Permittee's Copy

Making San Francisco Bay Better

PERMIT NO. 2-84
(Issued on March 16, 1984, As
Amended Through September 25, 2008)
AMENDMENT NO. SEVENTEEN

San Francisco Redevelopment Agency
One South Van Ness Avenue, 5th Floor
San Francisco, California 94103

ATTENTION: Fred Blackwell, Executive Director

AND

Port of San Francisco
Pier 1
San Francisco, California 94111

ATTENTION: Monique Moyer, Executive Director

Ladies and Gentlemen:

On March 15, 1984, the San Francisco Bay Conservation and Development Commission, by a vote of 18 affirmative and 1 negative, approved the original resolution pursuant to which the permit had been issued. Moreover, on August 28, 1984, September 5, 1986, July 8, 1988, January 6, 1989, January 17, 1990, March 26, 1991, June 30, 1992, July 9, 1993, May 5, 1993, July 1, 1994, August 1, 1995, September 24, 1997, July 9, 2003, March 26, 2004, and January 11, 2005, ~~and~~ September 27, 2007, and September 25, 2008, pursuant to Regulation Section 10822, the Executive Director approved Amendment Nos. One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, ~~and~~ Sixteen, and Seventeen, respectively, to which this amended permit is hereby issued. Because the permit has been extensively revised through these amendments, for clarity, Amendment No. 14 deleted references to work already completed or no longer contemplated.

I. Authorization

A. Subject to the conditions stated below, the permittees, the San Francisco Redevelopment Agency and the Port of San Francisco, are granted permission to do the following, from Pier 38 to immediately north of China Basin, in the City and County of San Francisco:

1. **In the Bay:**

   a. Place, use and maintain approximately 17,310 square feet of fill for two breakwaters of reinforced concrete sheet piles with concrete cap and batter piles including a 9,750-square-foot detached breakwater and a 7,560-square-foot south breakwater;

   b. Attach, use and maintain approximately 630 feet of concrete panels under Pier 40 to reduce wave action in the marina;

   c. Place, use and maintain approximately 87,594 square feet of floating fill on the south side of Pier 40 for a 4,000-square-foot utility dock and 700 slips with associated marine facilities such as pumpout stations;

d. Place, use and maintain approximately 6,560 square feet of floating fill, 25 24-inch-square concrete piles, 360 square feet of cantilevered fill and 61 square feet of pile-supported fill for a utility dock on the north side of Pier 40;

e. Place, use and maintain approximately 1,976 square feet of floating fill, five 24-inch-square concrete piles, 440 square feet of cantilevered fill and 209 square feet of pile-supported fill for a dinghy dock and disabled access;

f. Place, use and maintain approximately 72 square feet of pile-supported fill and one 24-inch-square concrete pile for a jib crane;

g. Place, use and maintain approximately 126 square feet of floating fill, one 24-inch-square concrete pile, 280 square feet of cantilevered fill and 62 square feet of pile-supported fill for a marginal wharf and disabled access; and

h. Repair a total of approximately 8,145 square feet of beams and girders, approximately 2,210 square feet of concrete slab by covering exposed metal, and approximately 100 piles by conducting caisson jacketing resulting in approximately 1000 square feet of Bay fill.

2. **In the Bay and Within the 100-foot Shoreline Band**:

a. Construct, use and maintain approximately 151,490 square feet of public access within the overall project as shown on Exhibit A, and as described by Special Condition II-B-4, herein; ~~and~~

b. Construct, use and maintain, on a temporary basis, until December 31, 2017, a gate along the south apron of Pier 40 and a chain-link fence at the end of the south apron, as described in Special Condition II-B-3 herein; and

~~b.~~ c. Construct, use, and maintain a separate restroom building, trash enclosures, and above-grade utilities associated with the marina and public access areas

3. **Within the 100-foot Shoreline Band**:

a. Construct, use and maintain an approximately 170-foot-long Harbor Services Building with a building footprint of 5,850 square feet as generally shown on Exhibit A. The building may have an 11-foot-wide cantilevered deck on the second story on the east side of the building that continues to the south side of the building where it widens to approximately 19 feet. The east face of the building shall be located at least 70 feet from the bayward edge of the promenade;

b. Construct, use and maintain up to a total of 300 vehicular parking spaces within the interior of the Pier 40 shed, on the apron west of Pier 40, and within the existing parking lot adjacent to the Harbor Services Building, as generally shown on Exhibit A;

c. Install, use, and maintain 10,400 square feet of partitioned space within the Pier 40 shed to consolidate and create more efficient workspaces and provide public restrooms for the public and harbor-serving tenants;

d. Upgrade, use and maintain the Pier 40 shed by repairing the roof, windows, walls, and spalling concrete, and repainting the shed;

e. In a future phase, construct, operate and maintain an approximately 70,800-square-foot mixed-use project and approximately 150 parking spaces within the Pier 40 shed in a manner consistent with the San Francisco Waterfront Special Area Plan. Then, in effect, this mixed-use development that was authorized in the original permit would supersede most of the uses allowed by Authorization I-A-3(b) and I-A-3(c), above.

f. Construct, use and maintain approximately 450 square feet of dinghy storage, as generally shown on Exhibit B;

g. Place, use and maintain an approximately 300-square-foot bike rental facility west of Pier 40 in a location to be determined pursuant to Special Condition II-A;

h. Use and maintain an existing cafe (Java House Restaurant) and associated storage and trash enclosure;

i. Use and maintain up to 500 square feet of dedicated public access area on the south side of the existing café (Java House Restaurant) and 125 square feet on the west side of the existing café for outdoor dining that shall be available to cafe patrons and the general public, as generally shown on Exhibit B;

j. Use and maintain the interior portions of the Pier 38 bulkhead building that are south of the mid-slip line between Piers 38 and 40 for office, marina support and commercial recreation uses, such as a restaurant;

k. Use and maintain an approximately 135 square foot awning without sides over the south entry of Pier 38;

l. Use and maintain up to approximately 300 square feet of dedicated public access area on the south side of the Pier 38 bulkhead for outdoor dining, as generally shown on Exhibit B, that shall be available to restaurant patrons and the general public; and

m. Provide and maintain an approximately 300-square-foot picnic area on the east side of the Pier 38 bulkhead building that shall be available to restaurant patrons and the general public.

B. This amended authorization is generally pursuant to and limited by your application dated February 2, 1984, including all accompanying exhibits, your letter dated August 8, 1984 requesting Amendment No. One; your letter dated July 17, 1986 requesting Amendment No. Two; your letters dated March 31, 1988, May 2, 1988, and May 20, 1988 requesting Amendment No. Three; your letters dated April 5, 1988, May 20, 1988, August 3, 1988, October 6, 1988, and December 20, 1988, including the public access plan received December 12, 1988 requesting Amendment No. Four; your letters dated May 24, 1989 and September 29, 1989 requesting Amendment No. Five, including all accompanying exhibits; your letter dated February 7, 1991 requesting Amendment No. Six; your application dated October 7, 1991, including all accompanying exhibits, and letters dated January 17, 1992, January 29, 1992, and February 28, 1992 requesting Amendment No. Seven; your letter dated March 15, 1993 requesting Amendment No. Eight, including all accompanying exhibits; your letter dated April 2, 1993, including all exhibits, requesting Amendment No. Nine; your letter dated December 28, 1993 requesting Amendment No. Ten; your letter dated May 6, 1995 requesting Amendment No. Eleven; your letter dated September 12, 1997 requesting Amendment

No. Twelve; your letter dated March 31, 2003, requesting Amendment No. Thirteen; your letter dated September 22, 2003 requesting Amendment No. Fourteen, your letter received on November 12, 2004, requesting Amendment No. Fifteen, ~~and~~ your letter dated July 31, 2007, requesting Amendment No. Sixteen, and your letter dated August 25, 2008 requesting Amendment No. Seventeen, but subject to the modifications required by the conditions herein.

C. Work authorized through Amendment No. ~~16~~ 17 must commence prior to January 1, 2009, or this amended permit will lapse and become null and void. Such work must also be diligently pursued to completion and must be completed by December 31, 2017, unless an extension of time is granted by a further amendment of this amended permit prior to its expiration. In kind repair and maintenance may continue as long as the authorized facilities and uses are in place.

D. This project will provide approximately 4.18 acres of public access along approximately 1,130 feet of shoreline between the fishing pier and the Pier 40 apron, 91 feet of shoreline adjacent to the Pier 38 bulkhead building, 1,420 feet of shoreline around the perimeter of Pier 40, the Pier 40 apron, and the approximately 180-foot-long breakwater at the end of Pier 40, and along the approximately 625-foot-long fishing pier at the south breakwater. In addition, two guest docks will provide the public with opportunities to access the water. Also, approximately 0.75 acres of public access will be provided outside of the Commission's jurisdiction as part of the project. In addition, as amended through Amendment No. Fourteen, the project will result in a net increase in Bay surface area of approximately 6.2 acres.

II. Special Conditions

The authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Specific Plans and Plan Review

1. **Plan Review**. No work whatsoever shall be commenced pursuant to this authorization until final precise site, engineering, grading, architectural, and landscaping plans and any other relevant criteria, specifications, and plan information for that portion of the work have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

   a. **Site, Architectural, Grading and Landscaping Plans**. Site, architectural, grading, and landscaping plans shall include and clearly label the shoreline (Mean High Water Line or the inland edge of marsh vegetation up to five feet above Mean Sea Level), the line 100 feet inland of the line of the shoreline, property lines, the boundaries of all areas to be reserved for public access purposes and open space, grading, details showing the location, types, dimensions, and materials to be used for all structures, irrigation, landscaping, drainage, seating, parking, signs, lighting, fences, paths, trash containers, utilities and other proposed improvements. In addition, all site plans shall provide a dimension line which marks the minimum distance between the harbor services building authorized by this permit and the existing waterfront railing. Additional dimension lines

shall be provided, as necessary, to locate where this minimum dimension occurs in relation to the existing waterfront railing or some other fixed point upon the site.

b. **Engineering Plans.** Engineering plans shall include a complete set of contract drawings and specifications and design criteria. The design criteria shall be appropriate to the nature of the project, the use of any structures, soil and foundation conditions at the site, and potential earthquake-induced forces. Final plans shall be signed by the professionals of record and be accompanied by:

(1) Evidence that the design complies with all applicable codes; and

(2) Evidence that a thorough and independent review of the design details, calculations, and construction drawings has been made.

Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon:

(a) completeness and accuracy of the plans in showing the features required above, particularly the shoreline (Mean High Water Line or the inland edge of marsh vegetation up to five feet above Mean Sea Level), property lines, and the line 100-feet inland of the shoreline, and any other criteria required by this authorization;

(b) consistency of the plans with the terms and conditions of this authorization;

(c) the provision of the amount and quality of public access to and along the shoreline and in and through the project to the shoreline required by this authorization;

(d) consistency with legal instruments reserving public access and open space areas;

(e) assuring that any fill in the Bay does not exceed this authorization and will consist of appropriate shoreline protection materials as determined by or on behalf of the Commission;

(f) consistency of the plans with the recommendations of the Design Review Board; and

(g) consistency of the plans with the recommendations of the Engineering Criteria Review Board.

Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed.

2. **Conformity with Final Approved Plans**. All work, improvements, and uses shall conform to the final approved plans. Prior to any use of the facilities authorized herein, the appropriate design professional(s) of record shall certify in writing that, through personal knowledge, the work covered by the authorization has been

performed in accordance with the approved design criteria and in substantial conformance with the approved plans. No noticeable changes shall be made thereafter to any final plans or to the exterior of any constructed structure, outside fixture, lighting, landscaping, signage, landscaping, parking area, or shoreline protection work without first obtaining written approval of the change(s) by or on behalf of the Commission.

3. **Discrepancies between Approved Plans and Special Conditions.** In case of any discrepancy between final approved plans and Special Conditions of this authorization or legal instruments approved pursuant to this authorization, the Special Condition or the legal instrument shall prevail. The permittees are responsible for assuring that all plans accurately and fully reflect the Special Conditions of this authorization and any legal instruments submitted pursuant to this authorization.

B. **Public Access**

1. **Area.** Except as limited by reasonable rules and restrictions allowed pursuant to Special Condition II.B.7, herein and, for as long as any of the improvements or uses authorized herein remain in place, the approximately 3.48-acre public access area within the Commission's jurisdiction and the 0.75 –acre area outside of the Commission's jurisdiction, as generally shown on Exhibit A, shall be made permanently available by the times specified below to the public for unrestricted public access for walking, sitting, viewing, fishing, picnicking, kayaking/small craft launching, and related purposes. If the permittees wish to use the public access area for other than public access purposes, it must obtain prior written approval by or on behalf of the Commission.

2. **Public Access Improvements Within the Total Public Access Area**.

   a. **Phase One Public Access Improvement.** Within 120 days following occupancy of the harbor services building authorized herein, or by December 31, 2007, whichever is earlier, the permittees shall have installed or caused the implementation of the following improvements, as generally shown on attached Exhibit A:

      (1) **Plazas, Park, Promenade, and Tot Lot.** Provide highly improved plazas, promenades, a park and a tot lot with irrigated landscaping, lawn, various seating opportunities, pedestrian-scale lighting, railings, signs, and trash receptacles as shown, in part, on plans entitled, "South Beach Park and Harbor Improvement Project," dated September 2, 2003 as revised through July 11, 2003, prepared by EDAW, Inc. The improvements shall be designed to provide a variety of quality surfaces, finishes and site furnishings to serve a wide spectrum of public access users;

      (2) **Pier 40 Apron.** Provide an approximately 10-foot-wide walkway around a portion of the north and south perimeter of Pier 40, as shown on Exhibit A. The perimeter access shall be improved with an adequate number, as determined by Commission staff, of seating, lighting, trash receptacles, and

may include transparent wind screens near some seating areas. The quality and precise number of public access improvements shall be approved pursuant to Special Condition II-A.

(3) **Fishing Pier (South Breakwater).** Provide a 12-foot-wide walkway atop the south breakwater to be used as a fishing pier and public access area. The fishing pier shall include railings and an appropriate number of trash receptacles;

(4) **Utility Docks.** Provide a 4,000-square-foot utility dock on the south side of Pier 40 and a 6,560-square-foot utility dock on the north side of Pier 40. At least half of the total length of each dock shall be available for short term berthing (not to exceed 14 consecutive days);

(5) **Public Access Signing**. Place and maintain a minimum of four public access signs and Bay Trail signs where appropriate. In addition, signage shall be placed to inform the public of the ability to use the guest docks, the outdoor dining seating, and the perimeter public access areas around Pier 40; and

(6) **Clean and Safe Boating Signs**. The permittees shall provide signs and other information, such as charts, pamphlets and brochures, near the Harbor Services Building or other convenient location, that address shipping lanes, safety guidelines, U.S. Coast Guard rules for navigation, such as U.S. Coast Guard Rule 9, and clean boating information for smaller recreational craft. Any signs shall be located in a manner that does not adversely impact public access or views of the Bay and shoreline. The permittees can contact the U.S. Coast Guard Auxiliary, Power Squadron and Sea Partners organizations, the California Department of Boating and Waterways and the Commission's Clean, Green Boating Program for existing sources of this type of information and its availability.

b. **Phase Two Public Access Improvements.** By December 31, 2010, the permittees shall install the following improvements, as generally shown on attached Exhibit A:

~~(1)~~ **South Side of Pier 40.** Provide an approximately 10-foot-wide walkway along the approximately 430-foot-long portion of the south apron of Pier 40, as shown on Exhibit A. The perimeter access shall be designed similarly to the walkway required in Special Condition II-B-2-a(2) and approved pursuant to the plan review requirements of Special Condition II-A.

c. **Phase Three Public Access Improvements.** By December 31, 2017, the permittees shall install the following improvements, as generally shown on attached Exhibit A:

(1) **Pier 40 Apron.** Provide the remaining 6,770 square feet of perimeter access to complete the public access along the north and east sides of Pier 40, as shown on Exhibit A. The perimeter access shall be designed similarly to the walkway required in Special Condition II-B-2-a(2) and approved pursuant to the plan review requirements of Special Condition II-A. The walkway along

the north side of Pier 40 shall be a minimum of 10 feet wide and 430 feet long. The plaza along the east side of Pier 40 shall be a minimum of 19 feet wide and 130 feet long.

(2) **Pier 40 Breakwater.** Provide an approximately 12-foot-wide walkway atop the approximately 180-foot-long breakwater at the end of Pier 40 to be used for public access purposes. The breakwater shall be improved with railings and an adequate number of public access improvements, such as benches, trash containers and if appropriate, lighting, as determined by Commission staff, pursuant to Special Condition II-A.

~~(2)~~ (3) **Public Restrooms.** Within the Pier 40 shed, provide public restroom facilities that shall be made available to the public and harbor-serving tenants during the marina's hours of operation with appropriate signage approved pursuant to the plan review requirements of Special Condition II-A.

Such improvements shall be consistent with the plans approved pursuant to Condition II-A of this authorization and substantially conform to the plans entitled "South Beach Park and Harbor Improvement Project," dated July 11, 2003, as revised through January 23, 2004, prepared by EDAW, Inc., Moffatt and Nichol, Tom Eliot Fisch, Olivia Chen Consultants, and ten other consultants, as listed on the title sheet of the construction documents.

3. **Temporary Fence and Gate.** The following fence and gate may be constructed and maintained at the site on a temporary basis, until December 31, 2017, to provide safety at the site while the remaining public access area along the Pier 40 apron is completed:

   a. A temporary gate along the south apron of Pier 40, near the west façade of the Pier 40 shed, to limit access along the south apron during non-business hours. The gate shall remain open between 6 a.m. and 11 p.m. daily; and
   b. A temporary chain-link fence at the end of the south apron, located in line with the south wall of the Pier 40 shed, to limit access onto the unrepaired east apron and to maintain views of the Bay from the south apron.

   Both the fence and gate shall be removed by December 31, 2017 and shall be constructed consistent with the plans dated February 22, 2008 and approved, pursuant to Special Condition II-A, on April 8, 2008.

~~3.~~ 4. **Maintenance**. The areas and improvements within the total 4.23-acre public access area shall be permanently maintained by and at the expense of, the permittees or their assignees for as long as the uses authorized by this permit continue. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of any public access amenities such as signs, benches, drinking fountains, irrigation, trash containers and lights; periodic cleanup of litter and other materials deposited within the access areas; removal of any encroachments into the access areas; and assuring that the public access signs remain in place and visible. Within 30 days after notification by staff, the permittees shall correct any maintenance deficiency noted in a staff inspection of the site.

~~4.~~ 5. **ADA Accessible.** All public access areas shall meet Americans with Disability Act standards.

~~5.~~ 6. **Assignment.** The permittees shall transfer maintenance responsibility to a public agency or another party acceptable to the Commission at such time as the property transfers to a new party in interest but only provided that the transferee agrees in writing, acceptable to counsel for the Commission, to be bound by all terms and conditions of this permit.

~~6.~~ 7. **Outdoor Dining.** No restaurant table service shall be allowed in the areas authorized herein for outdoor dining.

~~7.~~ 8. **Reasonable Rules and Restrictions.** The permittees may impose reasonable rules and restrictions for the use of the public access areas to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved in writing by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittees have both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior.

C. **Special Events.** Special event uses and structures are permitted, until December 31, 2010, within and outside of the dedicated public access areas depicted on Exhibit A, pursuant to the conditions below. Special events within the pier shed and the Harbor Services Building are excluded from the requirements of this condition.

1. **Events Must Be Open to Public.** All special events shall be open to the public. No event may preclude the use of any public access area by the public.

2. **Height Limitation.** The height of any structure shall not exceed 20 feet.

3. **Duration of Events.** Special events shall be limited to a maximum of sixty (60) event days per year and each event shall not exceed nine (9) days in duration. Any exception to this condition shall require prior written approval from the Executive Director.

4. **Approval of Events.** The permittees shall request in writing, approval of each event by or on behalf of the Commission. As part of each written request, the permittees shall include a log or other documentation that clearly describes the number of total event days that have been used to-date for that calendar year. The permittees shall report and describe any problems encountered or complaints received by members of the public about the impacts on the public's use and enjoyment or unavailability of any public access area.

5. **Extension of Uses.** A request for an extension of the special event uses beyond December 31, 2010 shall be made by the permittees in writing. The Commission will consider an extension and may renew these uses only if the permittees can demonstrate to the satisfaction of the Executive Director that the permittees have complied with the requirements of this permit and that the special event uses and/or structures have not adversely affected the public's use of the public access areas. The Executive Director may disapprove the request if any of the following occur during

the trial period: (1) any legitimate complaints are received by members of the public about the adverse impacts of special events on the public's use and enjoyment or unavailability of any access areas; (2) any special event violations are discovered by the permittees or Commission staff; and (3) any special conditions required herein are not met. In the event that the special event authority is extended beyond December 31, 2010, the Executive Director reserves the right to seek revocation of the authorization at any time should problems, such as those listed above, occur.

D. **Marina Conditions**

1. **Construction.** Construction standards for marina berths and associated facilities shall be at least equal to those established by the State Department of Boating and Waterways. All construction activity shall be performed to minimize turbidity and to prevent debris from drifting and presenting a pollution or navigation hazard.

2. **Waste Discharge.** The discharge of any solid or liquid wastes, including oily bilge water, waste oil, or sewage, into the Bay within the marina basin, shall be in accordance with federal and state regulations. This restriction shall not apply to the discharge of liquid wastes associated with the use of an automatic bilge pump.

3. **Waste Facilities.** Prior to the use of any berth, the permittees shall install a suitable facility for receiving and disposing of oily wastes, and a facility for pumping out vessel holding tanks and receiving wastes from portable toilets. Such facilities shall be constructed to all applicable codes and standards and shall be maintained by the permittees in a safe and sanitary manner. Such facilities shall be available to boaters every day of the week and any fees for the use of the facilities shall be limited in amount to cover the cost of the operation of the facilities. The pumpout stations shall be connected to onshore waste treatment facilities.

4. **Marine Toilets.** The permittees shall make it a requirement of the use or occupancy of any berth that: (a) any vessel berthed, if equipped with a marine toilet, shall contain an adequate holding tank, incinerator recirculation device, or other equivalent device approved by applicable agencies to preclude discharge of wastes into the waters of the marina, or have the marine toilet rendered inoperable while any such vessel is moored in the marina; and (b) any violation of the waste discharge requirements of this authorization shall be cause for immediate cancellation of the right of such use or occupancy. The permittees shall submit to the Commission a copy of the berthing agreement which shall set forth the requirements included in this condition.

5. **Enforcement Responsibility.** The permittees shall adequately enforce the requirements herein, and shall submit to the Commission the name, address, and telephone number of the person at the marina responsible for such enforcement.

6. **Enforcement Alternatives.** The Commission reserves the right, in the event of repeated or serious problems with waste discharges in violation of the requirements herein or in the event of laboratory test results that indicate the presence of materials associated with waste discharges, to require that onshore

sewer lines be provided for each berth or that the permittees remove or cause to be removed permanently from the marina any vessels from which wastes have been discharged.

7. **Houseboats.** No houseboat or other structure used as a residence shall be permitted in the marina. Any violation of this provision shall be grounds for immediate termination of the berthing rights of any such owner or occupant.

8. **Live-aboards.** No vessel moored in the marina shall become a long-term place of residence. Any violation of this condition shall be grounds for immediate termination of the berthing rights of any such owner or occupant.

9. **Sales or Long-Term Rental of Berths**. Berths shall be rented to the general public and commercial operations, such as sailing schools, charter boat operators, and boat leasing/sales companies, without discrimination, and no right to use of an individual berth shall be granted or otherwise transferred that exceeds a short-term license agreement.

E. **Mitigating Construction Impacts**

1. **Certification of Contractor Review.** Prior to commencing any grading, demolition, or construction, the general contractor or contractors in charge of that portion of the work shall submit written certification that s/he has reviewed and understands the requirements of the permit and the final BCDC-approved plans, particularly as they pertain to any public access or open space required herein, or environmentally sensitive areas.

2. **Foundation Layout Inspection**

   a. **Written Request.** Prior to constructing any building forms for any structure that will be located in or adjacent to BCDC's 100-foot-wide shoreline band, the permittees shall request in writing an inspection by the Commission staff of the foundation layout as it has been surveyed and staked in the field relative to the shoreline.

   b. **Certificate of Foundation Layout Inspection.** Within five working days of receipt of the written request for an inspection, the Commission's staff will inspect the foundation layout as it has been surveyed and staked in the field for any structure that will be located in or adjacent to BCDC's 100-foot-wide shoreline band. The permittees shall not commence construction of the forms or pour the foundation until the staff has confirmed in writing that the foundation layout is consistent with the terms and conditions of the permit by providing the permittees with a Certificate of Foundation Layout Inspection.

   c. **Responsibility of Permittees.** If the staff is unable to perform this inspection within the 5-day period, the permittees may commence such work, but the staff's inability to complete such an inspection does not relieve the permittees of the responsibility to provide public access areas and build any structures (the project) in accord with the approved plans.

F. **Herring Restrictions**. No work shall occur in the water during the herring spawning or hatching season (December through March) unless expressly authorized by or on behalf of the Commission in consultation with the Department of Fish and Game. If construction in the water is permitted during the herring spawning period, a professional biologist or other individual competent to identify herring spawning activity, shall inspect the project site three times a week during the construction operations occurring between December 1 and March 1 of any year. If herring spawning is detected by the on-site biologist or qualified individual, Department of Fish and Game personnel, or the Commission staff, all construction in the water shall cease for a minimum of 14 days and shall continue suspended until it can be determined by the on-site biologist or qualified individual, Department of Fish and Game personnel, or the Commission staff that the herring hatch has been completed and larval herring concentrations have left the site. To facilitate rapid and efficient communication under these circumstances, the permittees shall provide the Commission staff and Department of Fish and Game personnel with all necessary telephone, FAX, and pager numbers. Construction in the water may be resumed thereafter at the sole discretion of the permittees and the Commission staff, but shall be terminated if further spawning takes place at the site.

G. **Creosote Treated Wood**. No pilings or other wood structures that have been treated with creosote shall be used in any area subject to tidal action in the Bay as part of the project authorized herein.

H. **Construction Operations**. All construction operations shall be performed to prevent construction materials from falling, washing, or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittees shall immediately retrieve and remove such material at their expense.

I. **Debris Removal**. All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittees, their assignees, or successors in interest, or the owner of the improvements, shall remove such material, at its expense, within ten days after it has been notified by the Executive Director of such placement.

J. **In-Kind Repairs and Maintenance.** Any in-kind repairs and maintenance of the floating boat docks, piers, and gangways shall only utilize construction material that is approved for use in the San Francisco Bay. Construction shall only occur during current approved months during the year to avoid potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

K. **Site Access.** The permittees grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being or has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

L. **Commission Jurisdiction Over Fill Area.** Notice is hereby given that, under the McAteer-Petris Act, the area of the approved project that is within the Commission's jurisdiction under Section 66610(a) remains within that jurisdiction even after fill or substantial change in use, authorized by the Commission, may have changed the character of the area; so that the

permittees or the permittees' successors in interest will require further action by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this authorization.

M. **Assignment.** The permittees may make a full or partial assignment of the rights and/or duties under this amended permit provided that the assignee is acceptable to the Commission. The assignment shall be made in writing and clearly indicate which portions are assigned and which portions remain unassigned. Any assignee shall sign a written statement to the effect that he or she has read and understands the conditions of this amended permit and agrees to be bound by all terms and conditions hereof.

N. **Permit Recording.** The permittees shall record this permit or a notice specifically referring to this permit on all parcels affected by this permit with the City and County of San Francisco within 30 days after execution of the permit issued pursuant to this authorization and shall, within 30 days after recordation, provide evidence of recordation to the Commission.

III. Findings and Declarations

This amended authorization is given on the basis of the Commission's findings and declarations that the work authorized herein is consistent with the McAteer-Petris Act, the *San Francisco Bay Plan*, the California Environmental Quality Act, and the Commission's amended Coastal Zone Management Program for San Francisco Bay, for the following reasons:

A. **Use.** San Francisco Bay Plan Map No. 5 includes a Bay Plan Policy that refers to the San Francisco Waterfront Special Area Plan for a detailed description of the uses permitted along the shoreline between the Hyde Street Pier and India Basin. For the area between China Basin and Pier 41, the Special Area Plan authorizes uses within existing pier footprints that are consistent with the Public Trust Doctrine and the Port's Legislative Trust Grant. Outside of the pier footprints, allowable uses include water-related recreation, Bay-oriented commercial recreation and Bay-oriented public assembly, public access and historic ships.

The uses authorized herein include a 700-slip marina, guest docks and other ancillary structures associated with water-related recreation. As part of the marina use, approximately 10,400-square-feet of the interior of Pier 40 will be used to consolidate and create efficient workspace and restrooms for harbor-serving tenants. At a future date, the restrooms may also be made available to the public. The remaining interior portion of Pier 40, will primarily be used for parking to serve marina users. Marina parking will also occur on the Pier 40 "apron," the exterior portion of the pier that is west of the Pier 40 shed. The uses on the interior portion of the Pier 38 bulkhead building that is south of the mid-slip line will include office, marina support and commercial recreation uses, such as a restaurant. Outside of the pier footprints, uses include a new harbor services building to further support marina use and provide a community room for public gathering, additional parking to serve marina users, and several Bay-oriented commercial recreation facilities, including an existing café (Java House), and an existing bike rental facility. Existing and new public access will be provided throughout the project site. Therefore, all authorized uses are for water-related recreation, Bay-oriented commercial recreation and Bay-oriented public assembly, and public access.

The Commission finds, therefore, that the authorized uses are for water-oriented recreation, Bay-oriented commercial recreation and public access and are, therefore, consistent with the San Francisco Bay Plan and the San Francisco Special Area Plan.

B. **Fill.** Section 66605 of the McAteer-Petris Act, in part, provides that "further filling of San Francisco Bay should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as ...water-oriented recreation and public assembly...) or minor fill for improving shoreline appearance or public access to the Bay.... That the fill in the Bay should be authorized only when no alternative location is available for such purposes.... That the water area...to be filled should be the minimum necessary to achieve the purpose of the fill..." and "[t]hat the nature, location and extent of any fill should be such that it will minimize harmful effects to the Bay Area, such as, the reduction or impairment of the volume surface area or circulation of water, water quality...or other conditions impacting the environment." The Bay Plan policies on public access state that "a small amount of fill may be allowed if the fill is necessary and is the minimum absolutely required to develop the project in accordance with the Commission's public access requirements."

The project involves the placement of approximately 98,000 square feet of fill to create a 700-slip marina with two utility docks, a dinghy dock, a jib crane, and disability-accessible access from the marginal wharf (a "Ramp Rider"). All of these uses are water-oriented for which the Commission may authorize fill, and by nature of their proposed use as a marina, there is no alternative upland location for the fill. The project also includes approximately 17,300 square feet of Bay fill for two breakwaters and approximately 630 feet of concrete panels under Pier 40 to reduce wave action in the marina. Although a 700-berth marina is large by San Francisco Bay standards, it is considered to be the minimum amount of Bay fill necessary given the significant cost associated with constructing breakwaters in deep water and the need to demolish several large piers to allow construction of the marina. With the demolition of Piers 42, 44, 46A and the deteriorated wooden portion of Pier 40, there will be a net increase in Bay surface uncovered by the project of approximately 269,508 square feet (6.2 acres).

The project also involves the placement of fill to improve public access. In total, approximately 34,440 square feet of fill is authorized for the purpose of improving public access. Fill for public access will occur at the south breakwater (fishing pier), the promenade, within a small portion of the Pier 40 apron, in certain locations around the perimeter of Pier 40, and on the east side of the Pier 38 bulkhead building. All of the fill for public access is either pile-supported or cantilevered over the Bay, thereby minimizing any adverse impacts on water volume, circulation, and surface area. The fill will provide a continuous, permanent shoreline in a San Francisco neighborhood that is experiencing significant growth. The shoreline in this vicinity is increasingly used for recreational uses, such as jogging, strolling, and Bay viewing along one of San Francisco's major waterfront open spaces. The fill will provide significant benefit to the public who work, live and recreate in the neighborhood.

Fill that is authorized under the McAteer-Petris Act must also be placed in such a manner as to minimize adverse impacts to the Bay and its fish and wildlife resources. As stated above, the project will result in a net increase of 6.2 acres of Bay surface area. However, it is anticipated that construction impacts could have an adverse impact on fish, particularly upon herring spawning or hatching, if a herring spawn occurred during construction. To minimize impacts associated with turbidity resulting from disturbance of the Bay bottom during construction, or construction-related noise particularly associated with pile driving, Special Condition II-E has been added to the permit to minimize or prevent significant turbidity or pile-

driving during the herring spawning season. Additionally, Special Condition II-F prohibits the use of pilings or other wood structures that have been treated with creosote, which has been shown to adversely impact water quality and herring eggs and larvae. Finally, special conditions have been added to prohibit the discharge of solid or liquid wastes into the Bay within the marina basin, and to insure that adequate waste facilities are provided at the marina.

Therefore, the Commission finds that the fill is limited to water-oriented uses and minor fill for improving public access to the Bay and that the amount of fill proposed for the marina uses is the minimum necessary for the purposes of the amended project. The Commission further finds that the amount of fill proposed for public access purposes is the minimum necessary to provide attractive, usable access and, therefore, can be considered minor fill to improve public access.

C. **Maximum Feasible Public Access**. The McAteer-Petris Act and the *San Francisco Bay Plan* require that the Commission approve a project only if it can find that the project provides the maximum feasible public access consistent with the project.

The original authorization for the project included a requirement that public access be constructed in three phases. In the first phase, with the development of the marina, an unimproved, six-foot-wide path along the paved shoreline was required. In the second phase, Pier 40 was to be redeveloped with a mixed use project and public access was to be provided around its perimeter at that time. During the third phase, the shoreline was to be improved with upgraded paving and landscaping and the public access area along most of the shoreline was to be widened to 34 feet. The Commission found that the public access proposed with the original authorization was not the maximum feasible consistent with the project, in part because there were no significant physical constraints to providing additional public access elsewhere on the public land. With Amendment No. 14, the project authorization changes substantially. Overall, less development is proposed and more public access is provided as part of the new project. Also, within the Pier 40 shed, the original authorization for up to 20,000 square feet of marina support and commercial recreation uses has been reduced to approximately 10,400 square feet of space for harbor-serving tenants. At the same time, the public access for the project has improved greatly. A new baseball stadium has enhanced public access at the south end of the project. A tot lot has been built in the middle of the existing park and a new plan has been developed to improve the overall park design. Further, the ship/restaurant "Dolphin P. Rempp" has been demolished and, in its place, a new harbor service building will be erected. The new building will provide continuous public access along the shoreline where none existed before and is expected to activate and enliven the surrounding park and public shoreline with proposed uses that include a community room, harbor master office, and the South Beach Yacht Club, as well as storage space and public restrooms. In total, approximately 150,000 square feet of public access are now part of the authorized project. With the completion of the harbor services building, the public access area includes the fishing pier (on the south breakwater), the shoreline promenade, the park and tot lot, the central plaza, and a portion of perimeter access around Pier 40 (see Exhibit A). The permittees are allowed until December 31, 2010 to complete the remaining portion of the Pier 40 perimeter access due to the financial burden associated with repairing the dilapidated, pile-supported structure around the perimeter of Pier 40. Therefore, the implementation of the public access improvements at the eastern end of Pier 40 and along the north side of Pier 40 will be delayed until the year 2010 to provide time for the permittees to identify funding sources for this portion of the required public access. Finally,

utility docks will also be available to the public and will provide the public with an opportunity to get close to the water, an experience that is unavailable throughout most of the San Francisco waterfront. When completed, the overall project will provide approximately 4.18 acres of public access area, 0.75 acres of which are outside of the Commission's jurisdiction.

For all these reasons, the Commission finds that the amended project, as conditioned, provides maximum feasible access consistent with the project, and is consistent with Bay Plan Policies on Public Access.

D. **Significant Revision to Permit (Amendment No. 14).** During the period of time between the issuance of the original permit in 1984 and the issuance of Amendment No. 13 in 2003, a number of uses, public access areas, and other project components were added to the overall project through the permit amendment process. Over time, these incremental actions created a patchwork of public access areas and a convoluted and confusing permit authorization. Further, significant elements of the original authorization were never realized and are no longer proposed as part of the project. Therefore, with Amendment No. 14, an attempt has been made to clarify the current authorization and requirements for the staff, the permittees and the public and to create a comprehensive and concise document that accurately describes the amended project. A key component of the original authorization that has been carried forward through Amendment No. 14 is a future mixed-use development within the Pier 40 shed. Although no developer is identified at this time, some form of this mixed-use development is expected to occur in the future. To accommodate such a development, it is anticipated that Bay fill would be required to accommodate the uses proposed and to seismically strengthen Pier 40 and/or significantly extend the life of the pier structure. As of Amendment No. 14, the seismic analysis for such a development has not been done and the quantities of Bay fill that would likely be needed for seismic strengthening are not known. Therefore, it is intended that the permittees will seek an amendment to this permit at such time that a developer is identified, the mix of uses are delineated and the mixed-use development is ready to move forward. If the future mixed-use development authorized herein comes forward before the year 2010, the implementation of all the public access areas required herein shall be accelerated and completed prior to the occupancy of the future mixed-use development.

E. **Amendment No. Fifteen.** Amendment No. Fifteen modifies language contained in Special Condition II-C-2 of this amended permit, which is intended to ensure that marinas comply with federal and state water quality laws prohibiting the discharge of oily waste, including wastewater, into the Bay. This special condition as originally written, however, resulted in some marina operators prohibiting boat owners from using automatic bilge pumps, which, in turn put owners at risk of losing their boats and insurance. Therefore, Special Condition II-C-2 was revised so as not to apply to the discharge of liquid wastes associated with use of automatic bilge pumps. The modification to this special condition will not result in adverse effects on the Bay, and thus is a similar activity with no greater adverse impact on the Bay, as defined by Commission Regulation Section 10601(e)(3), to those listed as minor repairs or improvements in Commission Regulation Section 10601. Further, this modification will not result in a material alteration of the original authorization, and thus can be authorized by the Executive Director, pursuant to Commission Regulation Section 10822.

F. **Amendment No. Sixteen.** Amendment No. Sixteen authorizes a time extension for the completion of the public access improvements around the Pier 40 apron until December 31, 2017, which will be constructed in three phases. Under the amended permit, the permittees are

required to complete the public access along the southern portion of the Pier 40 apron by December 31, 2010, and the public access along the northern and eastern end of the pier by December 31, 2017. The permittees require this time extension in order to obtain additional funding needed to complete this important public access improvement. To offset the temporary loss of public access due to these delays, the permittees have agreed to provide an additional 2,160 square feet of public access on the breakwater at the end of Pier 40 and public restrooms within the Pier 40 shed. The restrooms are to be completed by December 31, 2010 and the Pier 40 breakwater is to be completed by December 31, 2017. Thus, the project, as amended, provides maximum feasible public access consistent with the project, pursuant to the McAteer-Petris Act. Amendment No. Sixteen also authorizes special events to occur at the site on a trial basis, until December 31, 2010, pursuant to certain conditions to ensure that the special events do not adversely affect public access. The trial basis will allow staff to evaluate whether the special events adversely affect the public's use of the public access areas and whether to grant an extension of this authorization in the future.

For these reasons, the Commission finds that the project authorized under Amendment No. Sixteen is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan, will not have an adverse impact on present or possible future public access to the Bay, does not result in a material alteration of the originally authorized project, and is similar to "minor repairs or improvements" as defined in Regulation Section 10601(b)(1), for which the Executive Director may issue an amendment to an existing permit, pursuant to Government Code Section 66632(f) and Regulation Section 10822.

G. **Amendment No. Seventeen.** Amendment No. Seventeen extends the time for completing the required public restrooms within the Pier 40 shed until December 31, 2017 when it is anticipated, there will be greater demand for the restrooms with the completion of the public access areas and the possible occupancy of the Pier 40 shed with new tenants. There are currently temporary restroom facilities within the Pier 40 shed as well as public restroom facilities at the Harbormaster's Office and at the Pier 40 bulkhead building adjacent to Pier 38 and 40 that should meet the demands of the current tenants and the public using the public access areas that have been completed. Amendment No. Seventeen also authorizes the construction of a temporary gate to limit access along the south apron during non-business hours and a temporary chain-link fence to limit access onto the unrepaired east apron, both to improve safety at the site. The temporary gate will prevent public access to the south apron only during the nighttime hours of 11 p.m. and 6 a.m. and will remain open at all other times. Therefore, the gate will not impact public access during the day and will increase security at the site at night. Both the fence and gate are required to be removed by December 31, 2017, following completion of the remaining required public access areas.

The installation of the temporary fence and gate authorized in Amendment No. Seventeen is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan because it will not have an adverse impact on present or possible future public access to the Bay, will not result in a material alteration of the originally authorized project, and is a similar activity as defined in Regulation Section 10601(e)(3) to the placement of inorganic fill in the shoreline band that will not adversely impact present or possible future public access as defined in Regulation Section 10601(b)(1), and thus is a "minor repair or improvement" for which the Executive Director may issue an amendment to an existing permit, pursuant to Government Code Section 66632(f) and Regulation Section 10822.

~~G.~~ H. **Public Trust.** The Commission finds the uses authorized with the amended project, as conditioned and limited herein, to be consistent with the San Francisco Waterfront Special Area Plan, the *Bay Plan*, and the McAteer-Petris Act and, therefore, consistent with public trust needs for this area. In addition, the Bay fill associated with the project that will be used for public access and water-oriented uses that are consistent with the public trust needs of San Francisco Bay. The Commission finds, therefore, that the fill is consistent with the public trust.

~~H.~~ I. **California Environmental Quality Act.** The San Francisco Planning Commission, the lead agency, certified an environmental impact report for the Redevelopment Plan covering the proposed amended project on November 5, 1980. Minor amendments to the Plan were certified as not requiring an amended environmental impact report, and a final environmental assessment for those amendments was published on July 6, 1983. The Commission finds that, as conditioned herein, the proposed projects will not have any significant adverse environmental impacts. Moreover, pursuant to Regulation Section 11501, Amendment Nos. One, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, ~~and~~ Thirteen, Sixteen and Seventeen are categorically exempt from the requirement to prepare an environmental document. On August 26, 2003, the San Francisco Redevelopment Agency approved the Initial Study for the project authorized by Amendment No. Fourteen and found that the project could not have a significant effect on the environment.

~~I.~~ J. **Conclusion.** For all of the above reasons, the benefits of the proposed project clearly exceed the detriment of the loss of water areas and the project will provide maximum feasible public access to the Bay and its shoreline. Therefore the project is consistent with the San Francisco Bay Plan, the McAteer-Petris Act, the Commission's Regulations, and the Amended Management Program for San Francisco Bay.

IV. Standard Conditions

A. This amended permit shall not take effect unless the permittees execute the original of this amended permit and return it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. The rights, duties, and obligations contained in this amended permit are assignable. When the permittees transfer any interest in any property either on which the authorized activity will occur or which is necessary to the full compliance of one or more conditions to this amended permit, the permittees/transferors and the transferees shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director (*call for a copy of the form or download it from our website*). An assignment shall not be effective until the assignees execute and the Executive Director receives an acknowledgment that the assignees have read and understand the amended permit and agree to be bound by the terms and conditions of the amended permit, and the assignees are accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.

D. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. Unless otherwise provided in this amended permit, any work authorized herein shall be completed within the time limits specified in this amended permit, or, if no time limits are specified in the amended permit, within three years. If the work is not completed by the date specified in the amended permit, or, if no date is specified, within three years from the date of the amended permit, the amended permit shall become null and void. If an amended permit becomes null and void for a failure to comply with these time limitations, any fill placed in reliance on this amended permit shall be removed by the permittees or their assignees upon receiving written notification by or on behalf of the Commission to remove the fill.

F. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city and/or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittees of any obligations imposed by State or Federal law, either statutory or otherwise.

G. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

H. Work must be performed in a manner so as to minimize muddying of waters, and if diking is involved, dikes shall be waterproof. If any seepage returns to the Bay, the permittees will be subject to the regulations of the Regional Water Quality Control Board in that region.

I. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

J. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the amended permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit.

K. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

L. This amended permit reflects the location of the shoreline of San Francisco Bay when the amended permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.

M. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittees or their assignees if the amended permit has been effectively assigned. If the amended permit is revoked, the

Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this amended permit shall be removed by the permittees or their assignees if the amended permit has been assigned.

N. Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this amended permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittees or their assignees if the amended permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

O. The permittees shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

By: _____
CAITLIN SWEENEY
Chief Deputy Director

CS/MY/ra

cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch
San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency, Attn: Mike Monroe, WTR-8

* * * * * * * * * * * * * * * * * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at San Francisco

San Francisco Redevelopment Agency

On November 5, 2008 By: _____

Dep Exec. Dir Finance Admin

Title

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA }
} ss.
COUNTY OF SAN FRANCISCO }

On November 5, 2008, before me, Lucinda J. Nguyen, Notary Public, personally appeared Amy Lee, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

LUCINDA J. NGUYEN
Commission # 1537470
Notary Public - California
San Francisco County
My Comm. Expires Dec 23, 2008

Signature of Notary Public

OPTIONAL

Description of Attached Document:

Title of Type of Document: Permit No 2-84 Amendment No. Seventeen

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Title: _____

Signer is Representing: _____

RIGHT THUMBPRINT

Signer's Name: _____

Title: _____

Signer is Representing: _____

RIGHT THUMBPRINT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Francisco }

On 11/24/08 (Date) before me, Debbie Ann Crowley, Notary Public, (Here Insert Name and Title of the Officer)

personally appeared Monique Moyer (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Debbie Ann Crowley (Signature of Notary Public)

DEBBIE ANN CROWLEY
Commission # 1805554
Notary Public - California
San Francisco County
My Comm. Expires Jul 2, 2012

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Permit No. 2-84 Amendment No. Seventeen

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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* * * * * * * * * * * * * * * * * * *

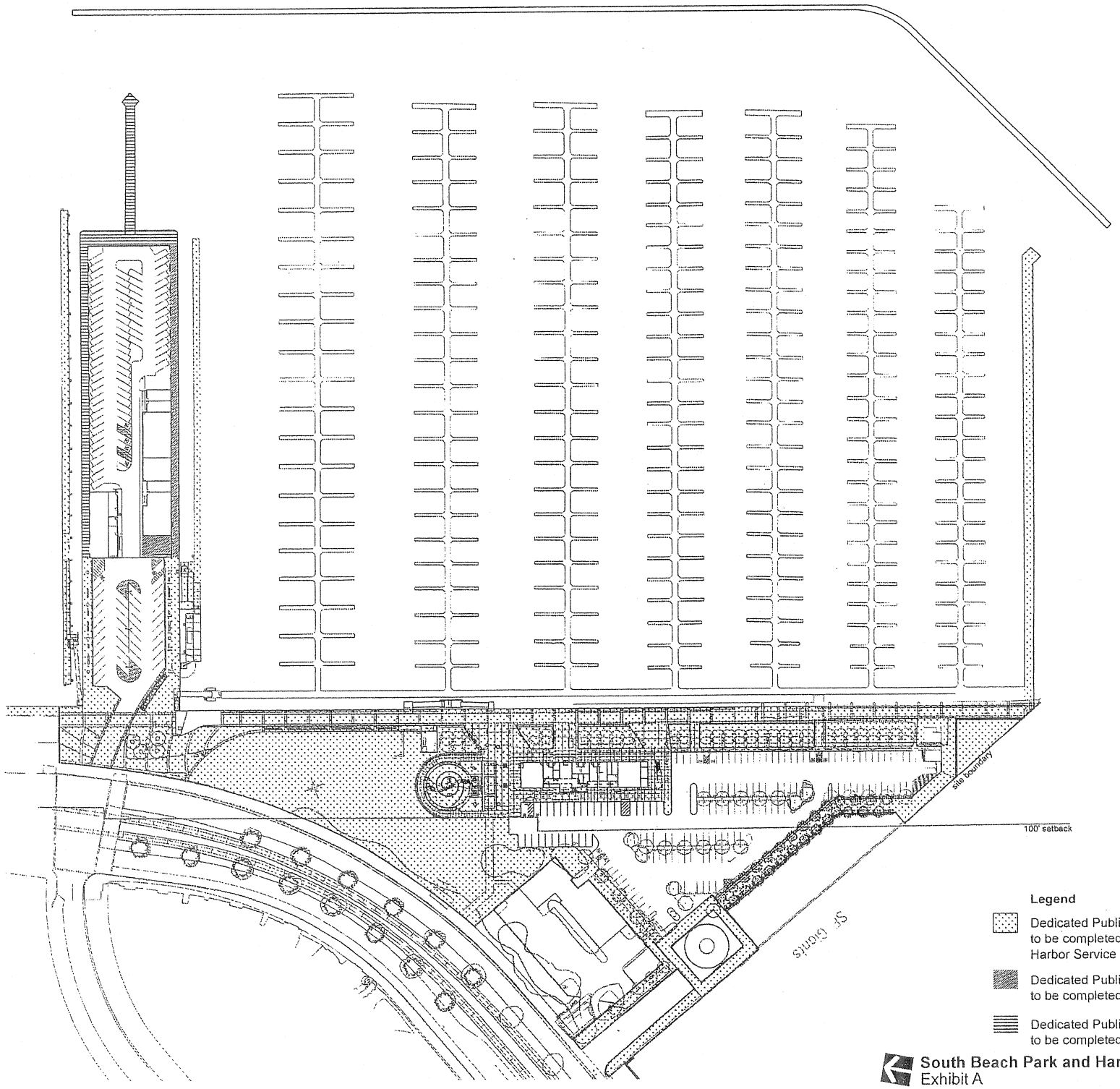
Receipt acknowledged, contents understood and agreed to:

Executed at SAN FRANCISCO, CA

Monique Moyer
Port of San Francisco

On November 24, 2008 By: MONIQUE MOYER

EXECUTIVE DIRECTOR
Title



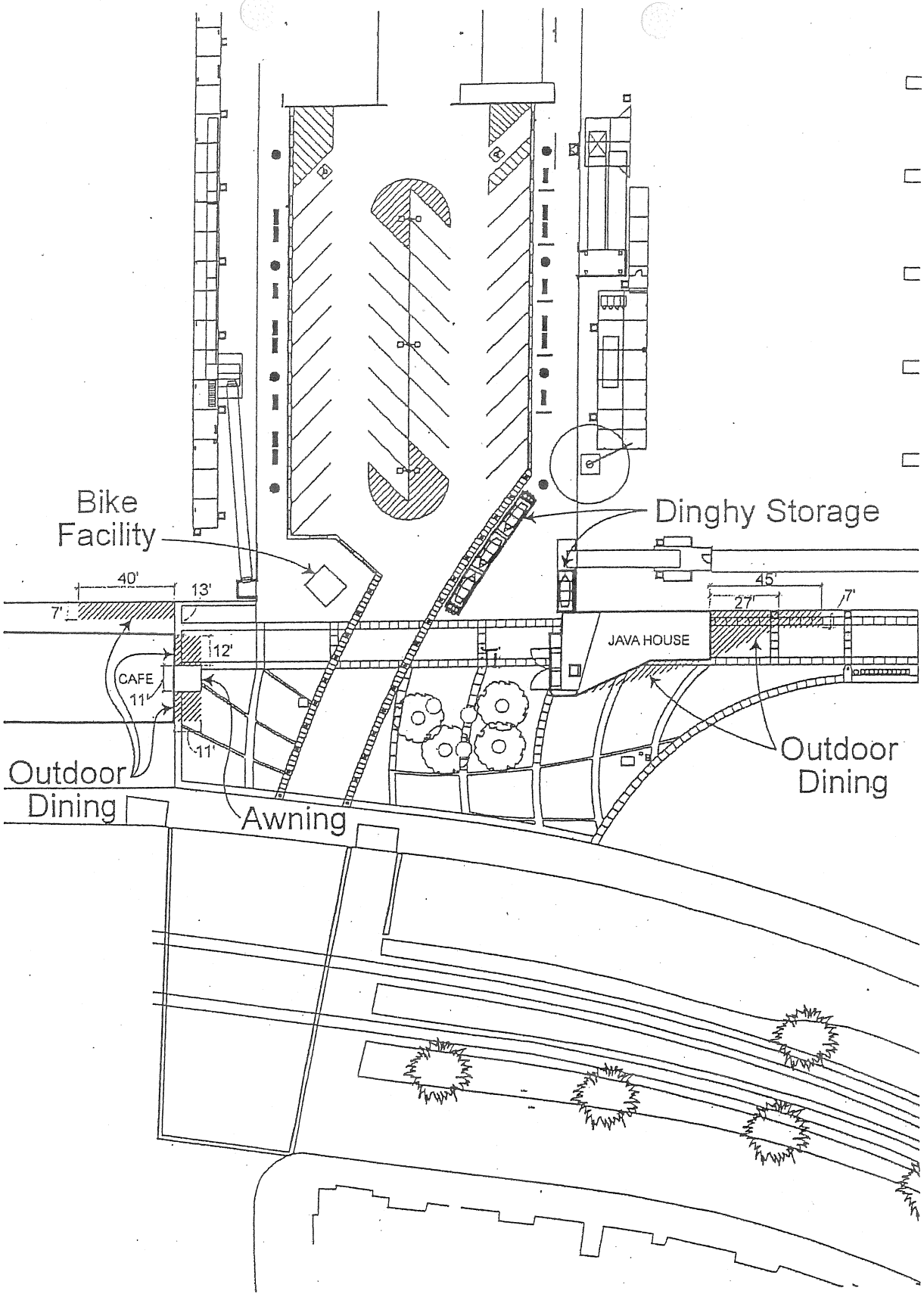
Legend

Dedicated Public Access Area. Improvements to be completed prior to the occupancy of the Harbor Service Building.

Dedicated Public Access Area. Improvements to be completed by December 31, 2010.

Dedicated Public Access Area. Improvements to be completed by December 31, 2017.

South Beach Park and Harbor Expansion Project
Exhibit A



South Beach Park and Harbor Expansion Project

Exhibit B

(Amendment No. Fourteen)