas, and can be found consistent with Coastal Act Section 30240(b).

F. PUBLIC VIEWS

Applicable Coastal Act Provisions

The scenic and visual qualities of coastal areas are protected under Coastal Act Section 30251. Coastal Act Section 30251 states:

> ***Section 30251.*** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Consistency Analysis

Coastal Act Section 30251 requires that scenic and visual qualities of coastal areas be considered and protected as resources of public importance. New development must be sited and designed to protect views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas. The proposed project site is bounded by the San Francisco Zoo to the east, and the Great Highway and GGNRA lands to the west. It is directly adjacent to South Ocean Beach, a popular location for beach recreation and related activity. At a height of 20 feet, construction of the new electrical building could create a visual impact by limiting existing coastal views of Ocean Beach from Sloat Boulevard, while construction activities along the Great Highway would infringe upon the existing coastal

panorama. Though relatively minor in relative scale, the 8-foot height increase to accommodate the new bar screen would have potential to impact the same view described above.

Views in this area that would require special protection include the views from both lanes of traffic on the Great Highway, looking to the south, north, and west. These prominent views of the coastline will generally remain unaffected form the completed project. Views from the shoreline up and down shore would similarly be unaffected and views toward the east would only experience a negligible alteration. While the presence of the new electrical building and increased height of the main building would impact views from westbound Sloat Boulevard, the greatest impact would be to the skyline, as the coast is not actually visible from this intersection. The Applicant proposes to enhance the Westside Pump Station's facade by re-painting in a tone harmonious with the beach environment. In addition, the proposed project is in an area that is already built up with the existing Westside Pump Station infrastructure so the addition of the proposed project elements would not have a significant adverse public view impact. To assure the project is built accordingly, **Special Condition 1** requires submittal of Final Project Plans, to assure that the project is constructed consistent with the submittals received by the Coastal Commission.

For the estimated 31 months, or nearly three years, of construction, the public will be forced to endure the movement of large equipment, workers, and supplies through, along, and nearby the Great Highway and nearby public access areas; large equipment operations on the site and the Great Highway itself, including significant grading; and the loss of public use of the Great Highway and nearby public access areas during construction; all of which will generally intrude and negatively impact the aesthetics, ambiance, and serenity, of the public recreation experience along the shoreline fronting the site. These impacts can be contained through construction parameters that limit the area of construction, limit the times when work can take place, and provide for through access, among other construction BMPs (see **Special Condition 2**). Even with these containment provisions, however, the public will bear the burden of the negative construction impacts associated with construction at this very popular shoreline access area for almost 3 years. Although construction staging areas must be restored to their original configuration or better immediately following construction to limit these impacts, the other temporary construction impacts on the public viewshed require some form of compensatory mitigation. Thus, in this case, it is appropriate to provide for an enhanced revegetation of the staging areas post-construction to provide an enhanced public viewshed (see **Special Condition 2**).

Conclusion

As conditioned, the proposed project is sited and designed to prevent significant adverse visual impacts to the coastal panorama adjacent to project construction and staging areas, and can be found consistent with Coastal Act Section 30251.

G. PUBLIC ACCESS AND RECREATION

Applicable Coastal Act Provisions

The Coastal Act grants a high priority to public recreational access uses and activities to and along the coast. The Act protects and encourages lower-cost visitor and recreational facilities

where feasible and states a preference for developments providing public recreational opportunities. In addition, the Coastal Act requires that oceanfront land and upland areas suitable for recreational use be protected for recreational uses. Applicable policies include:

> ***Section 30210.*** *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.*** *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.*
>
> ***Section 30212.*** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected….*
>
> ***Section 30221.*** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*
>
> ***Section 30223.*** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

In addition, although known primarily for its ESHA protection requirements, Coastal Act Section 30240(b) also protects parks and recreation areas, such as the adjacent beach and its related parking, path, and other facilities. Section 30240(b) states:

> ***Section 30240(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.*

Consistency Analysis

Section 30210 of the Coastal Act requires the Commission to provide the general public maximum access and recreational opportunities, while respecting the rights of private property owners. Section 30211 prohibits development from interfering with the public's right of access to the sea. In approving new development, Section 30212 requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as existing adequate nearby access. Finally, the Coastal Act Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. In other words, it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized. This terminology distinguishes the

Coastal Act in certain respects, and provides fundamental direction with respect to projects along the California coast that raise public access issues.

Other Coastal Act sections that protect public access and recreation provide that oceanfront land suitable for recreational use is protected for such use unless demand for such use is adequately provided for in the area (Section 30221), that upland areas that can feasibly support coastal recreation be reserved for such uses (Section 30223), and finally the already cited Section 30240(b) requires that development in areas adjacent to parks and recreation areas be designed to prevent adverse impacts to those areas.

The segment of the Great Highway fronting South Ocean Beach, and adjacent to the Westside Station, is comprised of two northbound and two southbound traffic lanes. The proposed project requires that the two lanes of northbound traffic be closed for an estimated 31 months during construction, affecting the public's ability to use the Great Highway as the significant public recreational feature that it is (including its related parking, path and other facilities), including to get to Ocean Beach to recreate. The Applicant notes the South Ocean Beach would continue to be accessible from the south via Skyline, from the north via the Great Highway, and from Sloat Boulevard from the east. Even so, and for similar reasons as articulated above with respect to public view issues and construction, there would be a significant impact on public access as a result during constriction. Such impacts can be limited through requirements to include alternative access routes to the public during construction when the Great Highway be inaccessible (see **Special Condition 2**), but they cannot be eliminated. The above-referenced post-construction revegetation and structural/exterior treatment enhancements should be able to appropriately offset some of these impacts via improving the public access experience in the project area.

Conclusion

As conditioned, the project is sited and designed to address public access issues, and it can be found consistent with the above public recreational access policies of the Coastal Act.

I. OTHER

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. There has been litigation related to wastewater infrastructure and its relationship to coastal hazards and public recreational access, including beach access, associated with the Applicant's past projects in this area, and it seems that litigation could again be possible in this case. Therefore, consistent with Section 30620(c), the Commission imposes a condition requiring reimbursement for any costs and attorneys' fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this CDP (**Special Condition 5**).

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The City and County of San Francisco, acting as lead CEQA agency, found that the project qualified for a CEQA exemption pursuant to CEQA Sections 15301, Class 1 (Existing Facilities), subsections (a), (b), (d) and (e)(2). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA. The preceding CDP determination findings discuss the relevant coastal resource issues with the proposal, and the CDP conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference.

The Commission finds that as conditioned by this CDP, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the project, as conditioned, would have on the environment within the meaning of CEQA. As so, the project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Protection Measures & Management Strategy for South Ocean Beach. Ocean Beach Master Plan: Coastal Management Framework

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- City and County of San Francisco Public Utilities Commission
- City and County of San Francisco Planning Department
- San Francisco Bay Regional Water Quality Control Board
- Surfrider Foundation