COASTAL DEVELOPMENT PERMIT

On January 7, 2015, the California Coastal Commission granted to San Francisco Public Utilities Commission this permit subject to the attached Standard and Special conditions, for development consisting of: Implementation of a soil remediation project involving the excavation and removal of an estimated maximum of 46,500 cubic yards of contaminated soils, replacement of excavated soils with clean imported fill, and restoration of the site to pre-project conditions, more specifically described in the application filed in the Commission offices. The development is within the coastal zone at 520 John Muir Drive, San Francisco.

Issued on behalf of the California Coastal Commission by

CHARLES LESTER,
Executive Director

Nancy Cave
Coastal Program Manager

ACKNOWLEDGMENT:
The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: “A Public entity is not liable for injury caused by the issuance... of any permit...” applies to the issuance of this permit.
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Date: 1/11/15  
Signature: [Signature]
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STANDARD CONDITIONS:

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

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

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

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

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

SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Approved Project.** The Permittee shall undertake development in substantial conformance with the final Remedial Action Plan approved on November 11, 2014. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **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.

(a) **Construction Areas.** The location of all construction areas, all staging areas, and all construction access corridors shall be clearly identified (in site plan view) and described. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and
coastal resources. 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.

(b) Construction Methods. All construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use and habitat areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas) shall be clearly identified and described.

(c) Construction Plan Pollution Prevention Requirements. The Construction Plan shall demonstrate that the development complies with the following pollution prevention requirements:

- Minimize Land Disturbance and Soil Compaction. Development shall minimize land disturbance during construction, including by phasing grading activities, to avoid increased erosion and sedimentation. Land disturbance activities (i.e., excavation and backfilling) adjacent to the northern boundary of the site shall be limited to an area of 30,000 square feet or less at any given point during construction.

- Stabilize Soil Promptly. Development shall implement soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, temporary re-seeding, etc.) on graded and/or disturbed areas as soon as feasible during construction where there is a potential for soil erosion to lead to discharge of sediment off-site or into coastal waters.

- Limit Potential for Erosion from Rains. Excavation and backfilling shall be prohibited within 25 feet of the northern boundary of the project area adjacent to the lake during the rainy season (from October 15 to June 1), unless local weather forecasts anticipate no precipitation for at least two weeks prior to scheduled work. Erosion control BMPs shall be operative in all areas of the site, including the area adjacent to the lake, prior to the onset of the rainy season.

- Avoid Plastic Netting in Temporary Erosion and Sediment Control Products. Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, silt fences, etc.) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution. Acceptable alternatives include the following:

  - Loose-Weave Natural Fiber Netting. Temporary rolled erosion and sediment control products with netting made of natural fibers, constructed in a loose-weave design with movable joints between the horizontal and vertical twines.
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- Erosion and Sediment Control Products without Netting. Temporary erosion and sediment control products that do not contain netting, including net-less erosion control blankets (e.g., made of excelsior), loose mulch, hydraulic mulch, soil binders, and straw bales.

- Unreinforced Silt Fences. Silt fences constructed of woven synthetic filter fabric; however, avoid the use of reinforced silt fences backed by plastic or metal mesh.

- Use Additional BMPs for Construction Near Coastal Waters. Development shall implement additional BMPs for construction taking place over, in, or adjacent to coastal waters, if there is a potential for construction chemicals or materials to enter coastal waters. BMPs shall include, where applicable:
  - Tarps to Capture Debris and Spills. Use tarps or other devices to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
  - Non-Petroleum Hydraulic Fluids. Use non-petroleum hydraulic fluids in principal heavy equipment operated for one week or longer over or in coastal waters or intertidal areas, if leaks or spills of hydraulic fluid from this equipment cannot be contained and could potentially enter coastal waters or intertidal areas.
  - Designated Fueling and Maintenance Area. Conduct fueling and maintenance of construction equipment and vehicles off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 100 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as hydraulic excavators) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

(d) Content of Construction Plan Pollution Prevention Component. To comply with the Construction Plan Pollution Prevention requirements listed above, the plan shall include a construction site map and a narrative description addressing, at a minimum, the following components:
  - Site Plan. A site plan map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
  - BMPs to Minimize Land Disturbance. BMPs that will be implemented to minimize land disturbance activities, the project footprint, and soil compaction shall be clearly identified.
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- **BMPs to Minimize Erosion and Sedimentation.** BMPs that will be implemented to minimize erosion and sedimentation during construction activities shall be clearly identified, including:
  - **Soil Stabilization BMPs.** BMPs that will be implemented to stabilize soil during construction.
  - **Temporary Erosion and Sedimentation Control BMPs.** BMPs that will be implemented to control erosion and sedimentation during construction.
  - **BMP Installation and Removal Schedule.** A schedule for installation and removal of temporary erosion and sedimentation control BMPs, and identification of temporary BMPs that will be converted to permanent post-development BMPs.
  - **BMPs for Stockpiling.** BMPs that will be implemented to minimize polluted runoff from stockpiling soil and other excavated materials.
  - **Construction Phasing Schedule.** A construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.

- **BMPs to Minimize Other Pollutants from Construction.** BMPs that will be implemented to minimize the discharge of other pollutants resulting from construction activities (such as paints, solvents, vehicle fluids, asphalt and cement compounds, trash, debris, etc.) into runoff or coastal waters shall be clearly identified, including:
  - **Chemical and Material Storage BMPs.** BMPs that will be implemented to minimize polluted runoff from staging, storage, and disposal of construction chemicals and materials.
  - **Site Management BMPs.** Site management “housekeeping” BMPs to be implemented during construction, such as maintaining an inventory of products and chemicals used on-site, and having a written plan for the clean-up of spills and leaks.
  - **BMPs to Infiltrate or Treat Runoff.** BMPs to be implemented, if needed, to either infiltrate runoff or treat it prior to conveyance off-site during construction shall be clearly identified.
  - **Maintenance Schedule.** A schedule for the inspection and maintenance of construction-phase BMPs, including temporary erosion and sedimentation control BMPs, as needed to ensure the permit’s water quality requirements are met shall be clearly identified. Inspection and maintenance shall be required daily whenever excavation and backfilling activities occur within 25 feet of the northern boundary of the project area.
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(e) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan:

- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.

- 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 or maintenance activities, and immediately upon completion of construction or maintenance activities.

(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, 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 should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, 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, 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, phone number, 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.

Minor adjustments to the above Construction Plan requirements 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 construction in accordance with the approved Construction Plan.

3. Riparian and Wetland Restoration and Mitigation Monitoring Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a revised Riparian and Wetland Restoration and Mitigation Monitoring Plan to the Executive Director for review and approval that is substantially in conformance with the initial plan dated October 2014 but which shows or is modified by the following required components:
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(a) Revised Performance Standards. The performance criteria for post-planting shall be modified to include criteria establishing resulting species diversity (i.e., which species will be present) and percentage of total resulting cover by species or group of species.

(b) Non-Native Species Management. The plan shall be revised to indicate that non-native species will be controlled within the restoration area during the established monitoring period using techniques and monitoring similar to those established in the plan for the control of invasive weeds.

(c) Definition of Local Seeds and Plant Material. The plan shall be modified to define the local range within which seeds and plant material may be harvested for use in the restoration (e.g., in an area between Monterey and Sonoma Counties, and within 20 miles of the coast).

(d) Final Monitoring Report. A final monitoring report shall be submitted for the review and approval of the Executive Director at the end of the monitoring period (i.e., at least 5 years). The final report shall be prepared by a qualified ecologist. The report must evaluate whether the required management, enhancement, and/or restoration has achieved the goals and success criteria set forth in the approved Plan.

(e) Provision for Possible Further Action. If the final monitoring report indicates that the project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall submit within 90 days a revised or supplemental plan to compensate for those portions of the original plan which did not meet the approved success criteria. The Permittee shall implement the revised or supplemental plan as directed by the Executive Director.

All requirements above, and all requirements of the approved Riparian and Wetland Restoration and Mitigation Monitoring Plan, shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with the approved Riparian and Wetland Restoration and Mitigation Monitoring Plan.

4. Sensitive Bird Species. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found during preconstruction surveys or during construction, the Permittee shall take the following actions:

(a) Notification. The Permittee shall notify all appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident. The Permittee shall notify the Executive Director in writing by facsimile or e-mail within 24 hours and consult with the Executive Director regarding determinations of State and Federal agencies.

(b) Action. In addition to any actions required by the Executive Director, the following requirements shall apply. If the active nest(s) is within 300 feet of construction activities (500 feet for raptors), the Permittee shall retain the services of an environmental resources specialist with experience conducting bird surveys to monitor bird behavior. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities.
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(those with potential noise impacts) to ensure that nesting birds are not disturbed by construction-related noise. The environmental resources specialist shall monitor birds every day at the beginning of the project and during all periods of significant construction activities.

5. **Tree Removal and Replacement.** Any tree removed shall be replaced at a 1:1 ratio. Replacement trees shall be regionally appropriate natives and non-invasive species. The Permittee shall submit two copies of a monitoring plan, designed to ensure tree replacement success (i.e., as many trees and a similar level of tree function and visual screening as today or better) within a 10-year period, to the Executive Director for review and approval. The monitoring plan shall provide for a final monitoring report to be submitted for the review and approval of the Executive Director at the end of the 10-year period. The final report shall be prepared by a qualified ecologist. The report must evaluate whether the required tree replacement has achieved the required success criteria. If the final monitoring report indicates that the tree replacement has been unsuccessful, in part or in whole, the Permittee shall submit within 90 days a revised or supplemental plan to compensate for those portions of the original plan which did not meet the success criteria. The Permittee shall implement the revised or supplemental plan as directed by the Executive Director. In addition, an annual monitoring report for tree replacement shall be maintained on file as public information.

6. **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 protection and disposition of significant artifacts. Mitigation measures shall be developed and submitted to the Executive Director for review and approval that address and proportionately offset the impacts of the project on archaeological resources.

7. **Paleontological Resources.** In the event that paleontological resources are encountered during project construction, all activity that could damage or destroy these resources shall be temporarily suspended until a qualified paleontologist has examined the site and mitigation measures have been developed and submitted to the Executive Director for review and approval that address and proportionately offset the impacts of the project on paleontological resources.

8. **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. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.

9. **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 (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 permit. 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.