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STAFF REPORT CDP APPLICATION

Application Number: 2-24-0933

Applicant: City and County of San Francisco (via the San Francisco Municipal Transportation Agency (SFMTA) and the San Francisco Recreation and Parks Department (SFRPD))

Project Location: Upper Great Highway between Sloat Boulevard and Lincoln Way, plus surrounding streets, just inland of Ocean Beach on the western side of the City and County of San Francisco; and Sloat Boulevard, from its intersection with the Great Highway Extension to its intersection with Skyline Boulevard.

Project Description: Authorization to permanently close the Upper Great Highway between Sloat Boulevard and Lincoln Way to vehicular traffic (in accordance with the recently-approved Proposition K ballot measure) to allow the space to be used for non-vehicular public recreational uses, to implement pedestrian safety and dune protection/restoration measures in that area and seaward of it, and to construct pedestrian safety improvements and a protected bike lane along Sloat Boulevard from the Upper Great Highway intersection to Skyline Boulevard.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The City and County of San Francisco (via SFRPD) proposes to implement a ballot measure approved in November's election (Proposition K) to permanently close a portion of the Upper Great Highway (i.e., that portion of the Great Highway 'system' located seaward of the Lower Great Highway) between Lincoln Way and Sloat Boulevard to vehicular traffic in order to facilitate a car-free pedestrian promenade and

to lay the groundwork for a future 'coastal park' in this location. For practical safety reasons and to ease traffic impact concerns, the City's proposal also includes pedestrian safety improvements (i.e., crosswalks and bike lane designations, etc.), and traffic calming measures in nearby inland neighborhoods (e.g., stop signs, speed cushions, turn restrictions, etc.). Additionally, as a complementary aspect of the project, the City (via SFMTA) also proposes to implement pedestrian safety improvements and establish a protected bike lane along Sloat Boulevard (from its intersection with the Upper Great Highway to its intersection with Skyline Boulevard) which would connect directly to the proposed dedicated two-way bike lane on the Upper Great Highway vehicular closure area, as well as a series of multimodal improvements along Sloat Boulevard (e.g., improvements related to bus stops, ADA access, pedestrian access and safety).

Staff believes that the proposed project is an exciting opportunity to reimagine a prominent shoreline area away from vehicular use to non-vehicular and better priority uses, including those that will help to facilitate better public access and recreation and connections in and along this important project area. It is also coupled with a significant multimodal improvement project that will help to significantly improve the area and help to incentivize non-vehicular forms of travel and all that can facilitate (e.g., improved safety, reduced VMTs and GHGs, etc.). More specifically, the proposal will improve public recreation and visitor access to the popular Ocean Beach area, including by providing a car-free promenade with separate bicycle and pedestrian areas, all designed to connect to similar such areas either existing, proposed here (including the Sloat Boulevard improvements), or recently approved (such as the public recreational promenade approved from Sloat to Skyline Boulevards along the Great Highway Extension that was approved by the Commission in November 2024). It also portends a future park in this area, where the details of that are still to be worked out by the City, and thus the need for these interim measures now. Overall, the proposed project represents a substantial multimodal improvement and a significant public access enhancement that helps to maximize public recreational access as directed by the Coastal Act. The project also includes the consolidation of informal/volunteer trails through the dunes seaward of the Upper Great Highway and restoration in that area, all of which should serve to better manage beach access near the dunes, and to better protect and enhance dune habitat resources.

With some minor conditions designed to implement, and for the dune restoration to amplify, the City's proposal, staff recommends that the Commission find the project consistent with Chapter 3 of the Coastal Act and approve a CDP for the proposed project. The motion to approve the CDP with conditions is found on page 4 below.

TABLE OF CONTENTS

1. <u>Motion and Resolution</u>	4
2. <u>Standard Conditions</u>	4
3. <u>Special Conditions</u>	5
4. <u>Findings and Declarations</u>	13
A. <u>Project Location</u>	13
B. <u>Project Background and Permitting History</u>	13
C. <u>Project Description</u>	14
D. <u>Standard of Review</u>	15
H. <u>Public Access and Recreation</u>	16
L. <u>Other</u>	20
N. <u>California Environmental Quality Act</u>	23
4. <u>Appendices</u>	24

Exhibits

Exhibit 1 – Project Location

Exhibit 2 – Project Site Photos

Exhibit 3 – Site Plans for Great Highway Vehicle Restrictions and Access Measures

Exhibit 4 – Site Plans for Sloat Boulevard Bike Lanes and Multimodal Improvements

1. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a CDP with conditions 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 2-24-0933 pursuant to the staff recommendation, and I recommend a **yes** vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 2-24-0933 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the Chapter 3 policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

2. 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 Applicant 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Applicant to bind all future owners and possessors of the subject property to the terms and conditions.

3. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Construction Plan.** PRIOR TO CONSTRUCTION, the Permittee shall submit one electronic copy and two paper copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:
 - a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized in order to have the least impact on public access and other coastal resources, including by using inland areas for staging and storing construction equipment and materials, all to the maximum extent feasible (MEF). Construction areas shall be sited and designed to minimize impacts to public beach access and public views to the MEF.
 - b. **Construction Methods.** 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 unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not significantly degrade public access and public views during construction, all to the MEF. The Plan shall include a detour plan that specifies how access from the Skyline/Great Highway intersection to the Sloat/Great Highway intersection and public parking will be accommodated during construction, and how such access users will be informed and directed, with a preference for measures that maximize public access to the MEF. The Plan shall limit construction activities to avoid coastal resource impacts, including that lighting of the work area is prohibited, to the MEF, unless the Executive Director determines that lighting the work area is required to safely carry out construction and measures are applied to ensure maximum coastal resource protection to the MEF.
 - c. **Construction Timing.** Construction is prohibited during weekends, from the Saturday of Memorial Day through Labor Day inclusive, and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise), unless due to extenuating circumstances the Executive Director authorizes such work and measures are applied to ensure maximum coastal resource protection to the MEF. The Plan shall include a complete construction schedule, which shall be structured to prioritize the construction and use of public recreational access improvements and amenities as soon as is feasible.
 - d. **Construction BMPs.** The Construction Plan shall identify the type and location of all construction best management practices that will be implemented during construction to protect coastal resources, including coastal water quality, including at a minimum all of the following:

- 1. Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent construction-related runoff and sediment from discharging from the construction area or entering into storm drains or otherwise offsite or towards the beach, ocean, waterways, or natural drainage swales. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment, filtration, and treatment equipment. Tarps or similar such devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills.
- 2. Erosion and Sediment Controls.** All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
- 3. Equipment.** Equipment washing, refueling, and servicing shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, at least 50 feet inland from the beach and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site.
- 4. Good Housekeeping.** The construction site shall maintain good construction housekeeping controls and procedures at all times (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 site).
- 5. Materials/Equipment Storage.** All construction materials and equipment storage shall occur on a hard road surface.
- e. Restoration.** All construction debris shall be removed, and all public recreational access and use areas and all remaining (after trail consolidation) beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be appropriately filtered as necessary to remove all construction debris.
- f. Construction Site Documents.** The Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are 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, as well as the public review requirements applicable to them, prior to commencement of construction.

- g. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views to the maximum extent feasible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.
- h. Construction Specifications.** All construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- i. Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the approved Construction Plan.

- 2. As-Built Plans.** WITHIN THREE MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit one electronic copy and two paper copies of complete As-Built Plans to the Executive Director for review and written approval showing all elements of the approved development as built, including in relation to all property lines, right-of-way line, and adjacent development. The As-Built Plans shall be substantially consistent with the proposed plans (titled "Upper Great Highway Promenade Project" and dated November 2024; titled "Sloat Boulevard Quick-Build Plan View" and dated June 2023; both of which were received in the Coastal Commission's North Central Coast District Office on November 20, 2024 (see Exhibits 3 and 4), and any inconsistencies shall be highlighted. The As-Built Plans shall include color photographs (in both color hard copy 8½ x 11 and digital jpg formats) that clearly show the as-built project 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 from upcoast, seaward, inland, and downcoast viewpoints in relation to the project, and from a sufficient number of other viewpoints so as to provide complete

photographic coverage of the approved development. 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 include vertical and horizontal reference data from inland surveyed benchmarks (which shall be clearly identified) for use in future monitoring efforts. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the plans received by the Commission on November 20, 2024 and the terms and conditions of this CDP.

- 3. Dune Protection and Restoration Plan.** WITHIN 6 MONTHS OF CDP APPROVAL, the Permittee shall submit an electronic copy of a Dune Protection and Restoration Plan to the Executive Director for review and written approval. The Plan shall be prepared by a qualified restoration ecologist and shall take into account the specific conditions of the site (including soil, exposure, water flows, temperature, moisture, wind, etc.), as well as restoration and enhancement goals. The plan shall be generally consistent with the dune protection and restoration provisions of the SFRPD CDP application titled "Upper Great Highway Promenade Project" (dated November 2024) and shall at a minimum provide the following:
- a. Baseline Assessment.** A baseline assessment, including narrative, maps, and photographs, of the current physical and ecological condition of the restoration areas identified in the SFRPD CDP application titled "Upper Great Highway Promenade Project" (dated November 2024), specifically subsections 5 ("Dune Protection and Habitat Management") and 6 ("Dune Revegetation Project"), encompassing the dune habitat area at least 100 feet seaward of the Upper Great Highway.
 - b. Project Goals and Objectives.** A description of the specific restoration goals and objectives for each of the present habitat types and areas, including supporting rationale based on historical conditions, relevant published information for the area, and/or appropriate reference sites. At a minimum, all informal/volunteer trails through the dunes from the Great Highway shall be assessed and shall be consolidated into the minimum number of trails that can provide access safely through the dunes while appropriately connecting to inland trails, and all without significant habitat impacts. All trail areas removed shall be restored to functioning coastal habitat.
 - c. Invasive Species Removal.** All invasive species (as listed by the California Invasive Plant Council) shall be removed, and continued removal shall occur on an as-needed basis to ensure that absolute cover not exceed 5% following initial restoration efforts, with a goal of eradication over time. Removal methods must constitute the least environmentally damaging methods feasible.
 - d. Vegetation Planting.** A detailed planting plan emphasizing the use of seeds, plugs, or container plants. All vegetation planted in the restoration areas shall

consist only of plants native to the target habitats and consist only of local genetic stock, and the Plan shall be submitted with adequate evidence demonstrating that that is the case. The planting plan should be based on vegetation community structure (e.g., species and relative densities) at an approved nearby reference site and shall be designed to avoid the use of irrigation following the plant establishment stage. If irrigation is considered necessary to initiate restoration, it should be temporary and provisions for its removal must be included in the Plan. In addition to the revegetation pilot project proposed (in Subsection 6 of the CDP application) near Judah Street, additional revegetation opportunities shall also be identified as part of the Dune Protection and Restoration Plan (i.e., particularly for the degraded dune areas near the intersections of Lawton Street and Noriega Street, in the area encompassing the dune habitat at least 100 feet seaward of the Upper Great Highway).

- e. **Fencing and Signage.** Fencing and informational signs shall be installed around the restoration areas to identify the restoration areas and protect them from activities that could harm the restoration, while directing traffic to formal, delineated trails. All signage and fencing details shall be provided, which shall be sited and designed to protect the restoration and to protect public views as much as possible (e.g., materials that are made of natural materials and colors that blend with the environment, such as low rope and post).
- f. **Monitoring and Maintenance.** A detailed monitoring program designed to evaluate the success of the restoration efforts, and to guide any adaptive management actions for ensuring long-term success shall be provided. Monitoring and maintenance of all restoration areas shall continue for as long as any portion of the approved development exists and shall at a minimum include:
 - 1. **Schedule.** An initial five-year monitoring schedule, with conditional inclusion of additional years of the same monitoring if success criteria are not met in the initial five-year time frame, until such time as they are met.
 - 2. **Monitoring Methods.** The monitoring program shall be supported by a clear rationale for the selected approaches and must describe the monitoring methods that will be used in detail (e.g., metrics, sampling frequency, timing, etc.). Power analyses shall inform the design of the sampling scheme and the analytical framework to be used for assessments shall also be clearly described in the narrative.
 - 3. **Success Criteria.** At a minimum, final success criteria for vegetation species diversity (including richness and evenness), native vegetative cover, invasive vegetative absolute cover less than or equal to 5%, and specific measures for any sensitive plant or wildlife species located in the restoration areas shall be provided. Criteria may be relative or fixed, may be based on reference sites or relevant literature, and shall be supported by a clear technical rationale.
 - 4. **Data and Statistical Analysis.** A description of the data analysis methods and statistical thresholds employed shall be established as assessment rules for each success criterion. The statistical tests that will be used (e.g., a one or

two sample t-test) to detect differences between success criteria and conditions observed at the restoration areas shall be specified.

- 5. Reporting.** Monitoring reports shall be submitted annually to the Executive Director for review and written approval by December 1st of every year for 5 years or for an adjusted time period dependent on restoration success, as described above. The reports shall identify the location of all vegetation plantings or seedings conducted in the restoration areas, present monitoring results, assessment of progress toward meeting success criteria, and any adaptive management recommendations. Raw data and associated metadata shall be provided in a digital format with the reports. The reports shall also include photographs (in color hard copy 8½ x 11 and digital jpg formats) that clearly show the restoration areas from at least the same vantage points as the initial photo documentation as well as subsequent monitoring reports. Any proposed actions necessary to maintain the restoration areas shall be implemented within 30 days of Executive Director approval of the monitoring reports, unless a different time frame for implementation is identified by the Executive Director.

All requirements above and all requirements of the approved Dune Protection and Restoration Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Dune Protection and Restoration Plan.

- 4. Public Access Management Plan.** WITHIN 6 MONTHS OF CDP APPROVAL, the Permittee shall submit an electronic copy of a Public Access Management Plan (Access Plan) to the Executive Director for review and written approval. The Access Plan shall clearly describe the manner in which public recreational access to the beach, from the recreational trail, and to the public access areas and amenities associated with the site and this CDP is to be provided and managed, with the objective of maximizing public access and recreational use, including parking, of all public access areas associated with the approved project while protecting dune habitat. All public access improvements shall be sited and designed to be safe from erosion, and to be easily relocated inland in response to the same while providing continued use and utility, as well as to maximize coastal view protection and minimize visual intrusion, including through use of materials appropriate to the shoreline context that blend with the natural environment and existing improvements in the area. The Plan shall at a minimum include and provide for all of the following:
 - a. Public Access Areas and Amenities.** The Access Plan shall clearly identify and depict on a site plan all existing and required public access areas and amenities, as well as new trail and accessible areas being added through the proposal (specifically, plans in Exhibits 3 and 4 titled “Upper Great Highway Promenade Project” and dated November 2024; titled “Sloat Boulevard Quick-Build Plan View” and dated June 2023).
 - b. Sloat-Skyline Lot Parking Improvements.** The Access Plan shall clearly indicate that the restriping of the off-street SFRPD parking lot at the intersection

of Sloat and Skyline will be carried out to formalize at least 100 free and publicly accessible parking spaces as proposed by the City on September 19, 2024 via a “Revocable Use Permit” for SFMTA’s bike lane project. Such restriping at this lot shall be completed no later than May 12, 2025.

- c. Public Access Use Parameters.** All parameters for use of the recreational trail areas, public parking, the vertical beach accessway, and all other access areas, improvements and amenities shall be clearly identified. All such public access areas, improvements, and amenities shall be publicly available for general public pedestrian access and other public access consistent with the terms and conditions of this CDP.
- d. No Public Access Disruption.** Development and uses within the Access Plan’s public access areas that disrupt or degrade public access, including areas set aside for private uses, barriers to public access (such as planters, temporary structures, private use signs, fences, barriers, ropes, etc.) shall be prohibited. The public use areas, improvements, and amenities shall be maintained consistent with the approved Access Plan and in a manner that maximizes public use and enjoyment, including with respect to assuring they remain safe from erosion and other hazards.
- e. Public Access Use Hours.** All public access areas, improvements, and amenities shall be available to the general public 24 hours a day and shall be free of charge.
- f. Public Access Construction.** All public access areas, improvements, and amenities associated with the approved project shall be constructed and available for public use as soon as possible, but no later than May 12, 2025. An additional 6 month extension may be granted by the Executive Director for good cause so long as good faith efforts are being made toward completion.
- g. Public Access Areas and Amenities Maintained.** All public access areas, improvements, and amenities shall be developed in a structurally sound manner and maintained in their approved state consistent with the terms and conditions of this CDP, including through ongoing repair, maintenance, or relocation, if necessary, of all public access improvements. The Access Plan shall provide that all such access areas, improvements, and amenities shall be modified as necessary to maintain its safe use, and the Access Plan shall identify all mechanisms to ensure the same, including requirement for Executive Director approval of any modification episodes. Public use areas shall be maintained consistent with the approved Public Access Management Plan and in a manner that maximizes public use and enjoyment.
- h. Implementation.** The Public Access Management Plan shall be implemented, including that all public access improvements identified above shall be available for public use, no later than May 12, 2025. An additional 6 month extension may be granted by the Executive Director for good cause so long as good faith efforts are being made toward completion.

All requirements above and all requirements of the approved Public Access Management Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Public Access Management Plan.

- 5. Future Permitting.** Any and all future proposed development related to this project, this project area, and/or this CDP shall be subject to the Coastal Commission's continuing CDP jurisdiction. This CDP authorizes limited future repair, maintenance, and/or improvement development that is determined by the Executive Director to: 1) fall within the overall scope and intent of this CDP; 2) be consistent with the City and County of San Francisco LCP; and 3) not have any significant adverse impacts to coastal resources. Any development related to this project and/or this CDP that the Executive Director determines does not meet such criteria shall require a separate CDP or a CDP amendment, as directed by the Executive Director.
- 6. Other Authorizations.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide to the Executive Director written documentation of authorizations from all entities from which such authorization is necessary for the approved development (including but not limited to the National Park Service and other potential state/local approvals) or conclusive evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other such authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required. Any future additional authorizations (e.g., associated with future sand placement, etc.) shall be provided subject to the same criteria prior to implementation of the activity that requires such future authorization.
- 7. Minor Changes.** The Permittee shall undertake development in conformance with the terms and conditions of this CDP, including with respect to all Executive Director-approved plans and other materials, which shall also be enforceable components of this CDP. Any proposed project changes, including in terms of changes to identified requirements in each condition, shall either (a) require a CDP amendment, or (b) if the Executive Director determines that no amendment is legally required, then such changes may be allowed by the Executive Director if such changes: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
- 8. Liability for Costs and Attorneys' Fees.** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/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 these CDPs, the interpretation and/or enforcement of CDP conditions, or any other matter related to these CDPs. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The

Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission. By acceptance of this CDP and its terms and conditions, the Permittee irrevocably agrees to this obligation, which shall be continuing in nature and remain in full force and effect regardless of whether this CDP approval is invalidated as the result of the litigation contemplated by this condition or otherwise changed in any way.

4. FINDINGS AND DECLARATIONS

A. Project Location

Ocean Beach is a north-south trending sandy beach that is nearly 4 miles long, located on the western, Pacific Ocean side of San Francisco and south of the Golden Gate entrance to the San Francisco Bay. The beach and the Great Highway that front it are iconic, well-known visitor destinations. The first part of the proposed project was endorsed by San Francisco voters with the passage of ballot measure Proposition K, and it is located along the Great Highway corridor fronting Ocean Beach at the City of San Francisco's western edge, just seaward of the City's Richmond and Sunset residential areas. What is commonly referred to as the Upper Great Highway extends along that entire almost four-mile length closest to the beach, with four traffic lanes (two in each direction) and a parallel recreational trail landward of the roadway. In addition, what is commonly referred to as the Lower Great Highway extends some two miles between Lincoln Way and Sloat Boulevard, where that road is two traffic lanes (one in each direction) and located just inland of the Upper Great Highway which, within the same two-mile stretch, does not connect with the streets perpendicular to the shoreline, and instead end at the Lower Great Highway.

The pedestrian safety improvements and a protected bike lane element of the proposed project, which was approved by the SFMTA Board in July 2023, runs along the southern edge of Sloat Boulevard from its intersection with the Upper Great Highway to its intersection with Skyline Boulevard. This project connects with, and is geographically adjacent to, the first part of the project (i.e., Proposition K vehicular restrictions and related measures) at the intersection of Sloat Boulevard and the Upper Great Highway, where it meets the Great Highway Extension to the south. See **Exhibit 1** for a project location map and **Exhibit 2** for images of the site and surrounding area.

B. Project Background

The City closed the Upper Great Highway between Lincoln Way and Sloat Boulevard starting April 2020 during the City's COVID-19 shelter in place, and then only on weekends and holidays starting in August 2021,¹ without the benefit of a CDP. The City and County recognized that closure after-the fact, and extended the pilot program to

¹ The City of San Francisco closed the Upper Great Highway full-time during the COVID-19 pandemic from April 2020 to August 2021. Although the Commission's Executive Director authorized similar closures of public spaces on a temporary basis as part of the Commission's COVID-19 response pursuant to Coastal Act Section 30611, the City did not request and the Executive Director did not grant such authorization in this case.

December 31, 2025 via a City CDP.² Subsequently, that City CDP was appealed to the Commission, which opted not to take jurisdiction over the CDP for the pilot project and allowed the local approval to stand.³ The stated goal for the pilot project was to establish a “car-free bicycle and pedestrian promenade” to increase public access and active recreation along the Great Highway corridor during weekends and holidays, which also included implementation of various “traffic calming” measures on surrounding streets designed to improve bicyclist and pedestrian safety. This aspect of the proposed project was further endorsed by San Francisco voters with the passage of ballot measure Proposition K, which proposed permanently turning the Upper Great Highway from Lincoln Way to Sloat Boulevard into a park-like promenade for pedestrian, cycling, and other non-vehicular recreation and uses.⁴

C. Project Description

The proposed project entails two complementary and connected projects. The first is the implementation of the ballot measure Proposition K, which was approved citywide by a majority of San Francisco voters in the November 2024 election. The City proposes to authorize the proposition’s purpose to achieve closure of this two-mile-long segment of the Upper Great Highway to vehicular traffic, making it a permanent public recreational space, with the necessary associated traffic and pedestrian safety modifications. Furthermore, the ultimate intention of Proposition K is for the City to design a coastal park in the current location of the Upper Great Highway from Sloat Boulevard to Lincoln Way. The current proposal represents a first interim step toward achieving this goal, as the City proposes to enact the will of the voters by closing this stretch of the Upper Great Highway to vehicular traffic as soon as possible. The proposed development to enact this goal includes traffic calming measures, turn restrictions and gated barriers, pedestrian safety improvements for crosswalks, dedicated spaces for the pedestrian lanes (seaward) and the bike lanes (inland) on the Upper Great Highway, and dune protection/restoration measures generally aligned with recommendations from the San Francisco Estuary Institute’s (SFEI’s) December 2023 report, *“Growing Resilience: Recommendations for Dune Management at North Ocean Beach.”*

² On December 6, 2022, San Francisco’s Board of Supervisors passed an ordinance that amended their non-LCP Park Code to prohibit vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard on weekends and holidays until December 31, 2025 (Board File 220875). The restriction was identified as a pilot effort, designed to include studies and analyses of the part-time, car-free use of this portion of the Upper Great Highway to help inform a longer-term plan for the future of this public space, including the potential for establishing a vehicle-free condition, available for pedestrian and bicyclist recreation purposes. San Francisco’s Planning Commission subsequently approved a CDP (referred to locally as a coastal zone permit) on November 9, 2023 for the above-described project. That CDP decision was appealed locally by three appellants to the City’s Board of Appeals, which denied the appeals on February 7, 2024, and denied requests by each of the three appellants for a rehearing on March 13, 2024. The Coastal Commission’s North Central Coast District Office received two valid appeals of the project and the Coastal Commission heard these appeals at a hearing on May 9, 2024,

³ The Commission voted unanimously to find no substantial issue on the appeals in May 2024, thereby declining to take jurisdiction over the underlying CDP application and allowing the City CDP to stand, which authorized the pilot through the end of 2025.

⁴ Passed by a 54.7% majority vote on November 5, 2024.

The second is a SFMTA project focused on pedestrian safety improvements and the establishment of a protected bike lane along Sloat Boulevard, adjacent to the southern edge of the first part of the project (and the two connect at the intersection of Sloat Boulevard and the Upper Great Highway). According to the City, the Sloat bike lanes portion of the proposed project arose from safety concerns and this area being identified as part of the City's "Vision Zero High-Injury Network,"⁵ which identified the Sloat Boulevard corridor (from 45th Avenue to Skyline Boulevard) as part of the City's 13% of streets on which about 75% of severe and/or fatal traffic-injury collisions occur. The project is therefore intended to improve safety and public access for non-motorized visitors to the area, by establishing a two-way protected bike lane fully separated from faster-moving vehicular traffic along the Sloat Boulevard corridor. The project also includes a complementary suite of multimodal improvements. Proposed changes include the addition of an approximately half-mile long, two-way protected bikeway, the conversion of existing angled parking to become parallel spaces along the south side of the roadway, the creation of new concrete bus boarding islands, curb ramp upgrades, and minor revisions to taxi, loading, and ADA "blue zone" parking space locations. To accommodate the space required for a protected bike lane, the existing angled parking is proposed to become parallel parking, and the number of parking spaces along Sloat Boulevard would decrease from 413 to 323. Out of these 90 total spaces proposed to be removed/altered, 32 of them are on-street and 58 are off-street. The ten ADA "blue zone" parking spaces in this area are proposed to remain unchanged. The City also proposes to restripe a City parking lot located immediately southwest of the Sloat/Skyline Boulevard intersection, which is currently leased by the San Francisco Zoo, but is only fully utilized by the Zoo on a handful of days each year, and the City estimates that about 100 free public parking spaces would be accommodated here, enough to generally offset the above-described conversion of parking for the multimodal improvements.

See **Exhibits 1** and **2** for the project location map and project site images, **Exhibit 3** for the Great Highway Vehicular Closure plans, and **Exhibit 4** for the Sloat Bike Lanes and Multimodal Improvements plans.

D. Standard of Review

The proposed project involves development both in the Commission's retained permit jurisdiction and in the City and County of San Francisco's permit jurisdiction, as delegated by the Commission through certification of the City and County's Local Coastal Program (LCP). Coastal Act Section 30601.3 authorizes the Commission to process a consolidated CDP application in such cases when the local government, the applicant, and the Executive Director all agree to such consolidation, and such is the case for this CDP application. The standard of review for a consolidated CDP application and any amendments to it is the Coastal Act Chapter 3 policies, with the City and County of San Francisco's certified LCP providing non-binding guidance.

⁵ See <https://www.visionzerosf.org/>.

F. Public Access and Recreation

Applicable Coastal Act and LCP Provisions

Maximizing public recreational access opportunities is a fundamental objective of the Coastal Act, which also protects against impacts to existing such access. Relevant provisions 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(a). *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 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

Section 30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

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.*

Further, Coastal Act Section 30240(b) protects parks and recreation areas, such as the adjacent beach, while Section 30252 speaks to more broadly protecting and enhancing public access as it relates to circulation, stating:

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.*

30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential*

development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Although the LCP only provides guidance and is not the standard of review, the City's LCP provides in part:

Objective 6: *Redesign the Great Highway to enhance its scenic qualities and recreational use.*

Policy 6.3: *Construct a sewage transport under the present alignment of the Great Highway south of Fulton Street and replace the Great Highway as a four lane straight highway with recreational trails for bicycle, pedestrian, landscaping, and parking.*

Objective 6: *Maintain and enhance the recreational use of San Francisco's Ocean Beach shoreline.*

Policy 6.1: *Continue Ocean Beach as a natural beach area for public recreation.*

...

Policy 6.3: *Keep the natural appearance of the beach and maximize its usefulness by maintaining the beach in a state free of litter and debris.*

These overlapping Coastal Act and LCP provisions protect public recreational access to and along the beach/shoreline and to offshore waters, particularly free and low-cost access. Specifically, Section 30210 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, including as it relates to the use of dry sand and rocky coastal areas. In approving new development, Section 30212(a) 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. Section 30213 protects lower cost forms of access, such as the free access available at the shoreline at the project site. Sections 30221 and 30223 protect oceanfront and upland areas for public recreational uses, and Section 30222 prioritizes visitor-serving amenities providing for public recreational use.

Finally, Coastal Act Section 30210's direction to maximize public access and recreation opportunities represents a different threshold than to simply provide or protect such access and is fundamentally different from other similar provisions in this respect. Both the Coastal Act and the City's LCP require that public recreational access opportunities be protected and maximized.

Consistency Analysis

Ocean Beach and the surrounding project area attract several million visitors each year for a variety of recreational activities, and it is open year-round with no entrance or parking fees. In that context, the proposed project is an exciting opportunity to re-envision a prominent shoreline area away from vehicular use to higher and better priority uses, including those that will help to facilitate better public access and recreation and connections in and along this important project area. It will also, coupled with a significant multimodal improvement project on Sloat Boulevard, help to improve access in the area and help to incentivize nonvehicular forms of travel and all that that can facilitate (e.g., improved safety, reduced vehicle miles traveled (VMTs) and greenhouse gas emissions (GHGs), etc.). More specifically, the proposal will improve public recreation and visitor access to the popular Ocean Beach area, including by providing a car-free promenade with separate bicycle and pedestrian areas, all designed to connect to similar such areas either existing, proposed here (including the Sloat Boulevard improvements), or recently approved (such as the public recreational promenade approved from Sloat to Skyline Boulevards along the Great Highway Extension that was recently approved by the Commission). It also portends a future park in this area, where the details of that are still to be worked out by the City, and thus the need for these interim measures now. Put another way, the proposed project overall represents a substantial multimodal improvement and a significant public access enhancement that helps to maximize public recreational access as directed by the Coastal Act. In addition, the project includes consolidation of informal/volunteer trails through the dunes seaward of the Great Highway and restoration in that area, all of which should serve to better manage beach access near the dunes, and to better protect and enhance dune habitat resources.

While the removal of some 90 free public parking spaces from both the on-and off-street parking areas (32 on-street and 58 off-street) along Sloat Boulevard, mostly about a half mile from the beach near Skyline Boulevard, naturally raises concern, this project appropriately addresses this issue for two main reasons. First, the removal of these spaces is being done consciously, including to facilitate off-street bike lanes and other multimodal improvements that should help facilitate safer circulation and, by extension, enhanced public access of that sort, along the Sloat corridor. It should also, at a certain level, help to incentivize non-motor vehicle transportation options, which, by extension, will help limit/reduce VMTs and GHGs, both of which further Coastal Act objectives,⁶ and the latter of which directly helps to address global climate change related impacts, such as the significant sea level rise and coastal hazard related problems that are prevalent along South Ocean Beach. Put another way, the multimodal improvements that are facilitated here are of significant benefit, which appropriately offsets the reduction in parking.

Second, of the 90 parking spaces impacted, only 14 of these are within about a quarter-mile walk from the Ocean Beach recreational sandy beach area, and most of them are located as much as a half mile from the beach. Importantly though, the City proposes to restripe the City's parking lot located immediately southwest of the Sloat/Skyline Boulevard intersection, which is currently leased by the San Francisco Zoo, and is only

⁶ Coastal Act Section 30252(d) requires that energy consumption and VMTs be minimized.

used by the Zoo on a handful of days each year. This free parking lot is generally used for overflow Zoo parking on peak visitor days, such as Labor Day and Memorial Day weekends, and for the sale of Christmas trees in December (at which time Ocean Beach has relatively fewer visitors, due to winter weather conditions). Currently, City staff estimates there are about twenty days where the overlap of high use Zoo days may interfere with others parking in this lot to access the coast. Either way, this parking is relatively informal and unstructured, and the lot is not striped, which can lead to inefficient and relatively unorganized parking arrangements that do not maximize public utility in the space. The parking lot, once properly striped/organized as part of this project, is expected to provide about 100 free parking spaces for the vast majority of the year (other than those Zoo overflow days, and the winter holidays when it is used for Christmas tree sales), and the restriping should also provide more organized parking so that parking on high-use overlap days will be more adequately provided for all users. Once improved, this parking lot will help to appropriately offset the reduction of parking associated with the conversion/alteration of parking along Sloat, and will help to ensure that maximum free public access parking is provided in the project area, consistent with relevant Coastal Act and LCP provisions.

As to claims that the proposed project inappropriately reduces vehicular circulation, several things should be noted. First, and to be clear, Coastal Act Section 30252 encourages the provision of “non-automobile circulation” as well as facilitating the provision or extension of transit service, as part of maintaining and enhancing public access to and along the coast. The addition of protected bike lanes to this area, which is currently relatively unsafe for bicyclists, and related pedestrian and other multimodal improvements will increase pedestrian and non-automobile circulation safety for this visitor destination, all of which is aligned with Coastal Act provisions that encourage the same. In addition, transit stops within the project area on Sloat Boulevard would be upgraded with ADA accessible boarding islands, thereby improving public access as well as public transit opportunities.

As to those who suggest that eliminating traffic on the Upper Great Highway and converting that space into non-automobile forms of public access will actually reduce public access, several additional things should be noted. First, as described, the project will greatly enhance public pedestrian, cyclist, and ADA access, of that there is little debate. Additionally, the project represents a transformational public access enhancement when compared to the access ‘loss’ associated with strictly vehicular forms of access. That being said, it is true that some visitors to and users of the Upper Great Highway recreate primarily via automobile, and the closure of this section of roadway could change that. Either way, vehicular access would still be available along the Lower Great Highway, as well as via the Upper Great Highway north of Lincoln Way, near Golden Gate Park, and also via inland streets (e.g., Sunset Boulevard), and the Upper Great Highway access north of Lincoln Way would remain directly adjacent to the beach area. A series of free public beach parking lots on the seaward side of the Upper Great Highway north of Lincoln provide easily accessible beach and ocean views for those who prefer to take them in from the comfort of their vehicle, none of which would change with the proposed project. Furthermore, and specific to ADA access and as alluded to above, the project represents significant ADA improvements, not only in terms of the ADA access that is facilitated along the Upper Great Highway when cars

are removed from that space, but also in terms of the significant ADA improvements along Sloat Boulevard that make it easier to traverse to and access the shoreline. All of which is connected to other ADA opportunities, both existing and yet to come to fruition, including not only the significant public promenade improvements associated with the SFPUC Ocean Beach Armoring project (CDP 2-21-0912) that was just approved by the Commission on November 14, 2024, but also the multi-use path repaving from Sloat Boulevard to Taraval Street, including repaved curb cuts (which are essential for wheelchair access) that were also part of that approved project.

Finally, traffic impacts are a natural concern stemming from the permanent closure of a road to vehicular access because such traffic will need to find another route, such as the Lower Great Highway, which is just inland of the Upper Great Highway closure area. Sunset Boulevard, which is about ten blocks inland of the Great Highway system, is planned to be repaved by the City prior to the conversion to the full-time Proposition K pedestrian promenade to help ease traffic concerns in the surrounding area. Additionally, prior to the full-time conversion of the Upper Great Highway to pedestrian and bicyclist use, the City also intends to modify the two Upper Great Highway intersections (at Sloat Boulevard and Lincoln Way) as well as install the new traffic signal at the Sloat Boulevard and Skyline Boulevard intersection – all with the necessary objective of reducing traffic, improving safety, and easing the transition from the part-time pilot project to the full-time pedestrian/cyclist promenade.

As to guidance from the City’s LCP, the proposed project would “redesign the Great Highway to enhance its scenic qualities and recreational use” (LUP Objective 2), and would also “maintain and enhance the recreational use of San Francisco’s Ocean Beach shoreline” (LUP Objective 6). Furthermore, LUP Policy 6.3 provides rather clear direction to “replace the Great Highway as a four-lane straight highway with recreational trails for bicycle, pedestrian, landscaping, and parking” – which the proposed implementation of Proposition K would do for the Upper Great Highway from Sloat Boulevard to Lincoln Way. Put another way, the proposed project directly implements LCP provisions and helps to achieve LCP objectives.

Overall, the proposed project would significantly enhance public recreational access to the coast by improving public access opportunities and safety for pedestrians, cyclists, ADA-accessibility users, and other non-motorized visitors. Parking spaces would be converted in some areas to accommodate this but others would be created and/or improved as an offset. As conditioned, with a public access management plan designed to appropriately identify parameters for managing access in the project area (see Special Condition 4), the proposed project can be found to be consistent with the relevant Coastal Act and LCP public recreational access provisions.

G. Habitat Resources

Applicable Coastal Act and LCP Provisions

Certain habitats, such as those present at the project site, qualify as environmentally sensitive habitat areas (ESHA), which are provided a great degree of protection under the Coastal Act, as follows:

Section 30107.5. *“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments.*

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.*

In addition, the LCP also provides further guidance which protects habitat features, stating in part:

LUP Objective 12. *Preserve, enhance, and restore the Ocean Beach shoreline while protecting public access, scenic quality, natural resources, critical public infrastructure, and existing development from coastal hazards.*

LUP Policy 2.7. *... Design parking to afford maximum protection to the dune ecosystem.*

LUP Policy 6.2. *Improve and stabilize the sand dunes where necessary with natural materials to control erosion.*

LUP Policy 6.3. *Keep the natural appearance of the beach and maximize its usefulness by maintaining the beach in a state free of litter and debris.*

LUP Policy 12.4. *Develop the shoreline in a responsible manner.*

Consistency Analysis

The dunes at Ocean Beach and in the project area have a long history of human influence, alteration, and degradation, and thus dune ESHA and habitat protections are a key consideration both for the City and the Commission. While there have been some comments that the Great Highway vehicular closure will lead to undo adverse impacts in the dunes due to an influx of visitors, there are several reasons why that is appropriately addressed by the City’s proposal. First, some context is appropriate. Specifically, impacts on the dunes from beach access (i.e., walking through the dunes to get to the sandy beach and the ocean) date back many years, and to at least the 1990s, as documented by the December 2023 San Francisco Estuary Institute (SFEI) report (which reviewed existing and historic conditions and recommended ways to improve both beach and dune habitat and sand management). These impacts were documented well before the inception of the limited and temporary vehicular closure authorized by the pilot project for a portion of the Great Highway corridor, and well before the Proposition K project considered via this proposal. Such ongoing impacts to the dunes have spurred research and more recent efforts to buck this trend and address the longstanding and ongoing adverse impacts. In fact, the SFEI report identifies management goals and objectives to protect and enhance the dune system, without

suggesting reduced public access as a solution. Instead, the report suggests that a better and more realistic solution for reducing trampling is to create more clearly defined access points to formal access trails through the dunes, and to increase protections for existing dune habitats as well as new plantings, all of which are now proposed by the Applicant as part of the implementation of Proposition K and this project.

Specifically, the proposed project includes various measures for protecting and enhancing the Ocean Beach dune habitat running along the project area. This includes temporary protective fencing and signage, dune revegetation, consolidation of informal/voluntary trails and restoration of trails that are closed, additional trash/litter management, and inter-agency coordination (particularly with NPS/GGNRA, which has jurisdiction over most of the dune habitat at Ocean Beach). The closure of informal/voluntary trails, and consolidation of dune-adjacent trails, in addition to temporary fencing and interpretive signage, will help to reduce foot traffic in the dune habitat areas and limit impacts to dunes by designating and constraining areas where foot traffic is allowed. Furthermore, the dune revegetation pilot project (in coordination with NPS/GGNRA) near the Judah Street intersection will help to enhance dune habitat in this area and provide data to better inform future efforts to do so in other parts of Ocean Beach. SFEI's most recent report from October 2024 – titled "Future Opportunities for the Great Highway" – endorses the proposed closure of the Upper Great Highway from Sloat Boulevard to Lincoln Way, describing it as having the "greatest and most immediate ecological benefits" because of benefits for wildlife and new opportunities for dune restoration stemming from the removal of fast-moving cars and associated noise/light pollution.

Some of these proposed measures to protect and enhance dune habitats along Ocean Beach will take some time, due to regulatory approvals needed from the National Park Service (i.e. GGNRA), which has jurisdiction over most of the dunes. The City is also in the process of applying for additional grant funding from the state's Coastal Conservancy. The dune habitat protection and restoration measures therefore have some degree of regulatory and temporal uncertainty and necessitate the creation and implementation of a Dune Protection and Restoration Plan to ensure adequate prevention and mitigation of any potential adverse impacts of the various projects, as discussed above, to dune ESHA near the project area (see **Special Condition 3**), and to facilitate the restoration of additional dune habitats beyond the pilot project underway with NPS/GGNRA near the Judah Street intersection area. At the same time, and to be clear, the Applicant has committed to ensuring that the first phase of dune restoration efforts, those that are focused on the band of dunes closest to the Great Highway (especially those within 100 feet, per Special Condition 3), will occur as part of initial implementation of the closure project. Namely, that includes removing and restoring volunteer trails, consolidating such trails by the minimum necessary to still facilitate public access while avoiding significant adverse dune impacts, and prioritizing restoration for the areas within 100 feet of the Great Highway itself (see Exhibit 3 and Special Condition 3).

In short, and as conditioned, the project would provide benefits for coastal dune habitat resources which otherwise would not have accrued to the degraded dune area at Ocean Beach absent this project proposal, and which appropriately address potential

impacts from the project itself. Therefore, as conditioned, the proposed project can be found to be consistent with Section 30240 of the Coastal Act and the LCP dune habitat protection provisions.

H. Other

Indemnification

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 actions on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes Special Condition 8 requiring reimbursement for any costs and attorney 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, or challenging any other aspect of its implementation, including with respect to condition compliance efforts.

Other Agency Approvals

The project may require authorization from several other entities, including but not limited to the National Park Service and other potential state/local approvals. To ensure that the Applicant is able to carry out the proposed project consistent with the terms and conditions of this CDP, and to ensure that the proposed project is authorized by all applicable agencies, Special Condition 6 requires the Applicant to submit written evidence of these other agencies authorizations of the project (as conditioned and approved by this CDP) or evidence that such authorizations are not required.

Minor Changes

Although the proposed project and its potential impacts have been thought through and considered via the City and the Commission, including as it is affected by CDP terms and conditions, oftentimes minor unforeseen issues present themselves in complicated projects of this nature, particularly as construction gets underway, and it is important that the CDP is nimble enough to account for potential minor changes. Thus, minor adjustments to special condition requirements that do not require a CDP amendment or a new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources (Special Condition 7).

I. California Environmental Quality Act

Section 13906 of Title 14 of the California Code of Regulations requires Coastal Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

For the Proposition K Upper Great Highway vehicular closure portion of the project, the City found the project exempt, as CEQA does not apply to a measure submitted to the voters by the Mayor or five supervisors. However, the traffic, signage and wayfinding, and dune protection measures included in the proposed project are still subject to CEQA review. Accordingly, the San Francisco Planning Department reviewed the proposed project and issued a Statutory Exemption (City Record No. 2024-010317ENV) under SB 922 and Public Resources Code Section 21080.25⁷ on November 12, 2024. As for the SFMTA Sloat bike lanes portion of the project, this was also determined by the City to also be statutorily exempt, citing the same Public Resources Code Section 21080.5.⁸

In addition, and in any case, the Coastal Commission's review and analysis of land use proposals such as this CDP application has been certified by the Secretary of Resources as the functional equivalent of environmental review under CEQA (14 CCR Section 15251(c)). The Commission incorporates its findings on Coastal Act consistency above at this point as if set forth in full. The findings address and respond to all public comments regarding potentially significant adverse environmental effects of the project that were received prior to preparation of this report. As specifically discussed in these above findings, mitigation measures that would minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible mitigation measures available which would substantially lessen any significant adverse impacts, either individually or cumulatively, that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA Section 21080.5(d)(2)(A).

4. APPENDICES

A. Substantive File Documents⁹

- CDP Application File 2-24-0933
- San Francisco Estuary Institute (SFEI) October 2024 Report: *"Future Opportunities for the Great Highway"*
- San Francisco Estuary Institute (SFEI) December 2023 Report: *"Growing Resilience: Recommendations for Dune Management at North Ocean Beach"*

B. Staff Contacts with Agencies and Groups

- San Francisco Recreation and Parks Department (SFRPD)

⁷ Exemption for pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities within the public right-of-way; projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians within the public right-of-way; transit prioritization projects; and the maintenance, repair, relocation, replacement, or removal of any utility infrastructure associated with the specified project types.

⁸ *Id.*

⁹ These documents are available for review from the Commission's North Central Coast District office.

- San Francisco Municipal Transportation Agency (SFMTA)
- San Francisco Public Utilities Commission (SFPUC)
- San Francisco Planning Department
- National Park Service (NPS)
- Surfrider Foundation
- Friends of the Great Highway
- Sunset-Parkside Education and Action Committee (SPEAK)
- Coalition for San Francisco Neighborhoods (CSFN)