

**CALIFORNIA COASTAL COMMISSION**

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San Diego Unified Port District  
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Office of the District Clerk



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February 17, 2023

Permit Application Number: **6-22-1069****COASTAL DEVELOPMENT PERMIT**

On February 09, 2023, the California Coastal Commission granted to the **San Diego Unified Port District and USS Midway Museum** this permit subject to the attached Standard and Special conditions, for development consisting of **Demolish existing Head House structure; reinforce pier; construct a 3.6-acre public park, including a 32 ft. wide promenade on the north side of pier, public restrooms, 1,000 sq.ft. low-cost snack concessionaire, coastal access and interpretive signage, memorials and monuments, play structures, bicycle racks, benches, and ingress/egress improvements; retain a portion of the pier for parking, increase parking rates, and implement public programming**, more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at **Navy Pier, 960 North Harbor Drive, San Diego, CA, San Diego County (APN No. 760-013-41).**

Issued on behalf of the California Coastal Commission by

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

DocuSigned by:  
A handwritten signature in black ink that reads 'Melody Lasiter'.  
D5DBC5ECBB2D41B...

Melody Lasiter  
Coastal Program Analyst

cc: Commissioners/File

**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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**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: 03/08/2023	Signature	DocuSigned by: <i>Joe Stupnesant</i>
Date: 03/09/2023	Signature	DocuSigned by: <i>Mac McLaughlin</i> ED6862ED195746D...

### STANDARD CONDITIONS:

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

#### 1. Permit Expiration, Condition Compliance & Timing of Construction.

- Because there is existing unpermitted development on the site that is approved after-the-fact, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire.
- WITHIN FIVE YEARS OF COMMISSION ACTION ON THE COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall have completed construction of the public park. The Executive Director may grant an extension of up to one year, in writing, upon demonstration by the applicant of good cause for

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delays in project completion resulting from circumstances that are beyond the control of the applicant. Any further extension to the deadline must be sought from the Commission through the coastal development permit amendment process.

- 2. Final Plans.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of Final Plans, including a Parking Plan, Lighting Plan, Structural Repair Plan, and Head House Demolition Plan, that substantially conform with the preliminary plans submitted to the Commission on December 16, 2022, titled Freedom Park and the Midway Navy Pier, except that:

- (c) **Parking Plan.** The final project plans shall identify the 45 parking spaces to be used for Midway parking and 100 parking spaces to be used for public parking, including electric vehicle charging, ADA, motorcycle, standard, and those spaces limited to two-hour parking as required by Special Condition No. 5.
- (d) **Lighting Plan.** The final project plans shall include a lighting plan for the pier that limits lighting to the minimum necessary and to lighting that is directed downward and away from the water, shielded, and does not exceed a correlated color temperature of 2,700 kelvins.
- (e) **View Corridor.** The final project plans shall include a 32 ft. wide view corridor along the northern perimeter of the pier along the public promenade. Shade structures and other park amenities that are located in the view corridor shall be sited and designed to avoid public view obstructions.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 3. Final Landscape Plans.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, a full-size set of final landscaping plans, which shall include and be consistent with the following:

- (a) A view corridor, 32 foot wide, shall be preserved in the northern perimeter of the pier along the public promenade. All proposed landscaping in the view corridor shall be maintained at a height of three feet or lower (including raised planters) to preserve the views from Harbor Drive towards San Diego Bay.
- (b) Vegetated landscaped areas shall consist of native plants or non-native drought tolerant plants that are non-invasive. No plant species listed as problematic or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the

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State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

- (c) Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other water conservation measures shall be considered, such as weather-based irrigation controllers.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 4. Mitigation Program Management Plan.** WITHIN 90 DAYS OF COMMISSION ACTION, the applicant shall submit, for the review and written approval of the Executive Director, a final Mitigation Program Management Plan in substantial conformance with the framework in the plan submitted on January 13, 2023 updated on January 26, 2023 titled “Attachment C” and included as Exhibit 5, except the program/plan shall be developed and expanded as required by the following requirements:

- (a) The plan shall be implemented for a minimum period of 20 years, commencing within one year of the date of Commission action of this CDP, except for the Park Docent Program (aka Park Ambassadors), restrooms, and concessionaire, which shall be implemented upon completion of the park.
- (b) Provide a detailed description and baseline data for each program including (1) the mobile phone microsite; (2) Park Docent Program (aka Park Ambassadors), including number of docents in the park daily; (3) Snooze Cruise Scholarship Program (aka Overnight Adventure), including a minimum of 300 scholarships per year; (4) Free Daily Pass and Event Programs; (5) No Child Left Ashore Program; (6) Midway Institute for Teachers, including 25 additional teachers per year; (7) Virtual Field Trip component (aka Distance Learning); (8) Comped Ticket Distribution, including 25,000 additional tickets per year; (9) the Veterans Day Parade; and (10) Grant Funding. For each program, indicate the year of inception; the initial funding source and allocated budget, if available; the allocated budget from 2017 to 2022, except for 2020; the number of participants from 2017 to 2022, except for 2020; and a list of schools/grantees that have participated in the program.
- (c) Provide and facilitate access for people with limited means, visitors from under-resourced communities, and speakers of languages other than English to the park and Midway, and to the programs identified in Special Condition No. 4(b).

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- i. The low-cost snack concession stand shall stock relatively inexpensive food and drink items that can be easily carried out.
- ii. Public education materials shall be available in multiple languages, including English, Spanish, and other locally spoken languages, when written, and as feasible, spoken by docents (aka Park Ambassadors) and available in video and audio recordings.
- iii. A program for free parking for low-income persons shall be developed and implemented in the public parking lot. The program shall include, at a minimum, the following:
  - a. Members of the public with a State of California Golden Bear Pass displayed shall be eligible to park for free;
  - b. Outreach Plan. Information on how to obtain the pass shall be made easily available to the public both online at the Port and Midway websites and in the form of permanent signage at the Navy Pier parking lot. At least one permanent sign shall be posted at each pay machine identifying the pass program and information on obtaining the passes, where each sign shall be in both English and Spanish. The Plan shall provide sign details, including all text and graphics, and each sign shall include the California Coastal Commission emblem, and recognition of the Coastal Commission's role in providing more inclusive public access at this location. The Port shall share information on how to obtain the pass with any social service providers and local non-profits working with low-income visitors.
  - c. Parking Violation Appeals. Individuals who receive a parking violation or ticket shall have an opportunity to appeal the ticket and have the fee waived if they provide documentation of the Golden Bear pass during the ticket appeal. This information will be available in any signage and outreach materials.
- (d) Access to all park facilities, including the public park, public parking lot, and public restroom shall be available to the public at all times during normal park hours (i.e., 6 am to 10:30 pm) and no personnel shall interfere with public access, except as allowed under Special Condition No. 6 for Special Events.
- (e) Develop an Outreach Program that targets communities for increased access to the Midway and programs included in the plan that have historically received fewer coastal education and stewardship opportunities, or are disproportionately impacted by environmental burdens, such as communities with low incomes; Black communities; Indigenous communities; communities of color; speakers of languages other than English; people with disabilities; foster and transition-age youth; LGBTQIA+ youth; and residents of rural and/or inland areas. Identify the target audience(s) and indicate how outreach will be targeted to these audiences;

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for example, through Environmental Justice organizations, individual school demographics (e.g., percentage of English Language Learners, race/ethnicity, low-income) through [www.ed-data.org](http://www.ed-data.org), and community demographics through [CalEnviroscreen](#).

- (f) By January 30 of every year for three years, and every two years thereafter, the permittee shall submit an annual monitoring report that demonstrates the permittee has complied with the approved Mitigation Program Management Plan in the previous year. The report shall include the following:
- i. The level of participation and funding of the subject year and a comparison with prior years under the program.
  - ii. A narrative and data to demonstrate that the permittee has complied with the access provisions in Special Condition No. 4 by increasing access for targeted groups. Identify any programs that are not in compliance and solutions to resolve.
  - iii. Outreach data and use data, where available, for the free parking pass program.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

**5. Parking Management.** By acceptance of this permit, the applicant agrees that the paid parking program shall operate under the following parameters:

- (a) At least 100 parking spaces shall be available to the public at all times.
- (b) Parking rates on Navy Pier shall be clearly posted and shall be no higher than the following:
- i. Transient rate:
    - a. \$5 per hour for up to two hours;
    - b. \$20 for up to 6 hours;
    - c. \$25 for 6 to 24 hours;
  - ii. Special event rate: \$30;
  - iii. USS Midway educational overnight rate: \$10;
- (c) The maximum rates shall be in effect regardless of holidays or weekends; and

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- (d) The applicant shall reduce transient and special event rates by at least 25% below the maximum parking rates identified in Special Condition 5(b)i. during the off-season, specifically October 1 – March 31 annually, and during other low demand periods as determined by the Port.
- (e) Designated motorcycle spaces shall pay 50% of the posted rate.
- (f) There shall be a two-hour limit on 20% of public parking spaces.
- (g) Midway employee and volunteer parking shall be prohibited in the public parking area.
- (h) Parking rates may be adjusted annually consistent with the Consumer Price Index.

The applicant shall undertake the parking program in accordance with the approved parking provisions. Any proposed changes to the approved paid parking program shall be reported to the Executive Director. No changes to the approved parking program, including an increase in parking rates beyond the maximum rates identified in subsection (a) and annual adjustments identified in subsection (h) of this special condition, shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

**6. Special Event Provisions.** By acceptance of this permit, the applicant agrees that special events shall operate under the following parameters:

- (a) Special events are those events that (1) charge for admission or (2) exclude members of the general public.
- (b) Unrestricted public access through and within the park shall be maintained no less than 85 percent of each year. Special events shall not exceed 15 percent per year, equivalent to 110 half days events or 55 full day events based on normal park hours (i.e., 6 am to 10:30 pm), including event set-up/take-down. Special events shall be spread throughout the year.
- (c) Only one side of the park (east or west areas on Exhibit 8) shall be used for special events on a single day. If one side of the park is used for a special event, the other side of the park shall remain open to the public.



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- (d) The 32 ft. northern promenade, north park area, restrooms, low-cost concessioner, and parking lot shall remain open to the public at all times, as depicted on Exhibit 8.
- (e) Prior to January 30 of each year for three years beginning the year following the year the park is completed, and every two years thereafter, the permittee shall submit an annual Special Event programming report that demonstrates the permittee has complied with the Special Event provisions in the previous year. The report shall include a complete list of all events held in the preceding and projected year. The report shall include but is not limited to the following: dates and times for each event; setup/takedown for each event; summary of events held; tabulation of events held in compliance with these provisions (i.e., 15 percent of the year and programming types permitted); names of event promoters and event groups (e.g., musical group, performer, etc.), and number of tickets issued/sold for each event (or estimated number of attendees, if quantity of tickets issued/sold for each event is not available).

The applicant shall undertake special events in accordance with the approved special event provisions unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

**7. Public Access Signage Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a comprehensive Public Access Signage Plan. The plan shall include, but not be limited to, the following:

- (a) Plans, dimensions, content, font size, and locations of public access signage in and around the public site informing the public of their right to access the park. Each sign shall include the California Coastal Commission emblem and recognition of the Coastal Commission's role in providing public access at this location. Signage shall be large enough to be easily seen by the public and be located, at minimum, on the public promenade at the pedestrian entrances to Navy Pier and along the pedestrian walkways prior to reaching the western park space. All signs should provide information in English and Spanish.
- (b) All signs under the approved Public Access Signage Plan shall contain information approved by the Executive Director informing the public of their right of access, and applicable hours of the access according to the subsections of this Special Condition.
- (c) The public promenade shall be open to the public 24 hours a day year-round. Signage located on the promenade shall identify that the promenade is open to the public at all times.



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- (d) Temporary signs shall be placed during special events to alert the public to the areas of the park that remain open to the public per Special Condition No. 6(c).
- (e) No sign under the approved Public Access Plan shall measure less than two feet by three feet and all signs shall be made of material capable of withstanding long exposure to the elements. If any of the signs are damaged or missing for any reason, they shall be replaced by the permittee within thirty (30) days.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 8. Construction and Pollution Prevention Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a Construction and Pollution Prevention Plan. The Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

- (a) **Protect Public Access.** Construction shall protect and maximize public access, including by:
  - i. Public access shall be maintained around the project site to provide a continuous connection to the public promenade north and south of Navy Pier, throughout project demolition and construction.
  - ii. Staging and storage of construction equipment and materials (including debris) may not take place on the public promenade outside the project area. Staging and storage of construction equipment and materials shall occur at least 25 feet from coastal waters, drainage courses, and storm drain inlets, as feasible. Construction is prohibited outside of the defined construction, staging, and storage areas.
  - iii. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the final plans.
  - iv. All bay access points and other recreational use areas impacted by construction activities, other than those approved as part of this project, shall be restored to their pre-construction condition or better within three days of completion of construction.

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(b) **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

- i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
- ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded 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 to coastal waters.
- iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
- iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
- v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

(c) **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

- i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
  - A. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.

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- B. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
  - C. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
  - D. Prompt removal of all construction debris.
  - E. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
- ii. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those 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 cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
- (d) **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
- i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
  - ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
  - iii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.
- (e) **Construction In, Over, or Adjacent to Coastal Waters and Habitat.** Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

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- i. No construction equipment or materials (including debris) shall be allowed at any time in the intertidal zone or in coastal waters.
  - ii. Construction activity shall not be conducted in the intertidal zone or in coastal waters.
  - iii. To the extent feasible, work shall take place during daylight hours. Lighting of the bay area, beyond project area lighting needed for any nighttime work, is prohibited. Any lighting needed for nighttime work shall be shielded and directed away from the bay. Lighting directed at the bay is prohibited.
  - iv. All construction equipment and materials shall be stored beyond the reach of tidal waters.
  - v. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
  - vi. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the bay, ocean, waterways, natural drainage swales, and the storm drain system.
  - vii. All debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project.
  - viii. If preservative-treated wood is used, appropriate BMPs shall be implemented that meet industry standards for the selection, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, those standards identified by the Western Wood Preservers Institute, et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012) or the latest revision. The preservative-treated wood shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments.
- (f) **Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

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- (g) **Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:
- i. A map delineating the construction site, construction phasing boundaries, staging site, temporary public access route, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
  - ii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
  - iii. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
  - iv. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.
- (h) **Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (i) **Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The 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.

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- (j) **Notification.** The permittee shall notify planning staff of the Coastal Commission's San Diego 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.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

- 9. Post-Development Runoff Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a Post-Development Runoff Plan. The final Post-Development Runoff Plan shall demonstrate that the project complies with the following requirements:

- (a) **Use a Low Impact Development Approach to Stormwater Management.** Use a Low Impact Development (LID) approach to stormwater management to replicate the site's pre-development hydrologic balance, by implementing site design strategies that reduce runoff, integrated with small-scale, distributed Best Management Practices (BMPs) to retain stormwater runoff close to the source. The project shall comply with the following LID Site Design strategies and BMPs:
- i. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.
  - ii. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
  - iii. Maintain or enhance on-site infiltration of runoff to the greatest extent appropriate and feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; avoiding unnecessary soil compaction; amending soil if needed to enhance infiltration; directing runoff to permeable landscaped areas; and installing an infiltration BMP (e.g., rain garden or bioretention system).
  - iv. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in redevelopment. Use strategies such as minimizing the footprint of buildings; minimizing the footprint of impervious



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pavement; and installing a permeable pavement system where pavement is required.

- v. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious pavement; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation or plumbing. Convey runoff from impervious surfaces into permeable areas in a non-erosive manner.
- vi. Where appropriate and feasible, direct stormwater runoff from all impervious surfaces (e.g., parking areas and driveways, roofs, walkways, and patios) to, in order of priority, a) landscaped areas or open spaces capable of infiltration; b) earthen-based infiltration BMPs (such as a bioretention basin) c) manufactured infiltration BMPs (such as a permeable pavement system) or rainwater harvesting BMPs (such as a cistern); d) flow-through biofiltration BMPs (such as a vegetated swale or green roof); and if infiltration is not feasible, e) proprietary filtration systems (such as an inlet filter) or runoff flow control systems (such as a stormwater detention vault).
- vii. Implement Runoff Control BMPs that are sized and designed to retain runoff on-site (by means of infiltration, evaporation, uptake by plants, or harvesting for later on-site use), to the extent appropriate and feasible. Examples include a bioretention basin, rain garden, permeable landscaped area, permeable pavement system, and cistern.
- viii. If the proposed development will not retain on-site the runoff using an LID approach, an alternatives analysis shall be conducted. The alternatives analysis shall demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, and there are no appropriate and feasible alternative project designs (such as a reduction in impervious surface area) that would enable on-site retention of the design storm runoff volume.
- ix. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows. Alternative BMPs shall also be used where infiltration BMPs are not adequate to treat a specific pollutant of concern attributed to the development, or where



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infiltration practices would conflict with regulations protecting groundwater. Examples include an evapotranspiration BMP that does not infiltrate into the ground but uses evaporation and uptake by plants to reduce and attenuate runoff flows (e.g., a vegetated “green roof,” flow-through planter, biofiltration basin, or retention pond); a rainwater harvesting BMP to capture and store runoff for later use in landscape irrigation (e.g., a rain barrel or cistern); directing runoff to an off-site infiltration facility; or a BMP to reduce runoff flow rate (e.g., a manufactured stormwater detention vault) prior to directing runoff to the storm drain system.

- (b) **Implement Treatment Control BMPs if Necessary.** Treatment Control BMPs are structural systems designed to remove pollutants from runoff by processes such as gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or other physical, biological, or chemical process. Examples include vegetated swales, bioretention basins, and storm drain inlet filters. Runoff Control BMPs that promote infiltration or evapotranspiration may also provide Treatment Control.
- i. Implement a Treatment Control BMP (or suite of BMPs) that is sized and designed to remove pollutants of concern from that will not be retained on-site.
  - ii. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be required prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.
- (c) **Implement Source Control BMPs.** Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste. Waste disposal receptable within the leasehold shall be of a scavenger-proof design to prevent access by animals.
- (d) **Avoid Adverse Impacts from Stormwater and Dry Weather Discharges.** The adverse impacts of discharging stormwater or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or stream banks shall be avoided, to the extent feasible. The project shall comply with the following requirements:

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- i. New outfalls discharging stormwater or dry weather runoff to coastal waters shall be prohibited, and runoff shall be directed inland to the storm drain system or to an existing outfall. If no storm drain system or existing outfall is present, runoff shall be directed to an existing drainage channel. Runoff shall not be allowed to sheet flow to the beach or the bay.
  - ii. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner. If runoff flows to a natural stream channel or drainage course, determine whether the added volume of runoff is large enough to cause erosion.
  - iii. Protective measures shall be used to prevent erosion from concentrated runoff flows at stormwater outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity: (1) vegetative bioengineered measures (such as plant wattles); (2) a hardened structure consisting of loose materials (such as a rip-rap apron or rock slope protection); or (3) a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles).
  - iv. Design and manage the development to minimize discharge of dry weather runoff to coastal waters, to the maximum extent feasible. For example, use efficient landscape irrigation techniques, and design vehicle washing areas to convey wash water to vegetated areas, infiltration system, or the sanitary sewer system to minimize off-site runoff.
- (e) **Manage BMPs for the Life of the Development.** Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and staff training) to keep the water quality provisions effective for the life of the development.
- (f) **Site Plan and Narrative Description.** The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:
- i. A California-licensed professional (e.g., Registered Professional Civil Engineer, Geotechnical Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect) qualified to complete this work shall be in responsible charge of preparing the Post-Development Runoff Plan.
  - ii. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.

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- iii. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.
- iv. A polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rate, depth to groundwater, and the location and extent of confining layers such as bedrock), as necessary to design the proposed BMPs.
- v. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Specify the number, location, size, design, and stormwater management function of all BMPs. Include a schedule for installation or implementation of all post-development BMPs.
- vi. Supporting calculations demonstrating that all required Runoff Control and Treatment Control BMPs shall be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or the 85th percentile 1-hour storm event (multiplied by a safety factor of two) for flow-based BMPs, to the extent appropriate and feasible, for the portions of the project site that are determined to not already be able to infiltrate the volume produced by an 85th percentile 24-hour storm event. Indicate the values used in the calculations, and the source of data for each variable.
- vii. For the portions of the project site where the 85th percentile 24-hour design storm runoff volume cannot be retained on site using an LID approach, an alternatives analysis shall demonstrate that no feasible alternative project design would substantially improve runoff retention.
- viii. Runoff from all new and replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.
- ix. A description and schedule for the ongoing management of all post-development BMPs, including operation, maintenance, inspection, and staff training, that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the approved Post-Development Runoff Plan, unless the Commission amends this permit or

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the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

### **10. Assumption of Risk, Waiver of Liability, and Indemnity.**

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, and flooding, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury of damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

### **11. Other Permits**

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director a copy of all other necessary State, Federal, and local permits that may be necessary for all aspects of the proposed project, including from the U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, California State Lands Commission, Regional Water Quality Control Board, and the U.S. Army Corps of Engineers. The permittee shall inform the Executive Director of any changes to the project required by the agency. Such changes may not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

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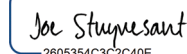
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CEO

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President/CEO

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [don.davis@water.ca.gov](mailto:don.davis@water.ca.gov)

### **To advise Coastal Commission, California of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [don.davis@water.ca.gov](mailto:don.davis@water.ca.gov) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [don.davis@water.ca.gov](mailto:don.davis@water.ca.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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