

CALIFORNIA COASTAL COMMISSION

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2-15-1357-A2 (San Francisco Public Utilities Commission Armoring)

May 11, 2023

EXHIBITS

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2-15-1357-A2

Exhibit 1

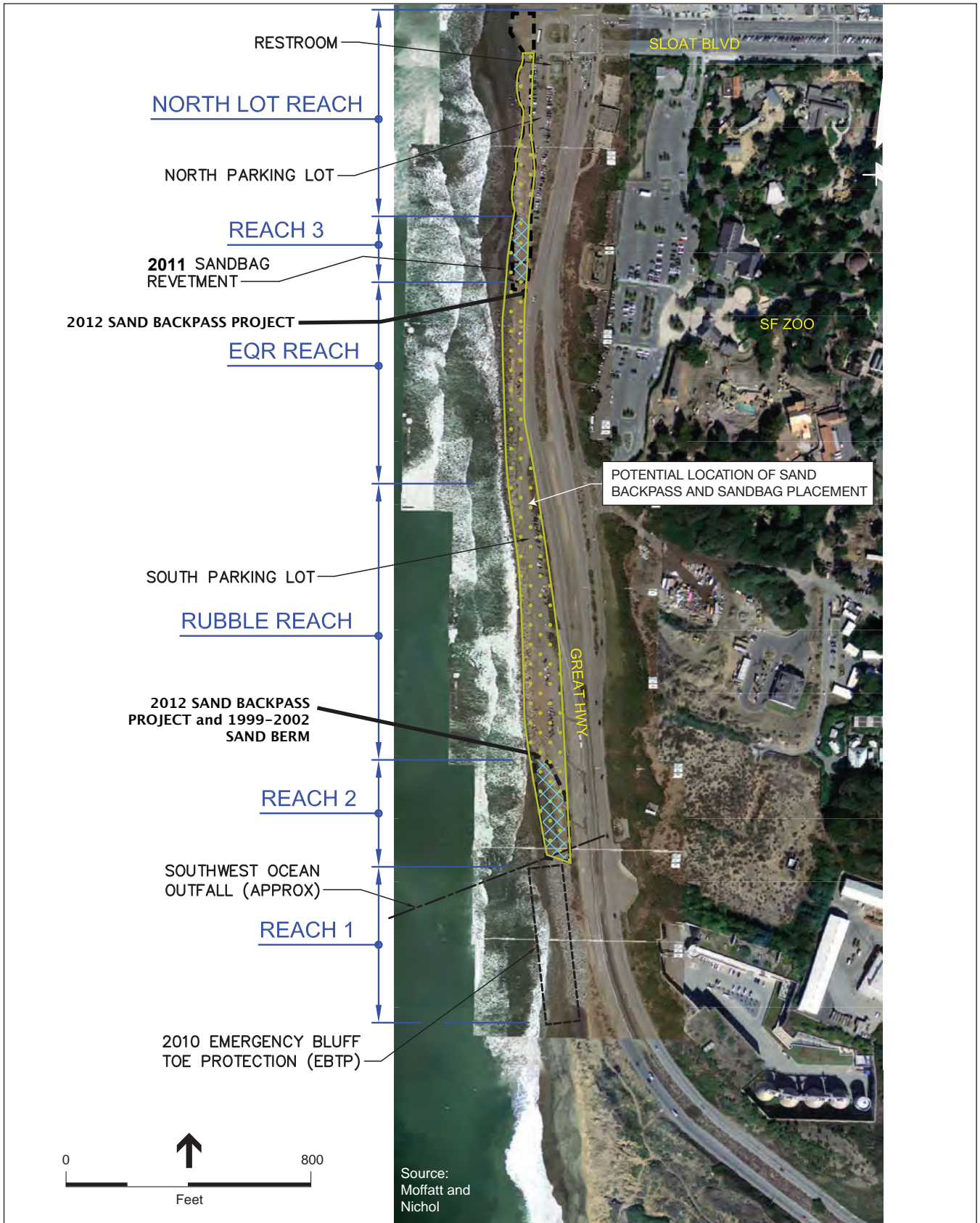
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SOURCE: ESA, 2015; Google Earth

Ocean Beach Interagency Coastal Framework . 120925

Figure 1
Proposed Sand Backpass Excavation Areas



SOURCE: Moffatt & Nichol, 2012; ESA, 2015

Ocean Beach Interagency Coastal Framework . 120925

Figure 2
South Ocean Beach (SOB) Reaches

I. 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.~~
- 2. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 3. 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.
- 4. 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

II. SPECIAL CONDITIONS

This amended CDP is approved subject to the following special conditions:

NOTE: Exhibit 4 shows all CDP 2-15-1357 standard and special conditions as approved by the Commission in its original 2015 action, and as modified via CDP 2-15-1357-A1 by the Commission in its 2021 action. All such conditions continue to apply in that form unless modified below, where changes are shown in underline and ~~strikeout~~ format (for additions and deletions, respectively) as applicable.

- 1. Term of Authorization.** This CDP authorizes the shoreline protection system fronting the bluffs south of Sloat Boulevard consisting of: 1) the work proposed in CDP Application No. 2-15-1357 (sandbags and sand relocation), as well as the work proposed in CDP Application No. 2-15-1357-A1 (as depicted in Exhibit 6 of that authorization); 2) the Emergency Quarrystone Revetment as depicted on **Exhibit 3**; 3) the Emergency Bluff Toe Protection as depicted on **Exhibit 3**; and 4) the Emergency Sandbag Structure as depicted on **Exhibit 3**, until ~~June 30, 2023~~ July 1, 2024, or until the time when the currently existing structures warranting protection are no longer present and/or no longer require such protection, whichever occurs first. The Permittee shall submit two copies of a removal and restoration plan to the Executive Director for review and approval, where such plan shall provide for the removal of the shoreline protection system and restoration of

all affected areas in a manner designed to be most protective of coastal resources, no later than ~~June 30, 2023~~ July 1, 2024, unless the Commission authorizes the shoreline protection approved by this permit, or some portion thereof, to remain in place pursuant to a CDP or amendment to this CDP.

- 2. Long-Term Solution.** The Permittee acknowledges that the shoreline protection system authorized pursuant to this CDP is temporary in nature, and is permitted in order to provide a reasonable period of time for the Permittee to develop and implement a long-term managed retreat solution (as currently outlined generally in **Exhibit 7**) to the erosion threat to the Great Highway and related public infrastructure in this area. The Permittee shall submit two copies of an annual report to the Executive Director for review and approval at annual intervals no later than November 1st of each year (with the first report due November 1, 2016), identifying progress made toward implementation of the long-term solution. If, after review of the annual report, in the opinion of the Executive Director, the Permittee is significantly out of compliance with the terms and conditions of this CDP, including meeting target deadlines established in Exhibit 7 (on page 2), then the matter of noncompliance shall be scheduled for Coastal Commission review and potential action, where such action at the Coastal Commission's discretion may include modifying the terms and conditions of this CDP, including the term of the permit.
- 3. Project Plans.** PRIOR TO CONSTRUCTION ASSOCIATED WITH ANY INDIVIDUAL DEVELOPMENT EPISODE, the Permittee shall provide two copies of Project Plans for Executive Director review and approval showing all development and related activities (including but not limited to sand relation/berming, sand bag placement, wind fencing/barriers, and public access pathways/accessways) associated with the development episode, all of which shall be substantially consistent with the development as authorized in **Special Condition 1**, and shall be sited and designed to protect coastal resources to the maximum extent feasible. The Permittee shall undertake development in accordance with the approved Project Plans. All requirements above and all requirements of the approved Project Plans shall be enforceable components of this CDP.
- 4. As-Built Plans.** WITHIN 30 DAYS OF ANY ACTIVITIES UNDERTAKEN PURSUANT TO THIS COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 2-15-1357-A1, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two copies of As-Built Plans for Executive Director review and approval showing all revetments and sandbags, any development undertaken as authorized by this CDP, public infrastructure (i.e., parking lots, pathways, the Great Highway, the Lake Merced Tunnel), and all property lines for the shoreline area affected by the approved project. The As-Built Plans shall be substantially consistent with the project as described in CDP Application No. 2-15-1357 and as shown in Exhibit 3. The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and .jpg or other electronic format) that clearly show all

components of the as-built project and all areas depicted on the As-Built Plans, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be upcoast, seaward, and downcoast viewpoints, seen from the edge of the highway and from a sufficient number of beach viewpoints as to provide complete photographic coverage of the permitted shoreline protection system and the public infrastructure being protected at this location. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken in different years and from the same vantage points; recordation of GPS coordinates would be desirable for this purpose. 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 shoreline protection system has been constructed in conformance with the project as described in CDP No. 2-15-1357 and as shown in Exhibit 3.

- a) **As-Built Plans.** Within 30 days of any activities undertaken pursuant to CDP Amendment Number 2-15-1357-A1 or 2-15-1357-A2, or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit two copies of As-Built Plans for Executive Director review and approval showing all such development undertaken as authorized by this CDP Amendment, all nearby public infrastructure (i.e., parking lots, pathways, the Great Highway, the Lake Merced Tunnel), all property lines for the shoreline area affected by the approved project, and all as-built development authorized by CDP Number 2-15-1357. The As-Built Plans shall be substantially consistent with the project as described in CDP Amendment Number 2-15-1357-A1 and 2-15-1357-A2, and shall comply with all applicable provisions of Special Condition 4 otherwise.

5. **Construction Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two sets of a Construction Plan to the Executive Director for review and approval. 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 areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on the beach, all beach access points, and to have the least impact on public access and coastal resources overall.
- 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 separated from public recreational use areas (including using the space available on the blufftop portions of the Permittee's property for staging, storage, and construction activities to the maximum extent feasible, and

including using unobtrusive fencing (or equivalent measures) to delineate construction areas), and all erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

c) Construction Best Management Practices. The Construction Plan applies to any 2-15-1357 activities undertaken pursuant to this CDP, as well as future maintenance as described in **Special Condition 7**. The plan shall identify the type and location of all best management practices that will be implemented during construction including the following:

- All work shall take place during daylight hours. Lighting of the beach area is prohibited.
- Unless authorized by the Executive Director, construction work or equipment operations may not be conducted below the mean high tide line unless tidal waters have receded from the authorized work areas, or in an emergency as defined by Coastal Act regulations.
- Grading of intertidal areas is prohibited.
- Only rubber-tired construction vehicles are allowed on the beach, except that track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls and/or construction area boundary fencing where such controls and/or fencing are placed as close to the shoreline protection as possible, and their extent is minimized to the extent practicable.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- No work shall occur during weekends and/or the summer peak months (i.e., from the Saturday of Memorial Day weekend through Labor Day, inclusive), unless due to extenuating circumstances (such as tidal issues or other environmental concerns), the Executive Director authorizes such work.

- Equipment washing may not take place on the beach. Refueling and/or servicing of equipment shall be allowed only at a designated location 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.
 - 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; remove all construction debris from the beach; etc.).
 - All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
 - All beach areas, all beach access points, and all other public access facilities (e.g., parking lots and paths) impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
- d) Western Snowy Plover Protection Measures.** The Construction Plan shall provide for a qualified biologist to identify the beach access route and escort the contractor and any crew with heavy equipment to and from the construction site, in order to avoid potential impacts to western snowy plover or other wildlife, and to ensure that beach habitat is not disturbed. A qualified biologist shall monitor the project area for western snowy plover during construction activities and instruct the contractor and crew on appropriate measures to avoid potential impacts to western snowy plover.
- e) Bank Swallow Protection Measures.** The Construction Plan shall provide that all construction activities shall avoid impacts to bank swallows and bank swallow habitat. The Applicant shall consult with and comply with the requirements of the National Park Service related to potential impacts to biological resources.
- f) Construction Site Documents.** The plan shall provide that a copy of the signed CDP and the approved Construction Plan shall 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.

- g) Construction Coordinator.** The plan shall provide that a construction coordinator be designated to be contacted during construction for questions by the public. Contact information, including phone number, e-mail address, and street address, shall be conspicuously posted at the job site and readily visible from public viewing areas, 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, e-mail address, 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.
- h) 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 above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake 2-15-1357 (San Francisco Public Utilities Commission) 10 construction in accordance with the approved Construction Plan.

- 6. Monitoring.** The Permittee shall ensure that the condition and performance of the as-built shoreline protection system is regularly monitored by a licensed civil or geotechnical engineer with experience in coastal structures and processes. Such monitoring evaluation shall, at a minimum, address whether significant weathering or damage has occurred that would adversely affect future performance or the revetments and sandbags, and identify any structural or other damage requiring repair to maintain the as-built revetments or sandbags in a structurally sound manner. Monitoring reports prepared by a licensed civil engineer with experience in coastal structures and processes, and covering the above-described evaluations, shall be submitted to the Executive Director for review and approval at annual intervals by November 1st of each year.
- 7. Future Maintenance.** This CDP requires ongoing monitoring of the overall shoreline protection system at this location and authorizes future maintenance of that system as described in this special condition through ~~June 30, 2023~~ July 1, 2024. The Permittee acknowledges and agrees that: (a) it is the Permittee's responsibility to maintain the shoreline protection system in a structurally sound manner and in its approved state; (b) it is the Permittee's responsibility to retrieve loose armor rock or sandbags that might otherwise substantially impair the recreational and/or scenic qualities of the beach; (c) it is the Permittee's responsibility to annually or more often inspect the shoreline protection system for

signs of failure and/or displaced armor rock or sandbags; and (d) it is the Permittee's responsibility to ensure regular maintenance of the parking lots at South Ocean Beach so as to avoid the accumulation of windblown sand that would limit the public's ability to access parking. Any such maintenance-oriented development associated with the revetments and sandbags shall be subject to the following:

- a) Maintenance.** "Maintenance," as it is understood in this condition, means development that would otherwise require a CDP whose purpose is to repair and/or maintain the shoreline protection system in its approved configuration, including retrieval of armor rock and/or sandbags that may be displaced from the project as approved. Any proposed modifications to the approved as-built plans or required construction BMPs associated with any maintenance event shall be reported to planning staff of the Coastal Commission's North Central Coast District Office with the maintenance notification (described below), and such changes shall require a CDP amendment unless the Executive Director deems an amendment is not legally required.
- b) Other Agency Approvals.** The Permittee acknowledges that these maintenance conditions do not obviate the need to obtain permits from other agencies for any future maintenance and/or repair episodes.
- c) Future Maintenance Notification.** Prior to commencing any future maintenance event, the Permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. Except for necessary emergency interventions, such notice shall be given by first-class mail at least two weeks in advance of commencement of work. The notification shall include a detailed description of the maintenance event proposed, and shall include any plans, engineering and/or geology reports, proposed changes to the maintenance parameters, other agency authorizations, and other supporting documentation describing the maintenance event. The maintenance event shall not commence until the Permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the maintenance event complies with this CDP. If the Permittee has not received a response within 30 days of receipt of the notification by the Coastal Commission's North Central Coast District Office, the maintenance shall be authorized as if planning staff affirmatively indicated that the event complies with this CDP. The notification shall clearly indicate that the maintenance event is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days of its receipt constitutes approval of it as specified in the CDP.
- d) Non-Compliance Proviso.** If the Permittee is not in compliance with the terms and conditions of this CDP at the time that a future maintenance event is proposed, then the maintenance event that might otherwise be allowed by the terms of this condition may only be allowed subject to approval by the Executive Director.

e) **Emergency.** Nothing in this condition shall serve to waive any Permittee rights that may exist in cases of emergency pursuant to Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

8. Assumption of Risk, Waiver of Liability and Indemnity Agreement. The Permittee acknowledges and agrees:

a) **Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, earthquakes, landslides, and the interaction of same.

b) **Assume Risks.** To assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.

c) **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.

d) **Indemnify.** 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 the permitted development.

e) **Property Owner Responsible.** That any adverse effects to property caused by the permitted project shall be fully the responsibility of the property owner.

9. Archaeological Resources. In the event that any article of historical or cultural significance is encountered, all activity that could damage or destroy these resources must cease and the Executive Director and the Native American Heritage Commission must be notified so that the articles may be suitably protected or flagged for future research. A qualified archaeologist and/or the Native American Heritage Commission shall be consulted in order to examine the site and obtain recommendations for subsequent measures for the avoidance, and if necessary, protection and disposition of significant artifacts. Avoidance and mitigation measures shall be developed and submitted to the Executive Director for review and approval.

10. Other Agency Review and Approval. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the approved project have been granted by all applicable agencies (including NPS, U.S. Army Corps of Engineers, and San Francisco Bay Regional Water Quality Control Board). Any changes to the approved project required by these agencies

shall be reported to the Executive Director. No changes to the Commission-approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.

11. Liability for Costs and Attorney Fees. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney fees (including but not limited to such costs and fees that are: (1) charged by the Office of the Attorney General; or (2) required by a court) 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 or issuance of this CDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs or fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

April 11, 2023

California Coastal Commission
North Central Coast District
455 Market Street, Suite 228
San Francisco, CA 94105
Attn: Julia Koopman-Norton

RE: 2-15-1357-A1 Coastal Development Permit Amendment – Rationale for Request for Additional Time - SFPUC's South Ocean Beach Climate Change Adaptation Short-Term Erosion Protection

Dear Ms. Koopman-Norton:

This very large, multi-agency project is being led by the San Francisco Public Utilities Commission (SFPUC) on behalf of the City and County of San Francisco. The SFPUC is requesting to amend the existing South Ocean Beach Climate Change Adaptation Project – Short-term Erosion Protection Permit (Short-term Permit) until **June 30, 2024**, to allow time for the completion of the Long-term Project's Coastal Development Permit (CDP) authorization (Long-term Permit). The continued Short-term Permit authorization is necessary to enable the SFPUC to retain existing shoreline protection and implement potential future measures to protect critical infrastructure under threat due to erosion hazards pending Long-term Permit approval.

In November 2021, the SFPUC obtained from the Coastal Commission (Commission) a Short-term Permit extension to June 2023. The 2021 extension was needed to address Long-term Project schedule challenges at the time, primarily stemming from the COVID pandemic, which slowed design and planning progress, resulting in associated delays in completing the Draft Environmental Impact Report (EIR). The coordination and management of this large, multi-agency project has added to the complexity and time needed to reach decision points. However, since receiving the November 2021 extension, the SFPUC worked to advance design from 35% to 65% (with 95% planned in May 2023) and submitted a comprehensive CDP application package for the Long-term Project. In December 2021, the San Francisco Planning Department released the Draft Environmental Impact Report (Draft EIR) for the project.

In response to the Draft EIR, the planning department received several hundred comments, including detailed comments from the Commission, National Park Service (NPS), and California Department of Fish and Wildlife (CDFW). As a result, unanticipated technical studies were needed to address these comments. The planning department engaged NPS and CDFW in several meetings to define the scope of analysis for a technical study of bank swallow habitat to be conducted during the summer bank swallow breeding season, and follow-up meetings to discuss the draft report findings and recommendations. This report was finalized in December 2022. Similarly, a scope of work and field technical study was designed and conducted to address Commission comments on dune habitat. This report was provided to the Commission in January 2023. The planning department also performed additional traffic analyses. These three additional technical studies added substantial time to preparation of the EIR's Responses to Comments document.

In addition, SFPUC had to revise certain project design elements, including Americans with Disabilities Act (ADA) beach access, dune landscape plan, and a dune plant propagation site at Fort Funston. These project revisions required inter-agency coordination, as well as additional impact analyses that will be included in the Responses to Comments document.

Based on the original timeline outlined in the Short-term Permit (before the November 2021 extension), the SFPUC submitted a comprehensive CDP application package for the Long-term Project on December 28, 2021. Commission staff responded to the SFPUC in January 2022, noting that the package was incomplete. In October 2022, the SFPUC provided a detailed response, including descriptions of the above-referenced and other project description revisions. To date, the SFPUC has not received formal correspondence from Commission staff indicating whether its October 2022 response is sufficient, or whether additional information or analysis is required in order for the CDP application to be deemed complete.

Given the breadth of questions contained in the Coastal Commission's CDP application filing letter, and based upon discussions with Commission staff over the past few years of our coordination, the SFPUC anticipates that Coastal Commission staff may have additional requests as they complete review of the provided materials. For example, the SFPUC remains uncertain about whether the Commission staff is comfortable with recommending approval for several key project components without which the project would need to be substantially redesigned, including:

- low-profile wall location and tie-back configuration
- slope stabilization layer
- parking lot size and location
- bathroom design and location
- dune landscape design

As noted above, the SFPUC conducted a detailed dune habitat and impact study for the project area (provided to Commission staff in January 2023) in response to Commission staff's comments, and in hopes of determining the design of expected mitigation requirements. However, after meeting with Commission staff to discuss the study in early March 2023, SFPUC remains uncertain as to what Commission staff will require for mitigation, what the methodology for determining the mitigation will be, or a timeline to receive feedback. In the absence of such information, the SFPUC is designing its project with the assumption that mitigation requirements will be satisfied onsite.

The SFPUC understands that Commission staff prefers to have the CEQA process completed, and all local approvals issued prior to taking a CDP application to hearing. The SFPUC is coordinating with the Planning Department and our partner agencies to align the Final EIR certification and numerous agency approvals.

While the SFPUC also understands that the Coastal Commission's permit process has been certified by the Secretary for Resources as meeting the requirements of CEQA, substantial revisions to the project design resulting from pending intra-city negotiations or due to Coastal Commission permit requirements may still need to undergo City CEQA review.

The SFPUC is confident that these outstanding items can be addressed in time to allow for certification of the Final EIR and project approvals before the end of 2023. A one-year extension, to June 30, 2024, of the Short-term Permit would provide sufficient time for Commission staff to review the Final EIR and prepare the staff report, and a necessary and reasonable contingency to work through potential future delays that could result from ongoing negotiations, further project description revisions, staffing changes, administrative appeals, etc.

Please do not hesitate to contact J.T. Mates-Muchin at (415) 934-5754 or jmates-muchin@sfgov.org if you have any questions about the information.

Sincerely,

Anna M. Roche

Anna M. Roche
Project Manager, Climate Change

cc: Dan Carl, District Director, Coastal Commission
Stephanie Rexing, District Manager, Coastal Commission
J.T. Mates-Muchin, SFPUC, Project Permitting Manager