

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed:	December 19, 1995
49th Day:	February 6, 1996
180th Day:	June 16, 1996
Staff:	Robert Merrill
Staff Report:	March 29 1996
Hearing Date:	April 10, 1996
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-95-62

APPLICANTS: THE OLYMPIC CLUB

AGENTS: Zane Gresham and Ray Larroca, Morrison & Foerster LLP

PROJECT LOCATION: West of Skyline Blvd., south of Fort Funston, in the City and County of San Francisco, APN 7284-7.

PROJECT DESCRIPTION: Develop portions of two holes of a golf course by: (1) clearing and grubbing vegetation from an approximately 4.1-acre area; (2) grading a total of approximately 1,750 cubic yards of material, including 875 cubic yards of cut and 875 cubic yards of fill; (3) installing irrigation and erosion control improvements; (4) landscaping the tees and greens with turf and the fairways with native vegetation; (5) granting to the National Park Service a permanent 31-acre public access easement for the benefit of the general public connecting Thornton State Beach with the Fort Funston area of the Golden Gate National Recreation area; and (6) installing a landscaped buffer between the golf holes and the public access easement area. The development is part of a larger project that extends into San Mateo County outside of the Commission's retained jurisdiction involving the development of a total of six golf holes between Thornton State Beach and Fort Funston.

LOCAL APPROVALS RECEIVED: San Francisco Grading Permit No. 774958, issued August 15, 1995.

(The portion of the larger project outside of the Commission's retained jurisdiction was granted the following approvals by San Mateo County in May of 1994: (1) Coastal Development Permit No. 93-0009; (2) Use Permit No. 93-0009; and Grading Permit No. 93-0043.

OTHER APPROVALS REQUIRED: None.

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SUBSTANTIVE FILE DOCUMENTS: (1) Coastal Development Permit No. 1-93-37; (2) Lake Merced Water Resources Planning Study, SF Water Dept., dated May, 1993; and (3) the following aerial photographs: (a) CA Dept. of Navigation & Ocean Development vertical aerial photograph, Frame 211, dated May 21, 1970, (b) CA Dept. of Navigation & Ocean Development vertical aerial photograph, Frame 254, dated March 13, 1978, (c) CA Dept. of Boating and Waterways vertical aerial photograph, Frame 346, dated March 17, 1986, (d) CA Dept. of Boating and Waterways vertical aerial photograph, Frame 14, dated June 9, 1993.

STAFF NOTES

1. Standard of Review

The proposed project is located within the City and County of San Francisco. The San Francisco Local Coastal Program (LCP) was submitted to the Commission for certification in 1981. The Commission eventually certified the LCP, but because an issue over whether the Olympic Club property should be zoned for future use as either residential or open space use in the event the Club ever ceases operations was not resolved, the segment of the LCP covering the Olympic Club property within San Francisco was not certified. Therefore, the project site is within an area of deferred certification and the standard of review that the Commission must apply to the project is the Coastal Act.

2. Development Without Benefit of a Coastal Development Permit

Development of the two golf holes that are the subject of this application began in the fall of 1995 without benefit of a coastal development permit. The proposed development within San Francisco is part of a larger project that involves the development of four additional holes within San Mateo County to the south. As discussed by the applicant's agent in its March 13, 1996 letter included as Exhibit A of Supplemental Exhibits Packet no. 1, the applicant obtained a coastal development permit and all other necessary permits for the development within San Mateo County prior to the commencement of construction in August of 1995. The project was reviewed by the San Mateo County Planning Commission and the Board of Supervisors in a series of hearings held in 1994 before the permits were granted. The applicant also obtained a grading permit from the City of San Francisco for the portion of the project within San Francisco in July of 1985. After staff of the North Coast Area Office of the Coastal Commission learned that development was occurring within the Commission's jurisdiction without benefit of the necessary coastal development permit in November of 1995, staff asked the applicant to stop work and submit a permit application. The applicant complied immediately. Before work halted, the proposed clearing and grubbing work, as well as most of the grading work for the two holes within San Francisco had been completed.

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3. Supplemental Exhibit Packets Available Upon Request

In addition to the exhibits attached to this staff report as Exhibits 1 through 10, the report includes two separate supplemental exhibits packets containing a total of approximately 150 pages of exhibits. Supplemental Exhibits Packet No. 1, "Public Access Information," contains information provided by the Olympic Club relative to public access use of the project site (Exhibit A) as well as letters sent to the Commission by members of the public concerning public access use of the site (Exhibit B). Supplemental Exhibits Packet No. 2, "Water Use Information and Other Correspondence," contains information and letters provided by the Olympic Club, the San Francisco Public Utilities Commission, and the Committee to Save Lake Merced concerning the use of pumped ground water to irrigate the proposed golf holes (Exhibits C-E). Packet No. 2 also includes other correspondence received from the public that does not specifically address public access use of the project site (Exhibit F). All Commissioners and Alternates and certain individuals known by the staff to be interested in receiving the supplementary exhibit packets were mailed copies of both packets. To save paper and mailing costs, copies were not mailed to everyone who was mailed a staff report. Anyone wishing to receive copies of one or both of the packets may request them by calling the clerical staff of the North Coast Area office of the Coastal Commission at (415)904-5260.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed golf course development with conditions. The project raises two principal issues concerning public access and the effects the proposed use of groundwater irrigation would have on nearby Lake Merced.

With regard to the public access issue, the subject ocean-front parcel is uniquely situated between two public parks, the Golden Gate National Recreation Area (Fort Funston) to the north and Thornton State Beach to the south, and is flanked by intertidal beaches subject to the public trust. Well-worn paths have traversed the largely undeveloped site for many years, and the area appears to have been heavily used by the public for various public access uses including walking, jogging, picnicking, nature study, and hang gliding.

A controversy exists as to whether the previous use of the site for access purposes has given rise to public prescriptive rights. However, to ensure that the proposed development would not interfere with any public access rights which may exist, the Olympic Club has proposed as part of its project to grant a public access easement to the National Park Service over a 31-acre shoreline area. Staff believes that the grant would provide equivalent access in time, place, and manner to any public use that has been made of the site in the past, and would therefore be consistent with Section 30211 of the Coastal Act. The access would be particularly valuable to the public in that (a) the access would be provided in perpetuity, (b) management of the access way would

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be secured by granting it to the National Park Service, (c) the proposed lateral access would span the entire length of the applicant's shoreline, and (d) the access already contains an existing trail system that is connected to public parking areas in the adjoining public parks.

With regard to the irrigation issue, studies performed to date indicate that over-drafting of groundwater from the local aquifer is contributing to a decline in lake levels and water quality at Lake Merced, a nearby coastal lake that is a major recreational and habitat resource. The proposed use of groundwater to irrigate the proposed golf holes would contribute to the cumulative impact Lake Merced. Alternative water sources, including surface water supplies and reclaimed waste water are currently available. To make the project consistent with Section 30231 of the Coastal Act which requires, among other things that the biological productivity and water quality of coastal lakes such as Lake Merced be maintained through such means as avoiding the depletion of ground water and encouraging the use of reclaimed water, the staff recommends that a special condition be attached that would require the submittal of a final irrigation plan precluding the use of ground water from the local aquifer.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the City and County of San Francisco to prepare and implement a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See attached.

III. Special Conditions

1. Grant of Lateral Public Access Easement.

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit to the Executive Director for review and approval evidence that the proposed 31-acre Grant to the National Park Service of a permanent public access easement connecting Thornton State Beach with the Fort Funston area of the Golden Gate National Recreation Area has been executed and recorded in accordance with the terms of the project description as proposed by the

applicant. The easement area consists of the portions of San Francisco APN 7284-7 and San Mateo County APNs 002-011-020, 030, 090, and 100 that extend west from the proposed golf holes to the ocean and which is described specifically in the legal description on file at the Commission's office and shown in Exhibit A (pages 17-19), of the Commission staff report prepared for Permit Application No. 1-95-62.

2. Recordation of Future Development Deed Restriction

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall record a deed restriction, in a form and content approved by the Executive Director of the Commission, providing that no development, as defined in section 30106 of the Coastal Act, shall occur in the project area, except as authorized by a future coastal development permit and as otherwise authorized by law. No coastal development permit exemptions as defined in section 30610 of the Coastal Act shall apply to the area described above. This deed restriction shall run with the land in favor of the people of the State of California, binding successors and assigns of the applicant or landowner.

3. Golf Course Buffer Plan

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit for the review and approval of the Executive Director a detailed plan for the creation of a landscaped buffer screen between Hole 15 of the proposed golf course and the lateral public access easement area. The plan shall provide for the installation of a buffer composed of a combination of berming and vegetation that (a) provides for a combined height of the screen of 20 feet above the golf hole playing surface elevation or such other lower height as may be determined by the Executive Director, (b) provides for planting of trees along the screen at a density of at least 15-foot centers, and (c) utilizes native or non-native plant species commonly found in the area. The submitted plans shall include a grading plan showing the location and extent of all berming, a planting plan diagram, typical cross sections of the buffer screen, a plant list, and a narrative description of the planting and maintenance techniques to be followed (e.g., size and depth of holes to be dug, soil amendments to be added, planting schedule, fertilizing schedule, irrigation method and schedule, etc.).

The planting and maintenance program shall be designed to maximize the chances of survival of the vegetation to be planted. The trees to be planted shall be planted within three months of approval of the planting plan. Planting of vegetation shall occur during the first rainy season following the resumption of construction after issuance of the permit to provide a greater likelihood of survival. Any planted vegetation that dies shall be replaced at a one-to-one or greater ratio for the life of the project.

All development shall occur consistent with the final plans approved by the Executive Director.

4. Irrigation Water

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit for the review and approval of the Executive Director a final irrigation plan that provides for irrigation of the new golf holes within the Commission's jurisdiction without the use of groundwater drawn from the Westside Basin Aquifer. The plan shall indicate (a) the source of all water to be used to irrigate the golf holes, (b) the rate and schedule of irrigation, (c) the location of all water lines that will be used to serve the two holes from point of delivery of the irrigation water to the Olympic Club property to the points of application, (d) the location and nature of any necessary retrofits of any existing water lines that will be used to provide irrigation water to the project area, and (e) details of the diameter and capacity of the various lines used in the water delivery system. All development shall occur consistent with the final plans approved by the Executive Director.

5. Statement of Non-Discrimination

Within six months of Commission approval of the Coastal Development Permit, the applicant shall submit evidence, for the review and approval of the Executive Director, that the bylaws of the Olympic Club contain a membership policy which states that the Club will not discriminate on the basis of race, sex, national origin, religion, disability, or sexual orientation. This provision shall remain in effect for the life of the project.

6. Public Rights.

By acceptance of this permit, the applicant acknowledges, on behalf of The Olympic Club and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

7. Condition Compliance.

All requirements specified in the foregoing conditions that the applicant is required to satisfy as prerequisites to the issuance of this permit must be met within one year of Commission action on this permit application. Failure to comply with this requirement within the time period specified, or within such additional time as may be granted by the Executive Director for good cause, will result in the nullification of this permit approval.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

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A. Site Description.

The project site is located in the southwest corner of the City and County of San Francisco, off of Skyline Boulevard just south of Fort Funston (see Exhibits 1-2). A 4.1-acre portion of the site is proposed to be developed with the two golf holes (see Exhibit 2). This site is part of a larger approximately 100-acre ocean-front property that extends across the county line into San Mateo County to the Palo Mar Stables and the northern boundary of Thornton State Beach, west of the intersection of Skyline Boulevard and John Daly Boulevard. Approximately 45 acres of the property lies within the Commission's jurisdiction in San Francisco and 55 acres of the property lies within the coastal permit jurisdiction of San Mateo County. The ocean-front property is one of a number of contiguous parcels under the ownership of the Olympic Club extending between the ocean and Lake Merced (east of Skyline) where the Club maintains several golf courses and a clubhouse facility.

The ocean-front property varies in elevation from about 250 feet at a point near Skyline Boulevard to sea level. The terrain descends from the blufftop near Skyline Boulevard to the ocean in a series of cascading bluffs or terraces. The proposed golf holes are being developed on one terrace that descends gently in a northerly direction from the stables at an elevation of about 220 feet to a point just south of the Fort Funston boundary at an elevation of about 70 feet. A 31-acre portion of the ocean-front property is proposed to be granted to the National Park Service as a public access easement. The proposed 31-acre public access grant occupies most of an undulating lower terrace that parallels the upper terrace upon which the golf holes are being developed. The grant area also includes the bluff face of the lower terrace and the portion of the property that extends into the ocean.

The soft sandstone bluffs have been steadily eroding at a relatively rapid rate. The erosion has been so great that most of the original "Pacific Links" or "Cliffs Course" that the Olympic Club built on the parcel in the 1920s had to be abandoned over the years (See Exhibit A, pages 36-43 for photos and other exhibits of the original golf course). The portion of the original course that was located where the two holes to be constructed pursuant to the current permit application are located was abandoned in the late 1920s.

Development has commenced without benefit of a coastal development permit on the clearing and grubbing and grading for the project. Apart from the development that has occurred to date for the current project, the only apparent development of any significant size currently existing on the ocean-front property is an approximately 6.6-acre golfing area containing eight holes located on the blufftop adjacent to Skyline Boulevard in the northeast corner of the property (see Exhibits 2 and 3). This golfing area is a remnant of the original Pacific Links or Cliffs Course that remained in use until the early 1980s. In September of 1993, the Executive Director granted Administrative Permit No. 1-93-37 to the Olympic Club for renovation without expansion of this remnant of the original course into a 9-hole par 3 course. The 9th hole is located on a separate parcel on the east side of Skyline

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Boulevard. The project has been completed and the renovated 9-hole course is currently in use. The only other development existing on the ocean-front property are (a) wire fences that line Skyline Boulevard and extend down from the blufftop along the north and south property lines to points just east of the proposed grant area, and (b) a lateral public access trail constructed within the grant area in 1993 by the National Park Service in cooperation with the Olympic Club.

Apart from the turf for the golfing area currently in use in the northeast corner of the parcel, the ocean-front parcel is vegetated almost entirely with iceplant and other non-native plant species. Very little native vegetation remains. Relatively few trees and only scattered pockets of shrubbery are found on the portions of the parcel below the blufftop. As discussed in the environmentally sensitive habitat finding, a prominent drainage located immediately north of proposed hole 15 contains a concentration of shrubby vegetation composed entirely of non-native ornamental species such as acacia, eucalyptus, and myoperum. A biologist has determined that the site is not a wetland or riparian area. No rare and endangered species are known to exist anywhere on the parcel, and the parcel contains no environmentally sensitive habitat.

The ocean-front property is uniquely located with respect to public recreational lands. It lies above and adjacent to a sandy beach area and the Pacific Ocean to the west, is bounded by the Fort Funston portion of the Golden Gate National Recreation Area to the North, and is bounded by Thornton State Beach to the south. As such, the Olympic Club's ocean-front property is surrounded by public recreational areas on 3 of its 4 sides.

A series of aerial photographs of the project site dating from 1970 to 1993 are shown in Exhibits 6-9. Some of the photographs show the entire Olympic Club parcel west of Skyline Boulevard (Exhibits 6A, 7A, 8A, and 9A). Others focus on the portion of the parcel within the Commission's jurisdiction in the City and County of San Francisco (Exhibits 6B, 7B, 8B, and 9B). Among other things, each aerial photograph shows an extensive network of trails between areas of vegetation both within the San Francisco portion of the site and the San Mateo County portion of the site. These photos, illustrating any change in the development pattern in the area, evidence that certain paths have remained a constant over 23 years and have been well-worn enough to be visible from an airplane.

Any day of the week, and particularly on weekends, many people can be observed using the ocean-front parcel for walking, jogging, horseback riding, picnicking, nature study, paragliding, beach combing, and other public access uses. Hang gliders soar overhead as they fly up and down this section of the coast from their takeoff point at Fort Funston. Visitors access the area from the beach north and south of the parcel and from vertical trails that descend the bluffs from the main parking lot at Fort Funston and from the end of Olympic Way at the former entrance to Thornton State Beach.

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B. Project Description.

The Olympic Club proposes to rehabilitate the old Pacific Links or Cliff's Course golf course by utilizing portions of the applicant's ocean-front parcel to develop six (6) golf holes, two of which will be located within a 4.1-acre area mostly within the City and County of San Francisco, within the Commission's jurisdiction (see Exhibit 3). The rest of the course will be located within San Mateo County. As described in the previous finding, the proposed golf holes are being developed on the terrace that descends gently in a northerly direction from the stables to a point just south of the Fort Funston boundary.

To prepare the site for the golf holes, the project involves clearing and grubbing vegetation, grading to make minor alterations in the landform, and installing erosion control devices. The 4.1-acre area to be cleared and grubbed is shown in the upper portion of Exhibit 4. In addition to the clearing and grubbing, some minor landform alteration involving the grading of a total of approximately 1,750 cubic yards of material is required. The grading includes 875 cubic yards of cut and 875 cubic yards of fill. The maximum cut is approximately nine feet deep, and the maximum fill is to a depth of approximately five feet. The areas where grading for landform alteration is required is shown in Exhibit 5. The erosion control measures include, (a) the installation of approximately 18-inch high temporary drainage diversion dikes around the uphill side of the tee and green areas, (b) installing three-foot-high silt fences composed of "silt-lok" fabric and hardwood stakes around the downhill side of the tees and greens, and (c) hydroseeding all disturbed areas with fescue binder and fertilizer.

As described in the application (see submittal of 2/16/96), the design of the golf holes recaptures the "links" design theme of the Olympic Club's "Pacific Links" course that occupied the area in the 1920's. In keeping with the "links" design style, the design plan has incorporated the natural terrain, elevations, and vegetative features of the site to a high degree. Each hole has four (4) sets of teeing areas requiring golf shots of varying degree of difficulty over areas to be replanted with native vegetation. As a result, the need for formal turf areas has been kept to a minimum.

The two (2) holes in San Francisco are parallel par 4's. The most seaward hole, Hole 15, plays north. The adjacent hole to the east plays south. Both holes have been designed to accommodate the errant shot with emphasis on the slice shot to the interior of the two (2) holes.

The project also includes the installation of an irrigation system. The system will be permanent in the tee and green areas but only temporary in the areas replanted with native drought-tolerant vegetation between the tees and greens. As proposed, the irrigation system would be connected to the Olympic Club's existing ground water wells adjacent to Lake Merced, approximately one-half mile east of the site (see Exhibit D, page 8).

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Proposed Public Access

As part of the project, the applicant proposes to grant to the National Park Service a permanent public access easement over a 31-acre area, extending along the entire length of the ocean-front land owned by the Olympic Club between Fort Funston and Thornton State Beach (See Exhibits 3 and Exhibit A, pages 4-6, 11-19). Approximately one quarter of the easement area is within the portion of the project site within the Commission's jurisdiction (i.e. the portions of the two holes to be built within San Francisco), while the remaining three quarters of the easement area is within the portion of the project site within San Mateo County.

The public access easement area to be granted in perpetuity contains an existing trail that the Park Service and the Olympic Club previously cooperated to build between 1992-1994, during a period when the Olympic Club had previously provided the Park Service with a short term 2 year easement. The easement rights temporarily granted to the Park Service have expired. The lateral trail extends along the lowest terrace formation above the beach at an elevations of about ranging between approximately 60 and 100 feet above sea level. The lateral trail connects at the north end with an existing vertical public access trail that descends from the bluff top at Fort Funston (see Exhibit 3). The lateral connects at the south end with a vertical public access trail at Thornton State Beach that descends from the bluff top at the end of Olympic Way, a frontage road paralleling Highway 35 (Skyline Boulevard). This vertical trail at Thornton Beach was built by the Olympic Club pursuant to a special condition of permits granted by San Mateo County to the Club for creation of the portion of the golf course being constructed within San Mateo County. The lateral trail through the Olympic Club property and the two verticals comprised were built to establish a segment of the Bay Area Ridge Trail through the area.

As proposed by the applicant, the public access easement to be granted to the National Park Service in perpetuity will provide the Park Service the right to establish trails over the easement area for public pedestrian and equestrian use and the responsibility to maintain, monitor, and patrol the easement area (see Exhibit A, pages 4-6). The application states:

"The public access easement will be in a form acceptable to the Executive Director of the California Coastal Commission, will include a legal description of the entire property and the easement area, shall run with the land, and shall be recorded free of prior liens which may affect the interest being conveyed. A signed and recorded copy of the deed of easement will be provided to the Executive Director prior to the issuance of the permit."

A draft of the proposed deed of easement document is attached as Exhibit A, pages 12-19.

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The General Superintendent of the Golden Gate National Recreation Area has indicated in a letter to the agents for the Olympic Club that the National Park Service wishes to obtain the permanent public access easement, and will undertake the responsibilities associated with the new easement on behalf of the public (See Exhibit A, pages 20 and 21).

In a letter to Commission staff dated March 13, 1996 (Exhibit A, pages 1-7), the agent for the Olympic Club states:

The Olympic Club has made this grant of a substantial permanent public access easement a part of this project as a matter of consistency with its policy of cooperating with adjacent property owners, and to resolve any concerns which may exist regarding public access along the magnificent California coast."

Proposed Golf Course/Public Access Buffer

To minimize conflicts between the pedestrian and equestrian uses within the proposed public access easement area and the proposed adjacent golf course hole to be constructed (Hole 15), the applicant proposes to landscape the border of the two areas with appropriate trees and shrubbery and berms. These measures are reflected in the schematic diagram attached as Exhibit A, page 23. As described in the application:

"The combination of low bushes and trees, and the natural grade separation between the easement area and the golf hole (augmented, as necessary by berms) would avoid conflicts in uses between golfers and pedestrians and equestrians.

Within thirty (30) days after issuance of the permit, the Olympic Club would submit a detailed plan indicating the precise location and species of such plantings, and any berms which may be necessary. The Plan would be reviewed by, and subject to the approval of the Executive Director. Installation of such plantings would commence within six (6) months after the issuance of the permit, and completed within nine (9) months after the issuance of the permit. This would allow the plantings to be made in the fall of 1996, so that the plants could become established during the winter rainy season."

C. Consistency of Proposed Project With Public Access Policies of the Coastal Act

Coastal Act Sections 30210, 30211, 30212 and 30214 require the provision of maximum public access opportunities, with limited exceptions.

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be

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conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access way shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.

Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

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(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

To approve the proposed project, the Commission must find the project to be consistent with the policies of Chapter 3 of the Coastal Act, including the public access policies outlined in Sections 30211, 30210, 30212 and 30214 of the Act listed above. The project's consistency with each of these policies is described below.

1. Consistency With Section 30211.

Section 30211 states, in part, that "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization." Applicants for coastal development permits must demonstrate that their proposed developments are consistent with the Coastal Act, including the requirements of Section 30211. In implementing this section of the Act the permitting agency, either the Commission or the local government where there is a certified LCP, must consider whether a proposed development will interfere with or adversely affect an area over which the public has obtained rights of access to the sea. If the agency finds that there may be such an interference or effect, then it also must determine whether there is substantial evidence to support the conclusion that the area has been impliedly dedicated to public use. Because the authority to make a final determination on whether such a dedication has taken place resides with the courts, both the Commission's Legal Division and the Attorney General's Office have recommended that agencies dealing with implied dedication issues should use the same analysis as the courts. Essentially, this requires the agencies to consider whether there is substantial evidence indicating that the basic elements of an implied dedication are present. The agencies also must

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consider whether the applicant has demonstrated that the law prevents the area from being impliedly dedicated, even if the basic elements of implied dedication have been met.

A right of access through use is, essentially, an easement over real property which comes into being without the explicit consent of the owner. The acquisition of such an easement by the public is referred to as an "implied dedication." The doctrine of implied dedication was confirmed and explained by the California Supreme Court in Gion v. City of Santa Cruz (1970) 2 Cal.3d 29. The right acquired is also referred to as a public prescriptive easement, or easement by prescription. This term recognizes the fact that the use must continue for the length of the "prescriptive period," before an easement comes into being.

The rule that an owner may lose rights in real property if it is used without consent for the prescriptive period derives from common law. It discourages "absentee landlords" and prevents a landowner from a long-delayed assertion of rights. The rule establishes a statute of limitation, after which the owner cannot assert normal full ownership rights to terminate an adverse use. In California, the prescriptive period is five years.

For the public to obtain an easement by way of implied dedication, it must be shown that:

- a. The public has used the land for a period of five years or more as if it were public land;
- b. Without asking for or receiving permission from the owner;
- c. With the actual or presumed knowledge of the owner;
- d. Without significant objection or bona fide attempts by the owner to prevent or halt the use, and
- e. The use has been substantial, rather than minimal.

In general, when evaluating the conformance of a project with 30211, the Commission cannot determine whether public prescriptive rights actually do exist; rather, that determination can only be made by a court of law. However, the Commission is required under Section 30211 to prevent development from interfering with the public's right of access to the sea where acquired through use or legislative authorization. As a result, where there is substantial evidence that such rights may exist, the Commission must ensure that proposed development would not interfere with any such rights.

In the present case, the applicant has proposed public access as part of the project. As specified in the easement deed, the applicant elected to grant such access to ensure that proposed development would not interfere with any public access rights which may exist. Consequently the Commission must evaluate any evidence of implied dedication to determine the extent to which the proposed public access is equivalent in time, place, and manner to any public use that has been made of the site in the past. To the extent any proposed dedication of access is equivalent, proposed development will not

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interfere with any existing public access rights. Therefore, if the Commission determines that the proposed access is in fact, equivalent in time, place, and manner to the access use made of the site in the past, the Commission need not do an exhaustive evaluation to determine if substantial evidence of an implied dedication exists because regardless of the outcome of the investigation, the Commission could find the project consistent with Section 30211.

a. Potential for Development to Interfere with Public's Right of Access to Sea.

The portions of the two golf holes under construction within the Commission's jurisdiction are located in areas where trails have existed for many years. Exhibits 6A through 9B show a series of aerial photographs of the golf course project area taken in the years 1970, 1978, 1986, and 1993. The aerial photographs are part of a collection of aerial photographs of the coastal zone maintained by the Commission at its San Francisco office. The 1970 photos are from the oldest set of coastal zone aerials that the Commission has in its possession. Exhibits 6A, 7A, 8A and 9A show the entire golf course area bordered by Fort Funston to the north and Thornton State Beach to the south. Exhibits 6B, 7B, 8B and 9B are blowups focusing on the project area within the Commission's jurisdiction.

In each photograph, a web of trails appearing as white lines stand out against the darker background of vegetation. On the photos of the larger project area, a prominent north-south trending trail extending from the northwest corner of the stable area to the southwest corner of the Fort Funston parking lot and viewing platform is clearly visible. Other trails run parallel to and branch off of this prominent north-south trail. The north-south trail and other trails are also clearly visible in each blowup of the project area depicted in Exhibits 6B, 7B, 8B and 9B. The portions of the trails within the areas identified in the photos as the project area have been obliterated by grading and clearing and grubbing activities that have taken place to date. The applicant indicates that the specific portion of the property where the golf holes will be constructed will not be made available for public access use. Therefore, to the extent that public access use has been made of this area in the past, such access would be eliminated by the proposed development.

However, the applicant proposes as part of its application to grant a permanent public access easement to the National Park Service over a 31-acre area that will not be affected by project construction. As described previously in the project description finding, the proposed access easement would extend the entire length of the Olympic Club property and cover the area between the proposed golf holes and the sea. This area consists mostly of land atop the first terrace or bluff above the beach, ensuring continuous public access along the shoreline even at high tides when the beach itself is completely covered by sea water. Much of the 31-acres lies south of the Commission's retained jurisdiction within the coastal development permit jurisdiction of San Mateo County.

As proposed by the applicant, the grant of easement would be for the benefit of the public in perpetuity. The National Park Service has indicated its intention to accept the easement, and the applicant proposes that the easement will be signed and recorded prior to issuance of the coastal development permit. Therefore, the proposed project will also provide extensive permanent public access to and along the shoreline throughout the project area.

b. Nature of Any Implied Dedication of Access.

Although in this case no formal investigation of historic use has been undertaken by Commission staff, a significant amount of information has been submitted that indicates that portions of the Olympic Club's property, including the proposed project site, have been used to provide public access to the sea. The Commission has before it a variety of information regarding the presence of an implied dedication over the subject Olympic Club property. The information that suggests that an implied dedication may have taken place includes (1) the previously described aerial photographs shown in Exhibits 6A through 9B, and (2) a total of 25 unsolicited letters from the public and (3) a videotape submitted by a member of the public showing hang gliding activity in the project area.

Aerial photographs taken in 1970, 1978, 1986, and 1993 show well defined trails over the entire area which were not overgrown with vegetation over the intervening 23 year period. The aerial photographs demonstrate that trails existed on both the limited project area that is the subject of Application No. 1-95-62 as well as the larger golf course area that extends south into San Mateo County dating back to at least 1970. Photos from before 1970 are not available. However, in light of the fact that it appears the trails were well established by 1970, it is likely the trails were started and well used before this date.

The presence of trails does not necessarily indicate that the general public has been using the site as if it were public. The information submitted by the applicant suggests that at least some of the use of the trails has been by permission. The Club has granted various licenses to the stables to the south of the project site to allow equestrians on to the Olympic Club property. However, it is clear from the letters submitted by members of the public that many other people not associated with the stables have been using the area also. Some of the letters submitted indicate that the writers had used the trails on the subject property over the years for walking, jogging, viewing the ocean, picnicking, and similar purposes. Other letters state that portions of the subject property have been used for launching and landing hang gliders.

Based on these unsolicited letters and other information the Commission has received since the Olympic Club submitted its application, it appears that many people have also been using the subject property for public access purposes without the express permission of the Olympic Club. The letters that have been received by the Commission that describe use of the site for access

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purposes in a manner that might give rise to public access are included in Exhibit B of the staff report. Each of the 25 letters received describes how the author of the letter and in some cases his or her friends or acquaintances have used the area between Fort Funston and Thornton State Beach for public access purposes.

Many people who used the area apparently thought that the property was public land given that (a) the property lies between two public parks, Fort Funston and Thornton State Beach whose boundaries are largely undistinguishable, and (b) the property was essentially undeveloped before the current grading began with the site so overgrown with vegetation that no recognizable portion of the former golf course that existed on the site in the 1920's remains.

Some of the letters do not distinguish between use of the area within San Francisco County which is the subject of Permit Application No. 1-95-62, versus use of the area within San Mateo County, which is outside of the Commission's retained jurisdiction. The Commission also notes that it has received other letters included in Exhibit B which describe how the writer of the letter used the Fort Funston area for public access use but which do not clearly indicate that the writer used any of the Olympic Club lands. Although some of these correspondents may not have used the Olympic Club property, some may have used the simpler generic term "Fort Funston" to apply to all the lands in the vicinity. If the Commission were to conduct a thorough investigation of implied dedication, the correspondents would be sent a questionnaire with a map of the project site and asked to mark the specific areas they used for public access purposes in the past. However, given that many of letters specifically discuss use of the area that was bulldozed, it appears likely that a large percentage of the correspondents used San Francisco areas of the site now before the Commission.

Moreover, the 4.1 acre portion of the site which is proposed to be developed with the two golf holes is part of the larger Olympic Club property which itself is uniquely located. The Olympic Club's property lies above and adjacent to a sandy beach area and the Pacific Ocean to the west, is bounded by the Fort Funston portion of the Golden Gate National Recreation Area to the North, and is bounded by Thornton State Beach to the south. As such, the Olympic Club's ocean-front property is surrounded by public recreational areas on 3 of its 4 sides.

This location between two public parks increases the likelihood that members of the public travel laterally between the two public parks and along the beach. That both the state and federal public parks provide public vehicular parking and vertical access trails from such parking also increases the likelihood that visitors walking laterally along the beach include members of the general public who have traveled from various destinations and are not limited to neighbors who live nearby.

The letters describe how the authors of the letters have used the site for a variety of public access uses including walking, hiking, equestrian use, kite

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flying, ocean viewing, jogging, bird watching, fishing, picnicking, walking dogs, hang gliding, paragliding and nature study. Most of the letters indicate that the author has used the site for many years, and that his or her right to use the site was never challenged by the property owner or anyone else during his or her visit. The time periods specified in the letters range from 1970 to the present.

No trespassing signs are posted along all three fence lines along the North, East and Southern borders of the Club's property. Consequently, visitors accessing the site immediately from the road to the east would have seen these signs. However, these fences and signs are above the project site on higher terraces of the coastal bluff. No signs or fences line the immediate area of the subject site below these higher terraces. Consequently, visitors traveling laterally between Fort Funston and Thornton Beach below the higher terraces and within the subject site are not obstructed by fencing or faced with no trespassing signs. Instead, the lack of fencing and signs surrounding the subject site gives the impression that, unlike the coastal bluff property above, the unfenced subject site is for the public to enjoy.

Finally, the videotape that was submitted shows hang gliders reportedly using the site in the 1970's. Scenes depicted included beginning hang gliders launching hang gliders from the first terrace above the beach in the area that is recognizable as the portion of the site within San Francisco, and then landing on the beach below.

c. Sufficiency of Landowner Attempts to Negate Implied Dedication of Access.

There are some limitations that prevent property from being impliedly dedicated, even if the basic elements of implied dedication have been met. The court in Gion explained that for a fee owner to negate a finding of intent to dedicate based on uninterrupted use for more than five years, he must either affirmatively prove he has granted the public a license to use his property or demonstrate that he made a bona fide attempt to prevent public use. Thus, persons using the property with the owner's "license" (e.g., permission) are not considered to be the "general public" for purposes of establishing public access rights. Furthermore, various groups of persons must have used the property without permission for prescriptive rights to form in the public. If only a limited and definable number of persons have used the land, those persons may be able to claim a personal easement but not dedication to the public. Moreover, even if the public has made some use of the property, an owner may still negate evidence of public prescriptive rights by showing bona fide affirmative steps to prevent such use. A court will judge the adequacy of an owner's efforts in light of the character of the property and the extent of public use.

The applicant has submitted a variety of information which the applicant believe demonstrates that no implied dedication of public access has occurred. This information includes: (1) a copy of a notice of consent to

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use land recorded in 1992 pursuant to Section 813 of the Civil Code which gave consent to the general public to access the entire Olympic Club parcel; (2) a signed statement of the Superintendent of golf facilities at the Olympic Club, regarding efforts to prevent unauthorized access to the Olympic Club parcel, including the posting of signs pursuant to Civil Code section 1009 in the mid-80's; (3) copies of documents granting permissive use over certain areas and to certain parties including a two year grant of easement made in 1992 to the National Park Service over the area currently proposed for a permanent grant of easement and license agreements with operators of the stables to the south of the Olympic Club parcel; (4) copies of letters from the Olympic Club denying permission to various parties to use the parcel, including a hang gliding group; and (5) a narrative summary provided by the Club's representatives that summarizes the Club's efforts through the years to prevent an implied dedication over the property. (See Exhibit A).

The notice of consent to use land that was recorded at the San Francisco Recorder's Office was recorded pursuant to Section 813 of the Civil Code. (See Exhibit A, pages 24-25). Section 813 of the Civil Code, adopted in 1963, allows owners of property to grant access over their property without concern that an implied dedication would occur if they did not take steps to prevent public use of the land. Section 813 provides that recorded notice is conclusive evidence that subsequent use of the land, during the time that such notice is in effect, by the public for any use or for any purpose is permissive. Therefore, all public use of the site that has been occurring since the notice was recorded for the subject site on May 4, 1992 does not contribute to the creation of an implied dedication protected under Section 30211 of the Coastal Act. However, recordation of the notice granting permission to use the property does not extinguish any implied dedication which may have been established prior to recording of the notice in 1992. If prescriptive use of the land was occurring prior to recordation of the Notice of consent to use land, there would have been ample time prior to 1992 to establish a five year period of use.

The signed statement of John Fleming, the Superintendent of golf facilities at the Olympic Club, discusses efforts to prevent unauthorized access to the Olympic Club parcel (See Exhibit A, pages 26-33). The statement indicates that during the 24 year period that Mr. Fleming has been Superintendent of the golf facilities the Club has attempted to prevent unauthorized access to the parcel by (1) installing, inspecting, and repairing "Private Property/No Trespassing" signs and signs providing a right to pass by permission, (2) inspecting and repairing fences, (3) asking trespassers to leave, (4) ejecting other trespassers in cooperation with the Daly City Police Department, and (5) creating a concrete barrier topped with steel cable along the southern property line near the stables to block vehicles from entering the site but still allow people from the stables to ride through.

The narrative summary provided by the Club's representatives also summarizes the Club's efforts through the years to prevent an implied dedication over the property. (See Exhibit A, pages 34-35). The information summarized

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includes: (a) the club's policy against trespass, (b) the Club's efforts to maintain fencing and post the property boundaries, (c) the Club's granting of permission to the riding stables to the south of the Olympic Club parcel, (d) the Club's efforts to deny permission to use the property to various groups, and (e) the National Park Service's efforts to help the club enforce its no trespassing policy. A copy of the narrative summary with selected attachments is included within Exhibit A, starting at page 34.

The applicant has also submitted copies of photographs of various signs that are posted at particular locations around the perimeter of the parcel, including signs that read "Right to Pass by Permission of Owner." Pursuant to Section 1009 of the Civil Code, an owner may grant permission for the public to use the property prior to the time the five year period has ended and thus prevent the property from becoming impliedly dedicated. According to Mr. Fleming's statement, submitted by the applicant, the "Right to Pass by Permission of Owner" signs were posted by the Club at the suggestion of the Daly City Police Department around the perimeter of the property in the mid-1980s after certain incidents with motorcyclists and four-wheelers. Mr. Fleming indicates that the incidents occurred along the south property line, so the Right to Pass by Permission of Owner signs were presumably posted along the south property line at that time. Mr. Fleming also makes reference to "...those signs have been posted around the perimeter of our property west of Skyline Boulevard ever since." This statement suggests that the signs were posted elsewhere around the perimeter of the property besides the south property line, but the exact timing of when the signs were posted and the specific locations are unclear. Commission staff has asked the applicant more specifically when and where these signs were posted and has not yet received an answer.

The courts have recognized the strong public policy favoring access to the shoreline, and have been more willing to find implied dedication for that purpose than when dealing with inland properties. A further distinction between inland and coastal properties was drawn by the Legislature subsequent to the Gion decision when it enacted Civil Code section 1009. Civil Code section 1009 provides that if lands are located more than 1000 yards from the Pacific Ocean and its bays and inlets, unless there has been a written, irrevocable offer of dedication or unless a governmental entity has improved, cleaned, or maintained the lands, the five years of continual public use must have occurred prior to March 4, 1972. In this case, the subject site is within 1000 yards of the sea; therefore, the required five year period of use need not have occurred prior to March of 1972 in order to establish public rights.

It is important to note that section 1009 explicitly states that it is not to have any effect on public prescriptive rights existing on the effective date of the Statute (March 4, 1972). Therefore, public use of property for the prescriptive period prior to the enactment of section 1009 or utilization of application procedures set forth in the section is sufficient to establish public rights in the property. Assuming conservatively that the "Right to

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Pass by Permission of Owner" signs were posted completely around the property in the mid-1980s, there would have been ample time for an implied dedication to have occurred prior to the mid-80's.

Finally, the Olympic Club has permitted or expressly provided some of the public access use that has been made of the site in the past. The Club has historically allowed horseback riders from the stables on the parcel just to the south of the Olympic Club property to use certain trails on its property west of Skyline Boulevard. In addition, in 1992, the Olympic Club granted a short-term (two-year) easement to the National Park Service over the 31-acre area along the ocean front of the property now proposed as part of the application to be granted in perpetuity to the Park Service. As described in the Project Description finding of this report, between 1992 - 1994, the Club cooperated with the Park Service in building a lateral trail extending along the entire length of the easement that connects to vertical trails that descend from the blufftop at Fort Funston to the north and the blufftop off of Olympic Way to the south.

(d) Provision of Public Access Equivalent In Time Place and Manner.

As noted previously, where there is substantial evidence of the existence of a public access right acquired through use, and a proposed development would interfere with that right, the Commission may deny a permit application under Public Resources Code section 30211. As an alternative to denial, the Commission may condition its approval on the development being modified or relocated in order to preclude the interference or adverse effect. This is because the Commission has no power to extinguish existing public rights, even though it may authorize development which affects the exercise of those rights.

A full assessment of the degree to which the criteria for implied dedication has been met in this case could only be made after a more intensive investigation of the issue has been performed. A survey of potential users of the site would provide very helpful information to augment the information about use supplied in the unsolicited letters.

In this case, although there is an unresolved controversy as to the existence of public prescriptive rights, the applicant's dedication of a public access could serve to protect any existing public access rights which would be eliminated by the proposed development. Section 30214 of the Coastal Act directs the Commission to implement the public access policies of the Act in a manner which balance various public and private needs. This section applies to all the public access policies, including those dealing with rights acquired through use. Therefore, the Commission must evaluate the extent to which the proposed public access is equivalent in time, place, and manner to the public use that has been made of the site in the past. If the Commission determines that the proposed access is in fact, equivalent in time, place, and manner to the access use made of the site in the past, the Commission need not

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do an exhaustive evaluation to determine if substantial evidence of an implied dedication exists because regardless of the outcome of the investigation, the Commission could find the project consistent with Section 30211. If an investigation indicated substantial evidence of an implied dedication exists, the proposed project would not interfere with such public rights because it proposed access that is equivalent in time, place, and manner to the access previously provided in the areas subject to the implied dedication. If an investigation indicated that substantial evidence of an implied dedication was lacking, the Commission could find that with or without the proposed public access proposed by the applicant, the project would not interfere with the public's right of access where acquired through use and would be consistent with Section 30211.

The letters submitted by members of the public about prior public use of the parcel provide an indication of the time place and manner of public access use that has occurred in the project area prior to the mid-80's, the time period when the Olympic Club indicates it posted "Right to Pass by Permission of Owner" signs. Based on Civil Code Section 1009, if such signs were posted in the project area continuously, posting of the signs may have precluded an implied dedication from arising after the mid-80's. The letters from the public indicate the golf course project area has been used for a variety of purposes. Uses listed in the letters include walking or hiking, jogging, birdwatching, nature study by individuals as well as student groups, picnicking, hang gliding, paragliders, access for fishermen, equestrian use, dog walking, photography, kite flying, and viewing the coast. The letters contain no indication that the uses made of the site were limited to certain days of the week or times of day. It appears that people used the area anytime they wanted.

When describing the various uses that have been made, the letters generally refer to use of the entire Olympic Club parcel west of Skyline Boulevard between Fort Funston and Thornton State Beach. Although some letters specifically reference the bulldozed area which is the subject of this permit application, it is difficult to tell whether all of the reported uses occurred within the portion of the parcel within the Commission's retained jurisdiction (the San Francisco portion of the site). With one exception, it seems likely that all of the reported uses occurred in the area where the two holes would be built. Fishing obviously could not have occurred within the area now proposed for portions of the two golf holes as it is too far away from the ocean and there is no evidence that any other waters for fishing existed in the area now proposed for the golf holes. There are no other obvious physical differences between the area where the two golf holes would be built and the easement area to be granted for public access that would preclude the other kinds of public access use described in the letters. The aerial photographs attached as Exhibits 6A through 9B show trails existing in both parts of the site, suggesting that the various other uses besides fishing could have occurred in both locations.

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The applicant proposes to construct portions of two golf holes within portions of the site where the available aerial photographs showed trails existing as early as 1970. As proposed by the applicant, the grant deed of easement would provide for access in perpetuity over a 31-acre area extending along the entire length of the Olympic Club property, from Fort Funston to Thornton State Beach. The property includes not only ocean-front land in San Francisco within the Commission's jurisdiction, but also ocean-front land in San Mateo County. The easement grants the National Park Service the rights to establish and maintain trails for pedestrian and equestrian uses for the general public, and the right and obligation to monitor, police and patrol over and across the easement area. The deed of easement provides that use of the easement shall be deemed for "recreational purposes" as defined in Section 846 of the California Civil Code.

This section of the Civil Code limits the liability of private property owners for use by any person who may enter or use an area for "recreational purposes." Although the purpose of including the provision in the grant deed of easement is not expressly to list the specific uses allowed, inclusion of the provision does at least provide an indication of the kinds of uses contemplated by both parties to occur within the easement area. The definition of "recreational purpose" provided in Civil Code Section 846 is as follows:

"A 'recreational purpose,' as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical archaeological, scenic, natural, or scientific sites."

The only use specifically prohibited by the grant deed of easement is use of the area by motorized vehicles or equipment, except duly authorized government vehicles. No public access use mentioned in the unsolicited letters from the public describing past use of the project site is prohibited by the terms of the easement. Consequently the proposed grant of public access easement does provide the equivalent type of access the letters from the public suggest was occurring during the period when an implied dedication could have occurred.

The area of the project site within the Commission's jurisdiction is more limited than the area that could have been utilized by the public in the past, which was virtually the entire site. The Commission notes that the section of coastline where the project site is located is highly erosive. Much of the area of the former golf course that was built on the site in the 1920's has eroded into the ocean, and the soft sandstone bluffs show continual signs of erosion. The fact that the 31-acre area to be included in the public access easement grant is several times larger than the 4.1 acres where new golf holes will be located will help ensure that at least some portion of the grant of

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access easement will remain available for use for the foreseeable future despite the fact that the Pacific Ocean is continually cutting into the seaward side of the easement area.

Finally, the grant of easement would be in perpetuity just as an implied dedication would be. Furthermore, the deed of easement does not impose any direct limitations on days of the week or times of day that the public could utilize the easement area.

Thus, the Commission finds that the public access proposed by the applicant is equivalent in time, place, and manner, to the access use that appears to have been made of the project area in the past. Therefore, although there is an unresolved controversy as to the existence of public prescriptive rights, the applicant's proposed dedication of public access to the National Park Service protects the rights of the public, and the Commission finds that the proposed project is consistent with Section 30211 of the Coastal Act.

2. Consistency with Section 30212

Section 30212 of the Coastal Act states that public access from the nearest public roadway to the shoreline and along the coast need not be provided in new development projects where (1) it would be inconsistent with the protection of fragile coastal resources, or (2) adequate access exists nearby. However, the Commission notes that Section 30212 of the Coastal Act is a separate section of the Act from Section 30211, the policy that states that development shall not interfere with the public's right of access to the sea where acquired through use. The limitations on the provision of new access imposed by Section 30212 do not pertain to Section 30211. Whether or not public prescriptive rights of access have accrued over trails that pass through environmentally sensitive habitat area or in areas near other public access, Section 30211 requires that development not be allowed to interfere with those rights.

Moreover, in the absence of the grant, adequate access does not exist nearby. The Olympic Club parcel extends all the way from the nearest public road all the way to the sea. The beach on the seaward side of the parcel is frequently inundated by tidal waters, preventing passage by pedestrians and other public access users. Thus, without the grant of access easement proposed by the applicant, continuous public access along this section of the coast would be blocked.

In this case, the grant of access easement will be implemented in a way that is consistent with the protection of fragile coastal resources. As discussed later in the report under the finding on Environmentally Sensitive Habitat, the Olympic Club parcel contains no known wetlands, riparian habitat, dune hollows, rare or endangered species or other environmentally sensitive habitats. Furthermore, the site is not known to contain archaeological resources or other coastal resources except for the site's spectacular beauty and accessibility for access purposes. As proposed, the grant easement will

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be assigned to a managing entity that will be granted the necessary authority to police and maintain the access provided by the grant and ensure that the coastal resources that do exist can be protected. Therefore, the use of existing trails or the creation of additional trails for public access purposes will not be inconsistent with the protection of fragile coastal resources.

Therefore, the Commission finds that the public access easement deed proposed by the applicant is consistent with Section 30212 of the Coastal Act as the access will be provided consistent with the protection of coastal resources and adequate access does not exist nearby.

3. Consistency with Section 30210

Section 30210 of the Coastal Act states that maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The grant of access easement is proposed by the applicant and has been drafted with the cooperation of the accepting agency, the National Park Service. The deed of grant easement contains various safeguards for public and private rights that the parties have mutually agreed upon to protect their interest. As noted above in the previous section, the access grant will be implemented in a manner that will protect the natural resources of the site from overuse.

However, one aspect of the proposed public access arrangement does present a potential public safety concern. As noted previously, the proposed 15th hole will be located in close proximity to a portion of the public access grant. Although prevailing winds and the preponderance of right handed golfers would combine to direct most errant golf shots east of the hole and away from the access area, occasional errant golf balls could land within the easement area, perhaps hitting an unsuspecting pedestrian. To avoid this conflict, the applicant has proposed to landscape the border of the two areas with appropriate trees and shrubbery and berms as depicted in Exhibit A, page 23. As described in the application:

"The combination of low bushes and trees, and the natural grade separation between the easement area and the golf hole (augmented, as necessary by berms) would avoid conflicts in uses between golfers and pedestrians and equestrians.

Within thirty (30) days after issuance of the permit, the Olympic Club would submit a detailed plan indicating the precise location and species of such plantings, and any berms which may be necessary. The Plan would be reviewed by, and subject to the approval of the Executive Director. Installation of such plantings would commence within six (6) months after the issuance of the permit, and completed within nine (9) months

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after the issuance of the permit. This would allow the plantings to be made in the fall of 1996, so that the plants could become established during the winter rainy season."

The proposed planting and berming proposal would build on the natural grade separation between the public access area and the golf hole to protect public access users. Errant golf balls will likely either be deflected by the proposed berms and landscaping or fly so far above the adjacent pathway after clearing the trees that the balls will not land on the pathway.

The proposal to minimize the conflicts between public access and golf use of the site by creating a barrier should be effective if the combined height of the vegetation and berming is tall enough to provide an effective screen, and if the vegetation is dense enough to avoid too many open spaces between trees and shrubs where errant balls could find their way through the vegetation screen. In addition, the vegetation should be of native vegetation or non-native species commonly found in the area to ensure that the plantings grow successfully in the harsh ocean-front setting and that the appearance of the barrier will be compatible with the visual character of the area consistent with Section 30251 of the Coastal Act.

Therefore, the Commission attaches Special Condition No. 3 to provide for review and approval of a final plan for the installation of the buffer by the Executive Director that meets certain standards to ensure effectiveness and visual compatibility with the surrounding area. The condition requires the combined height of the berm and vegetative barrier to be at least 20 feet, the trees to be used to be planted on at least 15-foot centers, and that the plant species used be of native or non-native species commonly found in the area. In addition, to ensure such protection measures are in place before any permit issues, the condition requires submittal and approval of the plan prior to issuance of the permit.

As conditioned to provide a buffer to protect public access users from potential errant golf balls, the Commission finds that the proposed project is consistent with Section 30210 of the Coastal Act.

4. Conclusion

Wherever possible it is advantageous to secure actual dedication and recordation of public access rights. Unless this is done, the controversy over implied dedication is merely postponed, and passage of time may complicate problems of proof. Even where the evidence of implied dedication is clear, the public is best served by recordation of an actual dedication which clarifies the rights of everyone.

To ensure that the proposed project will not interfere with any implied dedication of access which may have occurred, the Commission attaches Special Condition No. 1. This condition requires the applicant to provide evidence that the proposed permanent public access easement has been granted and

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recorded prior to issuance of the permit. To minimize conflict between public access and golf use, the Commission has attached Special Condition No. 3 to provide for review and approval of the final buffer plan prior to permit issuance.

Since public prescriptive rights have not at this time been adjudicated, the Commission also attaches Special Condition No. 6. Special Condition No. 6 states that by acceptance of the permit amendment, the applicant agrees that the issuance of the permit amendment and the completion of the development does not prejudice any subsequent assertion of any public rights of access to the shoreline (prescriptive rights), and that approval by the Commission of this permit amendment shall not be used or construed, prior to the settlement of any claims of public rights, to interfere with any rights of public access to the shoreline acquired through use which may exist on the property.

Special Condition No. 2 requires the applicants to record a deed restriction regarding future development on the site. This deed restriction requires that a coastal development permit be obtained for all future development on the parcel, including development that might otherwise be exempt under Section 30610(a) of the Coastal Act and the California Code of Regulations, which, depending on their location, have the potential to interfere with the public's continued use of the trails over the applicant's property. In this way, the County or the Commission will be able to review all future development to ensure that it will not interfere with public access or have any adverse impacts on public prescriptive rights that may exist on the parcel.

Although there is an unresolved controversy as to the existence of public prescriptive rights, the applicant's dedication of a public access easement protects the rights of the public called into issue by the proposed project. The proposed project as conditioned is consistent with Section 30211 because, whether or not a court-of-law were to adjudicate that existing use of the site for coastal access constitutes a public prescriptive right, for the reasons stated above, the Commission finds that the proposed development would not interfere with any access rights.

D. Use of Ocean-front Land

Section 30221 of the Coastal Act states:

Ocean-front land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The Olympic Club parcel is a relatively large piece of ocean-front land that extends for approximately 0.8 miles along the coast and extends approximately 0.25 miles inland from the coast to Skyline Boulevard. As discussed in the public access finding above, letters from the public indicate that the land

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has long been used for a variety of recreational uses including walking, jogging, picnicking, dog walking, horse back riding, hang gliding, paragliding, nature study, etc. In addition, the parcel is located between two public parks sharing similar physical attributes, and the parcel and adjoining lands and water areas contain spectacular coastal scenery that would greatly enhance the experience of people using the property demonstrate that the property is suitable for recreational use.

As proposed, the entire project area will be devoted to recreational use and development: part of the site will be used for portions of two golf holes and the rest of the project site between the golf holes and the sea will be part of a grant of public access easement.

The major component of recreational use that will be provided is the 31-acre grant of public access easement. As noted in the public access finding, the grant of public access easement will allow all of the kinds of recreational uses that have been made of the property before to continue within the easement area. The grant area extends along the entire shoreline of the Olympic Club's ocean-front parcel, not just along the shoreline within the Commission's jurisdictional area. The existing trail system through the grant area is a link in the regional Bay Area Ridge Trail, which when completed, will ring the hilltops around San Francisco Bay. The beauty and the sense of remoteness afforded by the easement area provides for a unique and pleasing recreational experience as attested to by many of the members of the public who wrote letters to the Commission concerning the project (see Exhibits B and F). This major recreational use will continue to be made be available free of charge and will be available to all members of the public.

The second component of recreational use that will be provided by the proposed project is the golfing use itself. The views of the ocean and coastline that will be afforded from the holes and its relative isolation should make use of the course a very desirable coastal recreational experience. However, the ability for the average member of the public to use this second component of the recreational use of the land will be limited. The course will be private, not public, and only Club members who have paid a substantial membership fee and their guests will be allowed to use the course. The Commission finds that if the golf course development was proposed alone, without the accompanying grant of public access easement, the proposed project would not have been consistent with the provisions of Section 30221, as the recreational opportunities to be provided to the general public would be so limited. The accessibility of the grant of access to everyone will allow the project to match the apparent intent of Section 30221 to make recreational opportunities on ocean-front lands available to the general public. Nonetheless, to more fully comply with the intent of Section 30221 and to alleviate the limited ability of a member of the public to use the golfing facilities, the Commission finds that it is essential that in the selection of members, the applicant must not discriminate on the basis of race, sex, national origin, religion, disability, or sexual orientation. Therefore, the Commission attaches Special Condition No. 5, which requires the Olympic Club to submit

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evidence, for the review and approval of the Executive Director, that the bylaws of the Olympic Club contain a membership policy which states that the Club will not discriminate on the factors listed above.

The Club recently revised its bylaws to make the bylaws more gender-neutral. As currently worded, the bylaws do not contain any statements that are discriminatory on their face. However, the bylaws also do not currently have a statement declaring that the Club will not discriminate. The requirements of Special Condition No. 5 will help ensure that membership is truly open to all, and that the recreational opportunities to be afforded on the ocean-front parcel that is the subject of the current permit application are in fact, open to all.

The Commission finds that only as conditioned is the proposed project consistent with Section 30221 of the Coastal Act.

E. Water Resources, Availability Impacts on Lake Merced.

Section 30231 provides, in applicable part, as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The golf course project as proposed by the applicant will have off-site impacts on the biological productivity and quality of a nearby coastal water, Lake Merced.

The applicant proposes to irrigate the new golf course with ground water pumped from wells located adjacent to Lake Merced, approximately one mile east from the project area (see Exhibit D, page 8). The Olympic Club currently irrigates all of the golf courses on its entire property with water from these wells. The wells draw from an underground aquifer known as the Westside Basin, that extends from north of Golden Gate Park to the San Francisco International Airport. Lake Merced is a surface expression of the aquifer, meaning among other things, that the lake is fed largely by ground water that seeps into the lake from the surrounding underground Westside Basin aquifer.

a. Westside Basin Aquifer and Lake Merced.

Portions of the Westside Basin aquifer currently are in a state of overdraft, meaning that withdrawals of water from the system exceed ground water

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recharge. At the same time, Lake Merced has been experiencing a sharp drop in lake levels, dropping from approximately 22 feet in 1984 to 14 feet in 1994. The drop in water levels has lead to an associated drop in water quality, which in turn has adversely affected the beneficial uses of the lake.

Lake Merced is located in the coastal zone within the Commission's retained jurisdictional area. Historically, Lake Merced was a coastal lagoon with a direct connection to the Pacific Ocean through a narrow channel that entered the ocean near the current Sloat Boulevard. By 1880, the channel was filled in both by longshore transport processes and human intervention, changing Lake Merced into a freshwater lake.

Lake Merced is used for many beneficial purposes. The Spring Valley Water District developed Lake Merced as a potable water supply for San Francisco in the 1870's. Although the Hetch Hetchy water system and other sources have replaced Lake Merced as the City's main source of potable water, the lake is still considered to be an emergency source of both potable water and water for fire-fighting. The Spring Valley Water District eventually sold Lake Merced to the City of San Francisco in 1930, which has managed the lake as an emergency water supply ever since. In 1950, jurisdiction over the surface of the lake was granted to the San Francisco Recreation and Park Department to develop beneficial recreational uses at the lake while still maintaining its status as an emergency water supply. Today, the lake is used by thousands of people for various coastal recreational pursuits including fishing and boating, wind-surfing, jogging, picnicking, bicycling and bird watching. Other recreational uses related to aesthetic enjoyment occur on surrounding lands, such as shooting and golfing at several golf courses, including courses owned by the Olympic Club.

Besides its value as an emergency water supply source and for coastal recreation, Lake Merced also provides important habitat for wildlife. Fish and wildlife species are extensive at Lake Merced, including a variety of fish, vegetation, birds, amphibians, mammals and reptiles. Trout are stocked by the California Department of Fish and Game, and warm water fish are also present. A total of sixteen special-status wildlife species are known to occur or have potential to occur at Lake Merced. A species of particular note is the state-threatened bank swallow which nests at Fort Funston and feeds on insects and other food items found in the marsh environment at Lake Merced. The National Park Service has invested considerable resources over the last few years to improve the nesting habitat of this species at Fort Funston, north of the proposed golf course site. According to NPS staff, maintenance of a healthy feeding habitat at Lake Merced is critical for the success of its efforts to enhance the nesting habitat at Fort Funston. Other special-status or endangered species have been observed at Lake Merced and the salt marsh yellow throat, a candidate species for federal listing as threatened or endangered, is known to nest along the banks of the lake.

The drop in lake levels in recent years at Lake Merced and the effects such a drop was having on water quality and the beneficial uses of the lake

encouraged the San Francisco Water Department to conduct a study of the water quality problems at Lake Merced. The study was intended to identify current and potential future uses of the lake; define the relationship between nearby ground water usage, lake storage, water quality, and existing beneficial use; set criteria from which to rank and evaluate competing beneficial use, recommend alternative means of maintaining water quality protection; and recommend a lake management strategy program. The resulting report, entitled the "Lake Merced Water Resource Planning Study" (LMWP Study) by Geo/Resource Consultants, Inc., was released in May of 1993.

The LMWRP Study documents the historic decline in lake levels and water quality since the mid-1900's, with an especially precipitous decline in recent years. Lake levels dropped from around 25 feet in 1950 (relative to the Lake Merced Gauge Board) to a low of 15.5 feet in 1990. Other studies performed since the LMWRP Study by the USGS indicate lake levels have fluctuated since, partly as a result of the Water Department's decision to discharge water from the Hetch Hetchy system into the lake to increase lake levels, but that levels now are at a point between 14 and 15 feet (relative to the Lake Merced gauge board). The LMWRP Study determined that to best protect water quality for the range of beneficial uses made of the lake, a lake level of 26 feet (relative to the gauge board) should be maintained. The decline in lake levels is attributed to three main causes:

1. Increased ground water pumping by; the municipalities, golf courses, and cemeteries in the vicinity of Lake Merced;
2. Drought conditions in the late 1980's and early 1990's; and
3. Diversion of most surface runoff that formerly went into the lake.

The municipal ground water pumpers include Daly City, South San Francisco, and the California Water Service Co. The golf courses pumping water in the vicinity of Lake Merced include The Lake Merced Golf & Country Club, the San Francisco Golf & Country Club, and the Olympic Club.

As indicated in the letter from the San Francisco Public Utilities Commission (PUC) to Coastal Commission staff, dated March 14, 1996 (see Exhibit D), the PUC adopted a resolution (PUC Resolution No. 95-0082) directing City staff to develop a conjunctive use program for the Westside Basin aquifer beneath Lake Merced in a partnership with its wholesale water customers overlying the aquifer (see Exhibit D Pages 11-16).

Goals of the conjunctive use program would be to (1) increase and stabilize water levels in Lake Merced and the Merced aquifer; (2) increase the reliability of the SFWD system during drought periods; and (3) develop long term management practices that maintain the aquifer as a sustainable resource. The conjunctive use program would attempt to manage both ground water and surface water, and the PUC is exploring the creation of a ground water management plan jointly enacted by the City and the other municipal

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users of the aquifer, the cities of Daly City, South San Francisco, Millbrae, San Bruno, San Mateo County and the California Water Service Company. The PUC also directed its staff to extend ground water planning and modeling efforts south of the San Francisco County line and request the financial participation of Daly City, San Bruno, and the California Water Service Company. A component of the conjunctive use program would be to further the development of recycled water supplies for irrigators overlying the Merced aquifer. The PUC strategy also includes entering into contractual arrangements with the other municipal users of the aquifer, to supply increased surface water supplies when available in lieu of the municipal water users pumping additional ground water from the aquifer.

In Resolution No. 95-0082, the PUC notes that conversion of irrigation water supplies to recycled water is a key first step in managing the ground water aquifer. In recognition of this priority, the PUC resolution gave the three golf clubs in the vicinity of Lake Merced until November 1, 1995 to indicate whether they would accept a supply of tertiary recycled water from Daly City. The PUC believes it has the authority to affect a change over from pumped ground water to use of recycled water through certain reserved ground water rights that it holds. Although the three golf clubs own the water rights to the ground water beneath their lands, the PUC owns certain reserved ground water rights to these same waters that are derived from San Francisco's purchase of the Spring Valley Water Company in 1930. The PUC has the legal ability to enforce sanitary and other restrictions imposed on the golf courses originally by the Spring Valley Water Company to protect Lake Merced.

In its letter dated March 14, 1995, the PUC indicates that the golf clubs responded in a timely fashion to its directive but that final agreement to use recycled waste water has not been reached.

b. Specific Impact of Project on Overdraft of Aquifer Feeding Lake Merced

The proposed use by the applicant of pumped ground water to irrigate the proposed golf holes will add to the demands on the aquifer and contribute to the cumulative impact on the aquifer and Lake Merced lake levels.

According to the applicant, the amount of water to be used for irrigation of the portions of the two golf holes that are the subject of this application is estimated to be approximately 14.7 acre feet/year (see Exhibit C). The applicant did not indicate how much additional water would be drawn to irrigate the other four holes that are being constructed immediately south of the area covered by Permit Application No. 1-95-62, but the letter from the PUC estimates the total amount needed to irrigate all six holes is 48.4 acre feet/year.

The applicant states in Exhibit C that pumping by all users of the aquifer is estimated to be 13,800 acre feet/year, and that the 14.7 acre feet/year to be used to irrigate the two holes within the Commission's jurisdiction represents

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only 0.1 percent (the letter incorrectly states 0.0011%) of this amount. Assuming the PUC is correct in estimating that the overall project would require 48.4 acre feet of water per year, the overall project would result in a 0.35 percent increase in ground water pumping throughout the aquifer.

The percentage increase to total ground water pumping that would be contributed by the proposed project does not directly relate to the amount the increased pumping would affect lake levels in Lake Merced. The ground water consultant for the PUC, CH2M Hill, was asked by the PUC to comment on the effects of the proposed additional water extraction on the aquifer and Lake Merced water levels. The memorandum prepared by CH2M Hill dated March 13, 1996, and included with this staff report as Exhibit D, pages 5-7, points out that the Westside Basin is a complex ground water aquifer and the water budget (the comparison of recharge water entering the aquifer to discharge water leaving the aquifer) is variable within the aquifer. The consultant points out that in the northern portion of the basin, which includes Lake Merced itself, estimates indicate that recharge exceeds discharge by several thousand acre-feet per year. South of the County line, the ground water budget has a yearly deficit of 800-acre-feet, resulting in a steady decline of water levels in the southern portion of the Westside Basin and flow of ground water from the Lake Merced area towards the area of high pumping south of Lake Merced.

The CH2M Hill consultant points out that because of the size and complexity of the aquifer and the variability of water use within the basin, the local water budget should be considered when evaluating the impact on changes in water use to the surrounding aquifer. Of particular significance in this regard, is that the the Olympic Club wells are the largest wells in the immediate vicinity of the lake, and that the Club's two existing production wells are located in an area which may have significant impact on Lake Merced. The Olympic Club's two existing production wells are located along Lake Merced Blvd (see Exhibit D, page 8). Geophysical and geological logs from the existing wells and new monitoring wells being installed as part of an ongoing ground water investigation indicates that a key layer of clay that separates upper and lower units of the aquifer is thin or absent at the Olympic Club wells, resulting in a greater impact on Lake Merced from pumping in that location. As explained in the CH2M Hill memorandum:

"...A clay unit occurs in the vicinity of the lake and locally separates the Westside Basin aquifer into upper and lower units. Lake Merced is considered to be an expression of the water table in the upper unit. The clay separates the lake from the lower unit, which is where the majority of the ground water plumping occurs in the Westside Basin. A cross-section drawn through the Lake Merced area shows the occurrence of the clay and that the clay appears to be thin or absent at the Olympic Club wells. The absence of the clay in an area of high ground water pumping would increase the impact of that pumping on the ground water in upper unit and water levels in Lake Merced."

Given that the particular location of the Olympic Club wells causes pumping from the wells to have a disproportionately greater effect on Lake Merced water levels than pumping from wells located elsewhere, it is instructive to examine the increase in pumping that will occur from the Club's wells to serve the proposed golf holes. The PUC consultant estimates that the 48.4 acre feet per year increase in ground water pumping proposed by the Club for irrigation of all six of the holes to be constructed (including the four in San Mateo County), results in a 7% increase in the total amount of pumping by the Olympic Club (based on 1988 pumping data, the only year for which the extraction rate of the golf club has been estimated).

The ground water modeling work that has been performed to date is not comprehensive enough to predict exactly how much lake levels at Lake Merced would drop with the anticipated amount of additional ground water pumping proposed to irrigate the proposed project. However, based on the above information, it is apparent that the proposed pumping would contribute to the cumulative impact on Lake Merced water levels caused by ground water pumping in the area.

c. Alternative Water Sources.

There are at least two alternative sources of water that could be pursued to provide for irrigation of the new golf holes that would not result in an impact on the Westside Basing ground water aquifer and lake levels at Lake Merced. These two alternatives include using (a) San Francisco surface water supplies, and (b) treated waste water.

The City of San Francisco supplies surface water to many of the communities on the San Francisco Peninsula. Surface runoff into local reservoirs accounts for as much as 20% of the supply, with the remainder mainly drawn from San Francisco's Hetch Hetchy reservoir system in the Sierra. Although the San Francisco Water Department encourages its surface water customers to conserve water and reduce the use of water for such purposes as irrigation, there are no bans in place that would prevent the use of surface water supplies.

As noted previously, the PUC has been encouraging the Olympic Club and the other golf courses pumping ground water from the aquifer to convert to the use of treated waste water from municipal sewage treatment plants. Although treated waste water is not acceptable for use as potable water, treated waste water can safely be used for irrigation purposes. Treated waste water can also usually be provided at a cheaper cost than imported surface water supplies.

Many golf courses throughout California already use treated waste water for irrigation. According to Water Reuse for Golf Course Irrigation, sponsored by the United States Golf Association, and published in 1994, there were at least 67 golf courses in California in 1994 using or switching to the use of treated waste water for irrigation, including such coastal courses as the Carmel Valley Ranch Resort, the San Luis Obispo Golf & Country Club, the Santa Barbara Community Golf Course, and the Sea Ranch Golf Course to name a few.

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At least one municipality in the area has been actively seeking customers to buy its treated waste water for use as irrigation water. Since 1977, the City of Daly City has had secondary water for sale and has tried to sell its waste water to golf courses. In furtherance of this proposal, Daly City installed pipelines to the property lines of several golf courses over five years ago, including the Olympic Club.

The Olympic Club and the other Lake Merced golf courses have to date not purchased any of the secondary treated waste water from Daly City or elsewhere raising concerns about whether the quality of water would be suitable for maintenance of what they consider to be the first-class nature of the playing surfaces on the golf courses. The clubs have also raised concerns about public health and safety issues associated with the use of secondary-treated waste water.

Although the clubs have raised concerns in the past about the use of secondary treated waste water, the record before the Commission includes no information that demonstrates that using secondary treated waste water to satisfy at least part of the irrigation needs of the golf holes would be infeasible. None of the concerns have prevented other golf courses from accepting secondary treated waste water for irrigation purposes. California law (Section 60301 of Title 22 of the Code of California Regulations) provides that golf courses may use either secondary or tertiary treated waste water. Many of the 67 courses that utilize treated waste water for irrigation use only secondary treated waste water.

In response to the golf courses concerns about the use of secondary-treated waste water, the City of Daly City has indicated a willingness to upgrade its sewage treatment facilities to provide tertiary treated waste water for the club's use. Tertiary provides a higher level of treatment by adding advanced biological processes to the treatment of the waste water. Daly City has indicated that such modification could be accomplished in approximately 18 months, but before incurring the expense of such a project, the City wants assurances in the form of a signed water supply contract with the golf courses that the golf courses would in fact purchase tertiary treated waste water the City would provide.

In its Resolution No. 95-0082, the San Francisco PUC directed the golf courses to commit to accepting tertiary treated waste water from the City of Daly City by signing purchase agreements by November 1, 1995. That deadline has passed and purchase agreements have not been signed.

d. Compliance With Section 30231.

Section 30231 of the Coastal Act expressly provides, in part, that the biological productivity and the quality of coastal lakes shall be maintained and, where feasible, restored through, among other means, preventing the depletion of ground water supplies and encouraging waste water reclamation. As discussed above, the proposed withdrawal of ground water from the Westside

Basin aquifer to irrigate the golf holes proposed under this application will have a cumulative impact on the biological productivity and quality of Lake Merced, a coastal lake within the coastal zone. Alternatives are available to depleting the ground water supply, which include the use of surface water supplies and the use of waste water reclamation. Therefore, the Commission attaches Special Condition No. 4, which requires the applicant to submit a final irrigation plan for the review and approval of the Executive Director that provides for irrigation of the new golf holes without the use of groundwater drawn from the Westside Basin aquifer.

The special condition does not specify what alternative source of water must be used to allow the applicant some flexibility in deciding which sources to use. The condition could be satisfied by using surface water supplies alone, or by using reclaimed waste water alone, or some combination of the two. For example, if the applicant determines that its particular concerns with the use of waste water would preclude the use of the waste water at certain locations, or at certain times of day, or under certain weather conditions, the applicant could supplement the use of waste water with surface water supplies. As another example, if the club determined that it did not want to use treated waste water until such time as the City of Daly City or some other municipality could provide tertiary treated waste water, the Club could decide to use surface water supplies in the interim period before switching over to tertiary treated waste water.

As conditioned, the Commission finds that the proposed project would be consistent with Section 30231 in that the impact of the proposed project on the biological productivity and the quality of Lake Merced would be eliminated, and eliminated using means specifically called for by Section 30231. Special condition No. 4 would prevent the applicant from depleting ground water supplies to serve the proposed project by simply banning the use of groundwater. The condition would encourage the use of waste water reclamation by requiring the Club to use another water supply source other than groundwater. The fact that the use of reclaimed waste water would likely be cheaper to use than available surface water supplies will serve to encourage the applicant to use waste water reclamation. Therefore, the Commission finds that the proposed project, as conditioned in consistent with Section 30231.

F. Environmentally Sensitive Habitat

Section 30240 of the Coastal Act states the following:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and

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shall be compatible with the continuance of those habitat and recreation areas.

No evidence of the existence of environmentally sensitive habitat areas within the project area has been obtained by the Commission. To determine whether the project site contained any areas considered to be environmentally sensitive, the applicant hired biologist Rob Schonholtz, a principal of LSA Associates, Inc. to perform a botanical survey. Mr. Schonholtz conducted the survey on February 2, 1996 and documented the survey results in a letter dated February 16, 1996 to the manager of the Olympic Club (see Exhibit 10). The results of his survey indicate that no environmentally sensitive habitat areas (ESHA's) exist on the site.

A prominent drainage located immediately north of proposed hole 15 containing a concentration of vegetation was specifically examined to determine if the vegetated drainage might be a dune hollow wetland, riparian habitat, or some other form of ESHA. The drainage was found to support shrubby vegetation composed entirely of non-native ornamental species. The dominant plants found are acacia, eucalyptus, and myoperum. The herbaceous vegetation around the shrubs includes primarily ice plant and wild radish, with a mix of other species. These species are not associated with either dune hollow wetlands or riparian habitats. Although a watercourse is present, the area is strongly dominated by non-native plants which are not normally associated with freshwater watercourses.

Mr. Schonholtz also examined the site to determine if there are any rare and endangered plant or animal species present. In his report, Mr. Schonholtz states that:

"I observed no endangered or threatened species or species proposed for listing under either the federal or state Endangered Species Act during this reconnaissance visit, and I observed nothing to warrant a formal endangered species survey."

Commission staff consulted with the staff of the National Park Service at Fort Funston to verify the results. The Park Service staff commented that they also believe the site does not support any environmentally sensitive habitat.

Therefore, the Commission finds that the proposed project is consistent with Section 30240 of the Coastal Act as there is no ESHA area on the site that would be affected by the proposed project.

G. Alleged Violation.

Although development has allegedly taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of

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any development undertaken on the subject property without a coastal development permit.

H. San Francisco Local Coastal Program

The proposed project is located within the City and County of San Francisco. The San Francisco Local Coastal Program (LCP) was submitted to the Commission for certification in 1981. The Commission eventually certified the LCP, but because an issue of whether the Olympic Club property should be zoned for future use as either residential or open space use in the event the Club ever ceases operations, the segment of the LCP covering the Olympic Club property within San Francisco was not certified. Therefore, the project site is within an area of deferred certification and the standard of review that the Commission must apply to the project is the Coastal Act.

Section 30604 of the Coastal Act authorizes permit issuance if the project is consistent with Chapter 3 of the Coastal Act and if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare or implement a local coastal program that is in conformance with Chapter 3 of the Coastal Act. As discussed above, approval of the project as conditioned is consistent with the policies of Chapter 3 of the Act, including those discussed above concerning public access, the use of ocean-front land, environmentally sensitive habitat areas, and the biological productivity and quality of coastal waters. Thus, approval of the project as conditioned, will not prejudice the City and County of San Francisco's ability to implement a certifiable LCP for this area.

I. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. As discussed above, alternatives have been considered and the project has been mitigated to avoid or minimize impacts to coastal resources, specifically to prevent direct impacts on coastal access in the project area and impacts on the beneficial uses of Lake Merced for habitat and recreational uses that would occur as a result of the applicant's proposed use of ground water for irrigation as proposed by the applicant. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

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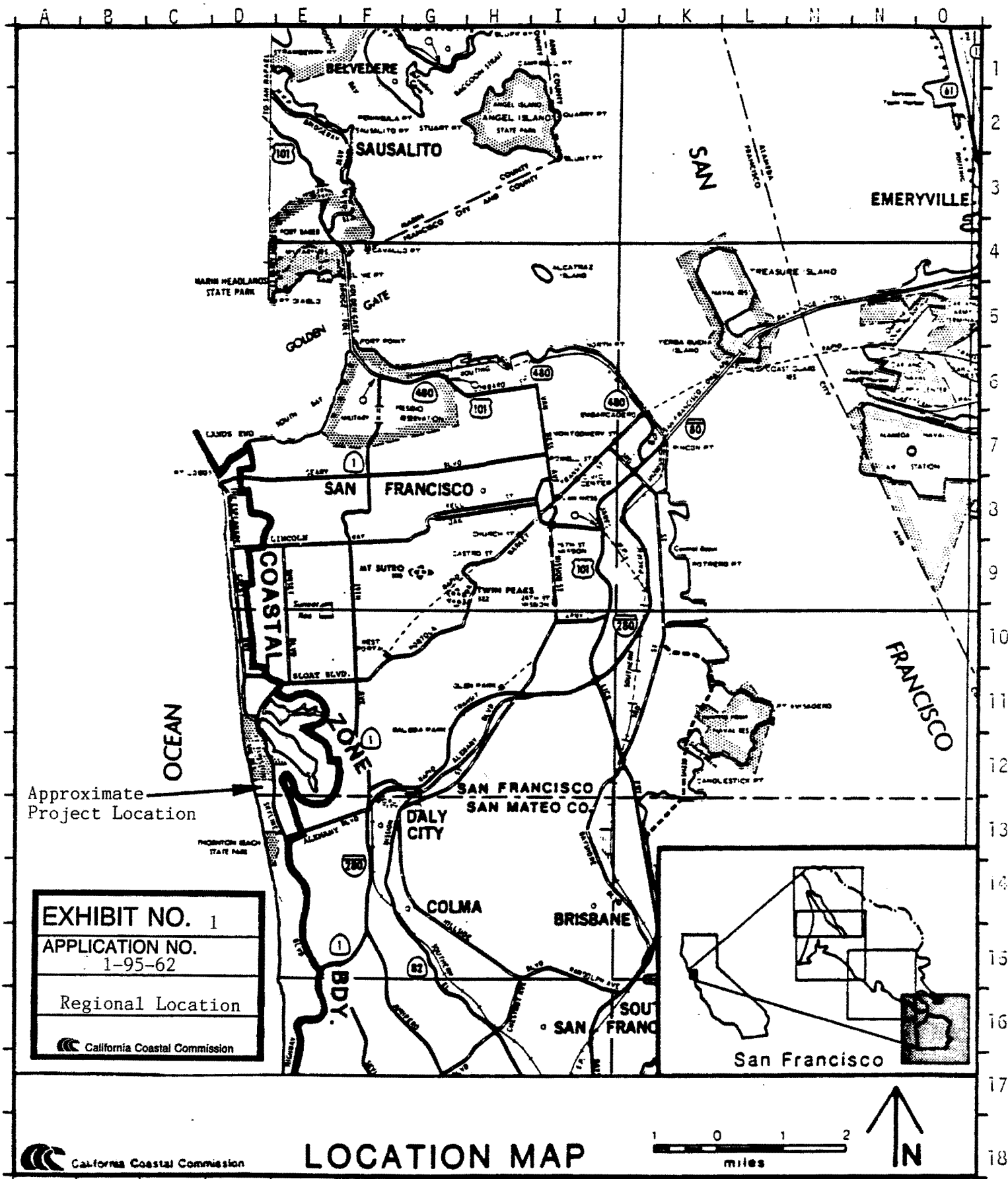
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ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.



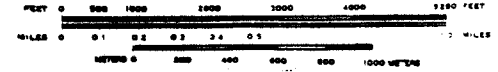
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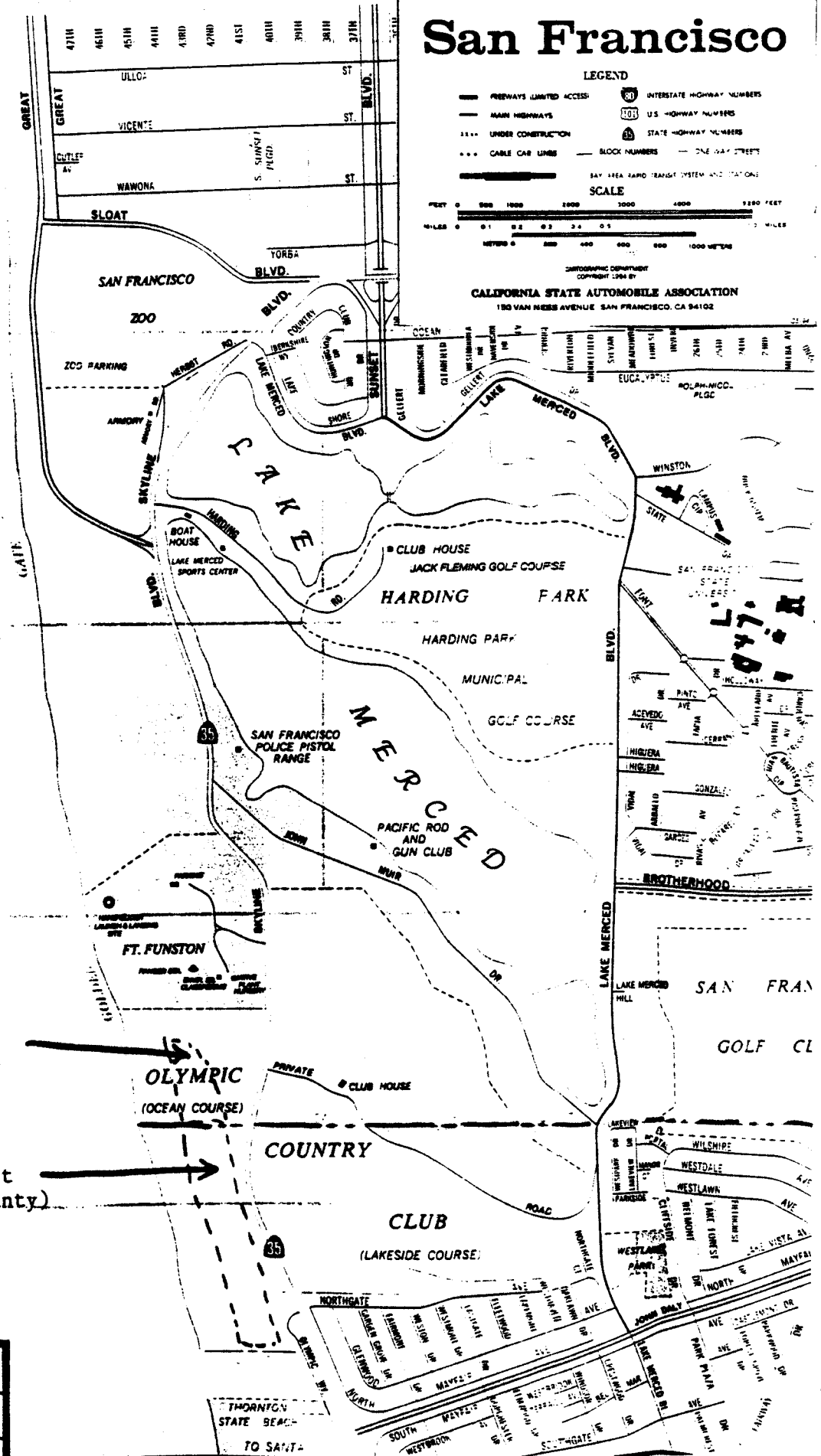
LEGEND

- FREEWAYS LIMITED ACCESS
- MAIN HIGHWAYS
- UNDER CONSTRUCTION
- CABLE CAR LINES
- INTERSTATE HIGHWAY NUMBERS
- U.S. HIGHWAY NUMBERS
- STATE HIGHWAY NUMBERS
- BLOCK NUMBERS
- ONE-WAY STREETS
- BAY AREA RAPID TRANSIT SYSTEM AND STATIONS

SCALE



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Project Area of
Application 1-95-62

Remainder of Project
Area (San Mateo County)

EXHIBIT NO. 1A

APPLICATION NO.
1-95-62

Vicinity Map

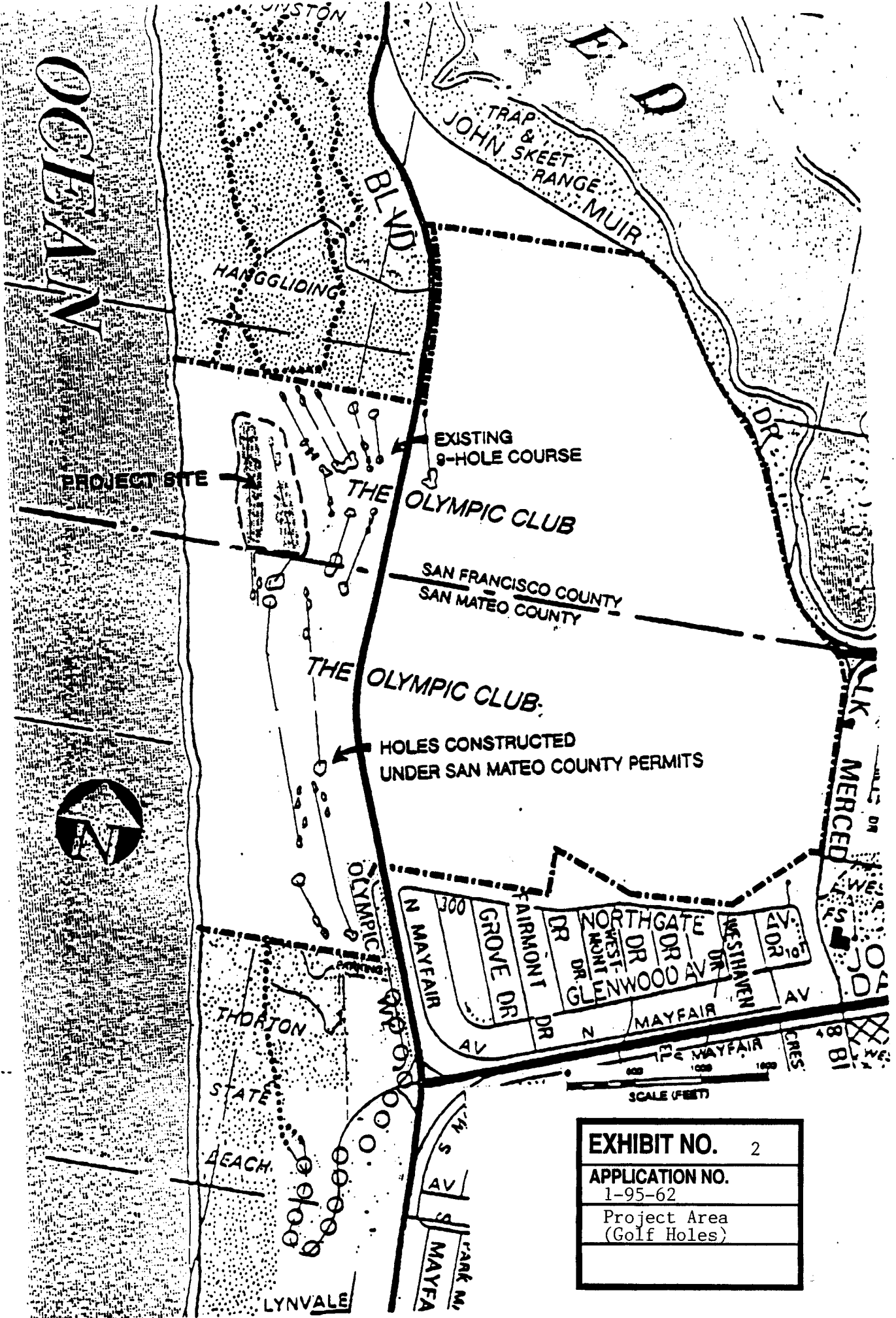
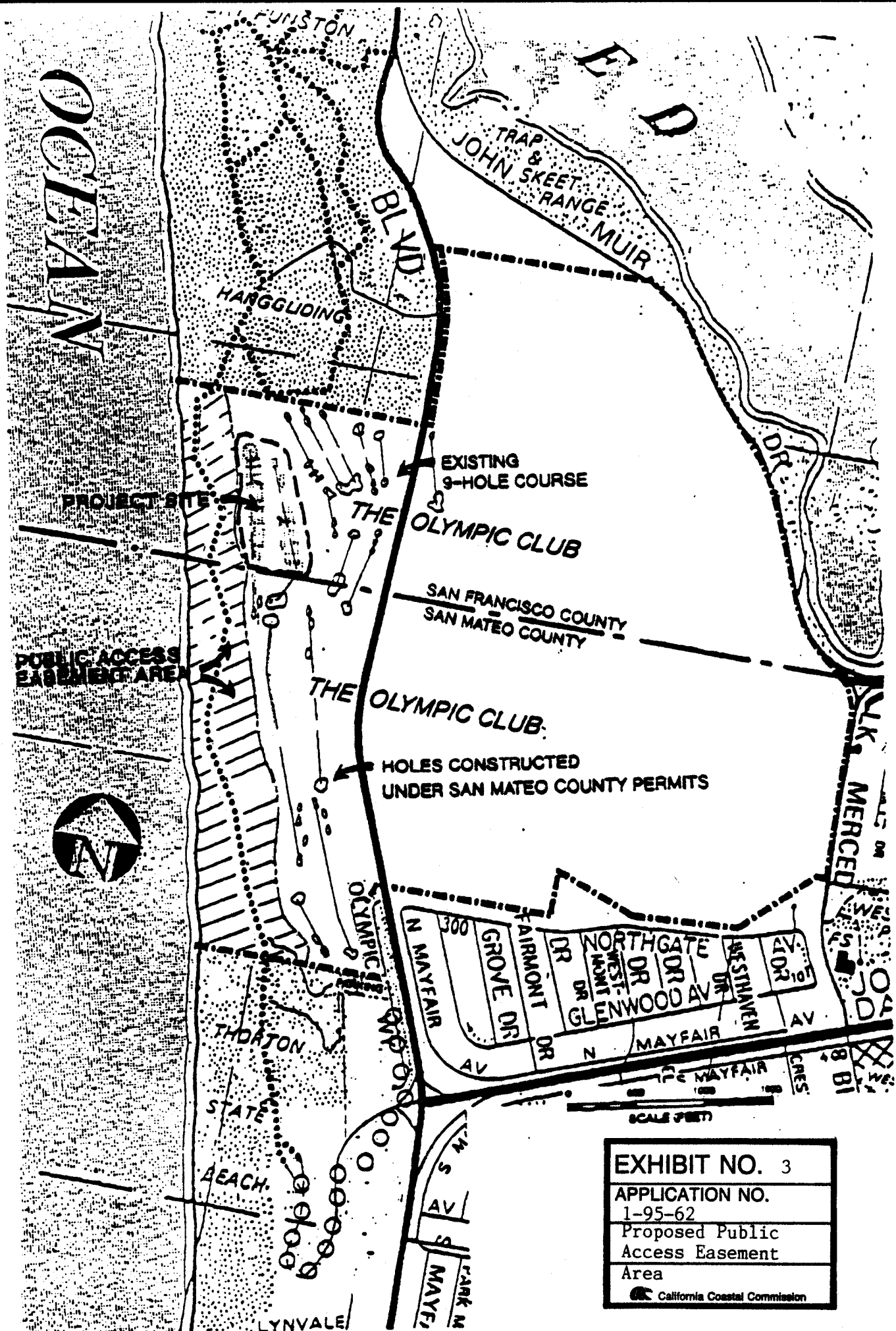


EXHIBIT NO.	2
APPLICATION NO.	1-95-62
Project Area	(Golf Holes)

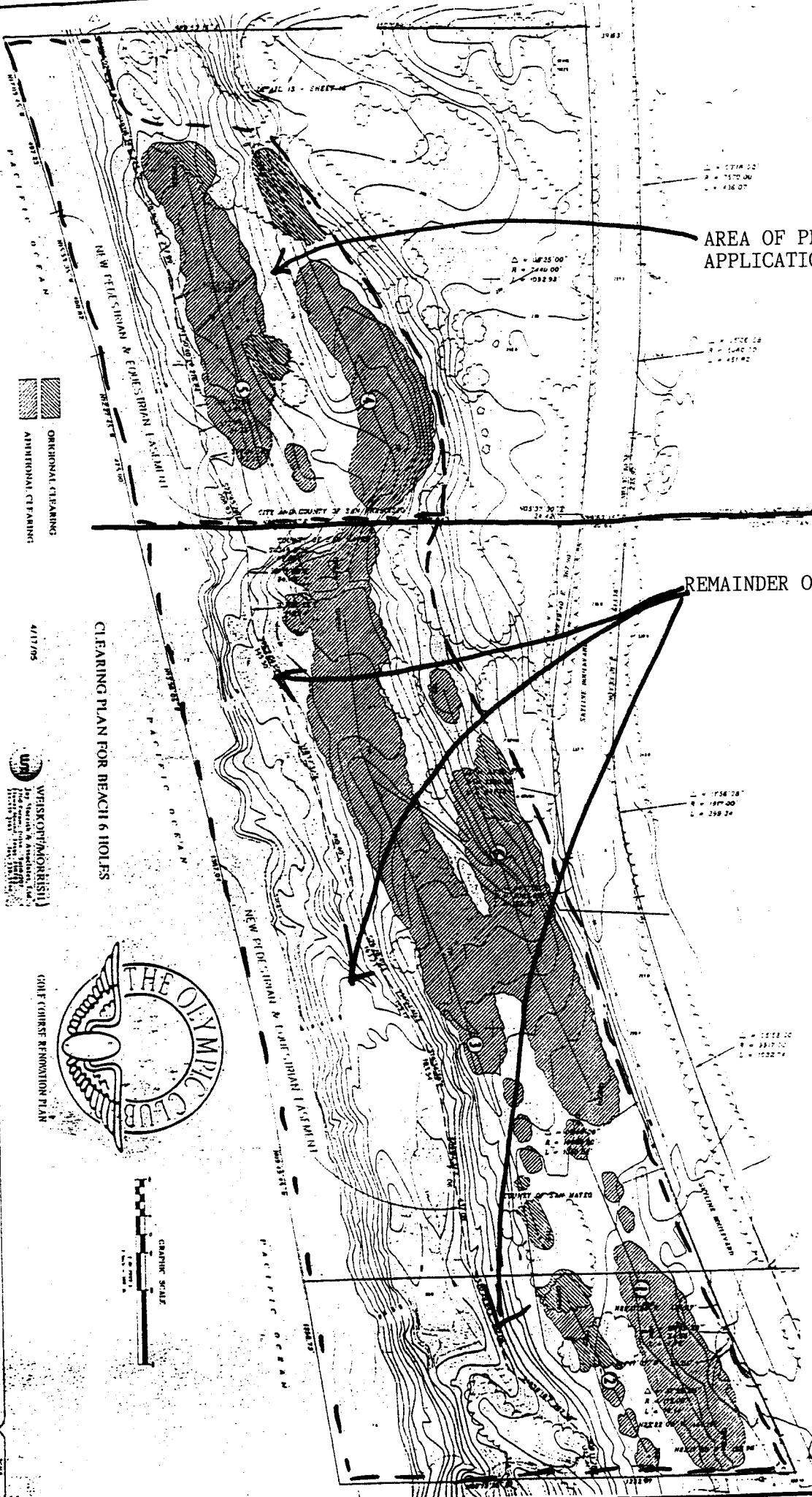


NO.	DATE	DESCRIPTION
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3	10/1/62	REVISION
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7	10/1/62	REVISION
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10	10/1/62	REVISION

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9	10/1/62	REVISION
10	10/1/62	REVISION

SAN FRANCISCO/SAN MARINO
 EASEMENT LINE & AERIAL TOPOGRAPHIC MAP

MAP OF
 OLYMPIC CLUB
 EASEMENT LINE & AERIAL TOPOGRAPHIC MAP
 CALIFORNIA



CLEARING PLAN FOR BEACH 6 HOLES

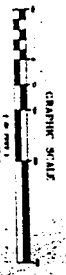
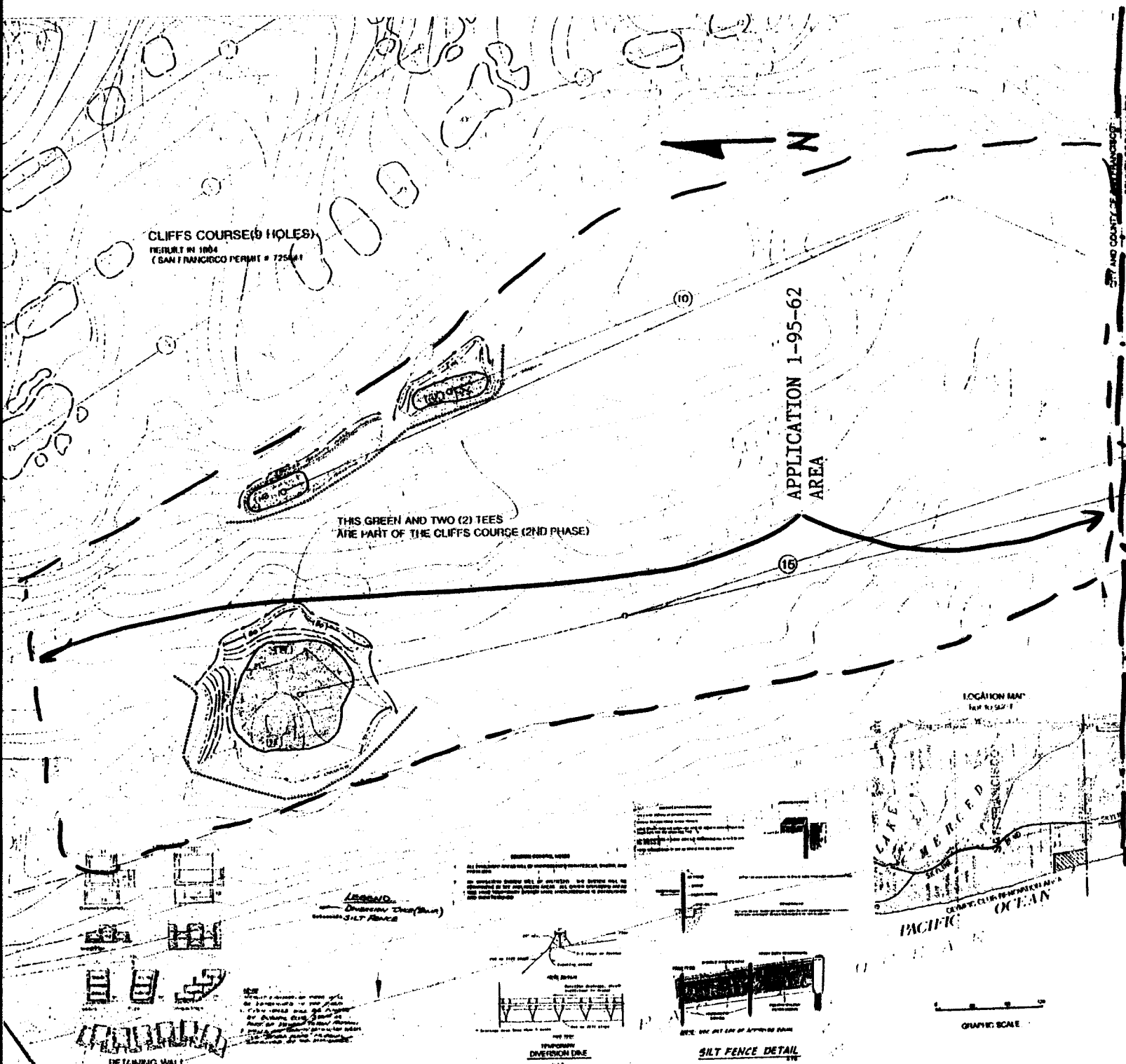


EXHIBIT NO.	4
APPLICATION NO.	1-95-62
Veg. Clearing Plan	

EXHIBIT NO.	5
APPLICATION NO.	1-95-62
Grading Plan	

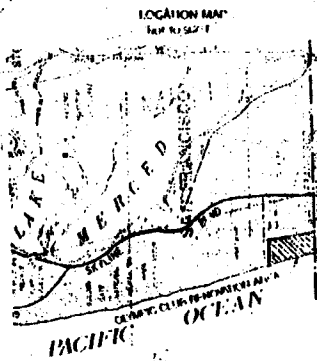
CLIFF'S COURSE
COUNTY OF SAN MATEO
APPROVED FOR THE
PERMIT #017003-C
BEFORE RECONSTRUCTION



GENERAL NOTES

1. ALL WORK TO CONFORM TO CITY AND COUNTY OF SAN FRANCISCO.
2. ALL TIES SHALL HAVE 10% RELATIVE COMPACTNESS PER AISC 13502.
3. GRADE ALL SLOPES 3:1 MAXIMUM EXCEPT WHERE EXCAVATION DEPTH IS 10' OR MORE.
4. EXISTING UTILITIES TO BE MAINTAINED OR RELOCATED TO THE NEAREST AND FUTURE UTILITIES TO BE MAINTAINED OR RELOCATED TO THE NEAREST.
5. THE CITY OF SAN FRANCISCO, THROUGH THE TECHNICAL DEPARTMENT, HAS APPROVED THE EXISTING UTILITIES TO BE MAINTAINED OR RELOCATED TO THE NEAREST.
6. MAXIMUM CUT - 10' MAXIMUM FILL - 10'

COUNTY OF SF
C.C. 1751



EROSION CONTROL PLAN THE OLYMPIC CLUB GOLF COURSE RENOVATION PLAN

SAN FRANCISCO CALIFORNIA
SCALE 1" = 40' NORTH 41° 15' 40" W

KCA ENGINEERS, INC.

SHEET 1 OF 1



4/2/70 Aerial Photograph

Fort
Funston

Project Area of
Application
#1-95-62

Golf Course
Project
Area

Thornton
State
Beach
Area



EXHIBIT NO. 6A

APPLICATION NO.
1-95-62

1970 Aerial

1970 Aerial Photograph

Detail of Project Area for CDP 1-95-62

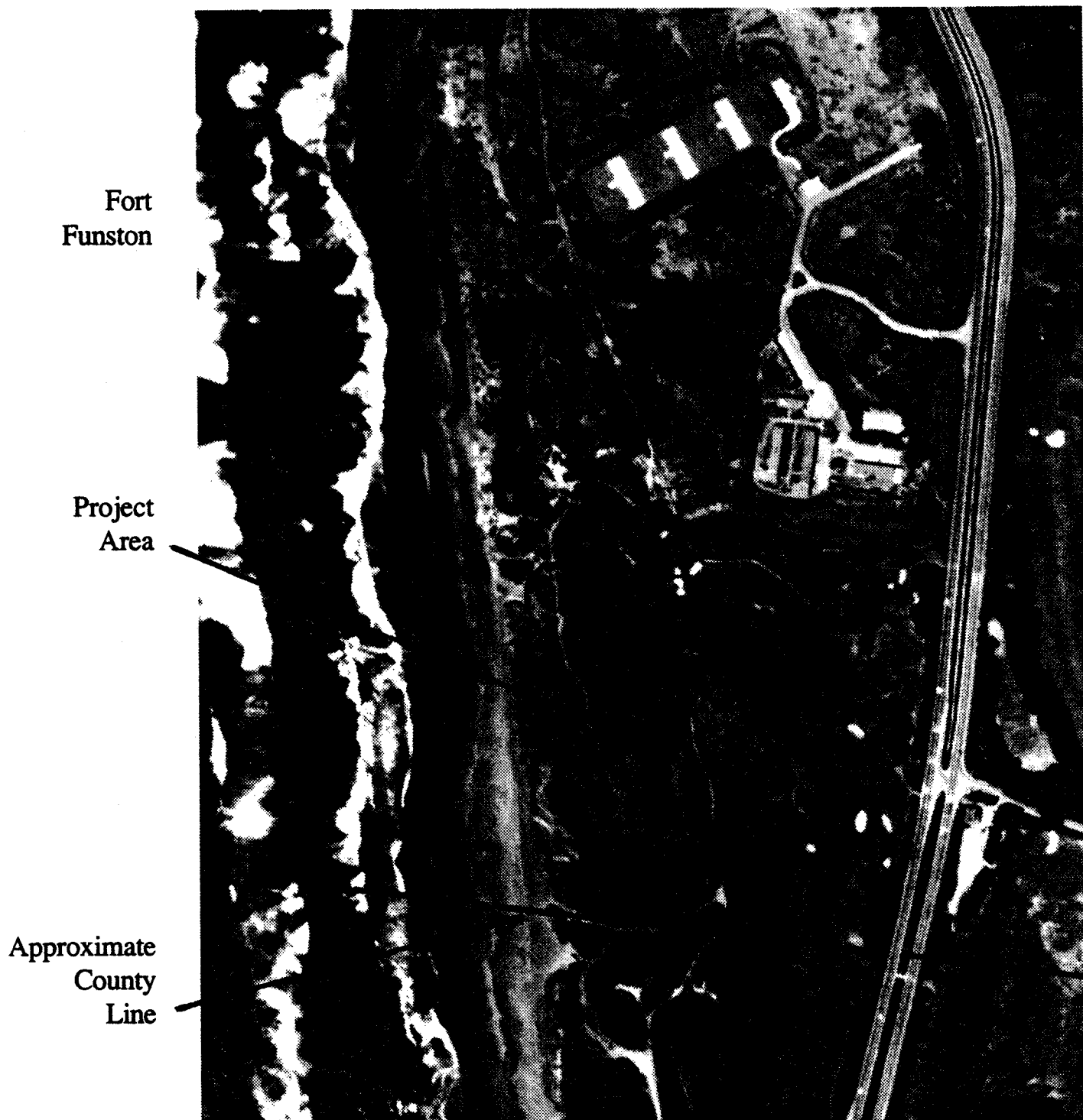


EXHIBIT NO. 6B

APPLICATION NO.
1-95-62

1970 Aerial
Blowup

5/3/78 Aerial Photograph

Fort
Funston

Project Area of
Application
#1-95-62

Golf Course
Project
Area

Thornton
State
Beach
Area



EXHIBIT NO. 7A

APPLICATION NO.
1-95-62

1978 Aerial

1978 Aerial Photograph

Detail of Project Area for CDP 1-95-62

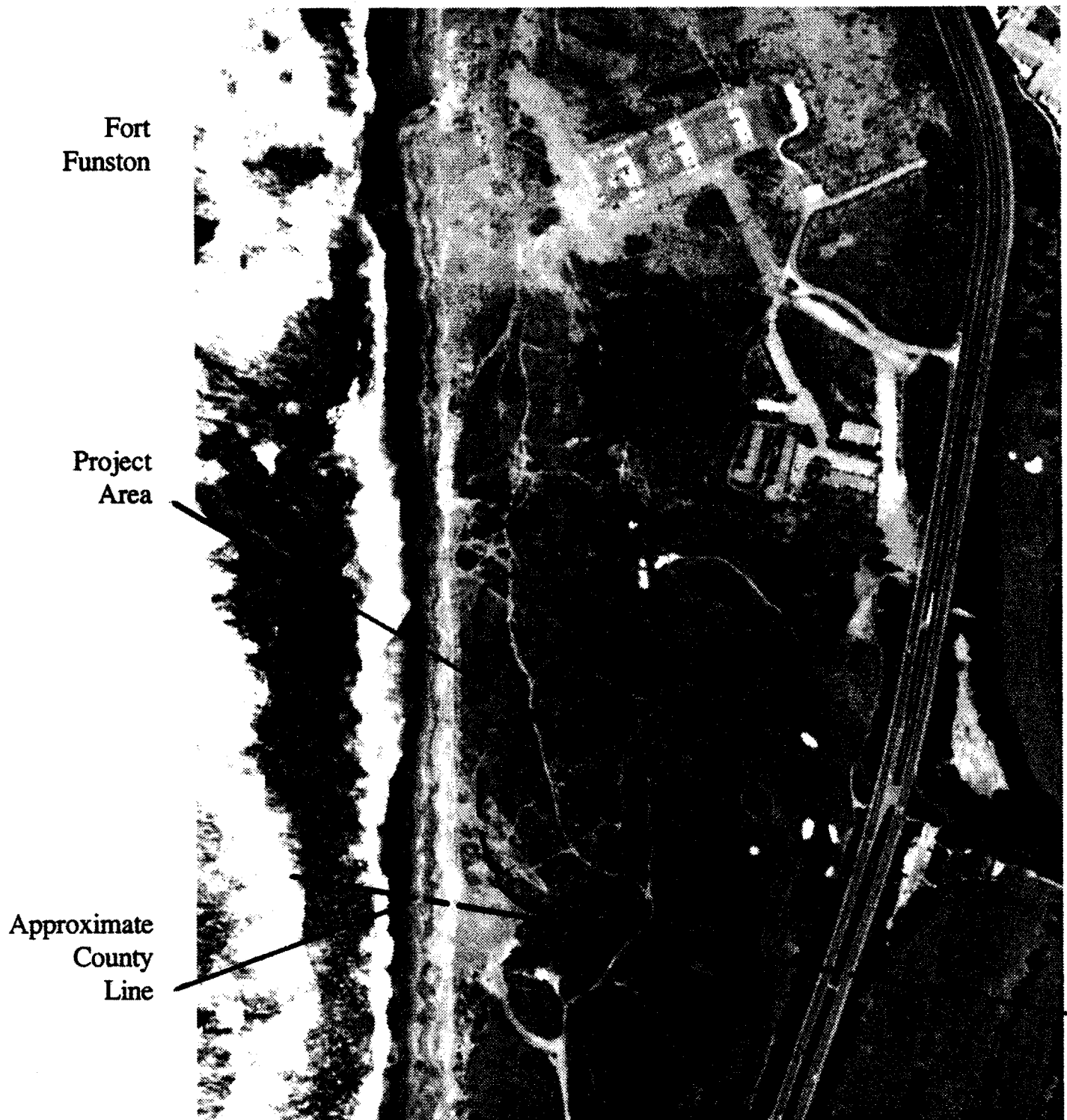


EXHIBIT NO. 7B

APPLICATION NO.
1-95-62

1978 Aerial
Blowup

3/26/86 Aerial Photograph

Fort
Funston

Project Area of
Application
#1-95-62

Golf Course
Project
Area

Thornton
State
Beach
Area

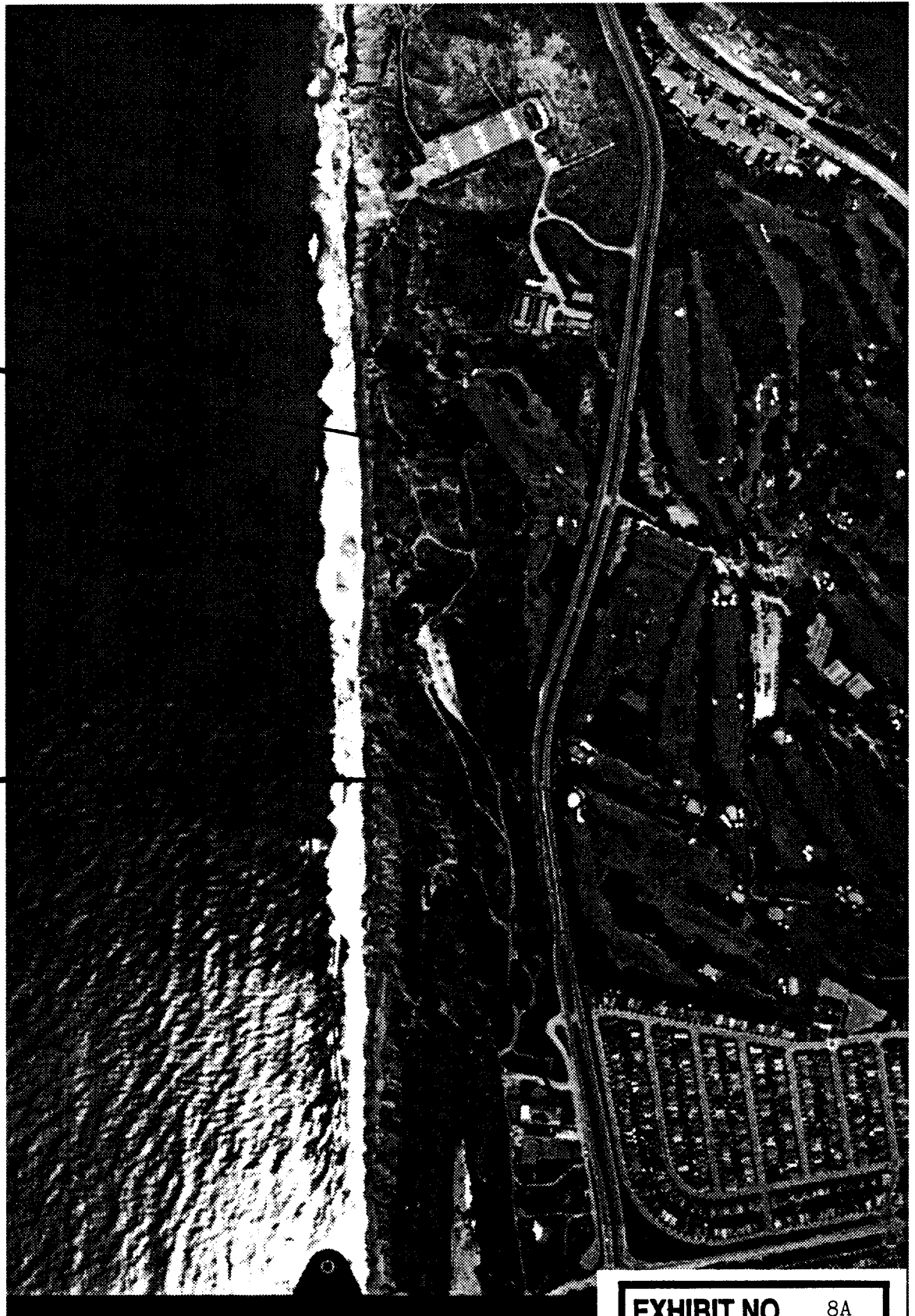


EXHIBIT NO. 8A

APPLICATION NO.
1-95-62

1986 Aerial

1986 Aerial Photograph

Detail of Project Area for CDP 1-95-62

Fort
Funston

Project
Area

Approximate
County
Line



EXHIBIT NO. 8B

APPLICATION NO.
1-95-62

1986 Aerial
Blowup

4/19/93 Aerial Photograph

Fort
Funston

Project Area of
Application
#1-95-62

Golf Course
Project
Area

Thornton
State
Beach
Area



EXHIBIT NO. 9A

APPLICATION NO.
1-95-62

1993 Aerial

1993 Aerial Photograph

Detail of Project Area for CDP 1-95-62

Fort
Funston

Project
Area

Approximate
County
Line



EXHIBIT NO. 9B

APPLICATION NO.

1-95-62

1993 Aerial
Blowup



LSA Associates, Inc.

Environmental Assessments
Transportation Engineering
Resource Management
Community Planning
Environmental Restoration

Principals

Rob Balen
Lyn Calderine
Les Card
Sueve Granholm
Roger Harris
Art Homrighausen
Larry Jennings
George Kuerliko
Carolyn Lobell
Bill Mayer
Rob McCann
Rob Schanzler
Malcolm J. Sproul

Associates

Deborah Beer-Walker
Connie Calica
Ross Dobberteen
Gary Dow
Kevin Fincher
Richard Harlacher
Michele Huddleston
Clint Kellner
Karen Kirtland
Beniam Lee
Savanna Nicholls
M. W. "Bill" O'Connell
Anthony Petros
Jill Wilson

February 16, 1996

Mr. Paul Kennedy
The Olympic Club
524 Post Street
San Francisco, CA 94102

Subject: Olympic Club Course Renovation, Fourth Green Area

Dear Mr. Kennedy:

This letter will document the results of my site visit to the vicinity of the fourth green of the Olympic Club's Cliff Course, which is currently being renovated. I examined the area on February 2, 1996, in the company of golf course staff. The purpose of the site visit was to determine if a dune hollow "wetland" or "riparian habitat" is present near the green, and if so, to advise on any protective measures that might be appropriate. "Wetland" and "riparian habitat" areas are specifically regulated by the California Coastal Commission, and are defined in the Coastal Commission's 1981 *Statewide Interpretive Guidelines, Wetlands and Other Wet Environmentally Sensitive Habitats*, (Guidelines) specifically Appendix D of those Guidelines. I am a biologist qualified to make this assessment, as documented by the attached resume.

RESULTS

There is a drainage located northeast of the fourth green, which supports shrubby vegetation composed entirely of non-native ornamental species. An acacia (*Acacia longifolia*) is the dominant plant, followed by a eucalypt (*Eucalyptus* sp.) and myoporum (*Myoporum* sp.). The herbaceous vegetation adjoining the shrubs is dominated by iceplant (*Mesembryanthemum* sp.) and wild radish (*Raphanus sativa*). Smaller amounts of mock heather (*Haplopappus ericoides*), sandwort (*Eriophyllum stachaeoidifolia*), blackberry (*Rubus vitifolia*) and wild oats (*Avena fatua*) are present. This vegetation is similar in composition to the vegetation of the entire hillside, but there is a concentration of shrubs along the drainage. This portion of the drainage is on the hillside well above the elevation of the beach.

02/16/96(P:\OLY630\GREEN4.LTR)

157 Park Place
Pt. Richmond, California 94801

Telephone 510 236-6810
Facsimile 510 236-3480

EXHIBIT NO. 10

APPLICATION NO.
1-95-62

Botanical Survey

(1 of 2)

Dune hollow wetlands are not specifically defined in the Guidelines, but typically are vegetated with dune sedge (*Carex pansa*), rushes (*Juncus* spp.), saltgrass (*Distichlis spicata*), cinquefoil (*Potentilla anserina*), and similar species. Willows (*Salix* spp.) and wax myrtle (*Myrica californica*) are sometimes present as subdominants. Dune hollow wetlands usually are found behind dunes at an elevation similar to the beach. No typical dune hollow wetland vegetation is present, and the drainage is not in a physiographic setting normally occupied by a dune hollow wetland. For these reasons, the area in question should not be considered a dune hollow wetland.

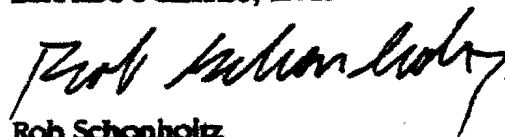
Riparian habitats are defined as an area of riparian vegetation, which is an association of plant species which grows adjacent to freshwater watercourses, including perennial and intermittent streams, lakes, and other freshwater bodies (per the Guidelines and Appendix D). Typical riparian plants are identified in Appendix D; those which might be expected in this setting include willows, blackberry, California bay (*Umbellularia californica*), bracken fern (*Pteris aquilinum*), and twinberry (*Lonicera involucrata*). The dominant plants species found in the area in question are not particularly associated with the watercourse near the fourth green (they grow throughout the hillside) or with watercourses in general. Willow, usually the dominant plant in riparian habitats in this physiographic setting, is entirely absent. Blackberry is the only "typical" riparian plant present, and it is a subdominant. Although there is a watercourse present, the area is strongly dominated by non-native plants which are not normally associated with freshwater watercourses. For these reasons, the area in question should not be considered a riparian habitat.

I observed no endangered or threatened species or species proposed for listing under either the federal or state Endangered Species Act during this reconnaissance visit, and I observed nothing to warrant a formal endangered species survey.

I trust this letter provides the information you require. Please call me if you have any questions.

Sincerely,

LSA ASSOCIATES, INC.



Rob Schonholz
Principal

cc: Zane Gresham

attachment: resume

02/16/96(P:\OLYMPUS\GREEN4.LTR)

EXHIBIT NO.	10
APPLICATION NO.	1-95-62
Botanical Survey	
(2 of 2)	

W 6b

1-95-62

SUPPLEMENTAL EXHIBITS

Packet No. 1

PUBLIC ACCESS INFORMATION

Contents

Exhibit A. Olympic Club's Public Access
Information

Exhibit B. Letters on Public Access Use
Received by the Commission

MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
SEATTLE
DENVER

345 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94104-2675
TELEPHONE (415) 677-7000
TELEFACSIMILE (415) 677-7522

March 13, 1996

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(1 of 82)

Writer's Direct Dial Number
(415) 677-7145

By Messenger

Mr. Robert S. Merrill
Chief of Permits
California Coastal Commission
North Coast Area
45 Fremont Street - Suite 2000
San Francisco, California 94105

RECEIVED
MAR 13 1996
CALIFORNIA
COASTAL COMMISSION

**Re: Coastal Development Permit Application No. 1-95-62
(Olympic Club Restoration of Two Holes of Pacific Links Course)**

Dear Mr. Merrill:

This letter relates to the Olympic Club's proposed rehabilitation of portions of two holes of the historic Pacific Links course within the City and County of San Francisco, which is the subject of the above-referenced application. The purposes of this letter are (1) to provide brief additional background information about the project, and (2) to clarify and supplement the project application, to respond to concerns expressed by Coastal Commission staff and the public.

I. Background

Nature, Location and Extent of Project.

The project that is the subject of this application is the rehabilitation of that portion of two golf holes which is located in the City and County of San Francisco. (This comprises the green and fairway of the 15th hole, and the tees and fairway of the 10th hole.) The predecessors of these two holes were built as part of the Olympic Club's Pacific Links or Cliffs Course in the 1920s. Although a number of the other holes of this

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Mr. Robert S. Merrill

March 13, 1996

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course remained in use until 1982, these two holes were damaged in the late 1920s, and not proposed to be restored until now.

A portion of the two holes in question, and four additional holes of the former Pacific Links course, lie within San Mateo County. The Olympic Club obtained all necessary permits for the rehabilitation of these four holes and portions of holes 15 and 10 of the Pacific Links course from San Mateo County in August 1995. This included a Local Coastal Development Permit under that County's Local Coastal Plan, and a grading permit.

When the engineer for the Olympic Club inquired of the Department of City Planning in San Francisco as to what permits were required for the portions of the two holes which lie within San Francisco, he was advised that only a grading permit was required. The Department of City Planning advised that a golf course was a permitted use at this location, so no other permits or approvals were required. Accordingly, in July of 1995, the Olympic Club duly obtained the only permit identified to it by the City as required.

Work commenced on both the San Mateo and the San Francisco portions of the rehabilitation in early fall of 1995. Shortly thereafter, the Coastal Commission notified the Olympic Club that the San Francisco portion was under the jurisdiction of the Coastal Commission, and not, as the Club had been led to believe, the City and County of San Francisco. Accordingly, the Club immediately stopped work within San Francisco, and submitted this application for the work in San Francisco, which is within the Coastal Commission's jurisdiction. Because all necessary permits had been obtained for the work in San Mateo County, that work was not affected.

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APPLICATION NO. 1-95-62
Club's Public Access Information
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APPLICATION NO. 1-95-62
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For purposes of comparison, the work in San Mateo County affects over 25 acres; while that which is the subject of this application affects only 4.1 acres. Attached as Exhibit 1 is a map describing the location of the project, the adjacent existing golf holes, and the golf holes the rehabilitation of which were approved by San Mateo County.

Accordingly, there are two different agencies (San Mateo County and the Coastal Commission) which have authority over different parts of the Olympic Club's land along the coast, and the permitting status is different for each of the two agencies. A number of persons commenting on this application appear not to have been aware of these facts, and thus have confused the relatively small portion of work in San Francisco, which is within the Coastal Commission's jurisdiction, with the much larger work in San Mateo County, which already has been authorized, and thus is outside this application.

The project, as now proposed, would provide a grant of a permanent public access easement to the Golden Gate National Recreation area, extending over 31 acres along the full length of the ocean-front land owned by the Olympic Club between Fort Funston and Thorton State Beach. Significantly, a substantial part of this public access easement would cover land which is outside the area of this application. Almost three-quarters of the easement area is located in San Mateo County, adjacent to the golf holes already approved for rehabilitation by that County. (See Exhibit 2)

This new easement will replace a short-term (two-year) easement previously granted to the National Park Service. That easement has now expired. The new easement will allow the National Park Service to maintain trails which it and the Olympic Club cooperated to build under the now-expired short-term easement. These trails would form an important link in the coastal trail system in perpetuity, and the National Park Service has indicated it wants very much to obtain this public access easement. In the absence of

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Mr. Robert S. Merrill

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the new easement, the National Park Service would no longer have any right to establish or maintain those trails.

The Olympic Club has made this grant of a substantial permanent public access easement a part of this project as a matter of consistency with its policy of cooperating with adjacent property owners, and to resolve any concerns which may exist regarding public access along the magnificent California coast.

II. Clarification of and Supplement to Project Application

The description of certain elements of the project application which follow supersede any prior submittals which might be construed as inconsistent or in conflict.

Grant of Easement for Public Access

As part of the project, the Olympic Club will grant to the National Park Service a permanent public access easement for the benefit of the general public connecting Thorton Beach State Park with the Fort Funston area of the Golden Gate National Recreation Area. A drawing of the public access easement area is attached as Exhibit 2 to this letter; a copy of the form of easement is attached as Exhibit 3.

This public access easement will cover approximately 31 acres of the Olympic Club's oceanfront property, will become effective upon the final issuance of the permit for this project, and will continue in perpetuity. The easement area includes not only oceanfront land in San Francisco, adjacent to the portions of the golf holes in question, but also oceanfront land in San Mateo County, which is not affected by this application.

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APPLICATION NO. 1-95-52
Club's Public Access Information
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The easement will grant the National Park Service the right to establish and maintain trails over the easement area for public pedestrian and equestrian use.

The National Park Service will have the obligation to maintain such trails, and to monitor and patrol the easement area. Trails will be established and maintained by the National Park Service in accordance with federal laws, including the Americans with Disabilities Act, to the extent applicable. The National Park Service will also accept responsibility for personal injury and property damage arising from use of the easement, as specified in the easement.

The roadway and parking access to the easement area is already in place, from Fort Funston in the north, and Thorton State Beach in the south. No new roads or parking areas need to be constructed in the coastal zone.

Special design features intended to avoid conflicts between the use of the public access easement area and the use of the adjacent golf hole will be installed by the Olympic Club, as described below.

The General Superintendent of the Golden Gate National Recreation Area has indicated that the National Park Service wishes to obtain the new public access easement, and will undertake the responsibilities associated with the new easement on behalf of the public. His letter setting forth the National Park Service's position is attached as Exhibit 4 to this letter.

The public access easement will be in a form acceptable to the Executive Director of the California Coastal Commission, will include a legal description of the entire property and the easement area, shall run with the land, and shall be recorded free of prior liens which may affect the interest being conveyed. A signed and recorded copy of the

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Mr. Robert S. Merrill
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Page Six

deed of easement will be provided to the Executive Director prior to the issuance of the permit

Design Measures to Prevent Conflicts in Uses.

Design measures have been incorporated into the project to prevent conflicts between the pedestrian and equestrian uses along the ocean-front public access easement described above, and the golfing use of the adjacent 15th hole. For this purpose, the Olympic Club will plant appropriate bushes and trees along the boundary between the public access easement area and the golf hole, and, to the extent necessary, place berms at appropriate locations. These measures are reflected in the schematic diagram attached as Exhibit 5. To the extent feasible (as determined by staff) plantings would be of native vegetation. The combination of low bushes and trees, and the natural grade separation between the easement area and the golf hole (augmented, as necessary by berms) would avoid conflicts in uses between golfers and pedestrians and equestrians.

Within thirty (30) days after the issuance of the permit, the Olympic Club would submit a detailed plan indicating the precise location and species of such plantings, and any berms which may be necessary. The plan would be reviewed by, and subject to the approval of, the Executive Director. Installation of such plantings would commence within six (6) months after the issuance of the permit, and completed within nine (9) months after the issuance of the permit.. This would allow the plantings to be made in the fall of 1996, so that the plants could become established during the winter rainy season.

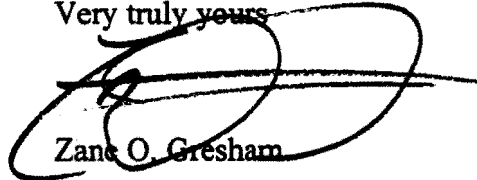
EXHIBIT NO. A
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Club's Public Access Information
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Mr. Robert S. Merrill
March 13, 1996
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I trust that this clarification and additional detail regarding the Olympic Club's project satisfies the concerns which Coastal Commission staff has expressed. The Olympic Club is looking forward to presenting this project to the Commission at its March meeting. Please let me know if there is any other information which the Olympic Club may provide to assist in the Commission's consideration.

Very truly yours

A handwritten signature in black ink, appearing to read "Zane O. Gresham", is written over a horizontal line. The signature is stylized with a large loop and a horizontal stroke.

Zane O. Gresham

cc: Dennis Moriarty, President, The Olympic Club
Paul Kennedy, General Manager, The Olympic Club

EXHIBIT NO. A
APPLICATION NO. 1-95-62
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(7 of 82)

Exhibit 1

MAP OF PROJECT AREA

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
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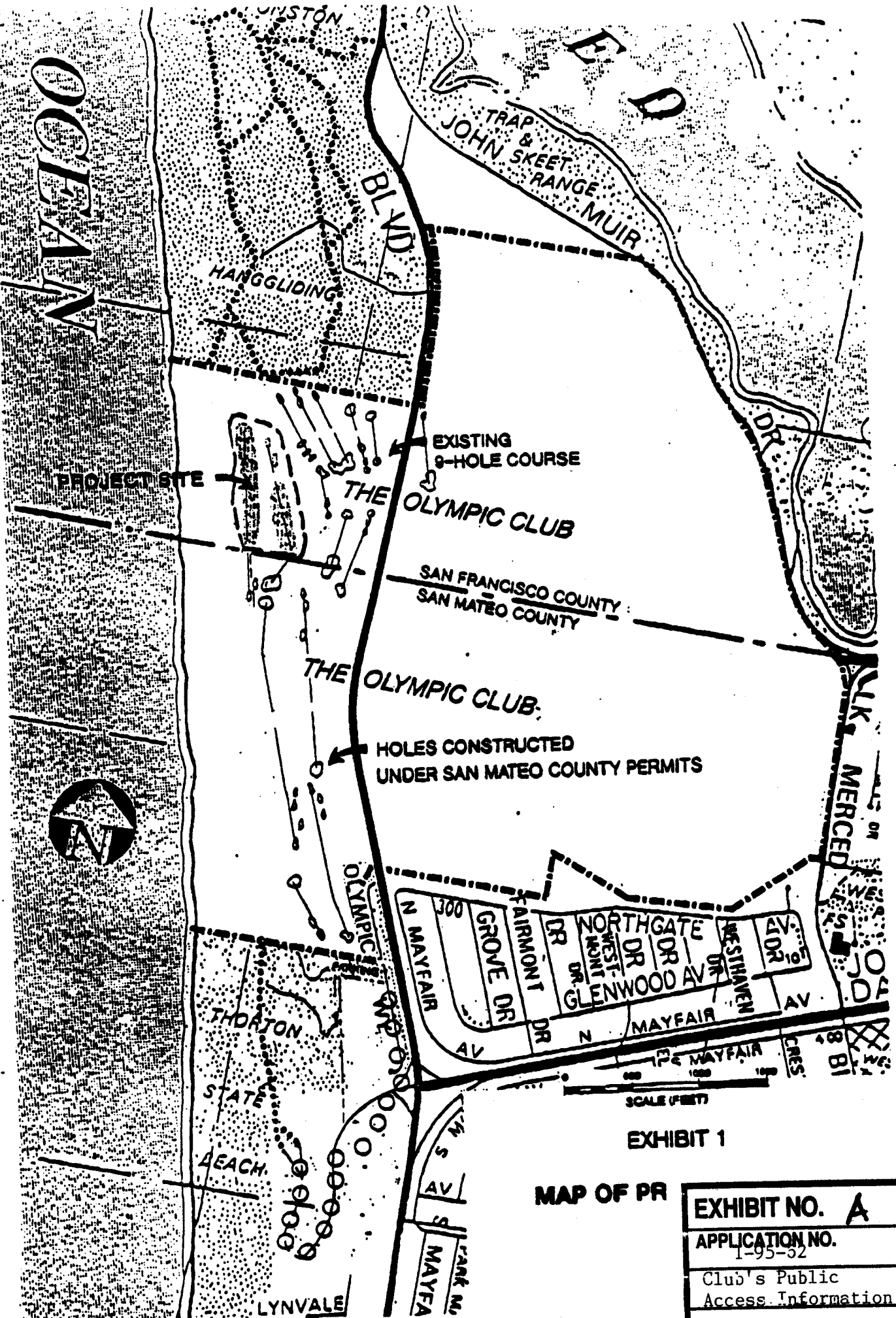


EXHIBIT 1

MAP OF PR

EXHIBIT NO. A
APPLICATION NO. 1-95-32
Club's Public Access Information
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Exhibit 2

**MAP OF
PUBLIC ACCESS EASEMENT AREA**

EXHIBIT NO. A
APPLICATION NO. 1-95-62
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(10 of 12)

Exhibit 3

**FORM OF
PUBLIC ACCESS EASEMENT AGREEMENT
WITH
NATIONAL PARK SERVICE**

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(12 of 12)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO

General Superintendent
Golden Gate National Recreational Area
Fort Mason, Building 201
San Francisco, CA 94123

EXHIBIT NO. A

APPLICATION NO.

1-95-52

Club's Public

Access Information

(13 of 82)

SPACE ABOVE FOR RECORDER'S USE

**DEED OF EASEMENT
FOR
PUBLIC ACCESS**

THIS GRANT DEED OF EASEMENT FOR PUBLIC ACCESS is made this 15th day of March, 1996, by the Olympic Club, a California corporation ("Grantor") in favor of the United States of America, acting through its acquiring agency, the National Park Service ("Grantee")

WITNESSETH

WHEREAS, Grantor is the sole owner in fee simple of certain real property in the City and County of San Francisco and the County of San Mateo, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference ("Property" or "Easement Area"); and

WHEREAS, the Property possesses public access, scenic and open space values of great value to the people of the State of California, and particularly the San Francisco Bay Area; and

WHEREAS, all of the property is located within the Coastal Zone as defined in Section 30103 of the California Public Resources Code ("Coastal Act"); and

WHEREAS, in particular, the Property consists of approximately 31 acres lying directly adjacent to the Pacific Ocean, and linking the Fort Funston area of the Golden Gate National Recreation Area, to the Thornton State Beach, and thus can provide a pedestrian and equestrian connection between those public scenic and recreational areas; and

WHEREAS, Grantor has applied to the California Coastal Commission for a Coastal Development Permit to allow for the rehabilitation of portions of two holes of its historic Pacific Links course adjacent to the above-referenced 31 acres; and

WHEREAS, the Coastal Act requires that any development approved by the California Coastal Commission be consistent with the policies of the Act set forth in Chapter 3 Division 20 of the Public Resources Code; and

WHEREAS, as part of that project, Grantor intends that the public access scenic and open space values of the Property be preserved in perpetuity, and that the Property be used for public access purposes under the direction and control of Grantee; and

WHEREAS, the Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect these scenic and open space values of the Property and to use the Property for public access purposes in perpetuity; and

WHEREAS, as part of the project, Grantor has elected to grant such public access easement so as to ensure that proposed development does not interfere with any public rights which may or may not exist on the Property; and

WHEREAS, Grantee, as the United States Government agency responsible for preservation and maintenance of national parks and national recreation areas (among other things) in accepting this grant intends to honor the intentions of Grantor as stated herein, and to preserve and protect the scenic and open space values of the Property, and to utilize it for public access purposes, for the benefit of this generation and the generations to come.

NOW, THEREFORE, in consideration of the above, and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of the State of California, Grantor hereby voluntarily grants and conveys, by donation free and clear of all prior liens and encumbrances, to Grantee a nonexclusive easement for public access for scenic and open space, pedestrian and equestrian uses for a term commencing on the date of final issuance of a permit for Coastal Development Permit Application No. 1-95-62 by the California Coastal Commission, and continuing in perpetuity, in the location, herein in perpetuity over the Property of the nature and character and subject to the terms and conditions hereinafter set forth ("Easement").

1. **Purpose.** The purposes of this Easement are to assure that the Property will be retained in perpetuity in its scenic and open space character, and used in perpetuity for public access purposes and to prevent the use of the Property that will significantly impair or interfere with such purpose.

2. **Scope.** The Easement includes the right to construct, manage, repair and maintain a trail for pedestrian and equestrian uses for the general public, and the right and obligation to monitor, police and patrol over and across the real property described on the attached Exhibit A (the "Easement Area"). Use of the Easement shall be in accordance with federal law, rules, regulations and policies of the National Park Service generally and 16 U.S.C. 1 et seq. and 16 U.S.C. 460bb, as amended, specifically.

3. **Restrictions on Motorized Vehicles.** No motorized vehicles or equipment will be allowed on the Easement Area, except duly authorized Federal, State, and local vehicles for:

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(14 of 82)

EXHIBIT NO. A
APPLICATION NO. 1-95-52
Club's Public Access Information
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- (a) Emergency purposes;
- (b) Exercise of Grantee's rights specified in Section 1 above;
- (c) Maintenance functions; and
- (d) Patrol of the Easement Area.

4. **Reservation of Rights.** Grantor, its successor and assigns hereby reserve the right of reasonable ingress and egress and access rights over, along and across the Easement Area as may be necessary for and appurtenant to Grantor's continued use and enjoyment of Grantor's adjacent properties, including, the right to develop, construct, maintain, and improve golf course facilities adjacent to the Easement Area ("Construction Rights"), and the right to use the Easement Area, and the air space above it, in connection with errant golf balls ("Golfing Rights"). Such rights so reserved shall be exercised by Grantor, its successors and assigns, in such a manner as to not adversely affect Grantee's use and enjoyment of the Easement in any material way.

5. **Notice Prior to Commencement of Construction.** Grantee shall notify Grantor in writing a minimum of thirty (30) days prior to commencing major construction adjacent to the Easement Area.

6. **Notice.** All notices, approvals, consents, and other communications ("Notices") in connection with this Easement must be in writing and may be given by any method of delivery which provides evidence or confirmation of receipt, including but not limited to personal delivery, express courier (such as Federal Express), telecopy, and prepaid certified or registered mail with return receipt requested. Notices shall be deemed to have been given and received on the earliest of actual receipt, refusal to accept delivery, or three days after the day of deposit into prepaid registered or certified U.S. mail. Either party may change its address for receipt of Notices by giving five (5) days' notice to the other party. Notices shall be given to the parties at the following addresses:

Olympic Club
524 Post Street
San Francisco, CA 94102
Attention: General Manager

General Superintendent
Golden Gate National Recreational Area
Fort Mason, Building 201
San Francisco, CA 94123

7. **Civil Code Section 846.** Use of the Easement Area pursuant to this Easement shall be deemed to be for "recreational purposes" as defined in Section 846 of the California Civil Code, and under no circumstances shall the grant of this Easement or the use of the Easement Area in accordance herewith be deemed to constitute an express invitation to any person to come upon the Easement Area, but rather any person who may enter or use the Easement Area shall be merely permitted to come upon the Easement Area, within the meaning of Section 846 of the California Civil Code.

8. **Liability for Personal Injury, Wrongful Death and Property Damage.** With respect to wrongful death, personal injuries and property damage suffered or incurred by any person arising out of or in connection with the use of the Easement Area, Grantee shall assume such responsibility and obligations as provided under the Federal Tort Claims Act (28 U.S.C., 2671 et seq.). Further, the Grantee agrees that the construction and maintenance of trails and Easement Area will be effected with all reasonable diligence and precaution to avoid unnecessary damage to the property and land of the Grantor.

9. **Appurtenant to GGNRA.** The Easement is being conveyed to the Grantee and managed by the National Park Service for the benefit of and shall be appurtenant to the Golden Gate National Recreation Area.

10. **Governing Law.** This Easement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding conflict of laws principles that would cause the law of any other jurisdiction to be applied.

11. **Successors and Assigns.** The provisions of this Easement shall inure to the benefit of and be binding on the parties' respective successors and assigns.

12. **Construction of Validity.** If any provision of this instrument is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

IN WITNESS WHEREOF, the parties hereto have executed this Deed of Easement for Public Access this 15th day of March, 1996.

THE OLYMPIC CLUB, a California corporation

By _____

By _____

THE UNITED STATES OF AMERICA, ACTING THROUGH ITS ACQUIRING
AGENCY THE NATIONAL PARK SERVICE

By _____

By _____

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(16 of 82)

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT AREA

[L1425(WR-OL)
GOGA 20-101, 118
Olympic Club Easement]

EXHIBIT NO. A
APPLICATION NO. 1-95-82
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(17 of 82)

All that certain real property partly in the City and County of San Francisco and partly in the County of San Mateo, State of California within Section 34, Township 2 South, Range 6 West and Section 3, Township 3 South, Range 6 West Mount Diablo Base and Meridian, as shown on the official plat of survey, being a portion of the parcels described in the following deeds to the Olympic Club:

- a) From Amelia G. Webber, recorded November 22, 1922, in Book 419, Official Records, page 336, in the Office of the Recorder of the City and County of San Francisco; and
- b) From Spring Valley Water Company, et al, recorded June 23, 1923, in Book 725, Official Records, page 75, in the Office of the Recorder of the City and County of San Francisco, and re-recorded June 1, 1923 in Book 79, Official Records, page 117, in the Office of the Recorder of the City and County of San Mateo, lying Westerly of the following described line:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE STATE HIGHWAY AS DESCRIBED IN THE DEED BY THE OLYMPIC CLUB, ET AL. TO THE STATE OF CALIFORNIA, RECORDED JANUARY 14, 1922, IN BOOK 435, OFFICIAL RECORDS, AT PAGE 7, IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, WITH THE SOUTHERLY LINE OF LOT 10 OF SECTION 35 IN TOWNSHIP 2 SOUTH, RANGE 6 WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE ALONG THE LAST NAMED LINE AND ALONG THE NORTHERLY LINE OF LOT 4 IN SECTION 34, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SOUTH 89° 53' 15" WEST 1,362.25 FEET TO THE *TRUE POINT OF BEGINNING*; THENCE SOUTH 14° 24' 02" EAST 204.82 FEET; THENCE SOUTH 19° 06' 34" EAST 224.20 FEET; THENCE SOUTH 18° 36' 08" EAST 257.99 FEET; THENCE SOUTH 5° 23' 41" EAST 106.25 FEET; THENCE SOUTH 11° 50' 40" EAST 216.84 FEET; THENCE SOUTH 6° 11' 40" EAST 49.61 FEET; THENCE SOUTH 12° 45' 05" EAST 81.39 FEET; THENCE SOUTH 28° 26' 37" EAST 62.07 FEET; THENCE SOUTH 22° 45' 28" EAST 208.93 FEET; THENCE SOUTH 10° 48' 31" EAST 45.08 FEET; THENCE SOUTH 1° 11' 08" EAST 94.43 FEET; THENCE

SOUTH 7° 30' 55" EAST 112.14 FEET; THENCE SOUTH 26° 27' 43" EAST 145.50 FEET; THENCE SOUTH 18° 17' 32" EAST 700.40 FEET; THENCE SOUTH 26° 28' 40" EAST 163.23 FEET; THENCE SOUTH 34° 27' 40" EAST 169.12 FEET; THENCE SOUTH 14° 34' 38" EAST 193.54 FEET; THENCE SOUTH 9° 07' 37" EAST 437.08 FEET; THENCE SOUTH 20° 29' 44" EAST 302.09 FEET; THENCE SOUTH 49° 18' 18" EAST 282.38 FEET; THENCE SOUTH 8° 11' 28" EAST 112.41 FEET TO A POINT IN THE SOUTHERLY LINE OF THE SAID DEED TO THE OLYMPIC CLUB RECORDED JUNE 1, 1923, IN BOOK 79, OFFICIAL RECORDS, AT PAGE 117, SAN MATEO COUNTY RECORDS, DISTANT THEREON SOUTH 89° 13' 15" WEST 545.43 FEET FROM THE WESTERLY LINE OF THE STATE HIGHWAY, AS SAID HIGHWAY NOW EXISTS.

EXHIBIT NO. A
APPLICATION NO. I-95-52
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PROJECT NO.	4180J
DATE	12/1/81
BY	W. J. K.
CHECKED BY	
APPROVED BY	
SCALE	1" = 100'

PLAT MAP
OF
EASEMENT GRANTED BY THE OLYMPIC CLUB
SAN FRANCISCO/SAN MATEO COUNTIES
CALIFORNIA

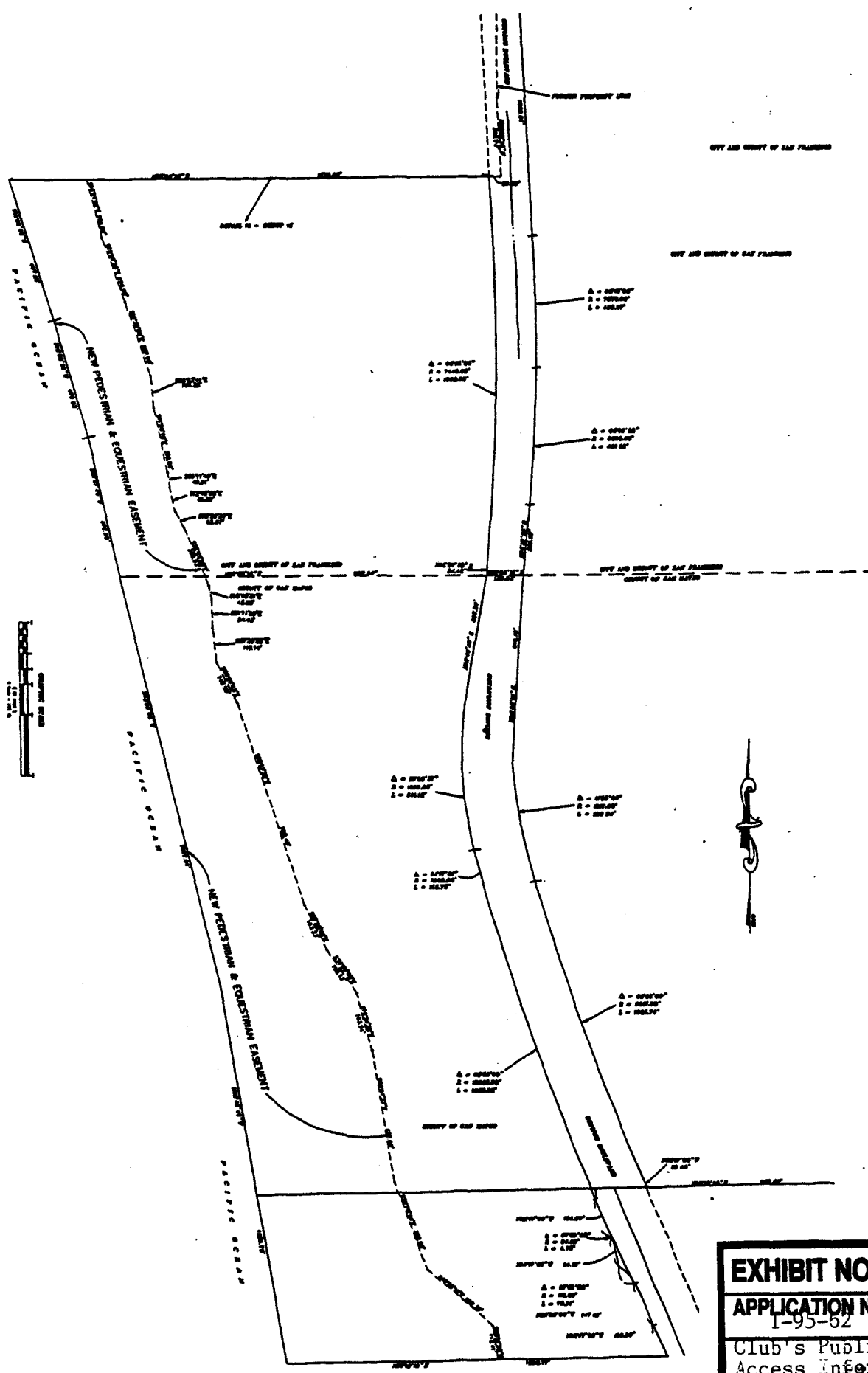


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Exhibit 4

**LETTER FROM
BRIAN O'NEILL,
GENERAL SUPERINTENDENT
GOLDEN GATE NATIONAL RECREATION AREA**

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United States Department of the Interior

NATIONAL PARK SERVICE

GOLDEN GATE NATIONAL RECREATION AREA
FORT MASON, SAN FRANCISCO, CALIFORNIA 94123

IN REPLY REFER TO:

L1429 (GOGA-VRPSD)

FEB 27 1996

Mr. Ray Larroca
Attorney at Law
Morrison & Foerster
345 California Street
San Francisco, CA 94104-2675

Dear Mr. Larroca:

This is in response to your letter of February 23, 1996, regarding the negotiated easement for public access across the Olympic Club's land, connecting Thornton Beach State Park to Golden Gate National Recreation Area's Fort Funston.

The National Park Service accepts your new proposal to change the easement document from a limited 25 year easement to an easement granted in perpetuity.

We look forward to signing the new document once the easement document with the necessary maps is received, signed by the Olympic Club officials. Our National Park Service real estate Division Chief will sign the document for Golden Gate National Recreation Area and have it recorded in both San Francisco and San Mateo Counties. We will return a notarized copy of the signed and recorded document to your office once the process is completed.

Thank you for making this significant change in our easement to grant public access across the Olympic Club's ocean bluffs in perpetuity.

Sincerely,

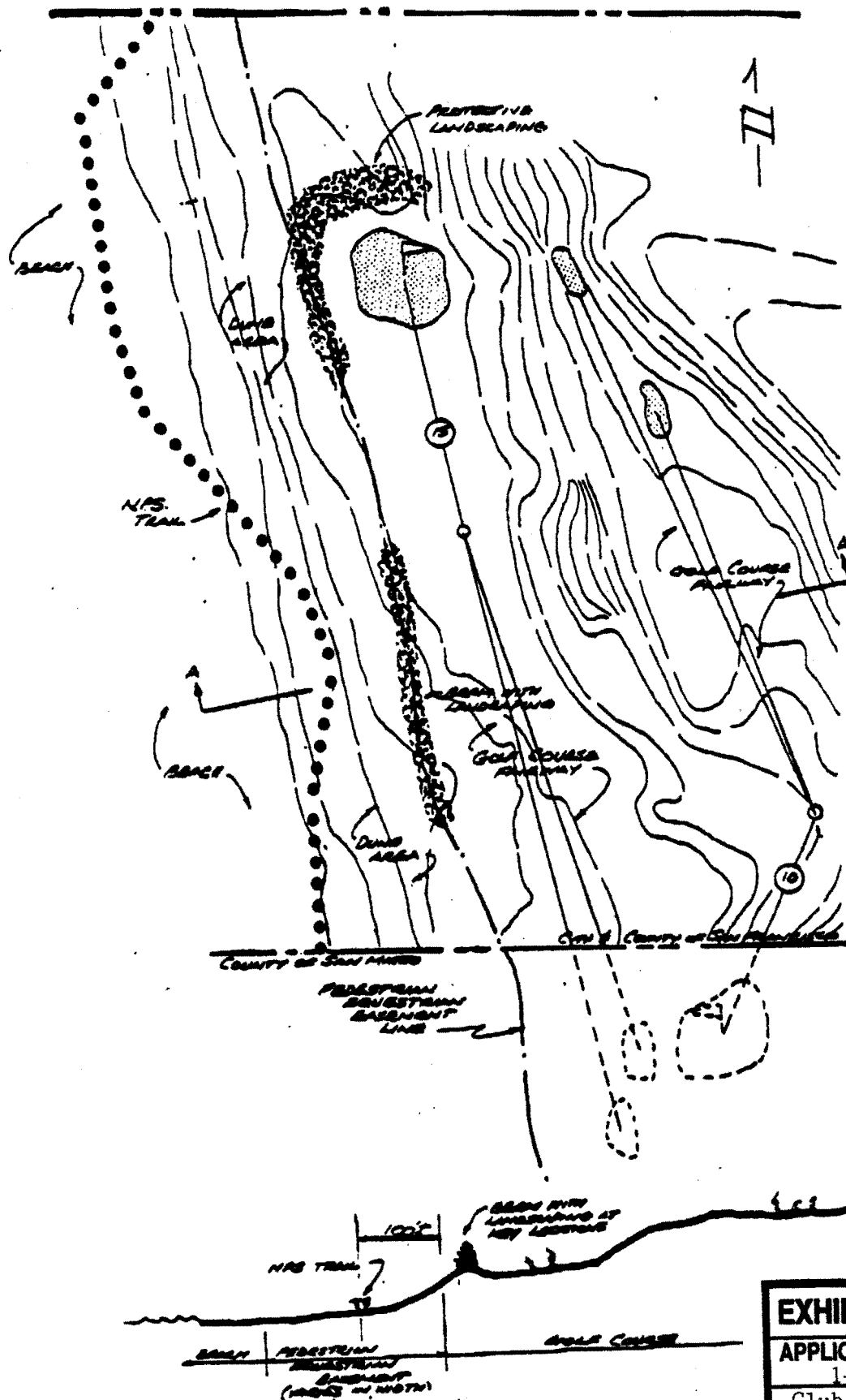
Brian O'Neill
General Superintendent

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Exhibit 5

**SCHEMATIC DRAWINGS OF DESIGN MEASURES
TO PREVENT CONFLICTS OF USES**

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SECTION A-A

EXHIBIT 5.
SCHEMATIC DRAWING OF
DESIGN MEASURES TO PREVENT CONFLICTS OF USES

EXHIBIT NO. A
APPLICATION NO. 1-95-62
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Recording Requested By
and When Recorded Return To:

Michael L. Ohleyer, Esq.
Titchell, Maltzman, Mark,
Bass, Ohleyer & Mishel
650 California Street, 29th Floor
San Francisco, CA 94108

Monday, May 04, 1992 08:48:23 PM
Rec 4.00 --- Pa 1.00
StP 1.00 --- Mic 1.00
Amt 8.00 ---
TOTAL -> \$8.00
REEL F612 IMAGE 0648

**NOTICE OF CONSENT TO USE LAND
(CIVIL CODE SECTION 813)**

The right of the public or any person to make any use whatsoever of the land described below or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed, or dedication) is by permission, and subject to control, of owner: Section 813, Civil Code.

The land referred to herein is situated in the State of California, City and County of San Francisco and City of Daly City and County of San Mateo and is described as follows:

The area bounded by: a) the west side of Skyline Boulevard on the eastern side; b) the mean high tide line of the Pacific Ocean on the western side; c) the south side of Golden Gate National Recreation Area on the northern side; and d) the north side of Olympic Way on the southern side.

THE OLYMPIC CLUB,
a California corporation

By: Frank L. Falls

Title: President
April 7, 1992

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ACKNOWLEDGMENT

State of California

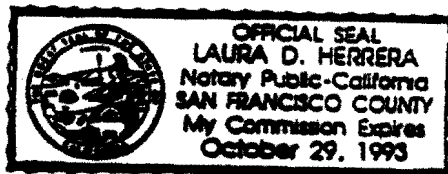
F112743

City and County of San Francisco

On April 7, 1992 before me, Laura D. Herrera personally appeared Frank Rollo, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Laura D. Herrera (Seal)



A258118.NOT
63470.004

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APPLICATION NO. 1-95-62
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STATEMENT OF JOHN FLEMING

I am a native San Franciscan, and was raised in the Ingleside District. Currently I am the Superintendent of the golf facilities of the Olympic Club in San Francisco, a position I have held since 1972.

As Superintendent, I have responsibility for the care of the land of the Olympic Club, including repair and maintenance of the grounds, fences and signs of the Club. For this reason, I am very much aware of the facts concerning the Club's property lying west of Skyline Boulevard.

I understand that some questions have arisen regarding this land in connection with the Club's request for a Coastal Commission permit to complete the restoration of its historic Links Course. All but two of the holes already have been completed under permits issued by San Mateo County. This statement is intended to give the Coastal Commission accurate and reliable information regarding the Olympic Club's consistent efforts to prevent unauthorized access to its west of Skyline land.

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Because there are existing golf holes immediately west of Skyline Boulevard, our gardeners and other personnel are in the area in question on a daily basis to take care of the Club's land and the golf holes. In addition, we regularly inspect and repair the fences around this land.

As described in more detail below, my staff and I have done our best to make sure that the area in question has been treated as the Olympic Club's private property and to discourage, by signage fencing, and direct communication with unauthorized visitors, that no one is allowed to use this property without the specific permission of the Olympic Club.

We have been very careful to let people know, by ejecting people who try to stay on our property or break into it for motorcycle or other unauthorized activities, that this is the Club's private property and they are not allowed to use it without the Club's permission. Since taking over Fort Funston from the Army, the National Park Service has been very respectful of the Club's private property, and has assisted the Club in discouraging unauthorized access to the Club's property from the Park Service land.

Signage

From the time I came to the Olympic Club in 1972, there have been "Private Property/No Trespassing" signs posted along all three fence lines (north, east and south), and up from the beach on the western side of the Club's property. In particular, those signs have been posted at

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Club's Public Access Information
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western end of both the north and the south fence line so that people who might be walking along the beach would know that they should not come any farther without permission from the Club. In addition, several signs have been posted for that same period on the upper bluffs facing west, to let people know what portion of the land is private property.

This concern for posting signs increased in the early 1970's when a fire was started by some transients which burned over a considerable part of our property west of Skyline Boulevard. At that time, I increased the number of signs that were being posted.

After the incidents with the motorcyclists and four-wheelers in the mid-1980s described below, the Daly City Police Department suggested more signage along the south side and also suggested that we add signs reading "Right To Pass By Permission Of Owner" and quoting a section of California law. We followed that suggestion and those signs have been posted around the perimeter of our property west of Skyline Boulevard ever since.

In our regular inspections of the fence lines, we find that some of these signs have been knocked down or taken away. In this case, we always replace those signs. On an annual basis, I estimate that we replace five to ten signs.

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Fencing/Control of Access

When I first assumed my position at the Olympic Club in 1972, there were fences already in place along the north, east and south boundaries of the Olympic Club's property west of Skyline Boulevard. From my observation, those fences had already been in place for quite some time.

Since the 1970's, I have been responsible for assuring that these fences are repaired and maintained, which I have done.

With respect to the north fence line, in the 1970's and 1980's, the area to the north was controlled by the United States Army and used for reserve Army training. For that reason, the Army restricted access to that area.

After the Park Service took over this property from the Army, I met with representatives of the Park Service, at their request, to establish what has turned out to be a very good working relationship. They indicated that they clearly recognize that our property is private property and that they did not want people who came to use National Park Service property to interfere with, or trespass on, our land. In particular, they asked that if there were any such problems that we let them know.

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Thereafter, when hang gliders strayed from the area assigned by the Park Service for their use, and attempted to use our property, the Park Service cooperated with us in advising hang gliders that our property was not to be used for that purpose and that use stopped quite quickly.

When four new tennis courts were built in 1978, as part of the process, I understand that permission was given to the public to walk or ride horses along the beach below the first bluffs on our property.

In the early 1990's, the Olympic Club received Coastal Commission permission to restore nine holes immediately west of and adjacent to Skyline Boulevard. I do not recall any issue at that time regarding the Club's preservation of its private property rights.

In August 1995 the Club received a permit from San Mateo County to restore four golf holes, which also were part of the old Links Course, just to the south of the two holes in question, and also right above the beach. In connection with that permit, the Club agreed to let the the National Park Service have temporary access for a pathway along the lowest bluff, just above the beach. Paths were laid out in cooperation with the Park Service accross this area, and signs put up that indicated "Please Stay On Path." Generally, most people who use the paths have respected the signs.

There was very little in the way of trespassing onto the Club's property from the north, until after the National Park Service too

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the Army and opened up what had previously been a restricted military area for public use. Despite the efforts of the National Park Service to be a good neighbor, some park visitors did (and do) sometimes stray onto the Club's land. When we see them, unless they are near the path described above, we remind them that they are on private property, and ask them please to stick to the path or leave.

With respect to the south fence line, the Olympic Club has maintained a fence since well before I arrived in 1972. The only authorized entry historically allowed was for riders from the stables just to the south. The Club made legal arrangements to let horseback riders cross down to the beach over the southwestern corner of its land.

From time to time, horseback riders or the folks at the stables, , have called to let us know that transients might be attempting to set up camp in the bushes on our property. When that has happened, we have immediately gone over to check out the report and, when we found people trying to set up camp, have directed them to leave. My staff then cleans up any debris they may have left. On more than one occasion, we have asked for the Daly City Police Department's assistance to help remove such individuals.

In the mid 1980's the south fence began to be broken down in different places, as motorcyclists and four-wheelers came across onto our property. Their activities caused significant damage to our property

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Working with the Daly City Police Department, we ejected those trespassers from our property when we found them. Finally, it was necessary for us to erect a physical barrier there that was stronger than just a fence.. Accordingly, I had a bulldozer spend about three weeks moving concrete to along the south fence line to create an abutment at a cost of about \$30,000. We topped that abutment with a three-inch steel cable. The only gap we left was for horses to pass to allow people from the stables to ride through.

As to the easterly fences along Skyline Boulevard, those have been fairly well intact and in the same location since at least the early 1970's. Neither I nor my staff have noticed significant efforts to gain entry onto the Club's west of Skyline property through that fence.

There never was an effort to place a fence on the westerly edge of the Club's property, for a very practical reason. Because the western side of the Club's property ends at the beach, it was not practicable to erect fences on that side. In fact, fences along the beach would have been destroyed periodically, as they would have been subject to damage through storm and tidal action. The fences on the north and south ends of the property have been extended as far to the west as they practically could be, and signs put on the western end of those fences to advise people that the fences mark private property, as described above.

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John Fleming


SAN FRANCISCO, CALIFORNIA

DATE: February 15, 1996

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ATTACHMENT A

In the early 1920's the Olympic Club ("Club") established a golf course on the property owned by the Club between Skyline Drive and the ocean. This course over time has been called the "Pacific Links", the "Ocean Links/Course" or the "Cliffs Course." (See Exhibits Nos. 1-3) Attached are several photographs of the 9th and 10th holes of the old Cliffs Course that cover the same general area as the project area for this permit application (See Exhibit Nos. 4-8). Over time, various portions of the course fell into disuse. Beginning in the early 1990's, the Club began considering the restoration of certain portions of the old Cliffs course. In 1993, the Club applied and obtained permits from the Coastal Commission and other agencies to create a 9-hole course on a portion of the old Cliffs course. In 1994, the Club applied and obtained a coastal development permit and other permits from San Mateo County for the creation of 4 holes on the area of the old Cliffs course in San Mateo County. The present application before the Coastal Commission relates to the restoration of two additional holes of the old Cliffs course within San Francisco and involves cut and fill totaling approximately 1750 cubic yards for one green and two tee boxes, and grubbing/revegetation for two fairways on an approximately 4.1-acre area.

No prescriptive rights have accrued to the public with respect to the project area. The Club has actively taken numerous steps over the years to protect vigilantly its property rights in the area, as evidenced by the following:

1. Club Policy. The Club has a long-established policy not to allow persons to enter or use the property west of Skyline Drive without the permission of the Club or the acknowledgment that such use does not give rise to any rights to the property.

2. Fencing. The Club has maintained fencing along Skyline Boulevard, the first road up from the coastline, and the northern and southern boundaries of its property. (See Exhibit Nos. 9-23)

3. Posting of Property Boundaries. The Club also has posted the boundaries of its property west of Skyline Boulevard with "Right to Pass By Permission and Subject to Control of Owner: Section 1008, Civil Code" and "No Trespassing" signs. (See Exhibit Nos. 9-23) Such posting under law is conclusive evidence that any use or entrance is by permission only, and no use by any person, no matter how long continued, can ever ripen into an easement by prescription. These provision of law are specifically intended to encourage private property owners to allow the public to pass over or use their property without the threat of implied easements or prescriptive rights arising if they allow the public to use or pass over their property.

4. Requirement of Grants of Permission to Stables/Licenses to Enter. Consistent with the Club's policy, for many years the Club has allowed the riding stables to the south of the Club's property and their patrons to use certain golf course trails on its

property west of Skyline Boulevard, but only upon acknowledgment that such use is permissive and does not constitute an easement or give rise to any rights. (See Exhibit Nos. 24-26) The Club ultimately required that the stables enter into a written license agreement for permission to use these trails. (See Exhibit Nos. 27-29.)

5. Denials of Use/Entrance. In various other instances, the Club has denied permission to use its property and actively sought to prevent unauthorized users from trespassing on Club property. For example, the Club has in the past denied certain paraglider groups use and entrance to the property west of Skyline. (See, e.g., Exhibit Nos. 30-32)

6. Acknowledgment of Club's Policy by National Park Service (NPS) / NPS Assistance in Enforcement. The National Park Service, which has jurisdiction over the Fort Funston area directly north of the Club's property, has been well aware of the Club's long-standing policy regarding use or entrance to its property. The NPS has assisted the Club in advising users of Fort Funston that entrance on, or use of the Club's property without permission is considered trespassing by the Club. (See, e.g., Exhibit No. 32) On certain occasions the NPS has assisted the Club in removing homeless and others from the Club's property. The NPS' recognition and acknowledgment of the Club's policy is clear. The NPS itself on occasion has sought permission from the Club to enter or use the Club's property. (See Exhibit No. 33)

Accordingly, short of posting guards, the Club has undertaken consistent efforts to preserve its property rights. In light of Club's policy and actions, none of the criteria detailed in your letter apply so as to possibly give rise to any easement by way of implied dedication in the project area. Thus, this project would not in any way "interfere with the public's right of access to the sea." Rather, as explained below, the Club, as part of the restoration project, has enhanced public access to the sea by constructing a new trail through Thornton State Beach and granting the NPS an easement to construct a new trail across Club property.

The Club has made various dedications for the purpose of enhancing public access to the coast and lateral access along the coastline. The Club has granted an easement to the National Park Service (NPS) covering an approximately 31.4-acre area along the western boundary of the Club's property between Fort Funston and Thornton State Beach. (See Exhibit No. 34) The easement granted by the Club has allowed the NPS to construct another segment of the Bay Area Ridge Trail connecting Fort Funston and Thornton State Beach and to install pedestrian/equestrian trail signs along the designated trail route. (See Exhibit Nos. 35-38) In addition, the Club recently has constructed a new pedestrian/equestrian trail through Thornton State Beach to provide coastal access to the public at the end of John Daly Boulevard/Olympic Way. A map of the access trails in the area is attached as Exhibit 39. These dedications and trails provide ample coastal access in the area to the public.

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Eddie Twigg Inspecting the Work On the New Pacific Links at The Olympic Country Club With Sam Whiting



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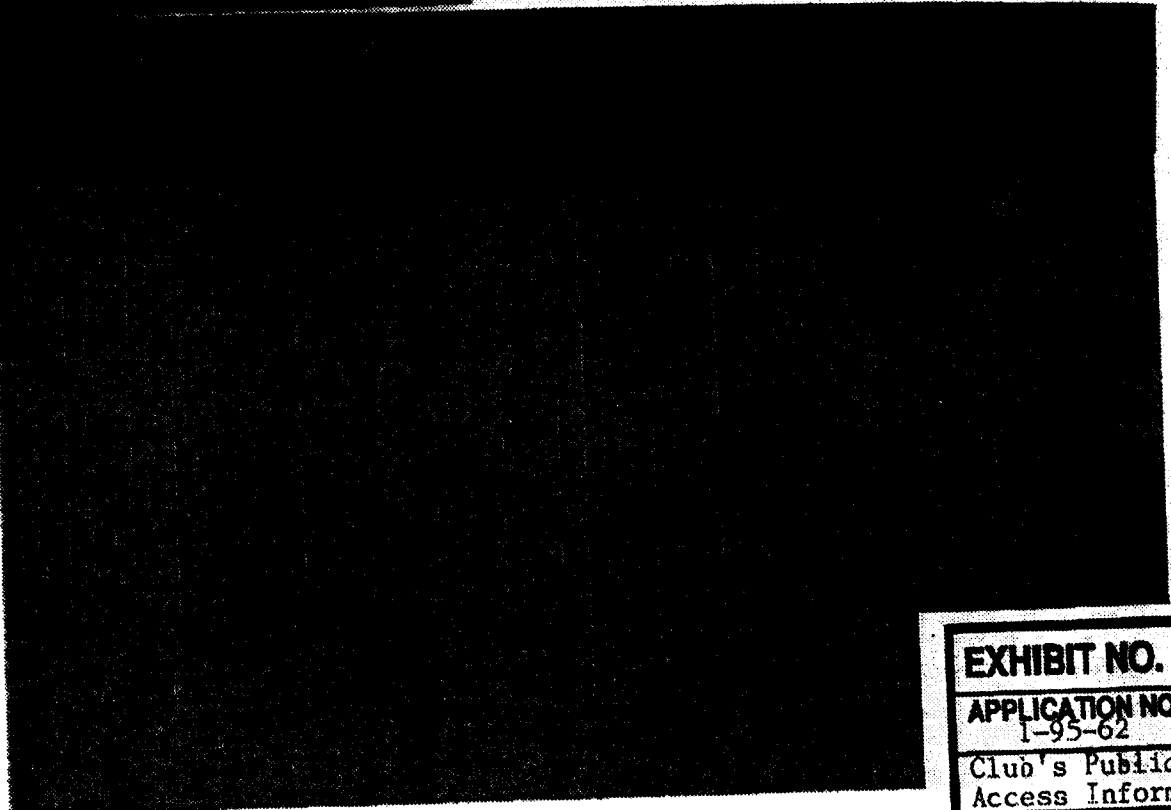
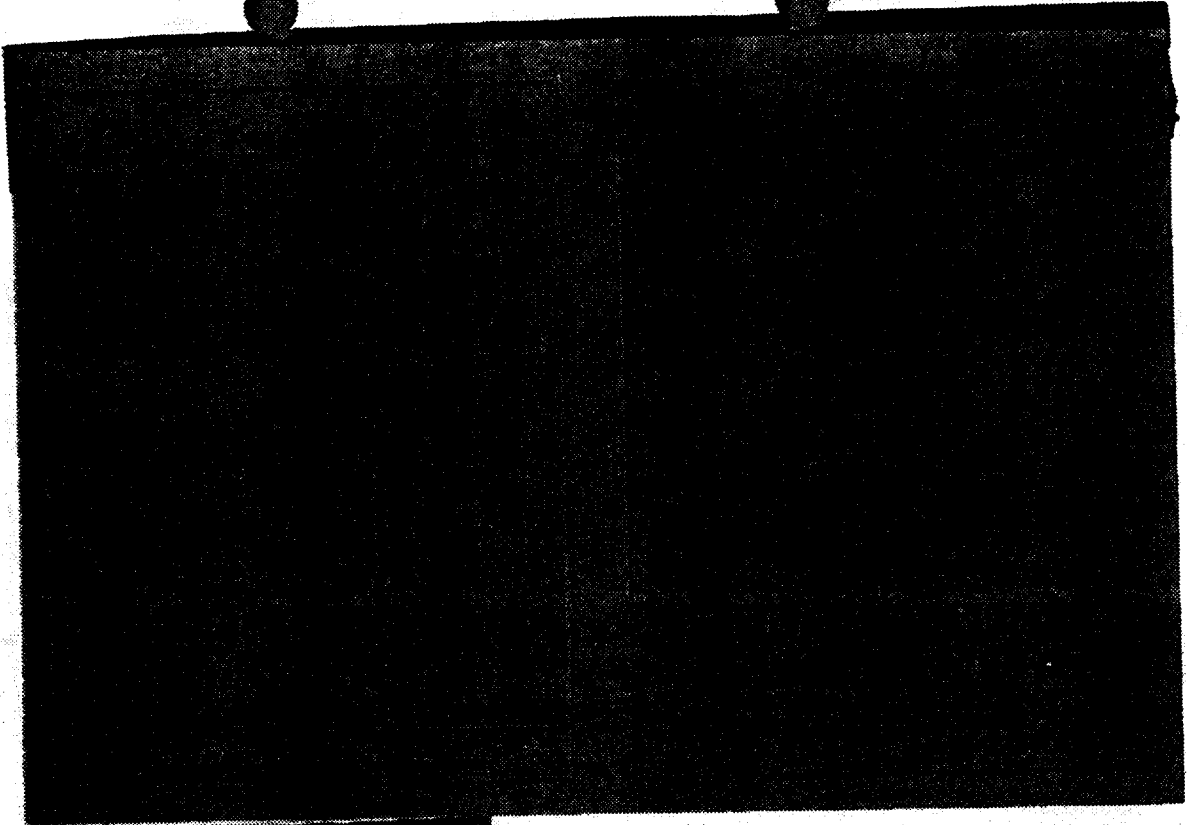


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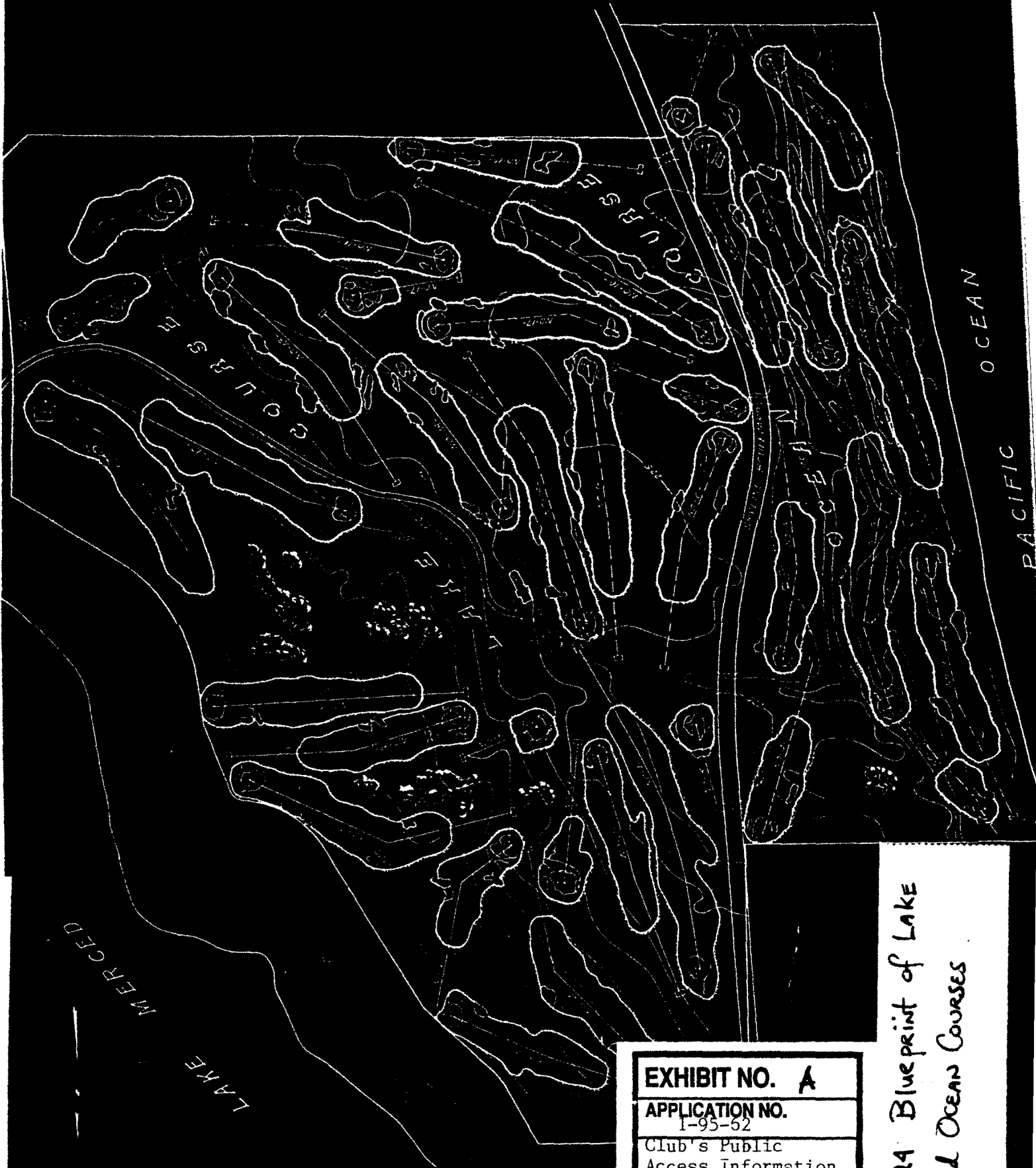


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1924 Blueprint of Lake
and Ocean Courses

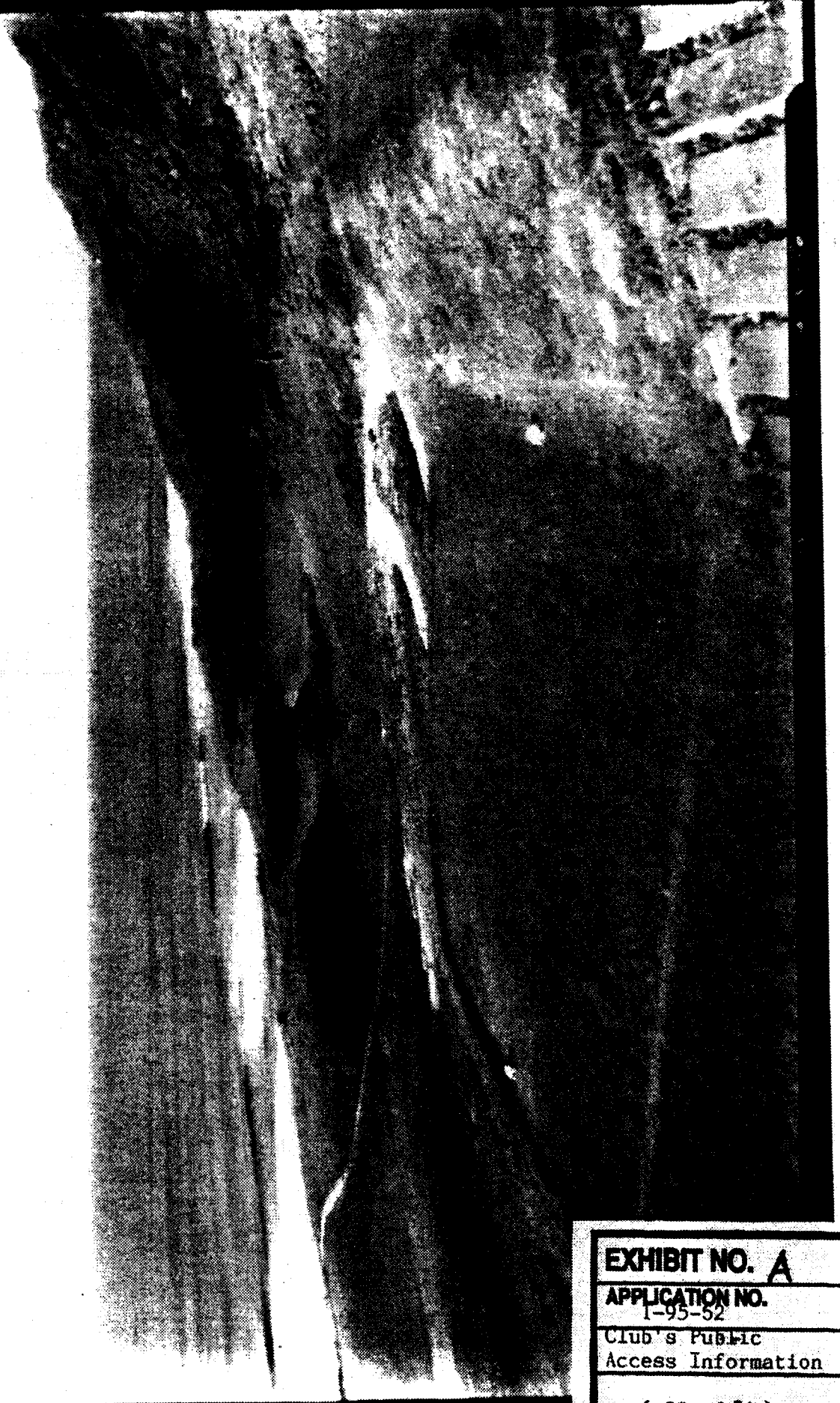
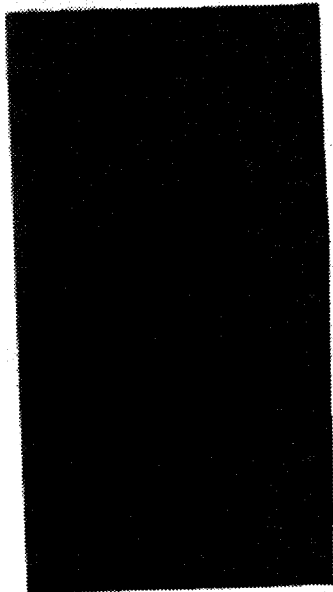


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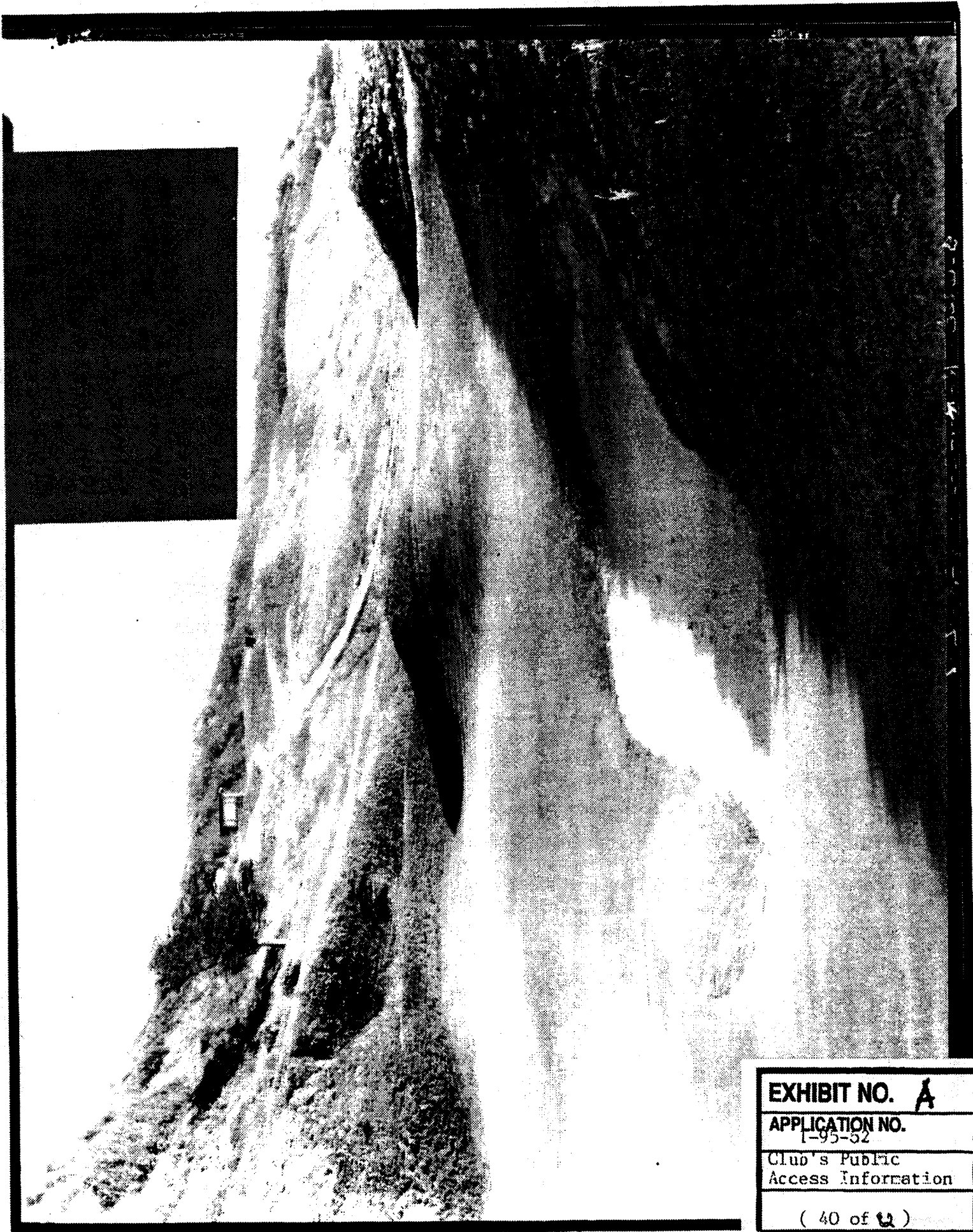


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EXHIBIT NO. A

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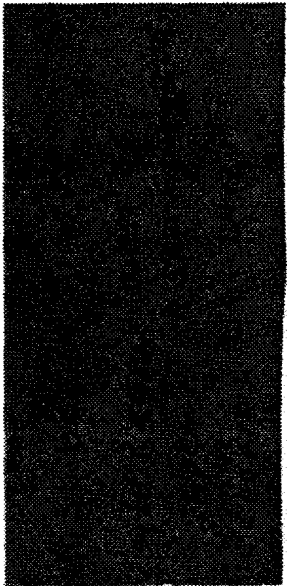


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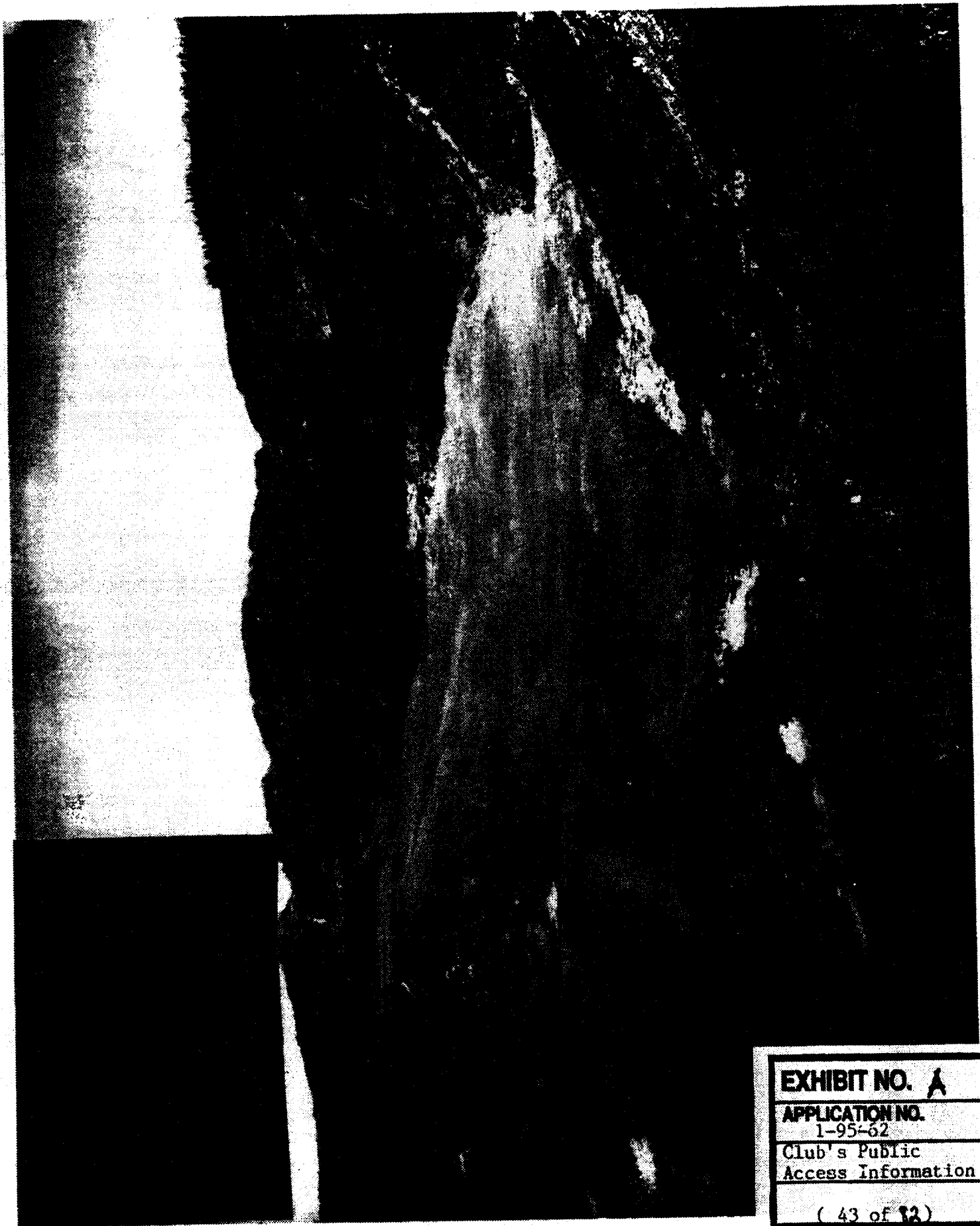


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NORTH END - PLONG
ON THE COURSE LUPPEN
THE 1000 SOUTHERN

RIGHT TO PASS
NO ADMISSION
BY PERMISSION

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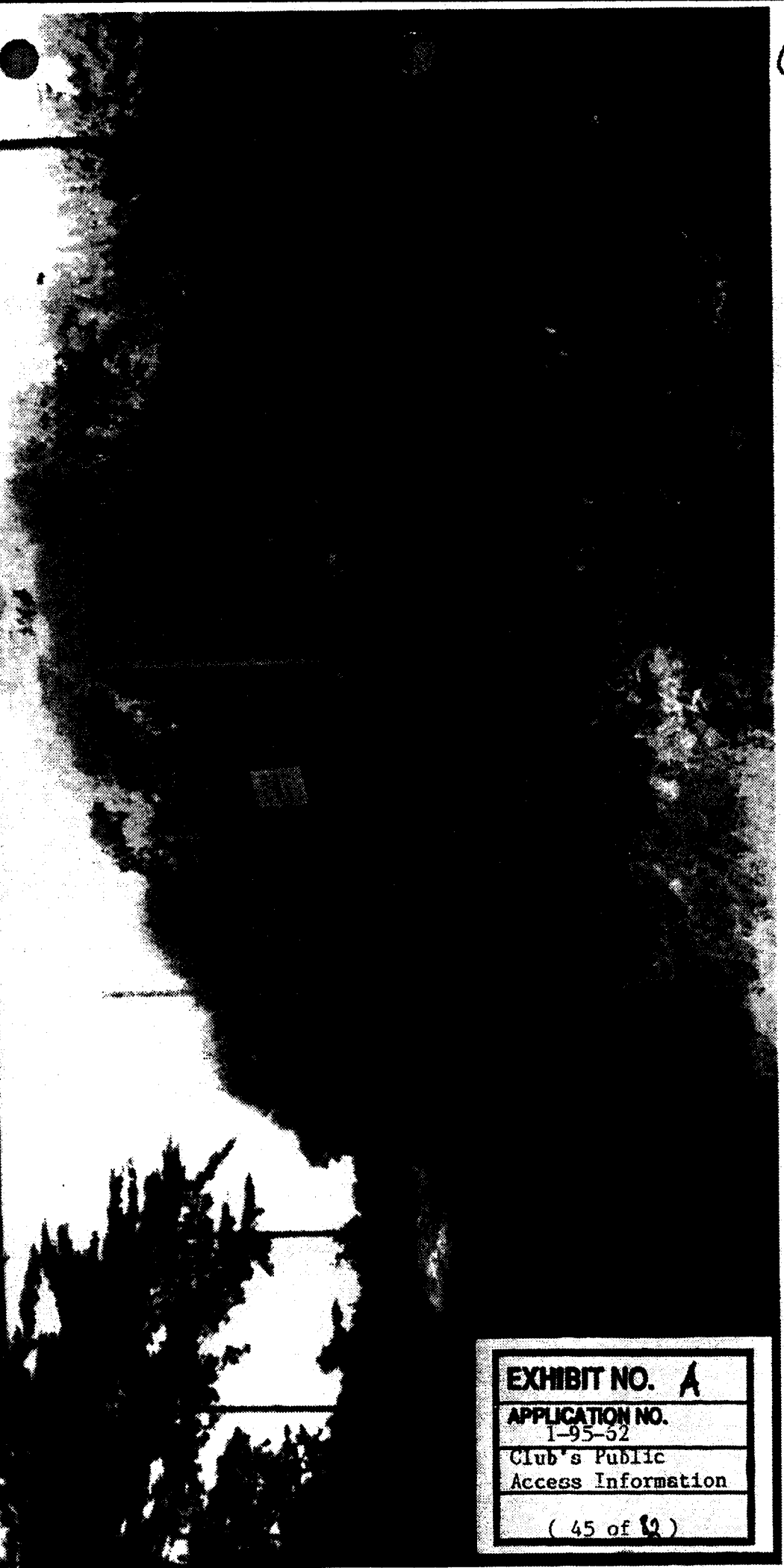
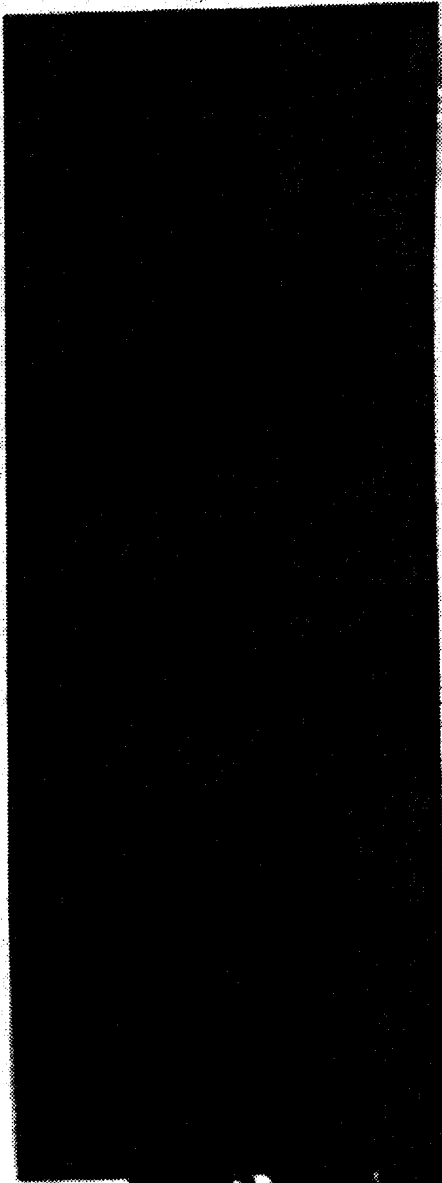


EXHIBIT NO. A
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11

PASS
TO PASS
RIGHT TO PASS
BY PERMITS
BY PERMITS

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14

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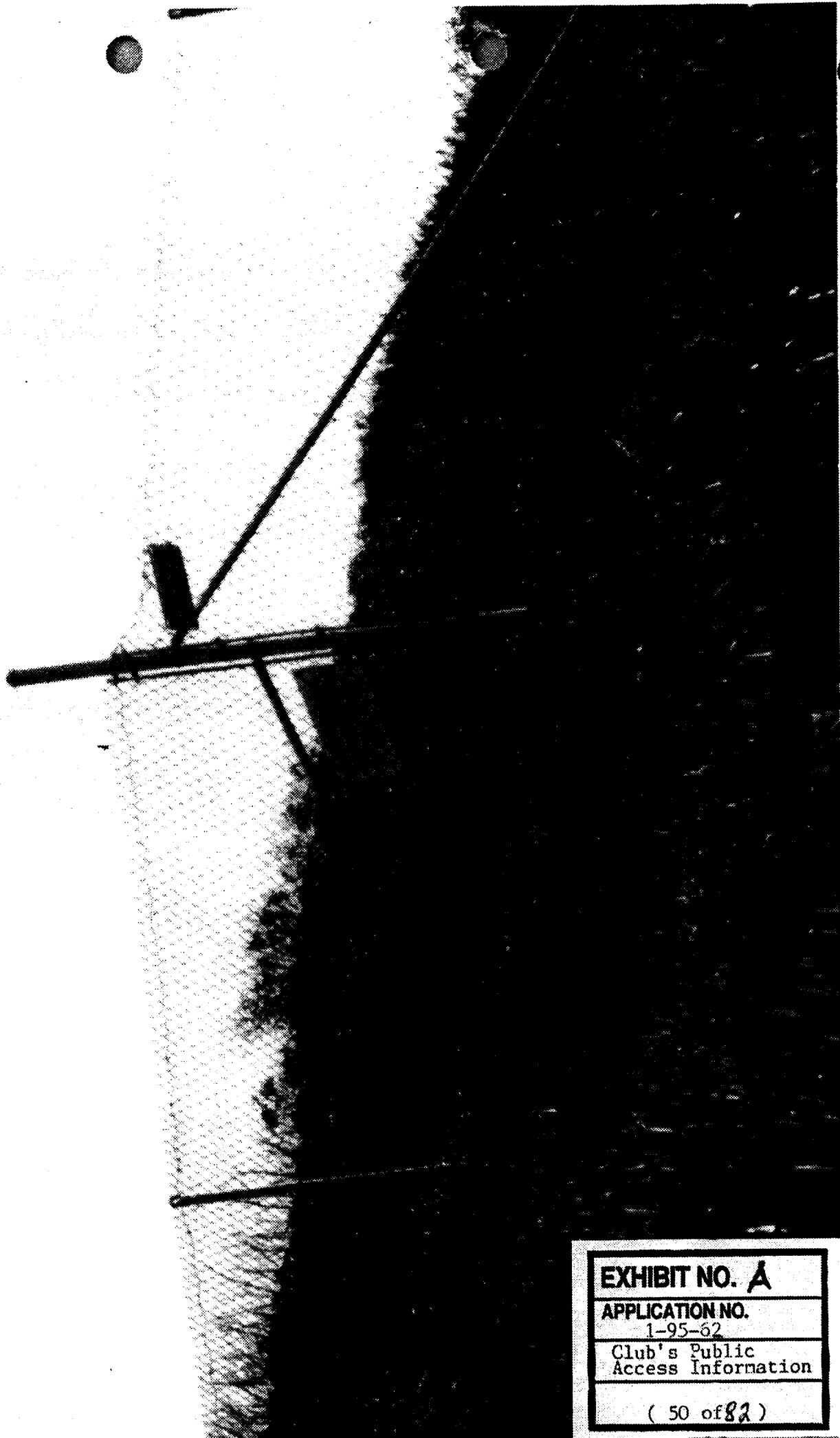


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RIGHT TO PASS
BY PERMISSION
Subject to Control of Owner

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(F)

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(A)

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PRIVATE PROPERTY
NO TRESPASSING

EXHIBIT NO. A
APPLICATION NO.
1-95-62
Club's Public
Access Information
(56 of 62)

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public
Access Information

EXHIBIT NO. A

APPLICATION NO.

1-95-62

Club's Public
Access Information

(57 of 93)

(B)

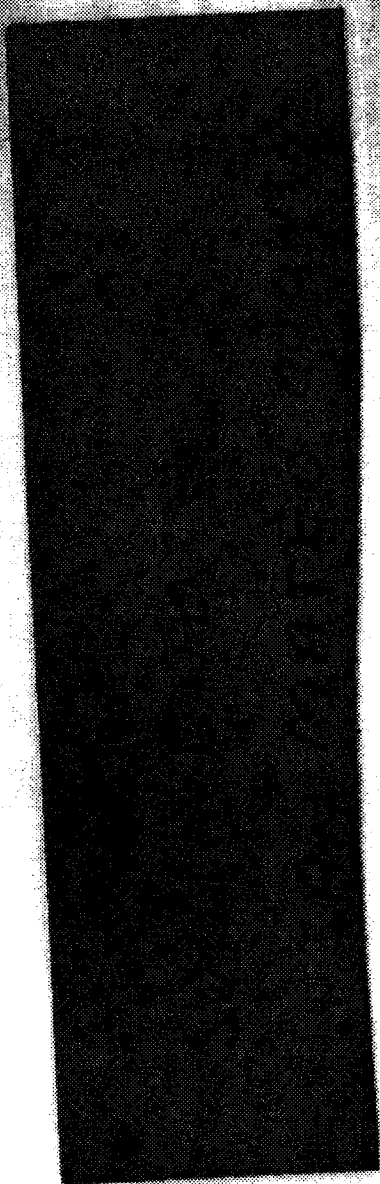
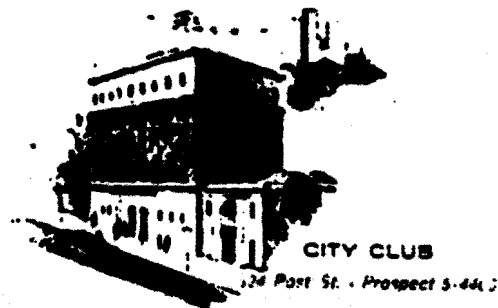


EXHIBIT NO. A

APPLICATION NO.
1-95-52

**Club's Public
Access Information**

(58 of 62)



THE OLYMPIC CLUB • SAN FRANCISCO • SINCE 1880

THE OFFICES



March 13, 1964

Mrs. Thelma Dev Zappettini
Mar Vista Riding Academy
Mr. Richard H. Bridgman
Palo-Mar Stables
Daly City, California

Dear Sir and Madam:

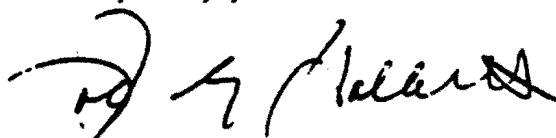
At the direction of the officers of The Olympic Club, I have been authorized to advise you respecting the use of The Olympic Club trails leading from your stables to the Ocean Beach as follows:

1. Prior to the operation of trails over Olympic Club property, formerly used by your patrons, you acknowledge that the use of the Club property is permissive only and is revocable at any time and does not constitute an easement.
2. You shall agree to forthwith install and thereafter maintain fences on such portion of The Olympic Club property that may be designated by the General Manager of The Olympic Club so as to prevent animals from entering the golf course operated by the Club.
3. Each fence shall contain signs declaring that the property is owned by The Olympic Club and riders are forbidden to go beyond the specified area. The size, character and language of each such sign shall be first approved by The Olympic Club.

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4. You shall install and maintain cattle guards at your expense at the entrances to two tunnels under Skyline Boulevard of sufficient size and structure to prevent horses or other animals from gaining access to The Olympic Club golf course. The Olympic Club must be assured that such guards shall be of sufficient size and strength to sustain its trucks in the use of such tunnels in its business operations.
5. You shall specifically withdraw a statement contained in your letter of February 20th addressed to Mr. John G. Halkett, General Manager of The Olympic Club, that such installation shall "assure continual use of The Olympic Club property as an access route to the beach for horsemen." On the other hand, you shall acknowledge that such installation and the use of the designated trails do not constitute an easement in any respect over Olympic Club property or any portion thereof, that such use is permissive only and subject to revocation at any time and for any reason.

Very truly yours,



John G. Halkett
General Manager

JGH:rb

*cc - Mr. Halkett
Mr. Halkett*

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MAR VISTA RIDING ACADEMY

2152 SKYLINE BOULEVARD

TEL. PLAZA 5-6400

DALY CITY, CALIFORNIA

Feb. 20, 1964

Mr. John G. Mallett
General Manager
The Olympic Club
524 Post St.,
San Francisco, Calif.

Dear Mr. Mallett:

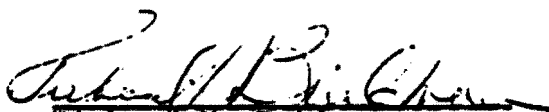
We deeply regret the occasional trespass of the Olympic Club golf course area by thoughtless riders and wish to do everything in our power to prevent it.

We believe that the most positive way of preventing such trespass is to erect fencing along certain portions of the golf course perimeter.

In order to assure continual use of the Olympic Club property, as an access route to the beach for horsemen, we agree:

- 1) To furnish all the necessary fencing to exclude horses from the golf course area.
- 2) To furnish appropriate warning signs for these fences.
- 3) To assist your people in placing the fencing at all the necessary points.

Very truly yours,


Richard W. Bridgman


Thelma Dev Zappettini

155-7973

TDE:ab
cc:f

MAR VISTA RIDING ACADEMY

DOCUMENT RETYPED DUE TO ILLEGIBILITY OF
THE ORIGINAL

(Retyped copy found following original)

EXHIBIT NO. A
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(61 of 11)

MAR VISTA RIDING ACADEMY

2152 SKYLINE BOULEVARD
TEL. PLAZA 5-6400
DALY CITY, CALIFORNIA

Feb. 20, 1964

Mr. John G. Halkett
General Manager
The Olympic Club
524 Post St.,
San Francisco, Calif.

Dear Mr. Halkett:

We deeply regret the occasional trespass of the Olympic Club golf course area by thoughtless riders and wish to do everything in our power to prevent it.

We believe that the most positive way of preventing such trespass is to erect fencing along certain portions of the golf course perimeter.

In order to assure continual use of the Olympic Club property, as an access route to the beach for horsemen, we agree.

- 1) To furnish all the necessary fencing to exclude horses from the golf course area.
- 2) To furnish appropriate warning signs for these fences.
- 3) To assist your people in placing the fencing at all the necessary points.

Very truly yours,

/s/ Richard H. Bridgman
Richard H. Bridgman

/s/ Thelma Dev Zappettini
Thelma Dev Zappettini

PALOMAR STABLES

MAR VISTA RIDING ACADEMY

TDZ:ab
cc:f

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(62 of)

PALO-MAR

STABLES

RICHARD H. BRIDGMAN
Proprietor

2116 SKYLINE BOULEVARD
Daly City, California
Plaza 5-9973

March 19, 1964

The Olympic Club
524 Post Street
San Francisco, Calif.

Attention: Mr. John G. Halkett
General Manager

Gentlemen:

This letter is in reply to your letter of March 18th, 1964, addressed to Mrs. Thekla D. Zappettini and to Mr. Richard H. Bridgman, of the Palomar Stables, concerning the use by the patrons of the Mar Vista Riding Academy and of the Palomar Stables of the Olympic Club trails leading from those stables to Ocean Beach.

The undersigned acknowledges that the use of the Club property is permissive only and does not constitute an easement in any respect over Club property, or any part thereof, and that the Club has the right to terminate that use at any time and for any reason. The statement contained in the letter of February 28th, addressed to Mr. John G. Halkett, General Manager of the Olympic Club, that the installation of certain fences and cattle guards shall "assure continual use of the Olympic Club property as an access route to the beach for horsemen" is specifically withdrawn.

We agree that no patron of Palomar Stables will use such trails until the fences, signs and cattle guards referred to in paragraphs 3, 3 and 4 of your letter of March 18th have been installed at the expense of Mar Vista Riding Academy and Palomar Stables in a manner satisfactory to the Club, and that all such installations are made, thereafter, such installations will be maintained at the expense of Mar Vista Riding Academy and Palomar Stables.

Sincerely yours,

Richard H. Bridgman
Richard H. Bridgman

EXHIBIT NO. A

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Access Information

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Club's Public
Access Information
1-95-62

DOCUMENT RETYPED DUE TO ILLEGIBILITY OF
THE ORIGINAL

(Retyped copy found following original)

March 19, 1964

The Olympic Club
524 Post Street
San Francisco, California

Attention: Mr. John G. Halkett
General Manager

Gentlemen:

This letter is in reply to your letter of March 13, 1964, addressed to Mrs. Thelma D. Zappettini and to Mr. Richard H. Bridgman, of the Palomar Stables, concerning the use by the patrons of the Mar Vista Riding Academy and of the Palomar Stables of The Olympic Club Trails leading from those stables to Ocean Beach.

The undersigned, Alfred E. Graziani as Executor of the Will of William J. Zappettini, deceased, and Thelma D. Zappettini, acknowledge that the use of the Club property is permissive only and does not constitute an easement in any respect over Club property, or any part thereof, and that the Club has the right to terminate that use at any time and for any reason. The statement contained in the letter of February 20th, addressed to Mr. John G. Halkett, General Manager of The Olympic Club, that the installation of certain fences and cattle guards shall "assure continual use of The Olympic Club property as an access route to the beach for horsemen" is specifically withdrawn.

We agree that no patron of Mar Vista Riding Academy will use such trails until the fences, signs and cattle guards referred to in paragraphs 2, 3 and 4 of your letter of March 13th have been installed at the expense of Mar Vista Riding Academy and Palomar Stables in a manner satisfactory to the Club, and that if such installations are made, thereafter, such installation will be maintained at the expense of Mar Vista

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Riding Academy and Palomar Stables.

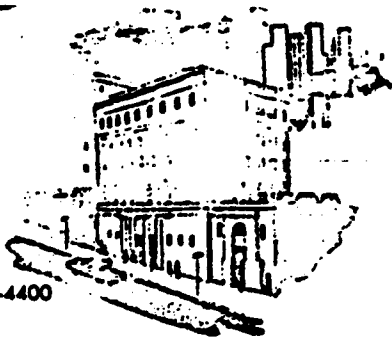
Cordially yours,

Alfred E. Graziani
Alfred E. Graziani, as
Executor of the Will of
William J. Zappettini, deceased

Thelma D. Zappettini
Thelma D. Zappettini

cc: Mr. Richard H. Bridgman
Palomar Stables
Daly City, California

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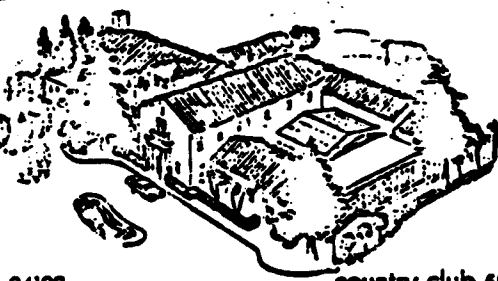


ub 775-4400

the Olympic Club



524 post st., san francisco, calif. 94102



country club 587-4800

November 27, 1970

Mrs. Thelma Dev Zappettini
Mar Vista Riding Academy
2152 Skyline Boulevard
Daly City, California 94015

Dear Mrs. Zappettini:

It is the opinion of our Board of Directors that we should have a signed license which grants Mar Vista Riding Academy the privilege of using as bridle paths various paths and trails over certain real property owned by The Olympic Club. I am sure you can appreciate the necessity of such a license. You will note we have made the fee very reasonable.

Please sign the three copies of the enclosed agreement and return them all to us for the signature of one of our officers. I will then forward a completed copy to you for your files.

Cordially,

John G. Halkett
General Manager

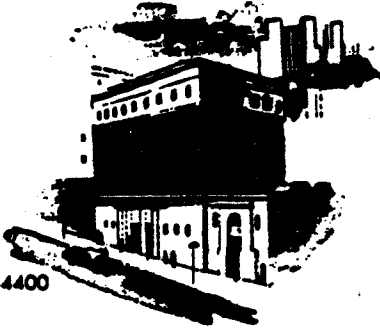
R/w check for \$10 - Dec 70

JGH:nb
Enclosure

signed license w/ seal affixed sent 7 Dec 70

san francisco • since 1860

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APPLICATION NO. 1-95-62
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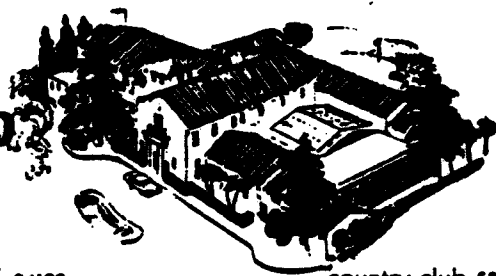


City club 775-4400

the Olympic Club



524 post st., san francisco, calif. 94102



Country club 587-4800

L I C E N S E

For and in consideration of the payments agreed to be made and the covenants contained herein, The Olympic Club, a corporation, grants to Palo-Mar Stables the privilege of using as bridle paths, upon a nonexclusive basis, various paths and trails over that certain real property owned by The Olympic Club along the Pacific Ocean beach front in the Counties of San Francisco and San Mateo, bounded by Skyline Boulevard on the eastern side, by the Pacific Ocean on the western side, the U.S. Army Missile site on the northern side, and by Olympic Way on the southern side.

The consideration to be paid for the privileges herein granted shall be the sum of Ten Dollars (\$10) per year, payable in advance upon a calendar basis.

Licensee agrees to maintain the said paths free from obstructions caused by licensee, its patrons, agents or employees.

Licensee agrees to maintain in good condition and repair all fences and gates preventing trespass upon the remaining properties of Club, not subject to this license.

Licensee agrees to indemnify and hold harmless, The Olympic Club, its members, officers, directors, agents and employees of and from any and all claims for loss, damage or injury caused, occasioned or resulting from the exercise of this license.

This License is terminable at will. In the event of termination by licensor prior to the close of any year, a rebate pro-tanto of any fee paid in advance shall be made. Licensee agrees, upon termination, to execute any instrument necessary to extinguish this license and to confirm the title of licensor in the real property.

Dated: December 1, 1970

PALO-MAR STABLES

THE OLYMPIC CLUB

By

Richard H. Brubaker

By

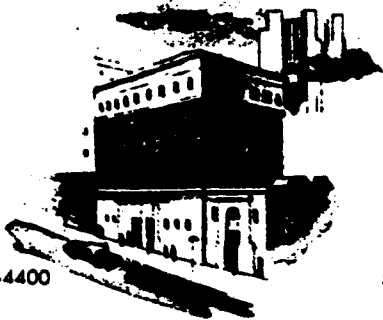
Walter McCarthy
Walter McCarthy, President

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APPLICATION NO. 1-95-62
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(67 of 128)

By

Andrew J. Collins
Andrew J. Collins, Secretary

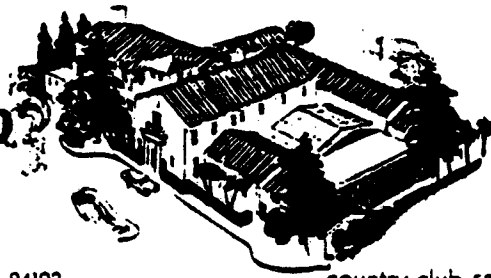
san francisco . since 1860



city club 775-4400



524 post st., san francisco, calif. 94102



country club 587-4800

L I C E N S E

For and in consideration of the payments agreed to be made and the covenants contained herein, The Olympic Club a corporation, grants to Mar Vista Riding Academy the privilege of using as bridle paths, upon a nonexclusive basis, various paths and trails over that certain real property owned by The Olympic Club along the Pacific Ocean beach front in the Counties of San Francisco and San Mateo, bounded by Skyline Boulevard on the eastern side, by the Pacific Ocean on the western side, the U.S. Army Missile site on the northern side, and by Olympic Way on the southern side.

The consideration to be paid for the privileges herein granted shall be the sum of Ten Dollars (\$10) per year, payable in advance upon a calendar basis.

Licensee agrees to maintain the said paths free from obstructions caused by licensee, its patrons, agents or employees.

Licensee agrees to maintain in good condition and repair all fences and gates preventing trespass upon the remaining properties of Club, not subject to this license.

Licensee agrees to indemnify and hold harmless, The Olympic Club, its members, officers, directors, agents and employees of and from any and all claims for loss, damage or injury caused, occasioned or resulting from the exercise of this license.

This license is terminable at will. In the event of termination by licensor prior to the close of any year, a rebate pro-tanto of any fee paid in advance shall be made. Licensee agrees, upon termination, to execute any instrument necessary to extinguish this license and to confirm the title of licensor in the real property.

Dated: December 1, 1970

MAR VISTA RIDING ACADEMY

THE OLYMPIC CLUB

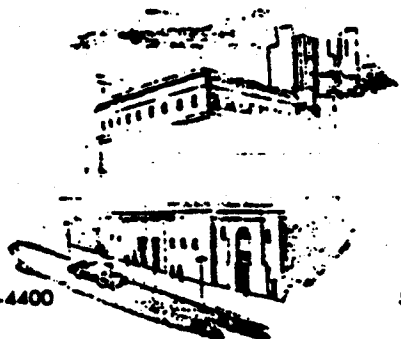
By John A. Carrington

By Walter McCarthy
Walter McCarthy, President

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By Andrew J. Collins
Andrew J. Collins, Secretary

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the Olympic Club



city club 775-4400

524 post st., san francisco, calif. 94102

country club 587-4801

August 12, 1974

Ms. Jan Case
Chandelle Sky Sailing School
2123 Junipero Serra Boulevard
Daly City, California 94015

Dear Ms. Case:

This is with regard to our telephone conversation of Friday, August 9th, 1974, in which you advised me that a number of Chandelle sky sailing students are using a cliff located on Olympic Club property to launch their handgliders.

The Olympic Club property to which you referred is located between Fort Funston and Thornton Beach State Park, the boundaries of which are two steel-type fences both running in an east-west direction, one at the north end of the property (Fort Funston) and the other at the south end of the property (Thornton Beach). The fences are at Skyline Boulevard elevation and do not run all the way to the beach, which is the westernmost boundary of The Olympic Club's property.

As I told you on the telephone, your firm does not have permission to use The Olympic Club's property for the purpose of launching handgliders. Please accept this letter as official notice from The Olympic Club that your firm is to cease the use of Olympic Club property, as described above, for the purpose of launching handgliders. The Olympic Club will not be held responsible for any claim from anyone arising out of your firm's operating to the contrary of this notice. Also, in accord with our telephone conversation, I will present your proposal, for use of The Olympic Club's property to launch handgliders, to the Board of Directors at its next meeting.

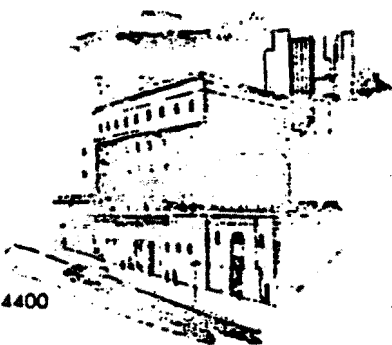
Cordially,

Thomas D. Marquait
General Manager

TDM:rb

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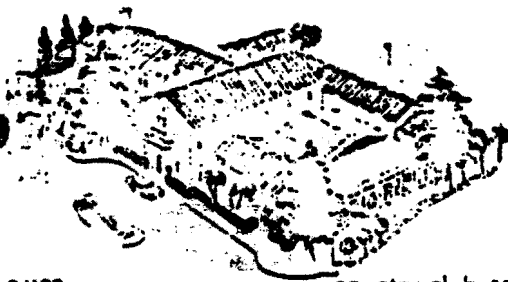


city club 775-4400

the Olympic Club



524 post st., san francisco, calif. 94102



country club 587-4800

September 18, 1974

Ms. Jan Case
Marketing Director
Chandelle Sky Sailing School
2123 Junipero Serra Boulevard
Daly City, California 94015

Dear Ms. Case:

This is to advise you that the Chandelle Sky Sailing School proposal, for use of The Olympic Club's property to launch hang gliders, dated April 11th, 1974, was presented to the Board of Directors at its meeting held August 27th, 1974, and was not approved.

Therefore, your firm is denied the use of Olympic Club property for the purpose of launching hang gliders.

Further, The Olympic Club will not be held responsible for any claim from anyone arising out of your firm's operating to the contrary of this notification.

Sincerely,

Thomas D. Marquoit
General Manager

TDM:nb

san francisco . since 1860

EXHIBIT NO. A

APPLICATION NO.

1-95-62

Club's Public
Access Information

(70 of 82)



IN REPLY REFER TO:

United States Department of the Interior

Office of the
General Manager

NATIONAL PARK SERVICE

GOLDEN GATE NATIONAL RECREATION AREA
PORT MASON, SAN FRANCISCO, CALIFORNIA 94123

MAR 12 1992

L1417 (WRO-GOGA)

January 2, 1992

Copy 1/27/92

Mr. Frank Rollo
President, Olympic Club
524 Post Str.
San Francisco, CA 94102

Dear Mr. Rollo:

I would like to thank you for meeting with my staff regarding possible trail easements through the Olympic Club lands connecting Thorton Beach with Ft. Funston. There are many important issues to resolve regarding the Olympic Club, Golden Gate National Recreation Area and the public's interest in recreational use. I appreciate your cooperation in recognizing the interests of others.

District Ranger Jim Milestone has removed information bulletins encouraging para-gliders and hang gliders to use Olympic Club lands as alternative sites. He has also passed on to Fellow Feathers Hang Gliding Club members that use of Olympic Club lands is considered trespassing by Olympic Club management.

My staff reported to me that your Club is presently hiring a premier landscape architectural firm to analyze potential golf course development west of Skyline Blvd., and that a cadastral survey of easements on your properties has been completed. It is my understanding that the Olympic Club should have its golf course plan completed by early summer 1992.

This is of particular interest to Golden Gate National Recreation Area since we have been working cooperatively with the Bay Area Ridge Trail Council in developing a 400 mile trail encircling San Francisco Bay. The area between Thorton State Beach and Ft. Funston is one of the last remaining "missing links" to the trail. As my staff has reported to you, a trail easement across the Olympic Club lands is essential for trail completion. For this reason we are very interested in continuing our discussions with the Olympic Club and finalizing the trail easement issue.

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National Park Service Solicitor Ralph Mihan and District Ranger Milestone have enjoyed working with you and your colleagues and look forward to continued discussions. If you have any further questions regarding this issue, please feel free to contact either myself (415) 556-2920 or Mr. Milestone (415) 556-8371.

Thank you again for your continued cooperation and assistance.

Sincerely,

Brian O'Neill
General Superintendent

cc: Mr. Paul Kennedy

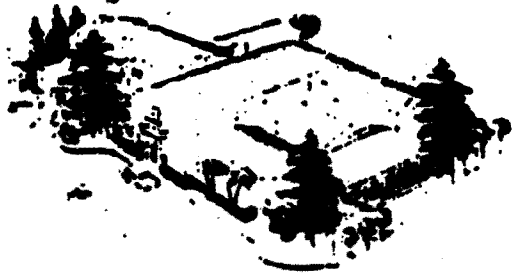
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City Club 775-4400



524 Post St., San Francisco, Ca 94102



Country Club 587-48

September 8, 1992

VIA HAND DELIVERY

Mr. Brian O'Neill, Superintendent
Golden Gate National Recreation Area
United States Department of the Interior
National Park Service, Building 201
Fort Mason
San Francisco, CA 94123

Re: License to Use Olympic Club Property on September 19, 1992

Dear Mr. O'Neill:

The Olympic Club is pleased to grant to the United States Department of the Interior, National Park Service, Golden Gate National Recreation Area, and to its agents, employees and invitees, a license to traverse The Olympic Club's property, lying to the west of Skyline Boulevard and south of Fort Funston, on September 19, 1992, for the purpose of conducting dedication ceremonies for the Bay Area Ridge Trail.

We have enjoyed working with the National Park Service in its efforts to complete the Ridge Trail, and look forward to continuing to work closely with you to remove the few remaining obstacles to our granting an easement that would allow you to complete this worthy task.

We wish you a very successful ceremony.

Sincerely,
The Olympic Club

Frank L. Rollo
President

FLR:t

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(73 of 92)

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO**

**General Superintendent
Golden Gate National Recreational Area
Fort Mason, Building 201
San Francisco, CA 94123**

SPACE ABOVE FOR RECORDER'S USE

EASEMENT

The Olympic Club, a California corporation, ("Grantor"), by donation hereof, does hereby grant to the United States of America ("Grantee"), acting through its acquiring agency the National Park Service, a nonexclusive easement for pedestrian and equestrian uses (the "Easement") for a term of twenty-five (25) years commencing on the date of this Easement, in the location, and subject to the terms and conditions, hereinafter described.

1. **Scope.** The Easement includes the right to construct, manage, repair and maintain a trail for pedestrian and equestrian uses for the general public, and the right and obligation to monitor, police and patrol over and across the real property described on the attached Exhibit A (the "Easement Area"). Use of the Easement shall be in accordance with federal law, rules, regulations and policies of the National Park Service generally and 16 U.S.C. 1601 seq. and 16 U.S.C. 460bb, as amended, specifically.
2. **Restrictions on Motorized Vehicles.** No motorized vehicles or equipment will be allowed on the Easement Area, except duly authorized Federal, State, and local vehicles for:
 - (a) Emergency purposes;
 - (b) Exercise of Grantee's rights specified in Section 1 above;
 - (c) Maintenance functions; and
 - (d) Patrol of the Easement Area.
3. **Reservation of Rights.** Grantor, its successor and assigns hereby reserve the right of reasonable ingress and egress and access rights over, along and across the Easement Area as may be necessary for and appurtenant to Grantor's continued use and enjoyment of Grantor's adjacent properties, including without limitation, the right to develop, construct, maintain, and improve golf course facilities adjacent to the Easement Area ("Construction Rights"), the right to relocate the Easement Area and/or any trails located thereon in the event that this becomes necessary or advisable in order to allow Grantor to construct its golf facilities in the manner most advantageous to its members ("Relocation Rights"), and the right to use the Area, and the air space above it, in connection with extrant golf balls ("Gol

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(74 of 82)

Rights"). Such rights so reserved shall be exercised by Grantor, its successors and assigns, in such a manner as to not adversely affect Grantee's use and enjoyment of the Easement in any material way.

Prior to Grantor's exercise of its Relocation Rights, Grantor shall provide written notice to Grantee of Grantor's intention to relocate the Easement Area or any trails located thereon and Grantee shall have 180 days, from the date of receipt of such notice to relocate any trails and related improvements and if Grantee shall have failed to complete such relocation within such 180 day period, Grantor shall have the right to do so, at Grantor's expense, without the right of reimbursement from Grantee, but subject to the same legal and regulatory requirements applicable to the National Park Service for the relocation project such as, but not limited to environmental compliance rules and regulations.

4. **Notice Prior to Commencement of Construction.** Grantee shall notify Grantor in writing a minimum of thirty (30) days prior to commencing major construction upon the Easement Area.
5. **Notice.** All notices, approvals, consents, and other communications ("Notices") in connection with this Easement must be in writing and may be given by any method of delivery which provides evidence or confirmation of receipt, including but not limited to personal delivery, express courier (such as Federal Express), telecopy, and prepaid certified or registered mail with return receipt requested. Notices shall be deemed to have been given and received on the earlier of actual receipt, refusal to accept delivery, or three days after the day of deposit into prepaid registered or certified U.S. mail. Either party may change its address for receipt of Notices by giving five (5) days' notice to the other party. Notices shall be given to the parties at the following addresses:

Olympic Club
524 Post Street
San Francisco, CA 94102
Attention: General Manager

General Superintendent
Golden Gate National Recreational Area
Fort Mason, Building 201
San Francisco, CA 94123

6. **Civil Code Section 846.** Use of the Easement Area pursuant to this Easement shall be deemed to be for "recreational purposes" as defined in Section 846 of the California Civil Code, and under no circumstances shall the grant of this Easement or the use of the Easement Area in accordance herewith be deemed to constitute an express invitation to any person to come upon the Easement Area, but rather any person who may enter or use the Easement Area shall be merely permitted to come upon the Easement Area, within the meaning of Section 846 of the California Civil Code.

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7. **Liability for Personal Injury, Wrongful Death and Property Damage.** With respect to wrongful death, personal injuries and property damage suffered or incurred by any person arising out of or in connection with the use of the Easement Area Grantee shall assume such responsibility and obligations as provided under the Federal Tort Claims Act (28 U.S.C., 2671 et seq.). Further, the Grantee agrees that the construction and maintenance of trails and Easement Area will be effected with all reasonable diligence and precaution to avoid unnecessary damage to the property and land of the Grantor.
8. **Appurtenant to GGNRA.** The Easement is being conveyed to the Grantee and managed by the National Park Service for the benefit of and shall be appurtenant to the Golden Gate National Recreation Area.
9. **Governing Law.** This Easement shall be governed by, and construed and enforced in accordance with, the laws of the State of California, excluding conflict of laws principles that would cause the law of any other jurisdiction to be applied.
10. **Successors and Assigns.** The provisions of this Easement shall inure to the benefit of and be binding on the parties' respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Easement this ____ day of _____, 199__.

THE OLYMPIC CLUB, a California corporation

By _____

By _____

THE UNITED STATES OF AMERICA,
ACTING THROUGH ITS ACQUIRING
AGENCY THE NATIONAL PARK
SERVICE

By _____

By _____

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(76 of 82)

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT AREA

[L1425(WR-OL)
GOGA 20-101, 118
Olympic Club Easement]

All that certain real property partly in the City and County of San Francisco and partly in the County of San Mateo, State of California within Section 34, Township 2 South, Range 6 West and Section 3, Township 3 South, Range 6 West Mount Diablo Base and Meridian, as shown on the official plat of survey, being a portion of the parcels described in the following deeds to the Olympic Club:

a) From Amelia G. Webber, recorded November 22, 1922, in Book 419, Official Records, page 336, in the Office of the Recorder of the City and County of San Francisco; and

b) From Spring Valley Water Company, et al, recorded June 23, 1923, in Book 715, Official Records, page 75, in the Office of the Recorder of the City and County of San Francisco, and re-recorded June 1, 1923 in Book 79, Official Records, page 117, in the Office of the Recorder of the City and County of San Mateo, lying Westerly of the following described line:

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(77 of 82)

EXHIBIT A - CONTINUED

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF THE STATE HIGHWAY AS DESCRIBED IN THE DEED BY THE OLYMPIC CLUB, ET AL TO THE STATE OF CALIFORNIA, RECORDED JANUARY 14, 1922, IN BOOK 435, OFFICIAL RECORDS, AT PAGE 7, IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, WITH THE SOUTHERLY LINE OF LOT 10 OF SECTION 35 IN TOWNSHIP 2 SOUTH, RANGE 6 WEST, MOUNT DIABLO BASE AND MERIDIAN; THENCE ALONG THE LAST NAMED LINE AND ALONG THE NORTHERLY LINE OF LOT 4 IN SECTION 34, TOWNSHIP 2 SOUTH, RANGE 6 WEST, SOUTH $89^{\circ}53'15''$ WEST 1,362.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH $14^{\circ}24'02''$ EAST 204.82 FEET; THENCE SOUTH $19^{\circ}06'34''$ EAST 224.20 FEET; THENCE SOUTH $18^{\circ}36'08''$ EAST 257.99 FEET; THENCE SOUTH $5^{\circ}23'41''$ EAST 106.25 FEET; THENCE SOUTH $11^{\circ}50'40''$ EAST 216.84 FEET; THENCE SOUTH $6^{\circ}11'40''$ EAST 49.61 FEET; THENCE SOUTH $12^{\circ}45'05''$ EAST 81.39 FEET; THENCE SOUTH $28^{\circ}26'37''$ EAST 62.07 FEET; THENCE SOUTH $22^{\circ}45'28''$ EAST 206.93 FEET; THENCE SOUTH $10^{\circ}48'31''$ EAST 45.08 FEET; THENCE SOUTH $1^{\circ}11'08''$ EAST 94.43 FEET; THENCE SOUTH $7^{\circ}30'55''$ EAST 112.14 FEET; THENCE SOUTH $26^{\circ}27'43''$ EAST 145.50 FEET; THENCE SOUTH $18^{\circ}17'37''$ EAST 700.40 FEET; THENCE SOUTH $26^{\circ}28'40''$ EAST 163.23 FEET; THENCE SOUTH $14^{\circ}27'40''$ EAST 169.12 FEET; THENCE SOUTH $14^{\circ}34'38''$ EAST 193.54 FEET; THENCE SOUTH $9^{\circ}07'37''$ EAST 437.08 FEET; THENCE SOUTH $20^{\circ}29'44''$ EAST 302.09 FEET; THENCE SOUTH $49^{\circ}18'18''$ EAST 262.38 FEET; THENCE SOUTH $8^{\circ}11'28''$ EAST 112.41 FEET TO A POINT IN THE SOUTHERLY LINE OF THE SAID DEED TO THE OLYMPIC CLUB RECORDED JUNE 1, 1923, IN BOOK 79, OFFICIAL RECORDS, AT PAGE 117, SAN MATEO COUNTY RECORDS, DISTANT THEREON SOUTH $89^{\circ}13'15''$ WEST 505.43 FEET FROM THE WESTERLY LINE OF THE STATE HIGHWAY, AS SAID HIGHWAY NOW EXISTS.

Prepared by H.A. ENGINEERS, INC.
September 14, 1992 - Job No. 4186 C
7:c:\wp_data\h\quidoc4186C.com

EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(73 of 82)

EXHIBIT NO. A

APPLICATION NO.
I-95-52

Club's Public
Access Information



EXHIBIT NO. A

APPLICATION NO.
1-95-62

Club's Public
Access Information

(80 of 82)

35

EXHIBIT NO. A
APPLICATION NO. 1-95-52
Club's Public Access Information
(81 of 12)

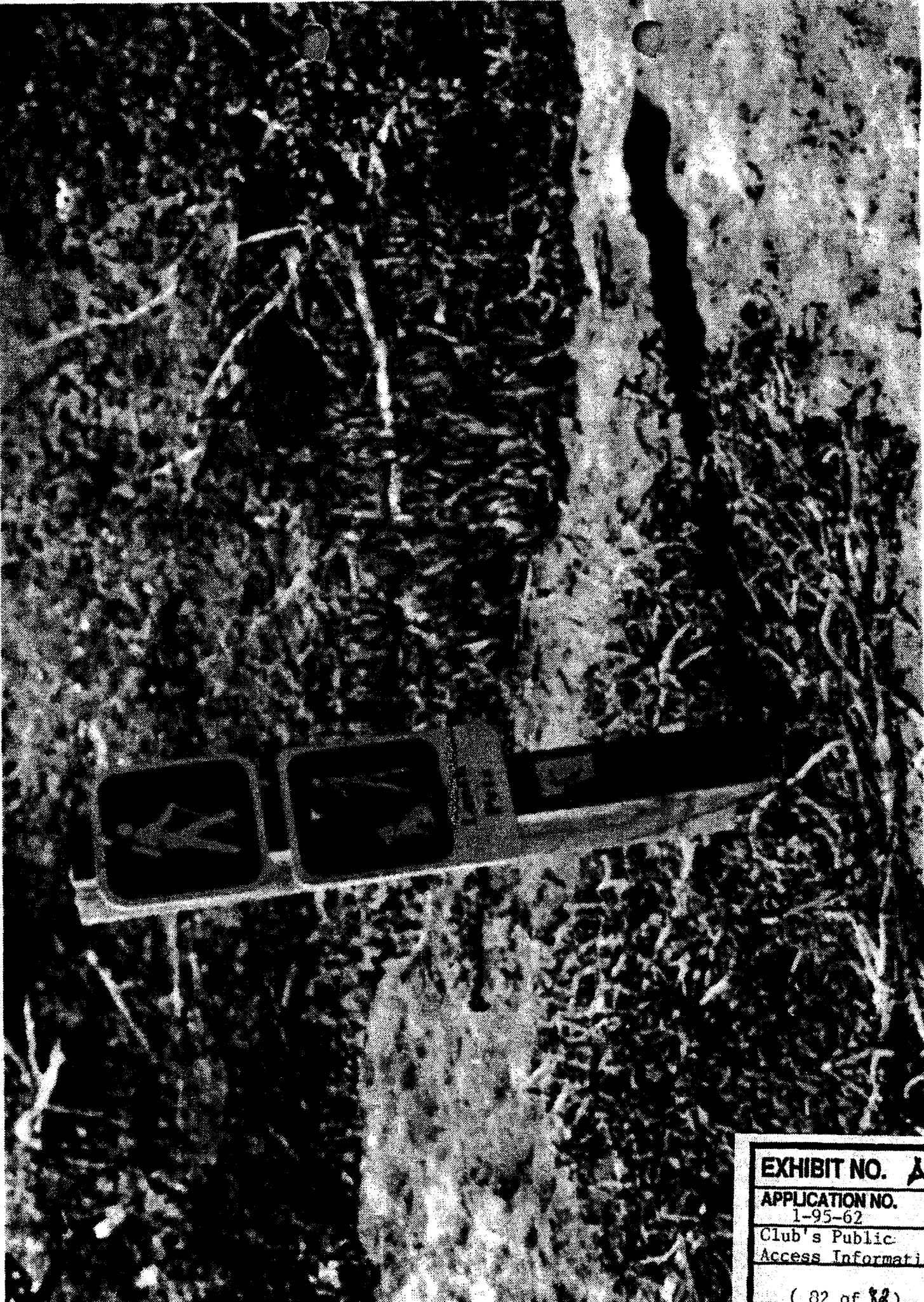


EXHIBIT NO. A
APPLICATION NO. 1-95-62
Club's Public Access Information
(82 of 82)

SFUSD

Kaia Lindberg
2550 25th Ave.
San Francisco, CA 94116

Members of the Commission,

Thank you for taking the time to read this letter. My name is Kaia Lindberg, I work as a naturalist at the Environmental Science Center, a program run by the San Francisco School District. Our program serves the elementary school students of San Francisco, especially children from the inner city. Children come out to our site at Fort Funston with their class for over night environmental education programs. Our site at Fort Funston is a beautiful piece of coastal land at the southern border of San Francisco. The program we provide emphasizes fostering a respect and appreciation for nature among our students. A trip to Fort Funston is always a powerful experience for a class. For many of them this is their first camping experience, and for some the first time they have seen the ocean.

Recently our neighbors to the South, the Olympic Club, have begun construction of a golf course that extends to the beach. For the past three years that I have been a naturalist we have used this piece of land to explore with our students. This land has been a classroom for thousands of students every year! A classroom that we all love and value! There were established trails through the area that we traveled as much as three times a week. During the winter when the tides are high the beach immediately at the base of our hill is often covered in water. We regularly walked farther down along the coast to a cove that gave us more beach space. When the beaches are completely covered in water we would take kids on rainy day hikes through the trails in this area instead of to the beach. Kids who once refused to sit on the ground for fear of getting dirty would be knee deep in mud working cooperatively to negotiate a slope on the trail. They observed the powers of water and learned about erosion. They became familiar with some California natives and talked about and explored different habitats. This area of beach and dunes is now blocked off and all the once lush vegetation is gone.

Never in all the years that I have worked here and explored this property with students has there been any indication that this was private land. In fact, until this year, I thought it was part of the Golden Gate National Recreation Area. Imagine my surprise to come to work and find the area flattened. What was once a beautiful wild area of coast I

EXHIBIT NO. 13

APPLICATION NO.

1-95-62

Letters on Public
Access use

Page 1 of 25

an equal opportunity employer

many species of precious California natives is now a wasteland of upturned sand. I've discovered that this precious area is to become an exclusive golf course. This development will rob the general public of land that is a part of our natural heritage and the students of our program will lose a part of their outdoor classroom. To compound this loss, the golf course will be using inordinate amounts of water as well as herbicides and pesticides to force grass to grow where native plants once flourished. These toxins will be washed down to the beaches where children are learning, hands on about their environment. Even the places where students are permitted to explore will be contaminated by this development.

Already this year I have been asked difficult questions by the students who have visited us. Imagine their response when they come around the bend in the trail on their way to the beach and see this destruction.

"What's happening there?"

"How could they do that?"

"Did animals live there?"

"Where did they go?"

"It looks so ugly!"

"Can't we stop them?"

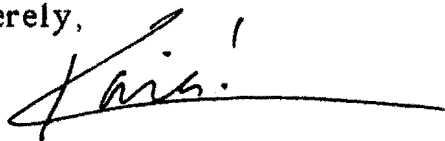
"It's not right!"

Our staff, the public and students are distraught and concerned about the future of this unique piece of coastal land. This has always been public land and has only recently been closed to the public. We express our concerns to you in hopes that you will do what you can to restore the integrity of this land and return it to the public domain.

Thank you for your time and consideration regarding this matter.

Please feel free to call me at the Environmental Science Center (415) 469-4763 with any questions.

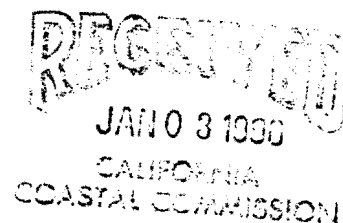
Sincerely,

A handwritten signature in dark ink, appearing to read 'Kaia', with a long horizontal flourish extending to the right.

Kaia Lindberg

December 26, 1995

Att: Bob Merrill
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105



To Whom it may concern:

I am writing to express my great concern over the proposed development by the Olympic Club of the ocean-front area just south of Fort Funston along the coastal highway. This site is one of the most scenic and natural areas within San Francisco.

I have enjoyed and cherished this section of the San Francisco shoreline for over ten years. While a resident of the Mission District and then later living in Glen Park I used to go to the area at least twice a month. I currently live in Berkeley, but I continue to visit the area many times a year.

My friends and I refer to the area as the "horses beach" because typically we park the car at the stables south of the site. My favorite walk is to follow the seaside benches and shore north to Fort Funston, a walk that directly traverses the Olympic Club site.

The beauty of the area is that, when you go over the edge -- and head down along the slopes, ledges, or beach-- you leave the city behind, because signs of development are not visible. Once "over the top" the views and sounds of the sea, the splendor of the vegetation and the freshness of the air take over --with stunning force. I have found the area to be a haven for the soul, and I have often gone to this special corner to clear my thoughts, gain perspective, and to simply immerse myself in the beauty of the hills and the water. Without exception I leave feeling invigorated and inspired.

As an amateur botanist and bird watcher, I have also appreciated the diversity of life protected in this area. The hills offer a wide array of plant life and flowers are evident every month of the year. The beach is one of the best spots in the city for bird watching. It shelters an unusually high concentration of sandpipers, shorebirds and migrants. Pelicans and sea ducks can frequently be seen in the nearby surf.

I cannot overstate my alarm when I noticed the destruction the Olympic club has already wrought on this area by grading wide areas of hillside, exposing the region to accelerated erosion, and creating an enormous eyesore visible from Fort Funston and from nearly all the trails either north or south of the area. The denuded area must come a full two-thirds of the way down from the crest of the hill to the shore.

Extending the golf course over the edge and down the hillside will permanently alter the character and appearance of this entire stretch of coast. Is extending the existing golf course really necessary?

EXHIBIT NO. B

APPLICATION NO.
1-95-62

Letters on Public
Access use

Page 2 of 25

The golf course as is already occupies a beautiful location with a spectacular view of the sea. Why the Olympic Club perceives a need to push the golf course over the cliff and into the natural area toward the ocean remains a mystery to me.

I am not a golfer, but I hear from friends that it can be a deeply relaxing and even spiritual pursuit. Perhaps, for golfers, heading to the green offers rewards not unlike those I find when I head for a hike along the coast.

I have nothing against golf. My income isn't sufficient that I could realistically consider taking it up right now, but I think I might enjoy it. In the meanwhile I hope to be able to continue to hike and enjoy our spectacular coast.

While a golf course may appear beautiful to some, it would be entirely out of place along these coastal slopes. I, for one, would not return to hike alongside it.

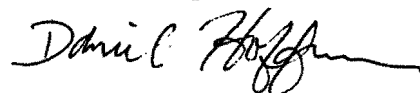
I urge the Olympic Club to reconsider this project and, as a good neighbor, to continue to share this beautiful corner of the city, allowing for divergent uses and preserving the natural character of this spectacular corridor of coastline. The work that has been done has already substantially undermined the natural character of this stretch of coast. The disturbed area, however could be reclaimed with time and a little effort.

For years, without realizing it, I have been hiking on and alongside Olympic Club land. I appreciate that the area had been left open to hikers. Nonetheless, I would rather have the hillside closed, but left in a natural state, than to have a narrow right-of-way alongside a golf course. The scenery at least would not be destroyed, and hikers could bypass the stretch of private land by climbing down to the beach, and then back up once past it. Of course, it would be wonderful for this area to remain both undeveloped and open to the public.

The golf course extension threatens to destroy a special treasure for all Californians, and especially for all the urban residents of San Francisco and Daly City. I strongly urge the Coastal Commission to use its authority to protect this site.

Thank you so much for your attention.

Sincerely,



Daniel Hoffman
1834 Delaware Street
Berkeley, CA 94703

P.S.

I will not be able to attend the meeting in San Diego, but I hope my statement can be read at that occasion or included in the accompanying documentation. I also would like to be put on any mailing lists for information on the progress of the case, and to be notified of any other meetings that may occur closer to the Bay Area. D.H.

Lynn Sandor
255 Flood Avenue
San Francisco, CA 94112
415-585-5555
December 29, 1995

RECEIVED
JAN 03 1996
CALIFORNIA
COASTAL COMMISSION

Coastal Commission
Attn: Bob Merrill, Chief of Permits for North Coast
45 Fremont Street Suite 2000
San Francisco, CA 94105

Dear Mr. Merrill:

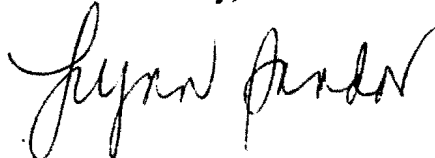
Ever since November, 1991, Fort Funston has become an important part of my life. I spend at least an hour, usually two hours *each day* hiking the trails that lead south from the parking lot. I purchased a Vizsla (a Hungarian Pointer) in 1991, and he requires substantial daily exercise: it is important he have lots of safe space in which to roam and run. I have invested the necessary time, energy and money to train him, not only to be under voice control, but also to be a gentleman, properly sharing the trails with the horses that also exercise there. Fort Funston is the only place in San Francisco that affords a resident the ability to allow their dogs to roam freely in space adequate for an active, competitive sports dog.

Most of the area I hiked daily has now been bulldozed to convert this prime land into *another* golf course. As I understand, years ago the golf course on this same spot was abandoned, as the upkeep necessary due to storms and erosion was not economical. I still hike the remaining accessible area daily, noticing the lack of vegetation, and the vulnerability of my favorite hawks that patrol there. The area was never fenced-off or marked as private, even immediately before and during its bulldozing. In fact, it was quite a shock to come to my "garden of paradise" one day, only to meet up with two bulldozers plowing away.

It is my sincere hope you deny approval to construct a golf course, leaving this land as visually stunning as it is, and protecting its wildlife. This will ensure continued important access to many, many more people for their use in healthy, recreational activities.

Please include me if you do a public survey, and please keep me posted on any new developments.

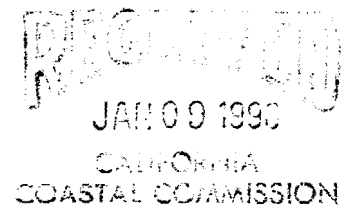
Sincerely,



Lynn Sandor

EXHIBIT NO. B
APPLICATION NO. 1-95-62
Letters on Public Access Use
Page 3 of 25

Elina Leino
Dan McSweeney
107 Concord Street
San Francisco, CA 94112
415/ 337-9620 (tel.)
415/ 239-1025 (tel./fax)



January 4, 1996

Coastal Commission
Attn: Bob Merrill, Chief of Permits for North Coast
45 Fremont Street, Suite 2000
San Francisco, CA 94105

In Re: The Proposed Plan for a Golf Course by the Olympic Club - Scheduled for Hearing 2/96

Dear Mr. Merrill and Members of the Coastal Commission:

We have been actively, since 1988, using the Fort Funston recreation area and the beach area and hiking trails south of it. We usually walk there at least once a month. Fort Funston is one of the few conveniently located hiking areas for us city-dwellers. This area has never been fenced-off or marked as private, and we have always been under the impression that it is for the public to enjoy. As we went to Fort Funston on New Year's day and looked out towards south from the view point, we found that a vast space had been cleared of all the brush. We then learned that this was ground work for a proposed private golf course.

We are above all concerned about the possible and very likely impact on the environment by the proposed golf course. The area in question has already been bulldozed clear of all the brush, ice plant and other delicate ground vegetation. This flora is unique to the California coast, and very little of it remains this close to the metropolis - this again shows how special Fort Funston and its surrounding area is. Another consideration is the fauna of the area; for example, the many different kinds of bird species. And as we look towards the ocean and the beach area down below the proposed golf course, another concern comes to mind, i.e., the golf course would have to be watered and fertilized, which could be harmful to the habitat of the many different kinds of sea and shore birds of the beach.

We respectfully ask that you read our letter prior to or at the hearing on this issue in February of 1996. We would also like to be included in any public surveys that may be conducted on this issue, and to be posted on any developments.

Thanking you for your time and consideration,

Sincerely yours,


Elina Leino

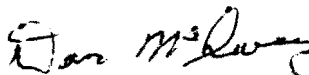

Dan Mcweeney

EXHIBIT NO. 8
APPLICATION NO. 1-95-62
Letters on Public Access use
Page 4 of 25

RECEIVED
JAN 12 1996
CALIFORNIA
COASTAL COMMISSION

January 9, 1996

Bob Merrill
Chief of Permits for North Coast
Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, CA 94105

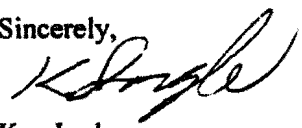
Dear Mr. Merrill,

I am writing to you concerning the bulldozing of public trails south of Ft. Funston by the Olympic Club so they can create a golf course. I have walked my dogs in that area at least twice a week for the last eight years (since 1987). It was a wonderfully relaxing and beautiful walk that not only gave me great physical exercise due to the hilly terrain but renewed me spiritually. To watch the hawks, doves, and other birds fly overhead while listening to and watching the pounding surf below was an incredible experience. It was the essence of all that is good about living here in California.

But I was shocked and dismayed to find that this area was supposedly the "private property" of the Olympic Club. No signs were ever posted to that effect and no fences marked their land. Now, over the last few months, I have watched this natural paradise be destroyed so that a few select people may enjoy an artificially created landscape that the general public used to have access to. No longer are hawks flying overhead, no longer are red foxes and other animals calling this area home. It now resembles a war zone--few trees, no brush, no flowers, hills flattened. Will we even know how many animals have had their habitat destroyed? Was an environmental study done on erosion, impact of use of fertilizers and pesticides as well as water availability to keep this golf course green and functional? If, indeed, there used to be a golf course there previously, what happened to it? Was it too costly to maintain? Did nature wreak havoc with it?

The Olympic Club has other large golf courses that its members may enjoy. The general public has no other natural area so easily accessible and close to San Francisco that will allow off leash dog walking, horse back riding, hiking and picnicing. Please don't allow this destruction of a natural area to happen. We the public need these natural areas to help us renew ourselves from the stress of living in this high paced society. If the Coastal Commission does a public survey please include me and keep me posted on developments.

Sincerely,


Kay Ingle

415-359-0876 h
510-643-6245 w

EXHIBIT NO. 8

APPLICATION NO.

1-95-62

Letters on Public
Access Use

Page 5 of 25

CHRIS & NANCY CARTER
237 CANYON DRIVE
PORTOLA VALLEY, CALIFORNIA 94028
PHONE: (415) 851-2743

RECEIVED
JAN 13 1996
CALIFORNIA
COASTAL COMMISSION

January 13, 1996

Coastal Commission
attn: Bob Merrill
45 Fremont Street #2000
San Francisco, Ca 94105

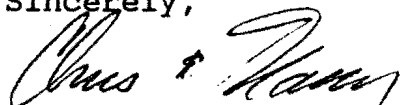
re: Fort Funston trails

Dear Mr. Merrill,

It has come to my attention that trails which we have used for years are being destroyed to accomodate a new golf course. I am referring to the land to the south of Fort Funston which I understand is owned by the Olympic Club. I would like you to reconsider allowing these lands to be developed. Besides destroying the open space which has been enjoyed by the public for many years, the development of this land into a golf course will deplete the aquifer under Lake Merced and will result in pollution of the beach and water ways from the innevitable use of fertilizers and pesticides.

Please take note of our strong opposition to this proposed development.

Sincerely,



Chris and Nancy Carter

EXHIBIT NO. 8
APPLICATION NO. 1-95-62
Letters on Public Access Use
Page 6 of 25

Vizsla Club of Northern California, Inc.

**251 Marina Way
Pacifica, CA 94044**

JAN 13 1996
CALIFORNIA
COASTAL COMMISSION

January 15, 1996

Mr. Bob Merrill
Chief of Permits -- Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, CA 94105

Dear Mr. Merrill:

As President of the Vizsla Club of Northern California, I am writing to you on behalf of the 176 families our club represents -- the majority of which live in the greater bay area and utilize Fort Funston for off-leash dog walking. This letter is meant to provide you with our club members views regarding the destruction of a rather large portion of Fort Funston (the land south of the Fort Funston parking lot) by the Olympic Club.

The area being razed has been used by our club members, as well as the general public, for many, many years. I and others have seen the land used by horseback riders, paragliders, hikers and dog walkers -- all of whom have used this land as public trails. Never, in the years our club members have used the area, have there been signs posted indicating the land as private property; nor have there been fences to keep the general public out.

As I stated above, members of our club have been among the people enjoying the natural trails in this area. As a dog club, our concern is that people who own dogs should continue to have a place to walk their dogs off leash safely. This is becoming more and more difficult to do in the San Francisco area, especially since the Park Service has already fenced off large areas of Fort Funston in order to "restore the land to a natural habitat". The land south of Fort Funston was an alternative area for dog walkers to utilize, but with the building of a golf course there, this will no longer be available. The loss of this area is significant.

I appeal to you on behalf of our members to postpone the San Diego hearing and to reschedule it here in San Francisco. At least then, our club members, as well as others who will feel the impact most, will have the opportunity to attend the hearing and voice their opinion. It seems less than fair that a decision impacting so many people in San Francisco and its surrounding area will be decided so far from the issue and with such little publicity.

Sincerely,



Kay Ingle
President, Vizsla Club of Northern California, Inc.

cc: VCNC Board Members

EXHIBIT NO. 8
APPLICATION NO. 1-95-62
Letters on Public Access Use
Page 7 of 25

RECEIVED
JAN 22 1990
CALIFORNIA
COASTAL COMMISSION

Jan. 17, 1996

To:
Coastal Commission

I have serious concerns about the land that has been bulldozed by the Olympic Club in order to build additional golf course areas.

I walk out there at least three times a week with so many others and I do not think that the area should be turned into another golf course.

I sat on the bench one day to enjoy the view I love so much and was astounded to see those bulldozers tearing up the land. I also would like to voice my concern over the use of water from the lake as well as concern of fertilizer or pesticides that might be needed. Please save our coast. It is wonderful to see so many people

EXHIBIT NO. B

APPLICATION NO.

1-95-62

Letters on Public
Access Use

Page 8 of 25

out at Fat Funston, walking,
gazing, enjoying a place where
~~there~~ is need for children and
days to play safely. It's almost
a family in of itself. I see so
many ^{of the same} faces, day after day. Leave
this for us. These areas have
not been fenced off and have
been available to us. Please let
us continue to have this. I do
not want to look out on a golf course.
Thank you.

Sincerely,
Diane Lyuriga

15 Eastgate Drive
Daly City, Ca 94015

TO :
FROM :

PHONE NO. : 9045400

JAN. 31. 1996 5:18PM P 1

January 31, 1996

Mr. Robert Merrill
Chief of Permits for the North Coast
45 Fremont St.
Suite 2000
San Francisco, CA 94105

RECEIVED
JAN 31 1996
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrill,

I am writing to protest the expansion of the Olympic Club into the coastal area south of Fort Funston.

As a dog owner, I have walked my two dogs through the dunes and along the beach from Fort Funston to Thornton Beach for over 10 years. I can tell you this land was never posted as private property belonging to the Olympic Club. In fact, for at least 5 years there was an abandoned golf course at the top of the cliff which was also unmarked, where many people also walked their dogs. A few years ago, this land was fenced off and posted as belonging to the Olympic Club, and access to it was removed. However, at the bottom of this cliff, there were never any signs.

My daughter, when she was a student at Lowell High School, took a Botany course. One weekend in the spring, for a class assignment, we walked along the very area that is now all plowed over for her to collect and catalog wildflowers. She found over 20 different varieties. They were beautiful! And now this is all gone. Just so a few wealthy corporate types can bang around a little white ball.

The Olympic Club already has a golf course -2 to 3 holes- on the west side of Skyline Highway which is clearly marked (though hardly ever used). This short course borders a steep cliff, at the base of which is the plowed area in question and the beach. For the past ten years, the land south of Fort Funston from the beach to the base of this cliff, and all the way south to Thornton Beach has been treated as public domain and provided enjoyment for hundreds if not thousands of people for hiking, horseback riding, fishing, birdwatching, and other nature activities.

I do not believe it is fair or appropriate for the Coastal Commission to allow the Olympic Club to use this land for a golf course. I strongly urge the Commission to leave this land open and accessible for the public enjoyment of everyone.

Sincerely,

Sarah L. Dunmeyer
Sarah L. Dunmeyer
345 Warren Drive
San Francisco, CA 94131

EXHIBIT NO. 8
APPLICATION NO. 1-95-62
Letters on Public Access Use
Page 9 of 25

RECEIVED

FEB 01 1996

CALIFORNIA

COASTAL COMMISSION



James Partoyan
2111 Valleywood Dr.
San Bruno, Ca 94066-1947

MR Merrill:

I will try and give you my
in print about what's going on at
the Olympic Club's Expansion.

I have been taking my dog and
myself hiking over these trails.

First off all its safe. Most of
the people that walk at Fort
Funston are seniors. It is a
safe place to relax, with your
dog. We even on warm days, we

have a lunch its so quiet
and clean. We come here about
3 times a week, with our dog.

Cutting down all those trees,
and removing all the ice plant.
I'm sure the rains will wash
it away. Also the hang gliders
practise here.

With the golf course here
it will deprave us common
people enjoying the freedom, and
safe leaders of these trails
and fields. We have enough
golf course.

Please think this
granting a permits. Come
and talk to these people.
Thank you. James Partoyan

EXHIBIT NO. 8

APPLICATION NO.

1-95-62

Letters on Public
Access Use

Page 10 of 25

RECEIVED

FEB 01 1996

CALIFORNIA
COASTAL COMMISSION

Dear Sir

I am writing as a concerned citizen
and a Tax Payer.

Our Coast line as we once knew
it has been altered by nature.
Now the Olympic Club has brought
an Bulldozer to make a new
Golf Course on our already fragile
Coast line. They have torn up
Native Plants & Trees displaced the
Wildlife in that area for
what so a few select rich
members can play new Holes.

I have been going to that area for
over Twenty years now the
hiking trails & Picnic area
are gone. You can't walk
in that area anymore and
enjoy nature.

EXHIBIT NO. 8

APPLICATION NO.

1-95-62

Letters on Public
Access Use

Page 11 of 25

I am most concerned that they
will be using Pesticides &
Fertilizers and they will
run off onto our Beaches
and into the Ocean

Where do they plan to get
Water for this new course.
From our already TD Low
Lake Merced.

I cannot believe they could
do this to our Coast.

I guess if you have the
rich & important members they
have you can do anything you
want.

Thelma Walker

TO: Terry L. Burnes
Planning & Building Division
County of San Mateo
590 Hamilton Street, 2nd floor
Redwood City CA 94063

FROM: Michael Carlyle
910 South Van Ness
San Francisco CA 94110

January 31, 1996

RE: Permit or project file # GRD 93-0009, CDP 93-0043 and USE 93-0009

RECEIVED
FEB 0 2 1996

Dear Terry L. Burnes:

CALIFORNIA
COASTAL COMMISSION

I am a frequent visitor to the San Mateo/San Francisco coast. Over the past 20 years I have hiked, picnicked, dog walked, and tour guided the coast from Ft. Funston to Mussel Rock (in Pacifica). I have hiked over all of the unfenced, unrestricted, property in that area. I am appalled at the recent devastation of coastal San Mateo/San Francisco by the Olympic Club golf course expansion.

In late October of 1995 I returned to the coast after an absence of about a month.

Just down the hill from Ft. Funston heavy machinery was busy knawing away hills and recontouring the landscape. Precious coastal lands and life were being plowed under. Publicly used paths and picnic spots had disappeared into an expanse of smoothed sand and dirt. The people to whom I spoke at Ft. Funston said simply, "That's the Olympic Club - they do what they want...."

Imagine my surprise when, early in January I saw my first public notice related to the golf course expansion. My "first notice" was of an application before the California Coastal Commission; an application to do grading work which was already well underway.

Imagine my further surprise to learn that Robert Merrill, Coastal Commission Northern California Permits Chief, had been told by the Olympic Club that the work was regrading existing golf holes. Review of County of San Mateo and County of San Francisco permits showed similar misrepresentations as to the true history of that coastal land.

The Olympic Club has attempted to portray its real estate west of Skyline as "golf holes" not differentiating the three or four tended holes which had been part of the "Ocean Course" (until the early 1980s) from the adjoining acreage, part of which had once been used for golf - but not for over 50 years. Holding forth photos of the area in 1922 the Olympic Club has attempted to resurrect this 70 year old status. The many years of virtual abandonment - of regular, uninhibited public use by equestrians, hikers, dog walkers, hang gli paraglider pilots, bird watchers, fishermen, and student groups are forgotten, but specifically denied. The Olympic Club has claimed v

EXHIBIT NO. B
APPLICATION NO. 1-95-62
Letters on Public Access Use

exclusion of trespassers, maintained fences and "No Trespassing" signs on north and south boundaries, and well-enforced "club policies" prohibiting public use. These untrue claims are part of a transparent attempt to remove established public trails to and along the coast from continued public use.

Approvals granted to "regrade" existing holes should be immediately withdrawn. The golf course excavation must be called an expansion; resurrection is beyond even the Olympic Club.

At this point it is indisputable that the Olympic Club received CEQA (California Environmental Quality Act) exemption in error. The work done to date cannot be termed a "minor alteration to land;" a visit to the site will convince any reasonable person of that fact. The Olympic Club must be required to submit an Environmental Impact Report.

Easements granted by the Olympic Club to the NPS (National Park Service) and equestrians are paltry and constitute an unacceptable degradation of public access. Comparison of these easements with trails clearly discernible in aerial photographs conveys the magnitude of sacrifice the Olympic Club hopes to exact from future visitors to the coast.

Any expansion of the Olympic Club golf area should be preceded by a sincere effort at public notice, by public comment and public hearings, and by acknowledgment of the historic (and documentable) use. Established public access to and along the coast should not be removed without public comment. 30 acres of habitat proximate to encouraged nests of endangered bank swallows (north of Ft. Funston) should not be destroyed without review by Park Service naturalists.

I have begun collecting documentation of the true history of the new golf hole acreage. Please feel free to contact me or attorney Dan Brown (510/428-1158) to arrange your review of above documentation.

Very truly yours,


Michael Carlyle

CC: Supervisor Ruben Barrales
Supervisor Mary Griffin
Supervisor Tom Huening
Supervisor Ted Lempert
Supervisor Michael D. Nevin
Paul M. Koenig, Director of Environmental Services
Robert Merrill, California Coastal Commission

February 1, 1996

Coastal Commission
Bob Merrill, Chief of Permits, North Coast
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RECEIVED
FEB 05 1996
CALIFORNIA
COASTAL COMMISSION

Dear Commissioner Merrill,

I am writing to express my dismay at the construction under way at Fort Funston. As a frequent visitor to this beautiful area, I have been shocked at the destruction of beautiful areas of trails and hills that I had always thought to be public land. I now understand that the area being bulldozed is, in fact, the private property of the Olympic Club; however, in three years of near-daily visits to Fort Funston, I never saw any signs or markers designating the hills as anything but public property.

I have enjoyed the rolling hills and trails immensely for running and hiking, and I am truly saddened to see such a large portion of this beautiful area destroyed for a golf course. Even those areas not under construction are being severely affected: the bulldozing has removed all of the natural vegetation on the upper portion of the hills, leaving acres of loose dirt. With no vegetation to anchor the dirt, recent heavy rains have washed vast amounts of soil down the hills and trails onto the beach, eroding once-beautiful trails into unusable, muddy gullies and trenches. I urge you to visit the site and see for yourself the damage inflicted on the entire region by this construction.

If completed, I fear more damaging environmental insults from the heavy pesticide and fertilizer load used by typical golf courses. It is difficult to see how these toxins would avoid flowing down the hills and contaminating the beach and ocean. I also doubt that the artificial vegetation of a golf course would retain water as well as the natural flora, and I expect the erosion problems would continue. Lastly, I do not look forward to the potential hazard of being hit by a golf ball on my daily run!

I urge you to do whatever you can to preserve Fort Funston for public use. The golf course under construction threatens to remove from public use not only the area under construction, but the entire surrounding region as well. With beautiful, easily accessible public lands already scarce, we cannot afford to lose this treasure. I also ask you to keep me informed of future developments on this issue. If you have any questions or requests, please do not hesitate to call or write.

Sincerely,



Chris Behrens
1084 De Haro Street
San Francisco, CA 94107
(415) 826-8005

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APPLICATION NO. 1-95-62
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February 1, 1996

Coastal Commission
Bob Merrill, Chief of Permits, North Coast
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RECEIVED
FEB 06 1996
CALIFORNIA
COASTAL COMMISSION

Dear Commissioner Merrill,

I am writing as a very concerned citizen regarding the bulldozing of public lands and the destruction of native flora and public trails on the coast south of Fort Funston. I now understand that these lands are under the ownership of the Olympic Club. However, in my daily use of this area over the last three years there was never any notice or indication that the well worn trails stretching on from the stairs at Fort Funston were anyone's other than the public's domain.

The use of these trails to the south of Fort Funston for hiking and jogging has become part of my daily ritual. This area offers San Franciscans a uniquely peaceful and beautiful environment. I have visited many of San Francisco's parks, but this area is the only one I have found where one can leave the noise of the city behind and hike for three to four miles uninterrupted by cars, street crossings, and worry of being mugged. While hiking these trails the only sounds are of the crashing of the waves, birds, and children playing. For a similar experience, a citizen of San Francisco must join the throng of traffic crossing the bridges, or journey for one hour down the peninsula.

The bulldozing of acres of vegetation has marred the once breathtaking vista visible from the view deck at Fort Funston. I have since learned that this demolition was done by the Olympic Club with the intent of building a golf course. This objective raises further concerns, namely: 1) the straining of San Francisco's water supply to provide for a non-sustainable grass plant over the native Ice Plant, 2) pesticides and fertilizers contaminating the very proximal section of beach, and 3) most importantly the danger of being injured by a blow to the head with a golf ball while walking with my child on the public beach below which we have grown to love.

Thank you for your time and consideration. I dutifully request to be notified if there are any developments, or if I can provide any further information or service towards the preservation of this very special region for continued public land use.

Sincerely,


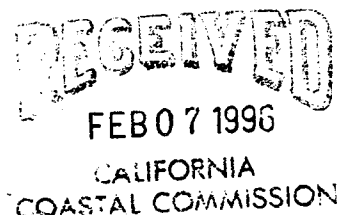

Valentine Paredes
1084 DeHaro St.
San Francisco, CA 94107
Home: (415) 826-8005

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APPLICATION NO. 1-95-62
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February 2, 1996

Mr. Bob Merrill
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA. 94105-2219



Re: Coastal Permit Application 1-95-62

Dear Sir,

My name is Philip Jacques Pines. I generally go by the name of Jack. My wife Susan and I lived in San Francisco from 1977 to 1981, first at 511 Clipper Street and then at 1578 Noe Street. Since 1981 we have lived in Palo Alto at 4109 Donald Drive.

I am writing this letter to share with you my experience in the area covered by the above mentioned application by the Olympic Club. I first became aware of this area when I took hang gliding lessons in the very center of it during the spring of 1978. Between April 14 and August 26 of that year I spent twenty eight days hang gliding in the area known to me as the "Funston Beginner Area". This area extended from the Fort Funston launch and landing area down to the "nose", a beginner launch close to the horse stables. It covered nearly the entire area that their application concerns.

I entered the area from the stables or from Funston using well traveled paths. I never once climbed a fence or saw any sign which led me to believe that the area in question was not public use land. Neither I nor any acquaintance of mine was ever approached by a representative of the club. I actually thought the land was part of the GGNRA.

On a typical day, I would be with five or more other hang glider students. On weekends, we would see dozens of people and horseback riders negotiating the trails through the area. The hang gliders frequently delayed launches, due to equestrian or pedestrian traffic.

The area was covered by ice plants, like most of the dunes along the coast. There was no hint of existing golf links.

After the fall of 1978, most of my hang gliding was at Fort Funston. Despite this fact, the area in question became our favorite destination for short hikes. Several times per week my wife and I would drive 15 minutes to the Funston parking lot and hike down through the "beginner area" only descending to the beach at the southern end of it. Even after we moved to Palo Alto, we would occasionally go there for picnics.

Now that our children are old enough to have their own agendas, we rarely go there, but it remains a special place in our memories. The Olympic Club has destroyed a large area of coastal dunes that saw decades of public use and enjoyment.

For reference, I have enclosed a photocopy of my hang glider rating card and log book from that time. Please feel free to contact me if you have any questions or I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jack Pines".

Jack Pines
4109 Donald Drive
Palo Alto, CA. 94306-3823

Home phone 415 812 0530
Work phone 510 252 1050 ext 560

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APPLICATION NO. 1-95-62
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sharon jokela

426 bartlett street
san francisco ca 94110
tele: 415/647-6140 • email- elainej1@aol.com

RECEIVED

FEB 08 1996

CALIFORNIA
COASTAL COMMISSION

Robert Merrill
California Coastal Commission
North Coast Area Office
45 Fremont Street, Suite #2000
San Francisco CA 94105-2219

February 6, 1996

Dear Mr. Merrill:

I write to support a halt to the Olympic Club's destruction of the land in the Ft. Funston/Thornton Beach area. I also feel they should repair the damage.

From 1980 to the present, I have hiked and picnicked there. In 1990-1991 I spent many hours there practicing novice hang gliding flight. I well know what the area was like. It was a beautiful area, with small hills and mesas full of wildflowers, red-tailed hawks and other wildlife. Equestrians, dog-walkers, picnickers, hikers, flyers have used the site freely for decades. It was a place of lovely old use-made paths criss-crossing the entire area. Until the destruction began I always assumed it was part of a federal or state park.

Recently I learned that the Olympic Club stated that they are reconstructing pre-existing golf holes, and that they have consistently let the public know that this land is theirs and is not to be used in any way by the public. This is certainly not the case! Golf holes??? Other than the two that they have reconstructed just to the south of the hang gliding landing area, THERE WAS NOT THE SHADOW OF A REMNANT OF A GOLF COURSE. What a sham!

And where was public notice of such major construction? Not once did I see a notice of any kind of public meeting regarding turning this land into a golf course - until I saw a notice of application for a permit to the coastal commission posted near the hang gliding observation deck in mid-January - months after the Olympic Club had already done massive recontouring on the land. It appears that the Olympic Club has made self-serving statements greatly misstating the amount of land reconfigured and duration of time the public has made full use of the area.

It does not seem equitable that the Olympic Club, especially through misrepresentation, be allowed to plow under the landscape and keep thousands of public users out so that a few golfers can have an expanded course. Once this natural beauty is gone, it is gone forever.

Sincerely,

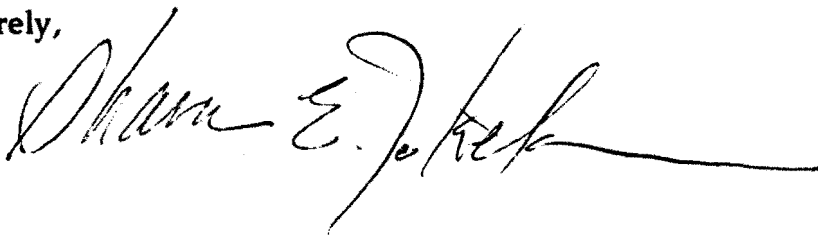


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February 12, 1996

Michael Carlyle
910 South Van Ness
San Francisco CA 94110

TO: Robert Merrill
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco CA 94105-2219

RE: Olympic Club Golf Course Excavation at Ft. Funston/Thornton Beach

Dear Mr. Merrill:

I have enclosed a copy of our hang gliding club's site information sheet. The Olympic Club's newly graded golf holes in San Francisco County are in the area traditionally used for training and, and referred to as "The Bowl" on page 4 under "site boundaries." Map C (the last page) similarly distinguishes between the "Olympic Club Golf Course" and the "Bowl" or training area. As indicated in the Rules, pilots using the area were instructed to yield to pedestrians and equestrians with whom the area was shared. The aerial photo in your Olympic Club file depicts well the trails used by people, horses and dogs. As I mentioned to you in one of our phone conversations, I caddied at the Olympic Club in 1966. At that time the newly graded areas were in a completely natural state, utterly unsuitable for golf play.

I have also enclosed a copy of the movies taken by Eves Tallchief in the area in 1977 and 1978. These movies have been re-recorded with a VHS format and portray well both recreation and training in the "Bowl." Use of the area for pilot training was begun in the early '70s and continued until the area was posted with "no trespass" signs in 1992.

Contrary to assertions by and on behalf of the Olympic Club, no public trespass, use or misuse of the area was challenged or stopped by the Olympic Club prior to 1992. Segments of the film showing the terrain and training in the "Bowl" have been marked with the freeze-frame feature. The entire film, which includes advanced flying sites, is on the last part of the tape.

Having reviewed some of the Olympic Club application file, I am struck by the use of unbelievably small numbers. For example the club application states 875 cubic yards is to be excavated and spread over the 4 acres (in San Francisco County). By my arithmetic 4 acres is approximately 177,000 sq. feet and 875 cubic yards is 283,5000 square feet one inch deep. Assuming 2 acres was scraped to gather the 875 cubic yards, and that 875 cubic yards w spread over the other two acres, the excavators would have remove

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pg. 2 Carlyle to Merrill
re: Olympic Club

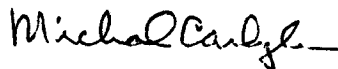
average of only 3-1/2 inches of depth (283,500 + 88,500) from 2 acres and spread it over the other two acres of the project.

This clearly did not happen - the excavation in some areas is to a depth of over 10 feet. Other areas have been filled by 8-10 feet. Similarly the entire (San Francisco City) project cost is listed as \$17,500 (7/21/95 permit application to the City & County of San Francisco).

It appears to me that the Olympic Club has grossly understated the amount of excavation (not to mention the stated cost of this project). I would urge your office to conduct an independent verification of the grading work done. No consideration (let alone approval) of the required permit should proceed without an on-site review by qualified engineers of the work done to date.

Please notify me of the date and place of the Coastal Commission hearing.

Sincerely,

A handwritten signature in cursive script that reads "Michael Carlyle". The signature is written in dark ink and is positioned above the printed name.

Michael Carlyle

Norman Kondy

February 9th, 1996

Bob Merrill
Chief of Permits for North Coast
45 Fremont St. Suite 2000
San Francisco, CA
94105

RECEIVED
FEB 14 1996
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrill:

My wife and I have been hiking, walking, exploring with our kids, dog walking and picnicing in the Ft. Funston Reserve for the past 25 years on a regular basis. We've been particularly attracted to the area to the south of the hand glider launch where the surf and beach meet an intricate set of paths and trails marching up the cliffs with multiple views and the opportunity to listen to sea and birds in an undisturbed environment.

Recently this area has been altered, graded, and the flora has been removed to bring in more golf fairways for the Olympic Club, right up to the edge of the sea.

Please do not let this area be developed, fenced off, and only accessible to members of a private club. We live in the most populous state in the country. The Bay Area's population is growing to 7,000,000 by the turn of the century. Opportunities like the Ft. Funston experience are too few for the needs of this populous. The Reserve is a natural, wild experience which cannot be reduced this severely and remain viable.

Please do not allow the Olympic Club to destroy what is left of our natural shoreline. We need this buffer to preserve its integrity.

Sincerely,

Norman Kondy

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1-95-62

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Access Use

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Feb 12, 1996

Dear Sir's

In regard to the
olympic club golf course,
being constructed west of
highway 1, I have had
access to flying over this
area since 1972, that's when
I started hang gliding, and
I hope to still do this in
the future. thank you for
your time.

Sincerely
David Chavez

RECEIVED 2/14/96
ccc

EXHIBIT NO. 6

APPLICATION NO.
1-95-62

Letters on Public
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RECEIVED
FEB 15 1996
CALIFORNIA
COASTAL COMMISSION

February 15, 1996

TO: Robert Merrill
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco CA 94105

FROM: Michael Carlyle
910 South Van Ness
San Francisco CA 94110

RE: OLYMPIC CLUB'S GOLF COURSE CONSTRUCTION AT FT. FUNSTON
/THORNTON BEACH. Project # GRD 93-0009, CDP 93-0043 and
USE 93-0009

Dear Mr. Merrill:

I have attached a declaration by George Whitehill, operator of Chandelle Hang Gliding during the late 1970's.

Both Chandelle and individual pilots provided instruction in the "Bowl" area during the period 1975 - 1992. I learned to fly in the Bowl over about 60 days of practice in 1979 and 1980. Neither I nor anyone of my acquaintance was notified of a property boundary prior to 1992.

Michael Carlyle

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DECLARATION OF GEORGE WHITEHILL

1. I, George Whitehill, am the chairman and chief financial officer of Advanced Material Solutions.
2. Between 1975 and 1981 I was an instructor at and later an owner of a hang gliding business, Chandelle San Francisco, Inc. During that period Chandelle gave hang gliding lessons on the Olympic Club property in San Francisco west of Skyline Blvd. immediately south of Fort Funston in an area popularly known as the "Bowl".
3. I estimate that between 1975 and 1981 I spent approximately 250 days a year in the "Bowl" training hang gliding students. During that period of time, I and other instructors trained several thousand students.
4. At no time did I ever see signs prohibiting public use of the area. Neither I nor any of the other instructors were ever told by the Olympic Club or by any other organization or individual that we could not use the area. The hang gliders were clearly visible and frequently could be seen from a distance of several miles.
5. Chandelle was not the only user of "Bowl". Hundreds perhaps thousands of hang gliding pilots independently trained in the "Bowl" or took lessons from other individuals and organizations. I also witnessed people using the area for horse back riding, hiking, bird watching, jogging, paragliding, dog walking and other activities. Many people used the numerous trails through the area to walk to the beach to swim, fish, surf and sunbathe.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and signed this 6th day of February 1996



George Whitehill

To whom it may concern:

My name is Erik Jacoby and I fly a hang glider at Fort Funston.

In 1990, during my last semester at San Francisco State University, I decided to follow my dream of flying. I purchased a used hang glider and read a how to book. I then proceeded to the dunes below Ft Funston to practice take offs and landings.

At the time, the area was referred to as Thornton, or the training hill. Our use however was not exclusive for we had to share the area with people riding horses, walking dogs, and flying paragliders.

My time learning to fly was one of the best & most memorable of my life.

I was shocked and surprised this fall, (October 1995) to watch as the bulldozers and cats destroyed the historic area where I learned to fly.

Anything that would return this area to the public for the use and enjoyment of all would serve the residents of the Bay Area well.

Thank You.

Respectfully,

Erik Jacoby

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Letters on Public Access Use
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ERIK JACOBY
1012 Morse Ave #2
San Rafael, CA 94080
(415) 717-0414

EXHIBIT NO. b

APPLICATION NO.

1-95-62

Letters on Public
Access Use

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February 15, 1996

Mr. Robert Merrill
Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

FEB 21 1996

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrell:

On January 1, 1996, after several months of intense work, I headed out to my favorite nearby escape from city life, Fort Funston. The parking lot was closed, because of the problems with the Federal Budget, and cars lined Highway 1 for a huge distance.

We parked anyway and walked to the edge of the hill, only to be shocked that the area where I had learned to fly a hang glider 18 years ago, had been completely ruined by graders and earth movers!

I had always assumed that this land belonged to the GGNRA, so at first I thought this was a misguided attempt to restore the San Mateo Park which was further south. (Hadn't it been washed away several years back by storms?)

Mike Carlyle, a good friend who learned to fly about the time I was getting involved with family and flying less, later told me that the Olympic Club did the earth moving without Coastal Commission permits.

This is an outrage!

Here is one of the few unspoiled parts of the Coast, so close to downtown San Francisco, which has been in constant public use for decades, and a small club of golfers is trying to reclaim it as private property and ultimately, I suspect, to get money for it!

In the almost 20 years that my family and I have been walking, playing, and picnicking in this area, I have never seen the slightest indication that this was private property. Horses, hang gliders, kite flyers, dog walkers, photographers, and tourists, as well as hawks and rodents, have all enjoyed these rolling hills of ice plant and brush, within 100 feet of the

glorious Pacific surf.

The Officers of the Olympic club have said that they are "upgrading existing golf holes." Apparently there were some holes there in the '20's. But it seems clear to me that this is a rapacious land grab. Golf holes there would not only be impossible to maintain and extremely windy, but would pose a public danger to the thousands of walkers who use the beach just below.

I realize that your job must be particularly difficult in this current political climate, and I thank you for your efforts on behalf of all of us and our children. Please help us to force the Olympic Club to restore the pristine beauty of this wonderful coastal land.

Let me know if there is anything I can do to help.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark B. Allen", followed by a horizontal line.

Mark B. Allen
651 Guerrero Street
San Francisco, CA 94110

Daytime phone: Pilot Video: (415) 282-5678, Fax (415) 282-5687

Evening Phone: (415) 558-9909

RECEIVED
FEB 21 1996
CALIFORNIA
COASTAL COMMISSION

Dear Mr Merrill,

I have flown at the dunes in front of the Olympic club for 16 years now. I have trained many students how to fly at this very prime location. There are many reasons why this location is prime for the health of our Hang Gliding community. All of my 5,000 hrs of flying are logged. Would you like any documentation of my history, or any others.

Thank You
Mark Liljedahl
MARK LILJEDAL
1619 Cortez St
Milpitas Cal 95035

EXHIBIT NO. 8

APPLICATION NO.

1-95-62

Letters on Public
Access Use

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March 7, 1996

Dear Sir or Madam,

I am writing to express my concern about the proposed Olympic Club golf course expansion south of Fort Funston. I am a regular visitor to that area and I would be very chagrined to see it altered in any way. I think the area of Fort Funston is the most beautiful stretch of beach in the Bay Area, and it deserves preservation so that all members of the public can enjoy it. I urge you to consider it as the last remaining piece of San Francisco which ^(apparently) has not been gardened, landscaped, buttressed, or otherwise engineered by humans. For this reason alone we should protect it.

As a geologist, I question the suitability of a golf course ^{or any development!} in this highly erosive environment. Adding water to the area can only worsen erosion and anyone who remembers Thornton Beach in the 1970's would wonder just how long a golf course would last out there!

Sincerely,

Anna Sojourner

Anna Sojourner
1012 A Shotwell St.
SF CA 94110

EXHIBIT NO. B

APPLICATION NO.

1-95-62

Letters on Public
Access Use

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RECEIVED
MAR 12 1996
CALIFORNIA
COASTAL COMMISSION

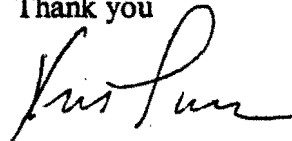
Kris Larson
1406 Crespi Dr
Pacifica, Ca. 94044
3/7/96

To whom it may concern,

Recently, while walking my dog along a section of Ocean beach, beneath Fort Funston, I was horrified to discover development occurring in the area just south of the Fort. When I learned that the Olympic Club was planning to expand into the area it really bothered me. To see such future misrepresentation of an area which for so long has been open for affordable recreational use seems unfair. I realize that this area is private property, however it seems that there should be some sort of restriction on the development of a parcel of land that is used for so many as a place to enjoy the spectacular force and beauty of the Pacific Ocean. As for myself, I use this area not only to recreate but, because I am also a student of geology at San Francisco State Univ., I have come to realize that this an excellent area to interpret some of the rock formations that are so descriptive of the areas geologic past.

In closing I'd like to say that there are plenty of other areas in the Bay Area for the country club set to "swing" and I propose that they use what they already have and leave the coastal areas for those of us who truly enjoy the peace and awe inspiring magnificence of the Pacific.

Thank you



Kris Larson

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W 6b

1-95-62

SUPPLEMENTAL EXHIBITS

Packet No. 2

**WATER USE INFORMATION
and
OTHER CORRESPONDENCE**

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Exhibit C. Olympic Club Irrigation Information

Exhibit D. S.F. P.U.C. Letter

Exhibit E. Committee to Save Lake Merced Letter

Exhibit F. Other Correspondence

MORRISON & FOERSTER

Robert S. Merrill
December 18, 1995
Page Two

5. Irrigation.

The Olympic Club provides water for irrigation from well(s) located on Club property. According to AGS, a company working with San Francisco on the City's groundwater master plan, the average annual recharge level to the aquifer underlying the Club's wells historically has been approximately 14,800 acre feet/year. Pumping by all users of the aquifer is estimated by AGS to be approximately 13,800 acre feet/year.

The amount of water to be used for irrigation in the project area that is the subject of this application is estimated to be approximately 14.7 acre feet/year. This irrigation level is generally equivalent to the amount of water used by the Olympic Club previously for irrigation of these areas of the historic Pacific Links course.

Thus, the Olympic Club's irrigation for the project would be approximately less than .0011 % of all current usage of the aquifer. Accordingly, the irrigation for the project would not be expected to have any discernible impact on water levels in the aquifer.

Since the irrigation for the project would not have any discernible impact on aquifer water levels, it also would not be expected to have any impact on Lake Merced water levels. Following the 1989 earthquake and during the drought, water levels in Lake Merced diminished. The precise cause was not clear. Some observers attribute Lake Merced's water level to the lower amounts of water recharge to the aquifer during the drought. Others have speculated that the earthquake may have damaged portions of the Lake's lining resulting in seepage and lower retention levels. Since the end of the drought, there has been a return of the historic recharge levels to the aquifer. In any event, given that irrigation for the project area is less than .0011% of the current usage of the aquifer, there would be no impact expected on Lake Merced water levels from irrigation associated with the project.

Furthermore, the Olympic Club has been working with Daly City and others regarding the possible use of appropriately treated wastewater for irrigation purposes in lieu of well water. Daly City is currently investigating and pursuing the modernization of its wastewater treatment facility so it can produce tertiary-treated wastewater. Daly City currently hopes to have the capacity to produce and transmit tertiary-treated wastewater sometime in 1997. The Olympic Club would be willing to utilize suitably treated tertiary-treated wastewater from Daly City for certain irrigation purposes provided Daly City can produce and transmit such tertiary-treated wastewater of consistent quality and quantity and make it available at reasonable cost consistent with California law.

EXHIBIT NO.	C
APPLICATION NO.	1-95-62
Olympic Club Irrigation Info	



City and County of San Francisco

PUBLIC UTILITIES COMMISSION

1155 Market Street, 4th Floor
San Francisco, California 94103
(415) 554-3155

EXHIBIT NO. D
APPLICATION NO. 1-95-62
S.F. P.U.C. Letter (1 of 16)

Robert S. Merrill
Chief of Permits
North Coast Area Office
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

MAR 13 1996
CALIFORNIA
COASTAL COMMISSION

March 14, 1996

Re: Application Number 1-95-062, Olympic Golf and Country Club

Bob:
Dear Mr. ~~Merrill~~:

I am writing to you concerning the proposed Coastal Development Permit for expansion of the Olympic Club's golf course. The San Francisco Public Utilities Commission (PUC) is concerned about adverse impacts on water levels in Lake Merced if the permit is approved by the Coastal Commission.

The San Francisco Water Department, a component agency of the PUC, owns the Lake Merced tract in trust as a utility property for the benefit of San Francisco's water customers. The PUC and recreational users of Lake Merced share a common goal of raising the water level of the lake and restoring the surrounding marine environment. As discussed below, this goal is entirely consistent with managing the underlying aquifer for the benefit of San Francisco's wholesale and retail water customers.

As we understand the facts, the Olympic Club proposes to rehabilitate six new holes west of Skyline Boulevard which have not been used since the 1920s. Two of these holes are the subject of the current application to the Coastal Commission. The remaining four holes were previously approved by San Mateo County under its Local Coastal Plan. We understand that the San Mateo County approval received a categorical exemption under the California Environmental Quality Act (CEQA), and that this

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March 14, 1996
Re: Olympic Club CDP
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analysis apparently did not even consider the environmental impact of increased water usage caused by the addition of six new golf holes.

The Coastal Development Permit currently before the Coastal Commission provides an opportunity to thoroughly evaluate the environmental impacts of increased water usage by the Olympic Club. The Olympic Club expansion will require an additional 48.4 acre feet of water per year from the already overdrafted aquifer beneath Lake Merced. As the Lake Merced Water Resources Study on file with the Coastal Commission makes clear, there has been a long term decline in Lake Merced water levels due to pumping by golf courses, cemeteries, and municipalities which share the aquifer.

Additional groundwater withdrawals can only make a bad situation worse. As the attached analysis by CH2M Hill (the City's groundwater consultant) indicates, an additional 48.4 acre feet represents an increase of approximately 7 percent over the Club's 1988 groundwater withdrawals, and an additional overdraft of 5 percent when measured against the annual overdraft of 800 acre feet estimated by a consultant hired by Daly City in 1991. The Olympic Club's wells are located in an area where additional pumping could have a significant adverse impact on Lake Merced water levels.

The PUC in resolution no. 95-0082 (copy attached) directed City staff to develop a conjunctive use program for the aquifer beneath Lake Merced in a partnership with its wholesale water customers overlying the aquifer. Available water storage space in the aquifer is a valuable resource which might be recharged in wet years, with the water extracted during droughts when surface water is in short supply. Water levels in parts of the aquifer are more than one hundred feet below sea level, and if seawater intrudes into the aquifer it will be ruined as a source of potable water for domestic and irrigation use.

Conversion of irrigation water supplies to recycled water is a key first step in managing the ground water aquifer. PUC

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resolution 95-0082 gave the three golf clubs in the vicinity of Lake Merced until November 1, 1995 to indicate whether they would accept a supply of tertiary recycled water from Daly City. Although the golf clubs responded in a timely fashion, the PUC is concerned that delays in reaching a recycled water supply agreement with Daly City will delay delivery of such water to the clubs beyond the beginning of the 1997 irrigation season.

A supply of tertiary recycled water of adequate quantity and quality will be available from Daly City as soon as the three golf clubs sign a water supply contract and the necessary treatment facilities are constructed (distribution pipelines for recycled water are already in place). The clubs are required to use recycled water under section 13550 of the Water Code if the conditions set forth in the statute are met.

Our attorneys have advised us that one of the basic goals of the Coastal Act is to enhance and restore the overall quality of the coastal zone environment and its natural resources, which include Lake Merced (Public Resources Code section 30001.5(a)). Permits granted by the Coastal Commission must be consistent with this goal (Public Resources Code section 30200(a)). The Coastal Commission must restore marine resources like Lake Merced by preventing ground water depletion and encouraging waste water recycling where feasible (Public Resources Code sections 30230, 30231).

In view of the facts and the legal authority cited above, the PUC requests that the Olympic Club's Coastal Development Permit be denied until the Club has signed a recycled water purchase agreement with Daly City. It is eminently feasible to convert the Olympic Club irrigation water supply to recycled water and thereby avoid the potentially significant adverse impact on Lake Merced caused by the Club's increase in ground water pumping.

Alternatively, if the Coastal Commission intends to grant the permit, it must perform an environmental analysis of the impact of increased ground water pumping on Lake Merced and the surrounding marine environment. Although the Coastal

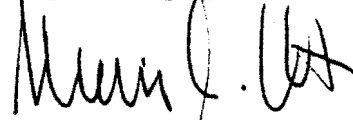
Mr. Robert S. Merrill
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Re: Olympic Club CDP
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Commission's regulatory program is exempt from the requirement to prepare an EIR under CEQA (CEQA Guidelines section 15251(c)), your agency still must comply with CEQA's policies, evaluation criteria and standards. The required environmental review must address all activities and impacts associated with a project. This is especially true here where the impact of water withdrawals was not analyzed as a part of the earlier approval under the San Mateo County Local Coastal Program.

Thank you for the opportunity to comment on the proposed permit.

Very truly yours,



MARION E. OTSEA, President
San Francisco Public
Utilities Commission

cc: Hon. Kevin Shelley
Hon. Barbara Kaufman
Hon. Quentin Kopp
Members, SFPUC
A. Moran
S. Ritchie
Louise Renne
Patrick Sweetland, Daly City
Jerry Cadagan, Committee to Save Lake Merced
T. Berliner
J. Milstein

Additional Groundwater Pumping at Olympic Club GC

TO: Chris Morioka/SFPUC

COPIES: Josh Milstein/SF City Attorney's Office
Ted Way/CH2M HILL
Bahram Khamenehpour/AGS

FROM: Toni Pezzetti/CH2M HILL

DATE: March 13, 1996

EXHIBIT NO.	D
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The Olympic Club Golf Course is proposing to rehabilitate several existing holes on the Pacific Links course. The water needed to irrigate these additional holes is estimated to increase the Olympic Club's groundwater use by 48.4 acre-feet/year (this amount has been increased from the 14.7 acre-feet/year stated in its December 18, 1995 letter to the California Coastal Commission). This additional irrigation water would be obtained from the Olympic Club's two existing production wells located along Lake Merced Blvd (see Figure 1). No modifications to the wells are proposed. The Olympic Club indicates in its that this increase in pumping "would not be expected to have any discernible impact on water levels in the aquifer" and "there would be no impact expected on Lake Merced water levels".

Because of the sensitivity of groundwater issues and water levels in Lake Merced, increasing groundwater production from any well in the vicinity of Lake Merced would not be advantageous at this time. Moreover, increasing production at the Olympic Club wells may be particularly detrimental. The increase would impact the local water budget and the wells are located in an area which may have a significant impact on Lake Merced. The following discussion addresses the issues involved with increasing groundwater extraction at the Olympic Club wells.

The water budget within the Westside Basin is variable. The Westside Basin extends from north of Golden Gate Park to the San Francisco International Airport. The complex groundwater aquifer within the basin provides drinking and irrigation water to both private and municipal users. Because the degree of groundwater use varies extensively within the large aquifer, the water budget (the comparison of recharge water entering the aquifer to discharge water leaving the aquifer) in the Westside Basin is often calculated separately for the areas north and south of the San Francisco-San Mateo County line. In the northern portion of the basin, which includes Lake Merced itself, estimates indicate that recharge exceeds discharge by several thousand acre-feet per year. South of the county line, the groundwater budget has a yearly deficit of 800 acre-feet (Applied Consultants, *Report on the Daly City Groundwater Investigation and Model Study*, 1991). This overdraft has resulted in a steady decline of water levels in the southern portion of the Westside Basin and flow of groundwater from the Lake Merced area towards the area of high pumping south of Lake Merced.

The attorneys for the Olympic Club cite in their December 18, 1995 letter that the originally proposed increase of 14.7 acre-feet/year represents only 0.1 percent (the letter incorrectly states 0.0011%) of the current groundwater use for the entire basin. However, because of

the size and complexity of the aquifer and the variability of water use within the basin, the local water budget should be considered when evaluating the impact on changes in water use to the surrounding aquifer. The Olympic Club wells are the largest wells in the immediate vicinity of the lake. The change due to the 48.4 acre-feet/year is estimated increase the Olympic Club's production rate 7 percent over its 1988 rate (the only year for which the extraction rate of the golf club has been estimated). Any increase in groundwater use in the immediate vicinity of Lake Merced would be counter to the current efforts of identifying ways to reduce groundwater use near the lake.

The Olympic Club wells are located in an area that may impact the Lake Merced water levels. The City is currently conducting a groundwater investigation in the Westside Basin which focuses on the Lake Merced area. The purpose of this investigation is to increase the City's understanding of the complex hydrogeology of the basin so that appropriate measures can be taken to manage the groundwater resources in the basin and to restore lake levels in Lake Merced. Preliminary data from the monitoring wells being installed as part of the ongoing groundwater investigation indicate that the Olympic Club's two existing production wells are located in an area which may have significant impact on Lake Merced.

Geophysical and geological logs from the new and existing wells indicate that a clay unit occurs in the vicinity of the lake and locally separates the Westside Basin aquifer into upper and lower units. Lake Merced is considered to be an expression of the water table in the upper unit. The clay separates the lake from the lower unit, which is where the majority of the groundwater pumping occurs in the Westside Basin. A cross-section drawn through the Lake Merced area (Figure 2) shows the occurrence of the clay and that the clay appears to be thin or absent at the Olympic Club wells. The absence of the clay in an area of high groundwater pumping would increase the impact of that pumping on the groundwater in upper unit and water levels in Lake Merced.

Water levels at Lake Merced are declining for several reasons. There have been several studies addressing the aquifer in the vicinity of Lake Merced and that have discussed the decline in lake levels at Lake Merced (Geo/Resource Consultants, *Lake Merced Water Resource Planning Study*, 1993; USGS, *Geohydrology, Water Quality, and Estimation of Ground-Water Recharge in San Francisco, California*, 1987-92, 1993). Explanations for declining lake levels are:

- Increased groundwater pumping by the municipalities, golf courses, and cemeteries in the vicinity of Lake Merced
- Drought conditions in the late 1980's and early 1990's
- Diversion of most surface runoff that formerly went to the lake

One of the reasons cited in the December 18, 1995 letter from the Olympic Club's attorneys indicated that the decline in lake levels resulted from damage to the lake occurring during the 1989 Loma Prieta earthquake. This theory is not supported by historic hydrographs from the lake, as shown in Figure 3. Water levels in the lake were declining prior to the earthquake and become more severe with the increased severity of the drought in the early 1990's. Because Lake Merced is located within unconsolidated sands and silts, and is considered an expression of the water table within the unconfined aquifer, it doesn't "seep" because the lake is part of the aquifer. Therefore, it is unlikely that an earthquake would

change the structure of the lake enough to cause declines in lake levels. One or more of the three explanations identified above are more likely reasons for the decline in levels.

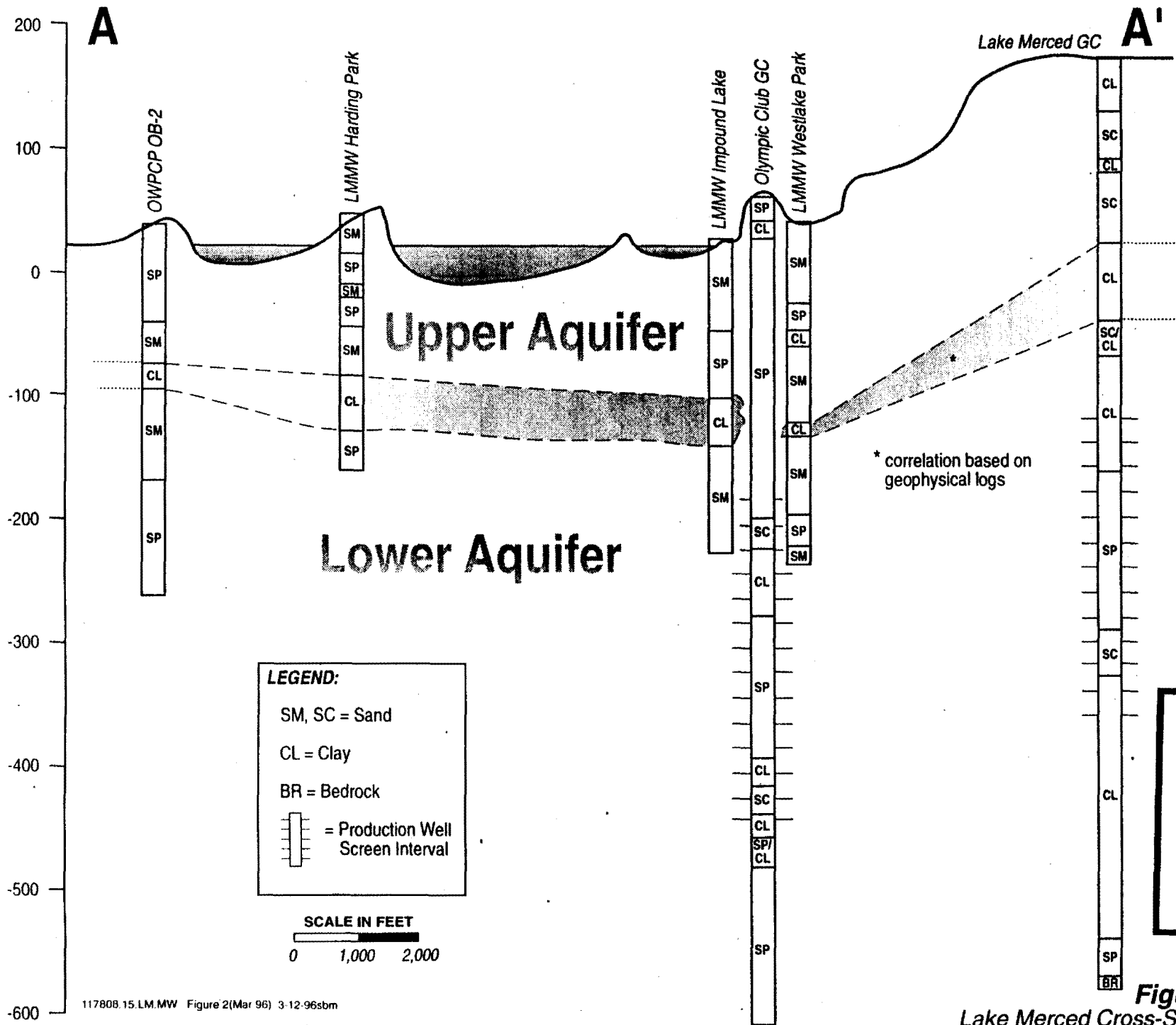
Use of recycled water in the Lake Merced area will support efforts in groundwater management. As a major user of groundwater for non-potable uses, the Olympic Club has begun discussions with Daly City (and San Francisco) regarding the use of recycled water for irrigation. That water is expected to be available in 1997. The Olympic Club is aware of the issues involved with addressing declining water levels at Lake Merced and the current study underway to identify appropriate groundwater management strategies. It is counterproductive to plan increasing groundwater use during a period where alternative water sources are being developed and attempts are being made to reduce groundwater extraction.

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APPLICATION NO.	1-95-62
S.F. P.U.C.	
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Figure 1





117808.15.LM.MW Figure 2(Mar 96) 3-12-96sbm

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Figure 2
Lake Merced Cross-Section

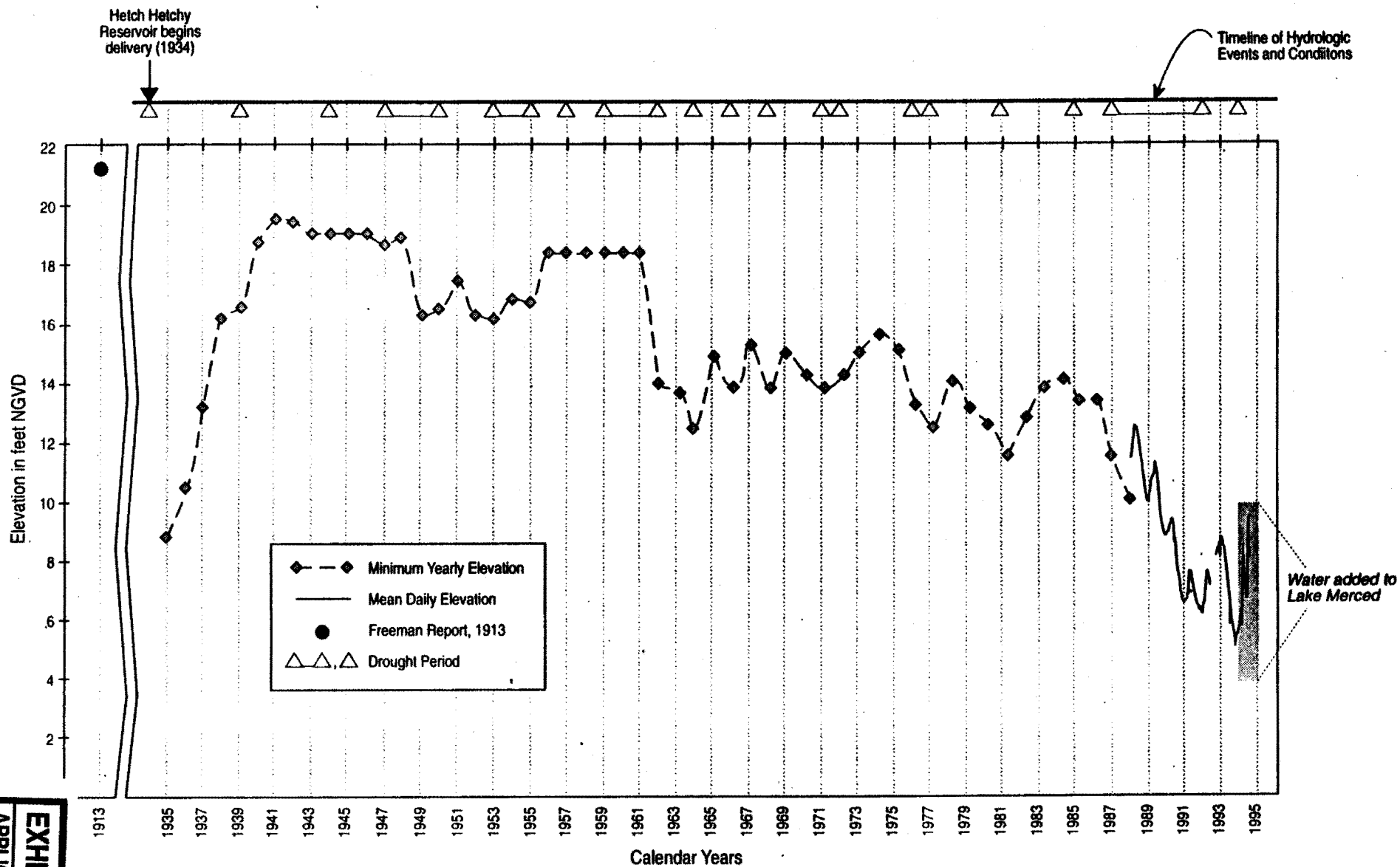


Figure 3
Changes in the Surface
Elevation of Lake Merced

TE: Drought period contains years classified as below normal, dry, or critically dry according to the Department of Water Resources

URCE: USGS. Mean daily records from Recorder 11162680 Lake Merced at Pumpouse

'808.15.LM.MW Figure 3(Mar 96) 3-12-96sbm

EXHIBIT NO. D
APPLICATION NO. 1-95-62
S.F.P.U.C.
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PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 95-0082

EXHIBIT NO.	D
APPLICATION NO.	1-95-62
S.F. P.U.C.	Letter (11 of 16)

Whereas, The Public Utilities Commission owns the Lake Merced tract as a utility property for the benefit of the citizens of the City and County of San Francisco; and

Whereas, This Commission in Resolution No. 10,435 dated January 30, 1950, gave the San Francisco Park and Recreation Commission the authority to use the surface of the Lake Merced tract for recreational use, subject to the reservoir's primary purpose of supplying potable water to consumers in San Francisco; and

Whereas, Ongoing recreational use at Lake Merced provides substantial benefits to the public, and the lake and its environs constitute valuable habitat for fish and wildlife which depend on the lake for survival; and

Whereas, Lake Merced's location in San Francisco affords a unique opportunity for an emergency potable water supply, and the Lake Merced Pump Station operated by the San Francisco Water Department exists partly for the purpose of distributing Lake Merced water to San Francisco residents for consumptive and fire fighting use in the event of an earthquake or other catastrophe; and

Whereas, Lake Merced is a surface expression of the underlying Merced groundwater aquifer (also known as the Westside aquifer), and the water level in Lake Merced is influenced by the pumping of groundwater from the Merced basin; and

Whereas, The water level in Lake Merced has declined precipitously since 1987, and the best available scientific evidence indicates that the cause of the decline is groundwater pumping by the Olympic Club, the San Francisco Golf and Country Club, the Lake Merced Golf and Country Club, the City of Daly City, golf courses and cemeteries in the Colma vicinity, the California Water Service Company in South San Francisco, and the City of San Bruno, among others, coupled with increased urban development which has reduced groundwater recharge, the 1987-92 drought and a lack of inflow to the lake itself; and

Whereas, Board of Supervisors' Resolution No. 389-89 urged the Mayor to urge this Commission to implement a groundwater management program, to take every reasonable measure to ensure a reliable supply of water in the event of an emergency or major earthquake, and to study the causes of the continuing decline in the water level of Lake Merced; and

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 95-0082

EXHIBIT NO.	D
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Whereas, Board of Supervisors' Resolution No. 612-91 urged the Mayor to urge this Commission to develop comprehensive, regional programs for wastewater recycling, groundwater usage and the conjunctive use of surface and groundwater in the San Francisco Water Department service area, and to enter into discussions with major groundwater pumpers overlying the Merced aquifer regarding development of recycled water and mutually beneficial conjunctive use opportunities; and

Whereas, In response to the Board's recommendations, this Commission, through the San Francisco Water Department, has embarked on a groundwater management program and begun discussions with municipal groundwater pumpers in the Merced basin; and

Whereas, An environmental impact report, analyzing the potential environmental effects of a draft Groundwater Master Plan and a draft Recycled Water Master Plan, proposed by the Water Department and the Department of Public Works, respectively, is presently being prepared by the Planning Department; and

Whereas, The environmental impact report, once completed, will provide the City with relevant information and enable the City to adopt the final Groundwater and Recycled Water Master Plans and make final decisions regarding the management of groundwater and recycled water in San Francisco; and

Whereas, The San Francisco Water Department has added imported surface water at the rate of five million gallons per day on several occasions in 1994 and 1995 in an attempt to stabilize the water level of Lake Merced, and this addition of water produced only a short term rise in lake levels because the water added to the lake quickly percolated into the underlying aquifer; and

Whereas, Continued unmanaged groundwater pumping will cause the level of Lake Merced to decline further, adversely impacting recreational use, threatening use of the lake as an emergency water supply and potentially causing sea water intrusion into the Merced aquifer, thereby destroying the use of the aquifer for consumptive purposes; and

Whereas, The City's planning efforts to date have focused on managing groundwater and recycled water in San Francisco, and there is an urgent need to cooperatively manage the entire Merced basin in San Francisco and San Mateo counties; and

Whereas, Pending the completion of the environmental impact report for the Groundwater and Recycled Water Master Plans, the Commission wishes to express its desire to protect Lake Merced and the underlying Merced aquifer, and urges staff to conduct the necessary studies and investigations to enable the Commission to make the final decisions to attain that goal; and

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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EXHIBIT NO. D
APPLICATION NO. 1-95-62
S.F. P.U.C Letter (13 of 16)

Whereas, This Commission must act to protect land and water resources it owns for the benefit of San Francisco water users, and to eliminate the continuing threat to the health of Lake Merced and the underlying Merced aquifer caused by uncontrolled groundwater pumping; now, therefore be it

Resolved, That this Commission makes the following findings based upon groundwater studies and other work performed for the San Francisco Water Department:

1. The conjunctive operation of Lake Merced and the underlying Merced aquifer would reduce and possibly eliminate the threat of seawater intrusion into the aquifer and may provide benefits to SFWD water customers by improving the reliability of water supplies during drought periods. Such a program could also stabilize water levels in Lake Merced, benefitting recreational users and wildlife habitat.

2. An institutional mechanism is required to manage water levels in the Merced aquifer through the conjunctive use of surface water and groundwater. One such option would be the creation of a groundwater management plan under Water Code section 10750 et. seq. The groundwater management plan should be jointly enacted by San Francisco and the cities of Daly City, South San Francisco, Millbrae and San Bruno, along with San Mateo County and the California Water Service Company. Such a program should insure that ratepayers are compensated for the addition of water to Lake Merced by those who ultimately pump the water from out of the aquifer.

3. The substitution of recycled water to meet irrigation water demands in the Merced basin would eliminate these irrigators' draft of water from the aquifer, leading to an increase in the water level of Lake Merced. However, such increase would take place slowly over many years, and an additional source of recharge water must be found for the Merced aquifer. Formulation of a groundwater management plan with neighboring cities in San Mateo County would further the development of recycled water supplies for irrigators overlying the Merced aquifer.

4. A supply of secondary recycled water is currently available from Daly City to serve the Olympic Club, the San Francisco Golf and Country Club, and the Lake Merced Golf and Country Club. However, questions remain regarding the suitability of secondary recycled water for use on these golf courses. Daly City is adding tertiary treatment capacity which could be sized to provide a reliable supply of recycled water to the golf courses, but has been unable to reach agreement with the golf courses regarding a supply of tertiary water.

PUBLIC UTILITIES COMMISSION

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5. Following completion of environmental review and contingent upon voter approval of bond financing, San Francisco may have tertiary water available for use by the golf courses in the vicinity of Lake Merced by the year 2000. The use of available recycled water by golf courses is required under California Water Code section 13551, and for areas within the City and County of San Francisco, by San Francisco Public Works Code Article 22.

6. The Public Utilities Commission owns reserved groundwater rights beneath the Olympic Club, the San Francisco Golf and Country Club, and the Lake Merced Golf and Country Club. These rights are derived from San Francisco's purchase of the Spring Valley Water Company in 1930. The Commission has the legal ability to enforce sanitary and other restrictions imposed on these golf courses by the Spring Valley Water Company to protect Lake Merced.

7. Recycled water could be added to Lake Merced as a source of recharge water, but such action would require changing the Commission's established policy of maintaining Lake Merced for potable use during emergencies. Additional study is required prior to changing the emergency potable water designation of Lake Merced to permit direct recharge using recycled water, including the level of treatment required; potential health effects on users of the lake and adjacent wells; the impact on water quality in Lake Merced; and the impact of recycled water on the use of Lake Merced as a groundwater recharge facility.

8. Some amount of potable water currently used for irrigation could eventually be freed up for other uses through the development of recycled water in San Francisco. The banking of this water in the Merced aquifer could provide additional water for City water users during drought periods. If sufficient potable water remains available following the implementation of a conjunctive use program, the remaining potable water could be sold to other San Francisco water customers, thereby reducing the cost of recycled water in San Francisco.

9. Additional study is required to extend the SFWD consultant's groundwater model south of Lake Merced. Extension of the model throughout the entire aquifer would enable San Francisco and other participants in a future groundwater management plan to evaluate potential projects for conjunctive use of the Merced aquifer. Extension of the model would also better establish the connection between Lake Merced and the underlying deep aquifer.

PUBLIC UTILITIES COMMISSION

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Letter (15 of 16)

10. In the short term, the SFWD could enter into contractual arrangements to supply increased surface water supplies, when available, to Daly City, San Bruno, and the California Water Service Company, in lieu of groundwater pumping by these entities. This "in lieu conjunctive use" will favorably affect groundwater levels in the Merced aquifer and accordingly benefit Lake Merced water levels. Such contracts require that the additional water provided to these pumpers be sold under conditions which would create an incentive to reduce or eliminate the pumping of lower priced groundwater, in a manner which is fair and equitable to other Water Department rate payers.

In light of these findings, the Commission RESOLVES to take the following actions:

1. The Commission is prepared to take all necessary legal and other actions to halt the continued decline in the water level of Lake Merced.

2. The Commission directs staff to develop a conjunctive use program for the Merced aquifer. The conjunctive use program should have three goals: (1) increasing and stabilizing water levels in Lake Merced and the Merced aquifer; (2) increasing the reliability of the SFWD system during drought periods; and (3) the development of long term management practices that maintain the aquifer as a sustainable resource.

3. The Commission directs staff to extend groundwater planning and modelling efforts south of the San Francisco County line in fiscal year 1995-96. Staff is further directed to formulate a partnership with and to request the financial participation of Daly City, San Bruno, and the California Water Service Company in the planning effort. If these entities have not agreed to contribute funds to extend the City's groundwater modelling effort by May 1, 1996, the Commission will consider other options against these pumpers to protect the City's riparian and pueblo water rights to the waters of Lake Merced.

4. If the golf courses in the vicinity of Lake Merced have not reached a decision regarding the suitability of tertiary water from Daly City by November 1, 1995, the Commission will consider taking legal and other action against the golf courses to enforce the sanitary restrictions in the clubs' deeds, protect the City's riparian and pueblo water rights to the waters of Lake Merced, and otherwise require them to use recycled water under state and local law.

5. Staff is instructed to expeditiously return to the Commission for approval of "in lieu" water contracts with the cities of Daly City and San Bruno and the California Water Service Company, following required environmental review and other approvals needed to deliver in lieu water to these customers.

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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6. The primary policy regarding use of the water made available through the development of water recycling in San Francisco is to use this water to increase reliability for City water users. If a portion of the water is not needed to increase the reliability of water supplied to City water users, the water may be sold to others in order to reduce the cost of the water recycling program to City water users. Staff is directed to provide the Commission with a report on the feasibility of banking all or a portion of the potable water freed up through the development of water recycling in San Francisco in the Merced aquifer.

7. Staff is directed to return to the Commission with a plan by May 1, 1996 to evaluate the addition of other sources of recharge water to the Merced aquifer, including recycled water and an evaluation of the health and other impacts of adding recycled water directly to Lake Merced. Due to the substantial value of Lake Merced as a potable emergency water supply, the Commission cannot change the potable use designation of the lake until the necessary study is completed.

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I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission
at its meeting of MAY 23 1995

Romaine A. Boldridge
Secretary, Public Utilities Commission

EXHIBIT NO.	E
APPLICATION NO.	1-95-62
	Committee to Save Lake Merced Letter

Committee to Save Lake Merced

% Jerry K. Cadagan, 215 Stuyvesant Drive, San Anselmo CA 94960
Phone (415) 456-8411

March 19, 1995

Chairman Carl L. Williams and Honorable Commissioners
California Coastal Commission
45 Fremont Street #2000
San Francisco CA 94105

Re: Coastal Development Permit Application
No. 1-95-62 (Olympic Club)

Ladies/Gentlemen:

The Committee to Save Lake Merced is a grass roots organization of Bay Area residents concerned about the precipitous decline in water levels at Lake Merced over the last ten to twelve years. The extent of the environmental crisis at Lake Merced is clearly spelled out in a study commissioned by the San Francisco Water Department entitled "Lake Merced Water Resource Planning Study" dated May 1993 and prepared by Geo/Resource Consultants in association with Montgomery/Watson; Jones & Stokes Associates, Inc; and Public Affairs Management (hereinafter referred to as the "Study"). The Commission staff has a copy of the Study.

The Committee exists for the sole purpose of bringing about a permanent solution to the problem of the declining water levels in Lake Merced. Based on the Study, the Committee is convinced that the water level crisis is a result of a classic case of groundwater overdrafting. In short, more water is being pumped out of the aquifer underlying Lake Merced than is being introduced through natural recharge. The Committee's priorities in this regard at this time are: a) getting those who draft from the aquifer for irrigation purposes to switch to supplies of recycled water, and b) encouraging San Francisco and the municipalities in San Mateo who draw from the aquifer for domestic purposes to revise existing water supply contracts so that the municipalities take more water from San Francisco's Hetch Hetchy system and less from the aquifer.

Because the Committee's highest priority is to expedite the date by which those who draft water from the aquifer for irrigation purpose convert to a different source of water, the Committee was alarmed to learn that the Olympic Club (hereinafter the "Club"), the largest extractor of water for irrigation purposes, was applying to the Commission for a permit relating to yet another golf course which would be using aquifer water. We oppose the application and submit the following comments in support of our opposition.

1. History of the Lake Merced Water Level Problem

In 1950 the San Francisco Public Utilities Commission adopted Resolution # 10,435 providing that "in no instance shall the water level be drawn down below 27 feet on the gauge" at Lake Merced. The Study documents a dramatic decline in the last 10 to 12 years and recommends restoration of the lake level to 26 feet on the gauge. From approximately 1984 to 1994 the lake level dropped from about 22 feet on the gauge to about 14 feet. Today the lake level is slightly higher than the low of about 14 feet in 1994 due primarily to the unusually heavy rains last winter. The Study attributes the lake level crisis to a classic aquifer overdraft situation,

simply meaning that more water is being pumped out of the aquifer that underlies the lake than is being reintroduced by natural recharge.

2. The Golf Courses' Role in the Overdraft Problem.

The Study indicates that the golf courses neighboring the lake withdraw approximately 1,050 acre feet (AF) per year from the aquifer. The three golf clubs in question are the Club, The Lake Merced Golf & Country Club and the San Francisco Golf & Country Club. The other major pumpers are pumping for domestic purposes. They are Daly City, South San Francisco and the California Water Service Co. Under current California law, recycled water cannot be used for domestic purposes. Thus, the golf courses are only major pumpers who currently have a viable alternative to pumping. They can legally use recycled water.

There are 2 kinds of recycled water -- secondary and tertiary, with tertiary being of higher quality. Under California law golf courses may use either secondary or tertiary water. Daly City has had secondary water available for sale since 1977 and has tried to persuade golf courses to buy recycled secondary water for their irrigation needs. Daly City also laid pipe lines to courses over five years ago and those lines remain in place.

Since early 1994, the Committee has encouraged a variety of parties to work together to find a way to have the golf courses convert to a source of recycled water. Those efforts have not borne fruit, and such prominent figures as State Senator Quentin Kopp have become disenchanted with the reluctant attitude of the golf courses regarding this matter.

At about the time Senator Kopp became disenchanted, the San Francisco Public Utilities Commission took a serious interest in the problem and on May 23, 1995 adopted a resolution which included a provision stating that if the courses did not make a decision regarding the use of tertiary water by Nov. 1, 1995 the City might sue the courses, under various theories, to require use of recycled water. On approximately November 1 the PUC received a letter from a law firm representing the three golf clubs. In short, the letter indicates to the Committee that it took the golf courses six months to identify three rather obvious issues regarding use of recycled water. On November 13, 1995 the Chair of the SF PUC responded to the clubs' November 1 letter and set a new deadline of December 31, 1995 by which the golf courses were to "reach final agreement" for the use of tertiary water. On December 15 the clubs' lawyer responded to the PUC in a letter saying that he had been instructed to draft a Memorandum of Understanding regarding negotiations. No dates for submission of the MOU or finalization of the negotiations were given. On February 1, 1996 the clubs' lawyer submitted a seven page draft MOU to San Francisco and Daly City. To the Committee's knowledge that MOU has yet to be signed.

3. The Olympic Club's Response to Commission staff

The Commission staff asked the Club to provide staff with information regarding water usage on the new golf course and the effects of that usage on Lake Merced. By letter dated December 18, 1995 one of the club's lawyers responded to that request. That response set forth numbers regarding the aquifer overdraft situation and the Club's water usage at the new course that were inaccurate and/or misleading. Moreover, the response concludes, without any supporting rationale, that because the water to be used at the new project is allegedly a relatively small percentage of the total withdrawn from the aquifer, that the project will not have an adverse affect on the Lake. The Committee submits that when an aquifer is as badly overdrafted as is the aquifer underlying Lake Merced, then any additional withdrawals from the aquifer will be environmentally damaging to the lake that is the surface expression of the aquifer. Moreover, the Club's assertion that the amount of water needed to irrigate the project is relatively minimal totally ignores the fact that the Club is using significant quantities of aquifer water on its other

courses at the very time that it approaches the Commission asking for permission to construct yet another water intensive course. In short, the Committee does not believe that the Club should be granted a permit (a) for any project that will use any quantity of new aquifer water, or (b) so long as it continues to use large quantities of aquifer water on its other courses, despite the urgings of the San Francisco PUC and the public to convert to recycled water.

Depending upon which set of reasonable data is used, it appears that the annual average overdraft of the aquifer is between 260 acre feet and 800 acre feet. The annual water requirements of the proposed new golf course are between 48 and 66 acre feet. Thus, approval of the Club's application would result in between a 6% to 25% increase in the overdraft of the aquifer. Any number in that range is unacceptable.

4. The Commission's Responsibilities and Options

Lake Merced is within the "coastal zone" over which the Commission has jurisdiction. Clearly then, the Commission should view this permit application with much greater scrutiny than it would if Lake Merced were outside the coastal zone. In essence, the Commission has a responsibility to do whatever is reasonable to aid in reversing the precipitous decline in water levels in Lake Merced over the last decade.

The Committee envisions the following wide spectrum of actions that the Commission might reasonably consider in connection with the Club's application:

- Deny the permit until such time as all three golf courses in the Lake Merced vicinity are using recycled water as their primary source of irrigation water (remembering that Daly City is currently capable of delivering legally acceptable secondarily treated water).
- Deny the permit until such time as the Olympic Club is using recycled water on all of its courses.
- Deny the permit until such time as all three courses have signed contracts with Daly City for a supply of recycled water for all their courses, which such contracts are satisfactory in substance to the Committee.
- Deny the permit until such time as the Olympic Club has signed such a contract for all of its courses, which such contract is satisfactory in substance to the Committee.
- Deny the permit until such time as all three courses have signed such contracts, which such contracts are satisfactory in substance to the San Francisco Public Utilities Commission
- Deny the permit until such time as the Olympic Club has signed such a contract for all of its courses, which such contract is satisfactory in substance to the San Francisco PUC.

We believe this is a very serious matter and that the Commission has within its grasp the capability of making the first major step in restoring the health of Lake Merced. We hope that the Commission will take its responsibilities in this regard seriously.

COMMITTEE TO SAVE LAKE MERCED

BY


Jerry K. Cadagan

Karin Hu, Ph.D. Psychology
Department of Behavioral Sciences

RECEIVED
JAN 13 1996
CALIFORNIA
COASTAL COMMISSION

January 15, 1995

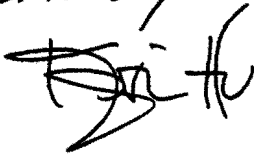
Re: Olympic Club permit application
1-95-62

Dear members of the Calif. Coastal Commission,

Please stop the development of golf holes on the coast (south of Ft. Funston). Already they have destroyed a once beautiful view of the coast.

If they are allowed to continue, this would be an example of a private, exclusive club taking what belongs to the public — the unspoiled Calif. coastline. Also, the amount of water & pesticides & herbicide to maintain golf links would have a disastrous effect on wildlife, both terrestrial & those aquatic life below.

Sincerely,



City College of San Francisco
50 Phelan Avenue, L210
SF, CA 94127 (415) 239-3442

EXHIBIT NO.	F
APPLICATION NO.	1-95-62
Other Correspondence	
(1 of 21)	



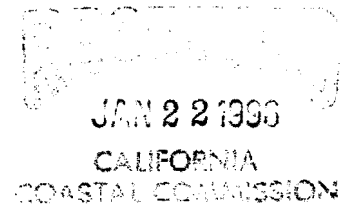
Coastal Commission
45 Fremont St., Ste. 2000
San Francisco, CA 94105

January 19, 1996

Attn: Bob Merrill

Fax: 415-904-5400

Regarding: Olympic Club's proposed beach golf course



Dear Mr. Merrill,

I've lived in San Francisco for nearly 15 years and am a property owner so can understand an individual's right to use one's property as one sees fit. That said, I also believe that there are community rights as well. If I understand correctly, the Coastal Commission's job is to balance these two sometimes differing sets of rights.

The Bay Area is one of the most stunning locations in the whole world. Its dramatic scenery and natural resources so close to its urban centers has much to do with why San Francisco is the destination of choice for both national and international travellers. I consider myself truly blessed to live where some people have saved for years just to visit. Thank You John Burton and the G.G.N.R.A. and the countless water and land use agencies that I know nothing about for saving what tiny portion has been left relatively undisturbed. Without you we would have been covered with "little boxes on the hillside" long ago.

Apparently the debate is not over. For many years, I have brought guests from around the country and around the world to Fort Funston to see the hang gliders and gaze south along the beach and over the ocean. I've brought my family on hikes and horseback rides. Within the last year or so, for personal reasons, I've been walking at the beach three or more times a week making some quality changes in my life. It was with sadness and dismay that on one of my hikes, I found a huge piece of landscape fenced off and bulldozed. Wasn't this community property? Isn't one of the reasons why we support the government with our taxes, to save and to protect the decimated remainder of a once incomparable paradise? To make the appropriate decision, government must take a global and many generational perspective. Please make the correct decision and save our rapidly disappearing free and open spaces.

Feel free to call me if you have any suggestions on how I may help.

Sincerely,

David Heller

415-665-3654

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APPLICATION NO.	1-95-62
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EXHIBIT NO. F

APPLICATION NO.

1-95-62

Other Correspondence

(3 of 21)

January 27, 1996

Att: Bob Merrill
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, Ca 94105

I am writing to express my opposition to the proposed development by the Olympic Club of the ocean-front area just south of Fort Funston. It is one of the most scenic and natural areas within San Francisco. There is a wide array of plant life in the hills and the beach is one of the best spots in the city for bird watching. Extending the golf course over the edge & down the hillside will permanently alter the character of this stretch of coast.

The golf course extension
threatens to destroy a
special treasure for all
Californians, and especially
for the urban residents
of San Francisco. I
strongly urge the Coastal
Commission to use its
authority to protect this site.

Sincerely,

Mary P. Devereux
80 Alvarado St.
S.F. Ca.

382 Dorado Way
South San Francisco
California, 94080

February 9th , 1996

Dear Mr. Merrill:

I am a frequent visitor to Fort Funston and the area immediately to the north of Ft. Funston. As I am retired I use the area almost daily. Either alone, or with friends and family, I frequently picnic and walk the trails in the area north of Ft. Funston which I recently learned is owned by the Olympic Club. I was under the impression that this area was public land and have never seen any signs which indicate that this area is private property. If my memory serves me, during the past several decades, this land has been used by the public.

My reason for writing this letter is to appraise you of the disgust I felt when I learned that this area, currently occupied by birds and animals, is to be turned into additional golf links for the Olympic Club. I have never seen any signs posted in this area saying "Private Property. I am horrified to think of further squandering of natural ~~areas~~.

At the south end of Ft. Funston, the public is informed, via signs and fencing, to respect the nesting birds. It seems contrary, to say the least, that what is valued to the south, i.e. the birds and animals--and their habitat, is not only not valued to the north but is actively being frittered away. The messages are inconsistent and paradoxical.

The option of picnicking on this land to the north is gone. All living things are now endangered by the manipulates of the Olympic Club to "green" their links. The hazards of poisonous pesticide runoff, depletion of water from the lake and future soil erosion are only the most obvious dangers.

Ft. Funston and its surrounding area is being enjoyed by more and more people. Increasingly, the area's beauty is showing signs of overuse. Losing the use of the Olympic Club land is only making this worse.

If any public debate is in the works I would like to be appraised of it. If there is any public input or survey's in progress I wish to be part of it. Please keep me posted on upcoming developments.

Sincerely,

Patricia Caket

PATRICIA CAKET

EXHIBIT NO. F
APPLICATION NO. 1-95-62
Other Correspondence
(4 of 21)

RECEIVED

FEB 14 1996

CALIFORNIA
COASTAL COMMISSION

382 Dorado Way
South San Francisco
California, 94080

February 7th , 1996

Dear Mr. Merrill:

I was disheartened to learn of the new use the land north of Ft. Funston is designated to fulfil. When I visit the area I enjoy picnicking and walking the trails. As I am retired I am able to visit both on weekdays and on weekends--weather permitting.

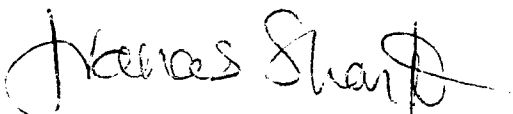
For the past decade, to my knowledge, this land has been used by the public without restriction. There have never been any signs posted to indicate that it was owned by the Olympic Club.

Imagine how surprised I was to learn that this land, formerly the habitat of birds and animals, was to be turned into additional golf links for the Olympic Club. I am horrified to think of further squandering of natural habitat and wonder if using it for "golf links" is sufficient reason to destroy it's beauty.

To the south end of Ft. Funston, I am informed not to destroy the natural area--and it is reinforced by signs and fencing. To the north the birds and habit are of no consequences as grown men play games with sticks and balls. Perhaps it's none of my business what they do with their land. But if we who use the area do not speak up for those who have no voice, (the birds and animals) who will?

I would like to be involved in future discussions in the designation and redevelopment of this area. Please let me know, either by posting notices in prominent places, or by writing directly to me at the above address.

Sincerely,



FRANCES SHORT

RECEIVED

FEB 14 1996

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. F
APPLICATION NO. 1-95-62
Other Correspondence
(5 of 21)

382 Dorado Way
South San Francisco
California, 94080

February 9th , 1996

Dear Mr. Merrill:

I am writing to ^{you} regarding Ft. Funston and the land immediately to the north of Ft. Funston. I am retired and take great pleasure in using this area almost daily. I recently learned that the land to the north of Ft Funston is owned by the Olympic Club. I am surprised having never seen any "Private Property" signs posted.

I understand that this north portion of Ft Funston is to be redeveloped? Instead of being a habitat for birds and animals it is to be turned into additional golf links for the Olympic Club.

I understand that the The option of the public using this land is history. However, the hazards of poisonous pesticide runoff, depletion of water from the lake and future soil erosion, all occuring because of the "care" taken in ensuring the links are kept green will be part of the area's future. Overtime, the area's beauty has been diminished due to signs of neglect but the addition of golf links will dramatically affect the flora and fauna of the area to a much greater degree.

I am a concerned citizen and wish to be kept updated on further developments of the area. Whatever arrangements you can make in this regard will be much appreciated.

Sincerely,


AMIL SAMAYOA

RECEIVED
FEB 14 1996

CALIFORNIA
COASTAL COMMISSION

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APPLICATION NO.	1-95-62
Other Correspondence	
(6 of 21)	

February 20, 1996

Bob Merrill
Coastal Commission
45 Fremont Street Ste 2000
San Francisco, CA 94105

Dear Mr. Merrill,

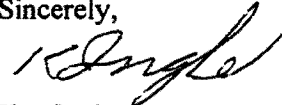
I am writing you again concerning the actions of the Olympic Club in regards to the land just south of Fort Funston. In my previous letter to you, I expressed a concern about the effects the proposed golf course would have on erosion in that area. While walking out there on the weekend of Feb. 10/11, I saw many large gullies and other signs of erosion that have not previously been there prior to the destruction of the natural habitat. I am enclosing some pictures I took during the course of my walk which I hope will show the devastation that is taking place. This is what will occur to the remaining land if the Coastal Commission grants permission to the Olympic Club for its golf course.

You may think that the erosion will not be as bad once the grass for the golf course has been planted. However, I would like to point out that grass is very ineffective as an erosion deterrent due to its tenuous root structure. It simply will not stand up under the gale force winds that come in off the ocean during the winter months. If it could, the golf course that was there in the 1920's would still be in existence rather abandoned as it was.

I urge the Coastal Commission to deny the Olympic Club's request to expand its golf course due to the environmental impact it will have on the coast as well as the fact that this land has been public use land for decades now. At the very least, the hearing should be a local one so that the people most impacted will have a fair chance to voice their concerns.

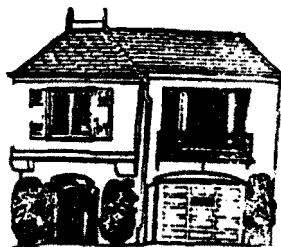
Thank you for your time.

Sincerely,



Kay Ingle
251 Marina Way
Pacifica, CA 94044
415-359-0876

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Other Correspondence	
(7 of 21)	



NICOLETTE AUSSCHNITT
166 27th Avenue
San Francisco, CA 94121
(415) 386 2770

RECEIVED
FEB 23 1996
CALIFORNIA
COASTAL COMMISSION

February 20, 1996

Robert Merrill
California Coastal Commission
45 Fremont St. #2060
San Francisco, CA 94105

Dear Mr. Merrill,

I am writing regarding the Olympic Club golf course expansion to the cliffs above the beach just south of Ft. Funston. It was my understanding that the Coastal Commission is in place to keep such travesties from occurring. The coastline belongs to all of us, not just to the members of an exclusive golf club. Please stop them from developing this gorgeous, wild spot. Keep it accessible to all the people of SF.

Sincerely,

EXHIBIT NO. F

APPLICATION NO.
1-95-62

Other Correspondence

(8 of 21)

Susie Cranston
1615 Monterey Boulevard
San Francisco, CA 94127

March 4, 1996

Dear Mr. Merrill,

I'm writing you concerning the Olympic Club's plan to build golf course holes near the beach south of Fort Funston. I am opposed to this plan for a number of reasons.

First of all, there is safety. The beach will become unsafe to the numerous people and animals who walk there. Golf balls will be flying off the bluff and could easily strike an unsuspecting pedestrian or animal.

Second of all, there is the issue of harmful chemicals that will wash down off the grass and onto the beach. Not only are these herbicides + pesticides harmful for the environment, but do we really need more chemicals in our ocean?

Thirdly, by putting in a golf course along the bluff, the public won't be able to enjoy the scenic trails that should belong to everyone—not just the Olympic Club members.

Lastly, let's look at the state park that washed away some years ago. Why should the Olympic Club have any greater success? ~~It~~ All this is going to lead

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Dear California Coastal Committee

MAR 04 1996

CALIFORNIA
COASTAL COMMISSION

I was visiting Fort Funston recently and noticed a flyer with your address and the description of a golf course that was being planned.

Although I have been a California resident for just four years, I plan to live here for as long as I can be productive, which I hope is for some time.

Therefore I am writing to express my objection to a golf course that would become part of the landscape of those cliffs, that beach, and that ocean.

Maybe this is superficial, but golf to me is a bit of an exclusive activity. The people who enjoy golf have many beautiful places to play.

Please consider that our natural beauty is something for everyone here. I feel that a golf course on HWY. 1 would take from many and provide for a few.

Thank you Frank Peze

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APPLICATION NO. 1-95-62
Other Correspondence
(10 of 21)

RECEIVED

MAR 06 1996

CALIFORNIA
COASTAL COMMISSION

dear Mr. Robert Merrill,

as a regular visitor and a great admirer of fort funsten i am really concerned about the many deep negative consequences created if the olympic club golf course project succeeds. this simple and serene landscape/environment nurtures and feeds thousands of us city dwellers physically and spiritually. it is a great big open space haven for the public.

we disagree with this golf course development for a number of reasons:

- * chemical pollution due to pesticides + herbicides used in golf courses running off to the beach + water.
- * our safety being threatened by golf balls
- * the threat to the wild life + the harmony of this enviro
- * the breakup, disturbance and distraction of this open coastal environment will greatly hurt the peace + aesthetics of this very significant coastal haven that nurtures so many many of bay area residents.

i hope this project does not succeed for i believe strongly that it is not well balanced and it is not universally just to make this harsh change for such a small group of people, in relation to the larger scheme of things!

Thank you and i hope you
can help us

Nader

EXHIBIT NO. F

APPLICATION NO.
1-95-62

Other Correspondence

(11 of 21)

3/3/96

Nader. M

1336 FLORIDA St.

S.F / CA 94110

San Francisco Bay & Alcatraz from the Hyde
Street Cable Car.

Photo: Steve August



Dear Mr. Merrill

Please vote
against the
proposed golf course
at the Olympic Club
near Fort Funston.

Sincerely
Walt Myrehrn
1818 Fell
San Francisco
Ca

Distributed by STOKES MARKETING San Francisco

Robert Merrill
Calif. Coastal Commission
45 Fremont #
2000

San Francisco, Ca

94105
RECEIVED

MAR 07 1996

CALIFORNIA
COASTAL COMMISSION

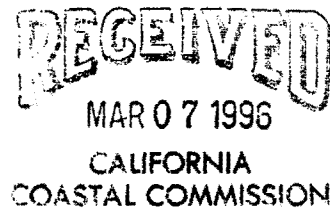
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March 4, 1996

Mr. Robert Merrill
California Coastal Commission
45 Fremont St. # 2000
San Francisco, CA 94105



Dear Mr. Merrill,

I am a resident of Austin, Texas, but I visit your lovely city every year. I am always amazed at how unspoiled the beautiful coastline is here, and I am writing you to ask that you do your best to protect it by blocking the development of the Olympic Club's golf course near Ft. Funston beach.

Please keep Ft. Funston Beach ^{the} undeveloped wonder that it is. Please don't spoil it for everyone, while only a small minority are granted the privilege of using the golf course.

Thank you,
Jonathan Ayres

Jonathan Ayres
3905 A Maplewood
Austin, TX 78722

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MR. ROBERT MERRILL
California Coastal Commission
45 Fremont St. #2000
San Francisco, CA 94105

RECEIVED
MAR 07 1996
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrill,

I am writing you as a citizen of San Francisco who is concerned over the proposed development of a golf course for the Olympic Club on the land over Ft. Funston beach. Please do the best that you can to stop this project and return the now razed area to its natural and proper state; an effort at revegetation is currently being made on the cliff land below with wonderful results. Why install a golf course in what is not only a prominent view place, but is also adjacent (and part of) the fragile beach ecosystem? Golf course lawns require enormous amounts of herbicides and water: where will all this poisonous runoff go? Into the ocean? Onto the beach lands below?

In closing, Ft. Funston Beach is one of my favorite spots in the city. I visit it every week to walk along the beach and gather my thoughts while enjoying the incredible beauty of the spot. Please help keep this beauty an unspoiled resource that everyone can enjoy.

Thank you,


Maxine Moerman

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APPLICATION NO. 1-95-62
Other Correspondence
(14 of 21)

Mr. Warren Lee
2339-31st Avenue
San Francisco CA 94116
Phone Number: 1-415-242-1471

RECEIVED
JAN 8 1996

March 5, 1996

CALIFORNIA
COASTAL COMMISSION

Mr. Robert Merrill
California Conservation Committee
45 Fremont, Suite 2000
San Francisco CA 94105-2219

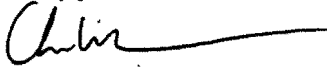
Dear Mr. Merrill:

It has come to my attention it is The Olympic Club's intentions to expand their golf course/developed property to include the area bordered on the north by Fort Funston's main parking lot and on the west by Highway 35. Having grown up in the Sunset District of San Francisco and a frequent hiker and visitor to the Fort Funston area, I find it an absolute shame that an idea of taking such a beautify, natural area and developing it can even be conceived. What is even more outrageous, is that The Olympic Club's plans attempts to deprive the general public, all of whom are tax payers like yourself and myself, of such a priceless, natural area for the sole benefit to a relative small group of privileged, upper-classed people, who can afford to enjoy such luxuries as the Olympic Club.

I do not have children, nor am I a jealous, poor person; but I am a concerned, tax paying citizen of San Francisco, concerned that we might be losing a very precious natural resource, to what obviously appears to be to the benefit the pleasures of the few people who have the money and influence to enjoy the services of The Olympic Club. Again, we can see that this is a case of the well-to-do's taking from the general public. Please do your part in preventing The Olympic Club's plans in developing the land in question.

You can contact me at work 1-510-244-7416 or write to me if you have any questions or comments.

Sincerely yours,



Warren Lee

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APPLICATION NO. 1-95-62
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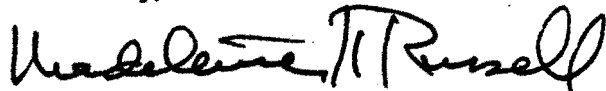
MADELEINE H. RUSSELL
3778 WASHINGTON STREET, SAN FRANCISCO, CALIFORNIA 94118

March 11, 1996

Dear Mr. Merrill,

I am writing to urge you and the California Coastal Commission to retain the wonderful open space near Fort Funston for recreational hiking, etc. and not to allow it to be developed for an Olympic Club golf course.

Sincerely,



Madeleine H. Russell

Mr. Bob Merrill
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

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DANIEL H. BROWN
Attorney at Law

MAR 11 1996
CALIFORNIA
COASTAL COMMISSION

3300 Powell St., Suite 103
Emeryville, CA 94608

Phone: (510) 428-1158
Fax: (510) 428-2021
e-mail: danielncf@aol.com

March 7, 1996

Robert S. Merrill
Chief of Permits
North Coast Area Office
California Coastal Commission
45 Fremont, Suites 1900 and 2000
San Francisco, CA 94105-2219


Dear Mr. Merrill,

re: Olympic Club Expansion

The Fort Funston Pilots' Association (Fellow Feathers) has reached an agreement with the Olympic Club regarding the Club's construction of a golf course on its property west of Skyline Blvd. in San Francisco and San Mateo Counties. Pursuant to the Agreement, the Association has agreed not to oppose construction of the course.

A copy of the Association's minutes memorializing the agreement is included. Please contact me if you have any questions.

Very truly yours,


Daniel H. Brown

cc: Dennis F. Moriarty
President the Olympic Club

lolym5.doc

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Other Correspondence
(17 of 21)

**EXECUTIVE COMMITTEE MINUTES
FORT FUNSTON PILOTS' ASSOCIATION (FELLOW FEATHERS)**

At a specially called meeting of the Executive Committee, the Executive Committee voted to ratify the following Agreement with the Olympic Club regarding the Olympic Club's construction of a golf course between Skyline Blvd. and the ocean in San Francisco and San Mateo Counties:

Hang gliders will be permitted to fly over the golf course at altitudes above 100'. The Fort Funston Pilot's Association will caution hang glider pilots that they may not fly below 100' when their flying would adversely affect the golfers. Hang gliders may land on the golf course in emergencies only.

The Fort Funston Pilots' Association will not oppose the construction of the golf course.

Dated: February 29, 1996



Enzo Fatica
President Fort Funston Pilots'
Association (Fellow Feathers)

Kenneth Woodrow, M. D.

*Medical Corporation
1225 Crane Street, Suite 106
Menlo Park, CA. 94025
Telephone 415-324-1500*

MAR 12 1996
CALIFORNIA
COASTAL COMMISSION

March 8, 1996

Robert Merrill
California Coastal Commission
45 Fremont St.
#2000
San Francisco, CA 94105-2219

Dear Mr. Merrill:

I would like to let you know of my family's delight in using the relatively pristine Fort Funston recreational area.

Recently we found that there is the possibility of a golf course being built nearby. We would like to register our disagreement with this kind of use, and would vastly prefer the beach and surrounding lands being left in as close to natural state as possible.

Sincerely,


Kenneth Woodrow, M.D.

EXHIBIT NO. F
APPLICATION NO. 1-95-62
Other Correspondence
(18 of 21)



City and County of San Francisco

PUBLIC UTILITIES COMMISSION

1155 Market Street, 4th Floor
San Francisco, California 94103
(415) 554-3155

Robert S. Merrill
Chief of Permits
North Coast Area Office
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

RECEIVED
MAR 13 1996
CALIFORNIA
COASTAL COMMISSION

March 14, 1996

Re: Application Number 1-95-062, Olympic Golf and Country Club

Bob:
Dear Mr. Merrill:

I am writing to you concerning the proposed Coastal Development Permit for expansion of the Olympic Club's golf course. The San Francisco Public Utilities Commission (PUC) is concerned about adverse impacts on water levels in Lake Merced if the permit is approved by the Coastal Commission.

The San Francisco Water Department, a component agency of the PUC, owns the Lake Merced tract in trust as a utility property for the benefit of San Francisco's water customers. The PUC and recreational users of Lake Merced share a common goal of raising the water level of the lake and restoring the surrounding marine environment. As discussed below, this goal is entirely consistent with managing the underlying aquifer for the benefit of San Francisco's wholesale and retail water customers.

As we understand the facts, the Olympic Club proposes to rehabilitate six new holes west of Skyline Boulevard which have not been used since the 1920s. Two of these holes are the subject of the current application to the Coastal Commission. The remaining four holes were previously approved by San Mateo County under its Local Coastal Plan. We understand that the San Mateo County approval received a categorical exemption under the California Environmental Quality Act (CEQA), and that

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analysis apparently did not even consider the environmental impact of increased water usage caused by the addition of six new golf holes.

The Coastal Development Permit currently before the Coastal Commission provides an opportunity to thoroughly evaluate the environmental impacts of increased water usage by the Olympic Club. The Olympic Club expansion will require an additional 48.4 acre feet of water per year from the already overdrafted aquifer beneath Lake Merced. As the Lake Merced Water Resources Study on file with the Coastal Commission makes clear, there has been a long term decline in Lake Merced water levels due to pumping by golf courses, cemeteries, and municipalities which share the aquifer.

Additional groundwater withdrawals can only make a bad situation worse. As the attached analysis by CH2M Hill (the City's groundwater consultant) indicates, an additional 48.4 acre feet represents an increase of approximately 7 percent over the Club's 1988 groundwater withdrawals, and an additional overdraft of 5 percent when measured against the annual overdraft of 800 acre feet estimated by a consultant hired by Daly City in 1991. The Olympic Club's wells are located in an area where additional pumping could have a significant adverse impact on Lake Merced water levels.

The PUC in resolution no. 95-0082 (copy attached) directed City staff to develop a conjunctive use program for the aquifer beneath Lake Merced in a partnership with its wholesale water customers overlying the aquifer. Available water storage space in the aquifer is a valuable resource which might be recharged in wet years, with the water extracted during droughts when surface water is in short supply. Water levels in parts of the aquifer are more than one hundred feet below sea level, and if seawater intrudes into the aquifer it will be ruined as a source of potable water for domestic and irrigation use.

Conversion of irrigation water supplies to recycled water is a key first step in managing the ground water aquifer. PUC

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resolution 95-0082 gave the three golf clubs in the vicinity of Lake Merced until November 1, 1995 to indicate whether they would accept a supply of tertiary recycled water from Daly City. Although the golf clubs responded in a timely fashion, the PUC is concerned that delays in reaching a recycled water supply agreement with Daly City will delay delivery of such water to the clubs beyond the beginning of the 1997 irrigation season.

A supply of tertiary recycled water of adequate quantity and quality will be available from Daly City as soon as the three golf clubs sign a water supply contract and the necessary treatment facilities are constructed (distribution pipelines for recycled water are already in place). The clubs are required to use recycled water under section 13550 of the Water Code if the conditions set forth in the statute are met.

Our attorneys have advised us that one of the basic goals of the Coastal Act is to enhance and restore the overall quality of the coastal zone environment and its natural resources, which include Lake Merced (Public Resources Code section 30001.5(a)). Permits granted by the Coastal Commission must be consistent with this goal (Public Resources Code section 30200(a)). The Coastal Commission must restore marine resources like Lake Merced by preventing ground water depletion and encouraging waste water recycling where feasible (Public Resources Code sections 30230, 30231).

In view of the facts and the legal authority cited above, the PUC requests that the Olympic Club's Coastal Development Permit be denied until the Club has signed a recycled water purchase agreement with Daly City. It is eminently feasible to convert the Olympic Club irrigation water supply to recycled water and thereby avoid the potentially significant adverse impact on Lake Merced caused by the Club's increase in ground water pumping.

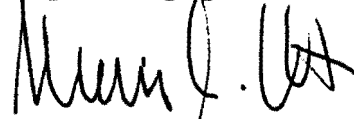
Alternatively, if the Coastal Commission intends to grant the permit, it must perform an environmental analysis of the impact of increased ground water pumping on Lake Merced and the surrounding marine environment. Although the Coastal

Mr. Robert S. Merrill
March 14, 1996
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Commission's regulatory program is exempt from the requirement to prepare an EIR under CEQA (CEQA Guidelines section 15251(c)), your agency still must comply with CEQA's policies, evaluation criteria and standards. The required environmental review must address all activities and impacts associated with a project. This is especially true here where the impact of water withdrawals was not analyzed as a part of the earlier approval under the San Mateo County Local Coastal Program.

Thank you for the opportunity to comment on the proposed permit.

Very truly yours,



MARION E. OTSEA, President
San Francisco Public
Utilities Commission

cc: Hon. Kevin Shelley
Hon. Barbara Kaufman
Hon. Quentin Kopp
Members, SFPUC
A. Moran
S. Ritchie
Louise Renne
Patrick Sweetland, Daly City
Jerry Cadagan, Committee to Save Lake Merced
T. Berliner
J. Milstein

Additional Groundwater Pumping at Olympic Club GC

TO: Chris Morioka/SFPUC

COPIES: Josh Milstein/SF City Attorney's Office
Ted Way/CH2M HILL
Bahram Khamenehpour/AGS

FROM: Toni Pezzetti/CH2M HILL

DATE: March 13, 1996

The Olympic Club Golf Course is proposing to rehabilitate several existing holes on the Pacific Links course. The water needed to irrigate these additional holes is estimated to increase the Olympic Club's groundwater use by 48.4 acre-feet/year (this amount has been increased from the 14.7 acre-feet/year stated in its December 18, 1995 letter to the California Coastal Commission). This additional irrigation water would be obtained from the Olympic Club's two existing production wells located along Lake Merced Blvd (see Figure 1). No modifications to the wells are proposed. The Olympic Club indicates in its that this increase in pumping "would not be expected to have any discernible impact on water levels in the aquifer" and "there would be no impact expected on Lake Merced water levels".

Because of the sensitivity of groundwater issues and water levels in Lake Merced, increasing groundwater production from any well in the vicinity of Lake Merced would not be advantageous at this time. Moreover, increasing production at the Olympic Club wells may be particularly detrimental. The increase would impact the local water budget and the wells are located in an area which may have a significant impact on Lake Merced. The following discussion addresses the issues involved with increasing groundwater extraction at the Olympic Club wells.

The water budget within the Westside Basin is variable. The Westside Basin extends from north of Golden Gate Park to the San Francisco International Airport. The complex groundwater aquifer within the basin provides drinking and irrigation water to both private and municipal users. Because the degree of groundwater use varies extensively within the large aquifer, the water budget (the comparison of recharge water entering the aquifer to discharge water leaving the aquifer) in the Westside Basin is often calculated separately for the areas north and south of the San Francisco-San Mateo County line. In the northern portion of the basin, which includes Lake Merced itself, estimates indicate that recharge exceeds discharge by several thousand acre-feet per year. South of the county line, the groundwater budget has a yearly deficit of 800 acre-feet (Applied Consultants, *Report on the Daly City Groundwater Investigation and Model Study*, 1991). This overdraft has resulted in a steady decline of water levels in the southern portion of the Westside Basin and flow of groundwater from the Lake Merced area towards the area of high pumping south of Lake Merced.

The attorneys for the Olympic Club cite in their December 18, 1995 letter that the originally proposed increase of 14.7 acre-feet/year represents only 0.1 percent (the letter incorrectly states 0.0011%) of the current groundwater use for the entire basin. However, because of

the size and complexity of the aquifer and the variability of water use within the basin, the local water budget should be considered when evaluating the impact on changes in water use to the surrounding aquifer. The Olympic Club wells are the largest wells in the immediate vicinity of the lake. The change due to the 48.4 acre-feet/year is estimated increase the Olympic Club's production rate 7 percent over its 1988 rate (the only year for which the extraction rate of the golf club has been estimated). Any increase in groundwater use in the immediate vicinity of Lake Merced would be counter to the current efforts of identifying ways to reduce groundwater use near the lake.

The Olympic Club wells are located in an area that may impact the Lake Merced water levels. The City is currently conducting a groundwater investigation in the Westside Basin which focuses on the Lake Merced area. The purpose of this investigation is to increase the City's understanding of the complex hydrogeology of the basin so that appropriate measures can be taken to manage the groundwater resources in the basin and to restore lake levels in Lake Merced. Preliminary data from the monitoring wells being installed as part of the ongoing groundwater investigation indicate that the Olympic Club's two existing production wells are located in an area which may have significant impact on Lake Merced.

Geophysical and geological logs from the new and existing wells indicate that a clay unit occurs in the vicinity of the lake and locally separates the Westside Basin aquifer into upper and lower units. Lake Merced is considered to be an expression of the water table in the upper unit. The clay separates the lake from the lower unit, which is where the majority of the groundwater pumping occurs in the Westside Basin. A cross-section drawn through the Lake Merced area (Figure 2) shows the occurrence of the clay and that the clay appears to be thin or absent at the Olympic Club wells. The absence of the clay in an area of high groundwater pumping would increase the impact of that pumping on the groundwater in upper unit and water levels in Lake Merced.

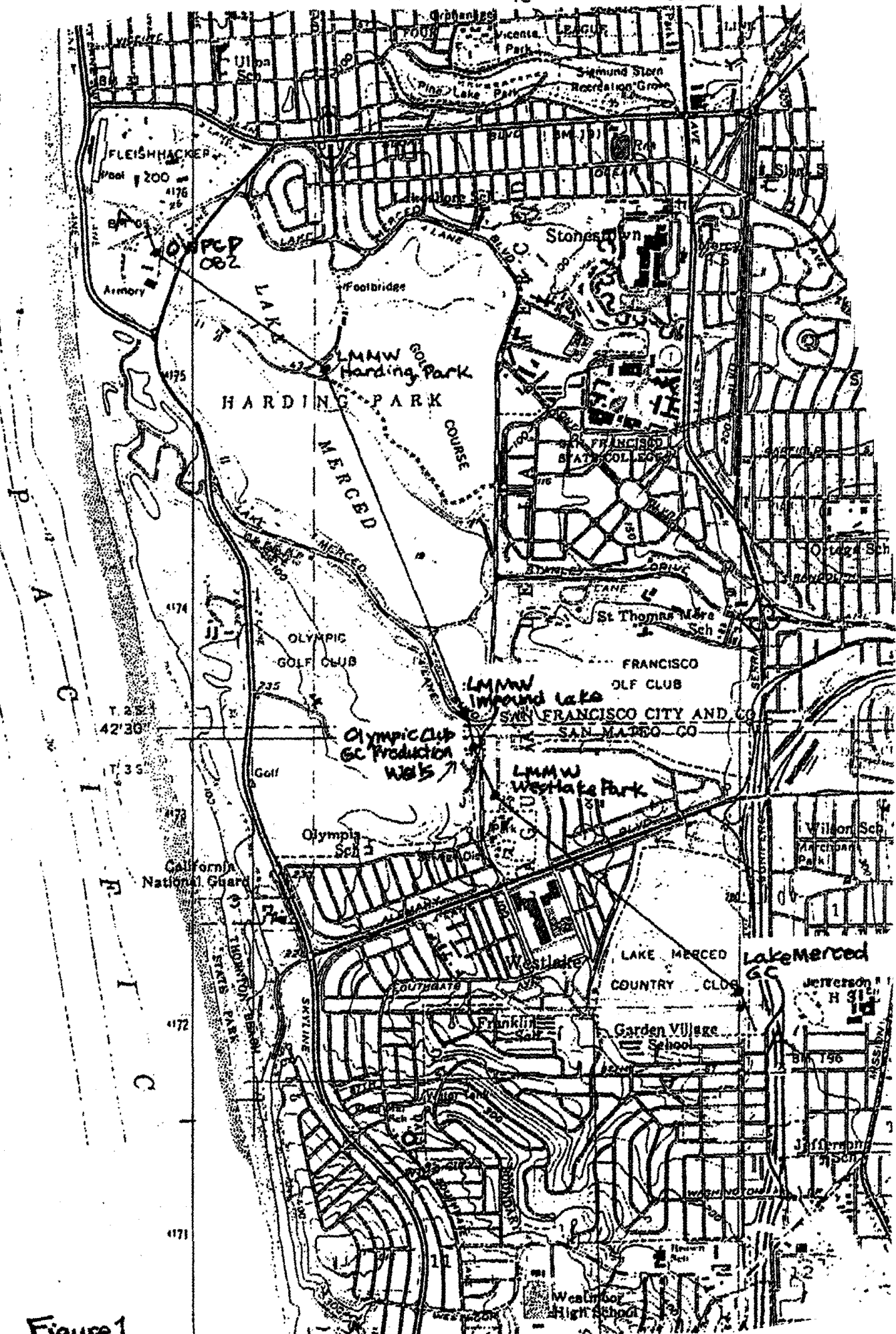
Water levels at Lake Merced are declining for several reasons. There have been several studies addressing the aquifer in the vicinity of Lake Merced and that have discussed the decline in lake levels at Lake Merced (Geo/Resource Consultants, *Lake Merced Water Resource Planning Study*, 1993; USGS, *Geohydrology, Water Quality, and Estimation of Ground-Water Recharge in San Francisco, California*, 1987-92, 1993). Explanations for declining lake levels are:

- Increased groundwater pumping by the municipalities, golf courses, and cemeteries in the vicinity of Lake Merced
- Drought conditions in the late 1980's and early 1990's
- Diversion of most surface runoff that formerly went to the lake

One of the reasons cited in the December 18, 1995 letter from the Olympic Club's attorneys indicated that the decline in lake levels resulted from damage to the lake occurring during the 1989 Loma Prieta earthquake. This theory is not supported by historic hydrographs from the lake, as shown in Figure 3. Water levels in the lake were declining prior to the earthquake and become more severe with the increased severity of the drought in the early 1990's. Because Lake Merced is located within unconsolidated sands and silts, and is considered an expression of the water table within the unconfined aquifer, it doesn't "seep" because the lake is part of the aquifer. Therefore, it is unlikely that an earthquake would

change the structure of the lake enough to cause declines in lake levels. One or more of the three explanations identified above are more likely reasons for the decline in levels.

Use of recycled water in the Lake Merced area will support efforts in groundwater management. As a major user of groundwater for non-potable uses, the Olympic Club has begun discussions with Daly City (and San Francisco) regarding the use of recycled water for irrigation. That water is expected to be available in 1997. The Olympic Club is aware of the issues involved with addressing declining water levels at Lake Merced and the current study underway to identify appropriate groundwater management strategies. It is counterproductive to plan increasing groundwater use during a period where alternative water sources are being developed and attempts are being made to reduce groundwater extraction.



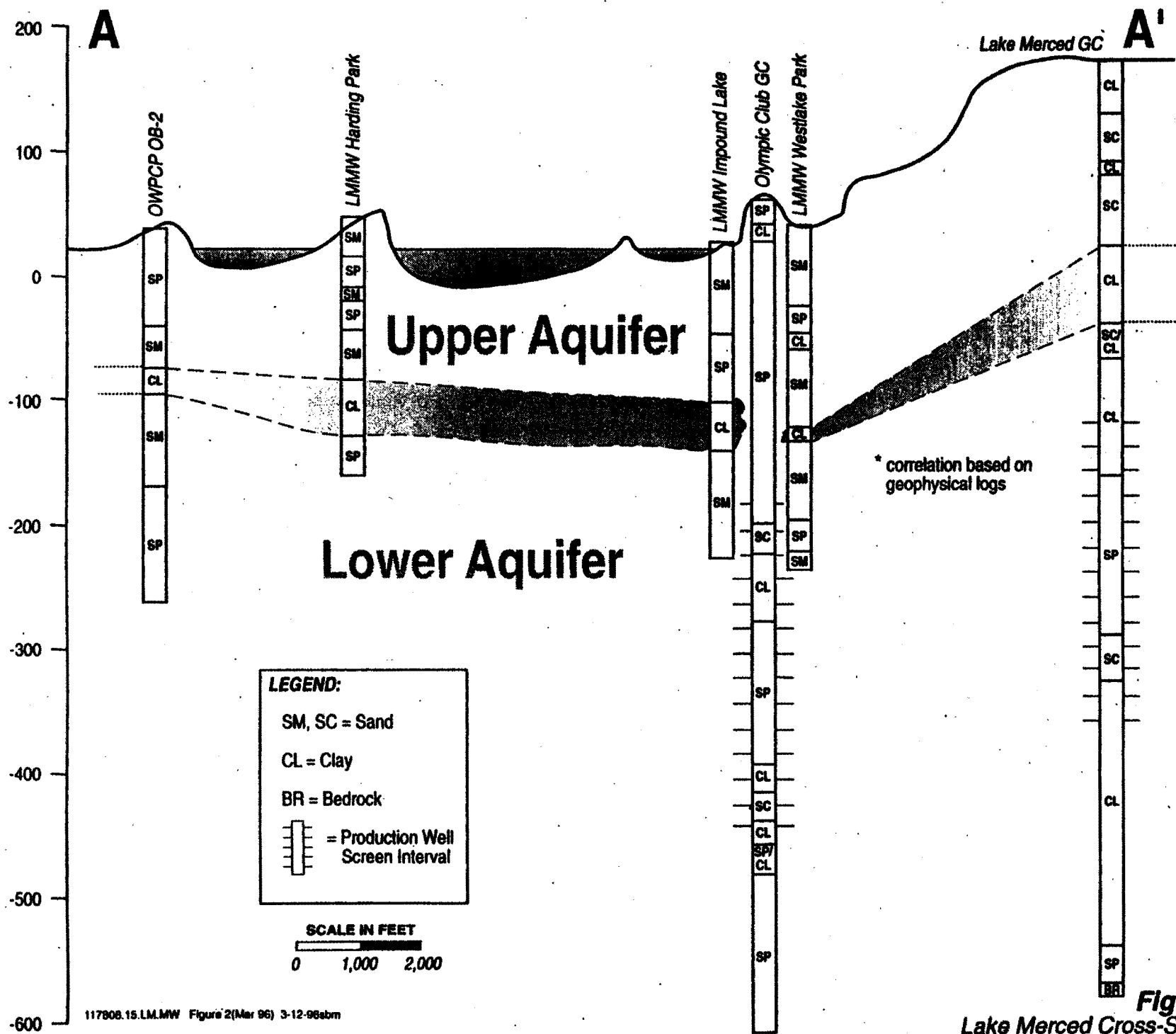
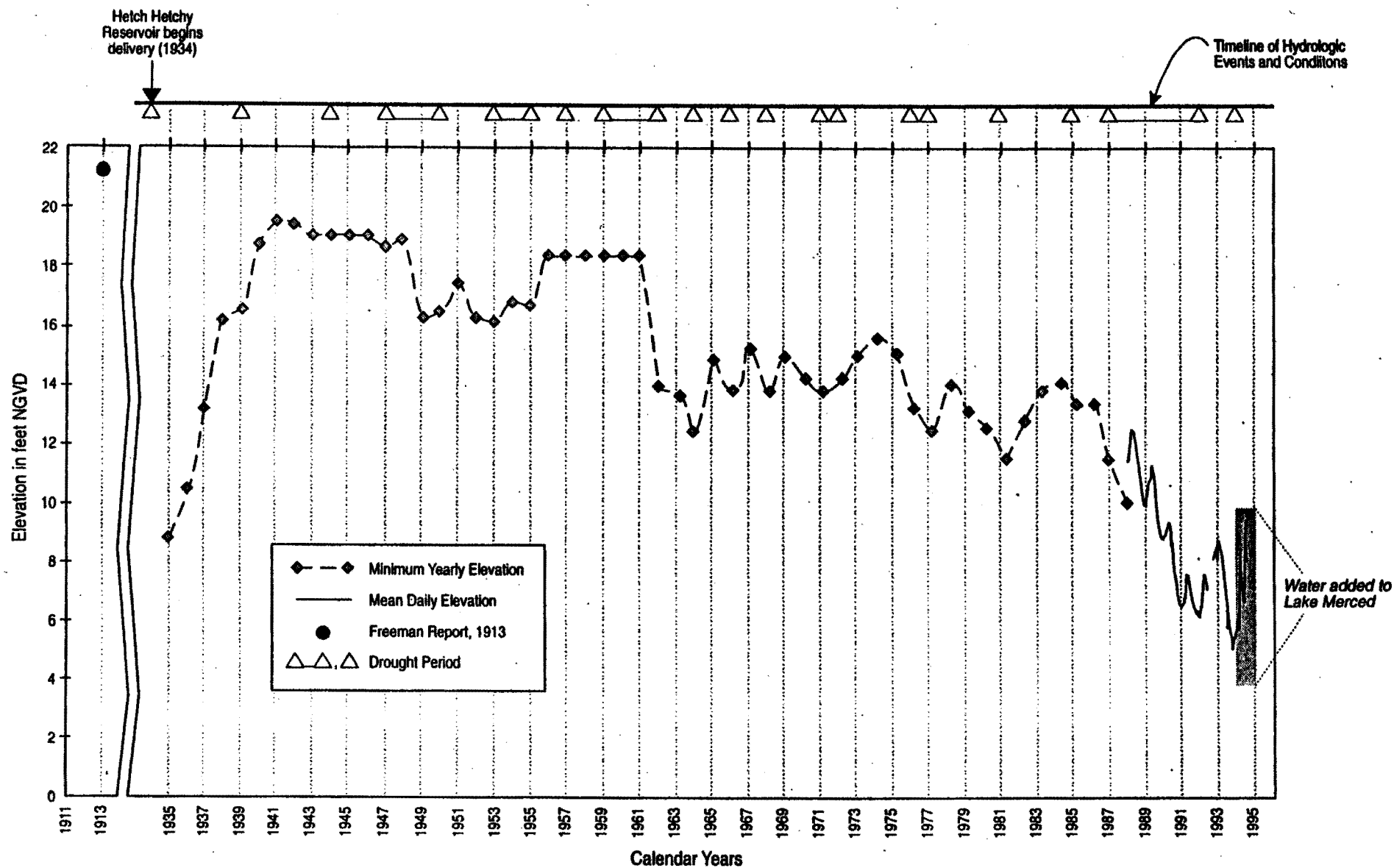


Figure 2
Lake Merced Cross-Section



NOTE: Drought period contains years classified as below normal, dry, or critically dry according to the Department of Water Resources

SOURCE: USGS. Mean daily records from Recorder 11162680 Lake Merced at Pumphouse 117808.15.LM.MW Figure 3(Mar 96) 3-12-96sbm

Figure 3
Changes in the Surface Elevation of Lake Merced

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 95-0082

Whereas, The Public Utilities Commission owns the Lake Merced tract as a utility property for the benefit of the citizens of the City and County of San Francisco; and

Whereas, This Commission in Resolution No. 10,435 dated January 30, 1950, gave the San Francisco Park and Recreation Commission the authority to use the surface of the Lake Merced tract for recreational use, subject to the reservoir's primary purpose of supplying potable water to consumers in San Francisco; and

Whereas, Ongoing recreational use at Lake Merced provides substantial benefits to the public, and the lake and its environs constitute valuable habitat for fish and wildlife which depend on the lake for survival; and

Whereas, Lake Merced's location in San Francisco affords a unique opportunity for an emergency potable water supply, and the Lake Merced Pump Station operated by the San Francisco Water Department exists partly for the purpose of distributing Lake Merced water to San Francisco residents for consumptive and fire fighting use in the event of an earthquake or other catastrophe; and

Whereas, Lake Merced is a surface expression of the underlying Merced groundwater aquifer (also known as the Westside aquifer), and the water level in Lake Merced is influenced by the pumping of groundwater from the Merced basin; and

Whereas, The water level in Lake Merced has declined precipitously since 1987, and the best available scientific evidence indicates that the cause of the decline is groundwater pumping by the Olympic Club, the San Francisco Golf and Country Club, the Lake Merced Golf and Country Club, the City of Daly City, golf courses and cemeteries in the Colma vicinity, the California Water Service Company in South San Francisco, and the City of San Bruno, among others, coupled with increased urban development which has reduced groundwater recharge, the 1987-92 drought and a lack of inflow to the lake itself; and

Whereas, Board of Supervisors' Resolution No. 389-89 urged the Mayor to urge this Commission to implement a groundwater management program, to take every reasonable measure to ensure a reliable supply of water in the event of an emergency or major earthquake, and to study the causes of the continuing decline in the water level of Lake Merced; and

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. **95-0082**

Whereas, Board of Supervisors' Resolution No. 612-91 urged the Mayor to urge this Commission to develop comprehensive, regional programs for wastewater recycling, groundwater usage and the conjunctive use of surface and groundwater in the San Francisco Water Department service area, and to enter into discussions with major groundwater pumpers overlying the Merced aquifer regarding development of recycled water and mutually beneficial conjunctive use opportunities; and

Whereas, In response to the Board's recommendations, this Commission, through the San Francisco Water Department, has embarked on a groundwater management program and begun discussions with municipal groundwater pumpers in the Merced basin; and

Whereas, An environmental impact report, analyzing the potential environmental effects of a draft Groundwater Master Plan and a draft Recycled Water Master Plan, proposed by the Water Department and the Department of Public Works, respectively, is presently being prepared by the Planning Department; and

Whereas, The environmental impact report, once completed, will provide the City with relevant information and enable the City to adopt the final Groundwater and Recycled Water Master Plans and make final decisions regarding the management of groundwater and recycled water in San Francisco; and

Whereas, The San Francisco Water Department has added imported surface water at the rate of five million gallons per day on several occasions in 1994 and 1995 in an attempt to stabilize the water level of Lake Merced, and this addition of water produced only a short term rise in lake levels because the water added to the lake quickly percolated into the underlying aquifer; and

Whereas, Continued unmanaged groundwater pumping will cause the level of Lake Merced to decline further, adversely impacting recreational use, threatening use of the lake as an emergency water supply and potentially causing sea water intrusion into the Merced aquifer, thereby destroying the use of the aquifer for consumptive purposes; and

Whereas, The City's planning efforts to date have focused on managing groundwater and recycled water in San Francisco, and there is an urgent need to cooperatively manage the entire Merced basin in San Francisco and San Mateo counties; and

Whereas, Pending the completion of the environmental impact report for the Groundwater and Recycled Water Master Plans, the Commission wishes to express its desire to protect Lake Merced and the underlying Merced aquifer, and urges staff to conduct the necessary studies and investigations to enable the Commission to make the final decisions to attain that goal; and

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 95-0082

Whereas, This Commission must act to protect land and water resources it owns for the benefit of San Francisco water users, and to eliminate the continuing threat to the health of Lake Merced and the underlying Merced aquifer caused by uncontrolled groundwater pumping; now, therefore be it

Resolved, That this Commission makes the following findings based upon groundwater studies and other work performed for the San Francisco Water Department:

1. The conjunctive operation of Lake Merced and the underlying Merced aquifer would reduce and possibly eliminate the threat of seawater intrusion into the aquifer and may provide benefits to SFWD water customers by improving the reliability of water supplies during drought periods. Such a program could also stabilize water levels in Lake Merced, benefitting recreational users and wildlife habitat.

2. An institutional mechanism is required to manage water levels in the Merced aquifer through the conjunctive use of surface water and groundwater. One such option would be the creation of a groundwater management plan under Water Code section 10750 et. seq. The groundwater management plan should be jointly enacted by San Francisco and the cities of Daly City, South San Francisco, Millbrae and San Bruno, along with San Mateo County and the California Water Service Company. Such a program should insure that ratepayers are compensated for the addition of water to Lake Merced by those who ultimately pump the water from out of the aquifer.

3. The substitution of recycled water to meet irrigation water demands in the Merced basin would eliminate these irrigators' draft of water from the aquifer, leading to an increase in the water level of Lake Merced. However, such increase would take place slowly over many years, and an additional source of recharge water must be found for the Merced aquifer. Formulation of a groundwater management plan with neighboring cities in San Mateo County would further the development of recycled water supplies for irrigators overlying the Merced aquifer.

4. A supply of secondary recycled water is currently available from Daly City to serve the Olympic Club, the San Francisco Golf and Country Club, and the Lake Merced Golf and Country Club. However, questions remain regarding the suitability of secondary recycled water for use on these golf courses. Daly City is adding tertiary treatment capacity which could be sized to provide a reliable supply of recycled water to the golf courses, but has been unable to reach agreement with the golf courses regarding a supply of tertiary water.

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 95-0082

5. Following completion of environmental review and contingent upon voter approval of bond financing, San Francisco may have tertiary water available for use by the golf courses in the vicinity of Lake Merced by the year 2000. The use of available recycled water by golf courses is required under California Water Code section 13551, and for areas within the City and County of San Francisco, by San Francisco Public Works Code Article 22.

6. The Public Utilities Commission owns reserved groundwater rights beneath the Olympic Club, the San Francisco Golf and Country Club, and the Lake Merced Golf and Country Club. These rights are derived from San Francisco's purchase of the Spring Valley Water Company in 1930. The Commission has the legal ability to enforce sanitary and other restrictions imposed on these golf courses by the Spring Valley Water Company to protect Lake Merced.

7. Recycled water could be added to Lake Merced as a source of recharge water, but such action would require changing the Commission's established policy of maintaining Lake Merced for potable use during emergencies. Additional study is required prior to changing the emergency potable water designation of Lake Merced to permit direct recharge using recycled water, including the level of treatment required; potential health effects on users of the lake and adjacent wells; the impact on water quality in Lake Merced; and the impact of recycled water on the use of Lake Merced as a groundwater recharge facility.

8. Some amount of potable water currently used for irrigation could eventually be freed up for other uses through the development of recycled water in San Francisco. The banking of this water in the Merced aquifer could provide additional water for City water users during drought periods. If sufficient potable water remains available following the implementation of a conjunctive use program, the remaining potable water could be sold to other San Francisco water customers, thereby reducing the cost of recycled water in San Francisco.

9. Additional study is required to extend the SFWD consultant's groundwater model south of Lake Merced. Extension of the model throughout the entire aquifer would enable San Francisco and other participants in a future groundwater management plan to evaluate potential projects for conjunctive use of the Merced aquifer. Extension of the model would also better establish the connection between Lake Merced and the underlying deep aquifer.

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10. In the short term, the SFWD could enter into contractual arrangements to supply increased surface water supplies, when available, to Daly City, San Bruno, and the California Water Service Company, in lieu of groundwater pumping by these entities. This "in lieu conjunctive use" will favorably affect groundwater levels in the Merced aquifer and accordingly benefit Lake Merced water levels. Such contracts require that the additional water provided to these pumpers be sold under conditions which would create an incentive to reduce or eliminate the pumping of lower priced groundwater, in a manner which is fair and equitable to other Water Department rate payers.

In light of these findings, the Commission RESOLVES to take the following actions:

1. The Commission is prepared to take all necessary legal and other actions to halt the continued decline in the water level of Lake Merced.

2. The Commission directs staff to develop a conjunctive use program for the Merced aquifer. The conjunctive use program should have three goals: (1) increasing and stabilizing water levels in Lake Merced and the Merced aquifer; (2) increasing the reliability of the SFWD system during drought periods; and (3) the development of long term management practices that maintain the aquifer as a sustainable resource.

3. The Commission directs staff to extend groundwater planning and modelling efforts south of the San Francisco County line in fiscal year 1995-96. Staff is further directed to formulate a partnership with and to request the financial participation of Daly City, San Bruno, and the California Water Service Company in the planning effort. If these entities have not agreed to contribute funds to extend the City's groundwater modelling effort by May 1, 1996, the Commission will consider other options against these pumpers to protect the City's riparian and pueblo water rights to the waters of Lake Merced.

4. If the golf courses in the vicinity of Lake Merced have not reached a decision regarding the suitability of tertiary water from Daly City by November 1, 1995, the Commission will consider taking legal and other action against the golf courses to enforce the sanitary restrictions in the clubs' deeds, protect the City's riparian and pueblo water rights to the waters of Lake Merced, and otherwise require them to use recycled water under state and local law.

5. Staff is instructed to expeditiously return to the Commission for approval of "in lieu" water contracts with the cities of Daly City and San Bruno and the California Water Service Company, following required environmental review and other approvals needed to deliver in lieu water to these customers.

PUBLIC UTILITIES COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 95-0082

6. The primary policy regarding use of the water made available through the development of water recycling in San Francisco is to use this water to increase reliability for City water users. If a portion of the water is not needed to increase the reliability of water supplied to City water users, the water may be sold to others in order to reduce the cost of the water recycling program to City water users. Staff is directed to provide the Commission with a report on the feasibility of banking all or a portion of the potable water freed up through the development of water recycling in San Francisco in the Merced aquifer.

7. Staff is directed to return to the Commission with a plan by May 1, 1996 to evaluate the addition of other sources of recharge water to the Merced aquifer, including recycled water and an evaluation of the health and other impacts of adding recycled water directly to Lake Merced. Due to the substantial value of Lake Merced as a potable emergency water supply, the Commission cannot change the potable use designation of the lake until the necessary study is completed.

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I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission
at its meeting of MAY 23 1995

Romaine A. Boldridge
Secretary, Public Utilities Commission

HAROLD D. CRANSTON
1615 Monterey Boulevard
San Francisco, California 94127

MAR 14 1996
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrill,

3-2-96

I am concerned about the development that the Olympic Club is doing south of Ft. Funston. Specifically:

1. It degrades the environment & beauty of the area. It is & will be an eye sore.
2. Access They have destroyed the trails that use to pass through this area. Surrounding trails are now being washed out because of erosion from this development.
3. What about chemical run off from the golf course? Fertilizer applications & herbicides will run off to the beach & ocean.
4. Safety! It is obvious that golfers will tee off toward the ocean like they do at Lincoln Park. This will obviously endanger runners & bikers below.

If you permit this development to proceed, eventually it will end up like the former State Park that use to exist just south of this

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development. This area, particularly the cliffs are very unstable.

Please take an hour and walk this area. See for yourself what is going on.

This area belongs to the hundreds of people who walk, ride horses, hike & jog not a few golfers from a private club.

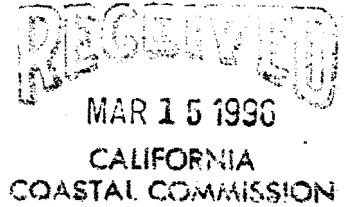
Lastly, if there are additional hearings, or reviews, please let me know when & where they will be held. This development caught many people by surprise & opposition is building rapidly!

Thank you for your concern & attention to this matter.

Sincerely,
Phil Constant

415-661-7899

Mark Schlesinger



March 12, 1996

Mr. Bob Merrill
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Dear Mr. Merrill:

I am writing to you concerning the proposed Olympic Club Golf Course that will abut Fort Funston. As a frequent visitor to Fort Funston, I am saddened that such a wonderful natural area, that is enjoyed by so many people in the community, will be so degraded by having this project built literally on top of it.

I understand that a public hearing on this project will be held in April. Would your office be kind enough to let me know when it is scheduled so that I can attend and voice my opposition?

Thank you.

Cordially,

A handwritten signature in dark ink, appearing to read "Mark Schlesinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

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2512 Union Street San Francisco CA 94123