

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400

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Staff Report:	April 30, 2004
Hearing Date:	May 12, 2004
Commission Action:	

STAFF REPORT: REGULAR CALENDAR**APPLICATION FILE NO.:** 2-04-001**APPLICANT:** The Olympic Club

PROJECT DESCRIPTION: Perform activities at the 4th green of the golf course involving (a) 500 cubic yards of grading to shift the western edge of the putting surface for the 4th hole 20-30 feet away from the bluff edge and to perform minor adjustments to the putting surface; (b) replacement of the grass turf in the area between the previous and proposed western edge of the green with native vegetation and (c) installation of erosion control measures prior to the start of construction activities.

PROJECT LOCATION: 4th Green, The Olympic Club Cliffs Course, APN 7284-007 (Lot 7, Block 7284, Vol. 44), San Francisco

1.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application No. 2-04-001.

Motion: *I move that the Commission approve Coastal Development Permit Application No. 2-04-001, subject to the conditions specified below.*

Staff Recommendation of Approval

The staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

Resolution

The Coastal Commission hereby **grants** permit No. 2-04-001, subject to the conditions below, for the proposed development on the grounds that (1) the development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures other than those specified in this permit that would substantially lessen any significant adverse impact that the activity may have on the environment.

2.0 CONDITIONS

2.1 Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.

2.2 Special Conditions

1. **No Future Bluff or Shoreline Protective Device.** By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 2-04-001 including, but not limited to, 500 cubic yards of grading and planting with native vegetation to move the 4th green 20-30 feet to the east, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
2. **Construction Restrictions.** The area to the west (the ocean side) of the existing location of the turf at the 4th green shall not be disturbed during construction, except to plant native vegetation, which shall be performed without the use of heavy equipment. Access

to the 4th green of the golf course shall be across the existing golf course to the east. All construction equipment, materials, and debris shall be removed from the project site immediately upon project completion.

- 3. Landscaping.** All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within 30 days of completion of the grading. The planting to the west of the turf area will be performed using native vegetation indigenous to the area and from local seed stock. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- 4. Compliance with Approved Plans.** The applicant shall undertake development in accordance with the approved plans, as referenced in the "Project Description" section of the findings for this permit. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- 5. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm conditions, landslide, bluff retreat, erosion and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- 5. Recordation of Deed Restriction.** Prior to issuance of this Permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of these permits as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it

authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

3.0 FINDINGS

The Commission hereby finds and declares:

3.1 Project Description and Location

The property that is the subject of this permit is APN 7284-007, which is a 25-acre lot located west of Skyline Boulevard, north of Alemany Boulevard, and southwest of Lake Merced in San Francisco (Exhibit 1). This property includes the 4th green for the Olympic Club Cliffs Course golf course. The 4th green is located immediately landward of the top of the bluff. Winter storms in the past few years have eroded the western portion of the 4th green.

The Olympic Club submitted an application to perform activities at the 4th green of the golf course involving (a) 500 cubic yards of grading to shift the western edge of the putting surface for the 4th hole 20-30 feet away from the bluff edge and to perform minor adjustments to the putting surface; (b) replacement of the grass turf in the area between the previous and proposed western edge of the green with native vegetation and (c) installation of erosion control measures prior to the start of construction activities (Exhibit 2). All turf grass within the construction area will be stripped and used at other locations on the golf courses. The grading will be performed using existing material, with the exception of a minor amount of sand that will be used in the added bunkers. The amount of turf, which is irrigated, will be reduced after the implementation of the development.

The grading authorized by this permit is shown on the plan entitled "No. 4C Green Grading Plan," dated February 2004, prepared by W. R. Love Inc., Golf Course Architecture. The landscaping authorized by this permit is shown on the plan entitled "No. 4C Green Landscape Plan," dated February 2004, prepared by W. R. Love Inc., Golf Course Architecture. The erosion control measures authorized by this permit are shown on the plan entitled "No. 4C Green Erosion Control Plan," dated March 2004, prepared by W. R. Love Inc., Golf Course Architecture.

The area to the west (the ocean side) of the existing location of the 4th green will not be disturbed during construction, except to plant native vegetation (without the use of heavy equipment). Access to the 4th green of the golf course will be across the existing golf course to the east. The development will be performed using a skid steer loader or small track dozer, small tractor with box blade and small golf maintenance vehicles. The equipment size will be kept to a minimum.

The City of San Francisco determined that the proposed development meets all zoning requirements and needs no local discretionary permits; only ministerial building permits are necessary.

3.2 Coastal Act Issues

3.2.1 Geologic Hazards/Erosion

Coastal Act Section 30253 states, in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The development that is the subject of this permit constitutes new development, which must comply with Section 30253 of the Coastal Act. The 4th green at this golf course has experienced erosion and bluff instability, as supported by the application, which cites the winter storms of 2001-02 as being the source for recent erosion of the bluff adjacent to the 4th green. Moving the green away from the bluff edge, planting native vegetation in the area between the 4th green and the bluff edge, reducing the area of irrigated turf at the 4th green and installing erosion control measures will help to protect the stability of the bluff. In order for the Commission to find that the proposed development is consistent with Section 30253 of the Coastal Act, it is necessary to impose Special Conditions 1, 2, 3, 4, 5 and 6.

Special Condition 1, "No Future Bluff or Shoreline Protective Device", prohibits the installation of any bluff or shoreline protective device(s) seaward of the project area. Since the development involves grading on a bluff top area, in order to be consistent with Section 30253(2), the development must be conditioned to ensure that it will not require the construction of protective devices that would substantially alter natural landforms along the bluff. Bluff or shoreline protective devices raise significant issues with regard to conformity with Section 30253, since such development contributes to erosion, geologic instability, the alteration of natural landforms along bluffs and impacts to sand supply.

Special Condition 2, "Construction Restrictions" provides limitations on the implementation of the development to minimize geologic hazards and erosion. These restrictions include the prohibition of disturbance of the area on the ocean side of the existing location of the turf at the 4th green and the requirement that the access to the project site be from across the existing golf course to the east, in order to prevent the use of heavy equipment on the bluff or beach area.

Special Condition 3, "Landscaping", requires the implementation of the landscaping plan to plant native vegetation indigenous to the project area and from local seed stock that minimizes the need for irrigation on the area at the top of the bluff, between the current location of the western edge of the turf at the 4th green and the proposed edge of the turf at this location. The planting of native vegetation and the use of minimal irrigation for this native vegetation will help control runoff and provide stabilization of the bluff top to minimize geologic instability and erosion.

Special Condition 4, "Compliance with Approved Plans", requires the applicant to undertake development in accordance with the approved plans, which are referenced in the "Project Description" section of the findings for this permit. Implementation of the erosion control measures and native vegetation plantings shown on these plans is required to assure the stability of the adjacent bluff and to minimize erosion, geologic instability and alteration of natural landforms, in order to ensure compliance with Section 30253. In addition, strict compliance with the approved plans will ensure that the scope of the development is limited to avoid the performance of additional development without the required analysis and authorization required under the Coastal Act.

Special Condition 5, "Assumption of Risk, Waiver of Liability and Indemnity", requires the applicant to assume the risks and liability associated with the hazards that may impact the subject property, including waves, storm conditions, landslides, bluff retreat, erosion and land movement. The condition also requires the applicant to indemnify the Commission.

Special Condition 6, "Recordation of Deed Restriction" requires the recordation of a deed restriction indicating that the Commission has issued this permit, subject to terms and conditions that restrict the use and enjoyment of the property, including all of the Special Conditions described above. The execution and recordation of this deed restriction will put any future owners of the subject property on notice that the current owner agreed to the conditions of this permit in order to receive the authorization provided by the permit.

The Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

3.2.2 Public Access

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act 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.

Access to the shoreline in the vicinity of the project area is available from the north at Fort Funston and from the south via trails at the stables and the state property next to the stables. The development that is authorized by this permit moves the 4th green of the golf course 20-30 feet away from the eroding edge of the bluff top and reduces the total area of turf grass at the 4th green.

In order to prevent the future construction of a bluff or shoreline protective device below the project area, which could encroach on the beach area and interfere with public access, in conflict with Section 30211 of the Coastal Act, the Commission finds it necessary to impose Special Conditions 1 and 6. Special Condition 1 prohibits the installation of any bluff or shoreline protective device(s) below the project area. Special Condition 6 requires the recordation of a deed restriction indicating that the Commission has issued this permit, subject to terms and conditions that restrict the use and enjoyment of the property, including by prohibiting the construction of any bluff or shoreline protective device(s) below the project area. The Commission finds that the proposed project, as conditioned, is consistent with the public access and public recreation policies of Chapter 3 (commencing with Section 30200) of the Coastal Act.

3.2.3 Marine Environment

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Coastal Act Section 30231 states:

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 project will maintain the biological productivity and the quality of coastal waters through the use of best management practices, including the planting of native vegetation and the implementation of the erosion control plan. In order to find that the development is consistent with Sections 30230 and 30231 of the Coastal Act, the Commission finds it necessary to impose Special Conditions 1, 2, 3, 4 and 6.

Special Condition 1 prohibits the installation of any bluff or shoreline protective device(s) below the project area. Installation of bluff or shoreline protective device(s) have the potential to negatively impact the quality of coastal waters as a result of increased scour and wave energy on the beach and base of the bluff.

Special Condition 2 prohibits the disturbance of the area at the top of the bluff, on the ocean side of the 4th green, in order to protect the stability of the bluff, quality of coastal waters and the biological community on the bluff face.

Special Condition 3 provides for implementation of the landscaping plan for the planting of native vegetation with minimal irrigation, in order to enhance the native species living in the area of the bluff at the project site. Planting native vegetation with minimal irrigation needs at the top of the bluff will provide stabilization of the bluff, help control runoff and protect the quality of coastal waters.

Special Condition 4 requires that the applicant undertake development in accordance with the final approved plans, which include the erosion control plan and landscaping plan, which are important to protect against erosion of the bluff top and associated harmful water quality and biological productivity impacts.

Special Condition 6 requires the recordation of a deed restriction indicating that the Commission has issued this permit, subject to terms and conditions that restrict the use and enjoyment of the property, including Special Conditions 1, 2, 3, and 4, which are necessary to achieve conformance with Sections 30230 and 30231 of the Coastal Act.

The Commission finds that the proposed project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

3.2.4 Scenic and Visual Resources

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Olympic Club submitted a photograph of the current condition of the 4th green and a simulated photograph from the same location, showing the 4th green after the grading and landscaping. These images show that the visual qualities of the 4th green area will be enhanced by the addition of native landscaping on the western edge of the 4th green. In order to find that the development is consistent with Section 30251 of the Coastal Act, the Commission finds it necessary to impose Special Conditions 1, 2, 3, 4, and 6.

Special Condition 1 prohibits the installation of any bluff or shoreline protective device(s) below the project area. This condition is necessary to protect the scenic and visual qualities of the

coastal areas near the project site, to minimize the alteration of natural landforms and to be visually compatible with the character of surrounding areas.

Special Condition 2 provides construction restrictions that include the requirement that all construction equipment, materials and debris be removed from the project site immediately upon project completion. The removal of the construction equipment, materials and debris immediately upon project completion is necessary in order to protect views to and along the ocean and scenic coastal areas in the vicinity of the project site.

Special Condition 3 ensures that the visual quality of the bluff top area is protected and enhanced through the implementation of the landscaping plan and the planting of native species in the area between the current and proposed western edges of the 4th green.

Special Condition 4 protects the scenic and visual qualities of the project site by requiring compliance with the approved plans, in order to assure that additional development is not performed without the required analysis and authorization under the Coastal Act.

Special Condition 6 requires the recordation of a deed restriction indicating that the Commission has issued this permit, subject to terms and conditions, including Special Conditions 1, 2, 3, and 4, which are necessary to achieve conformance with Section 30251 of the Coastal Act.

The Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

3.2.5 Conclusion

The development proposed by the Olympic Club, as conditioned, complies with the Chapter 3 resource protection policies of the Coastal Act.

3.3 California Environmental Quality Act (CEQA)

Section 13096 of the California Code of 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)(A) 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 effects, which the activity may have on the environment.

The proposed project has been conditioned to be consistent with the policies of the Coastal Act. The Commission finds that the proposed project will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

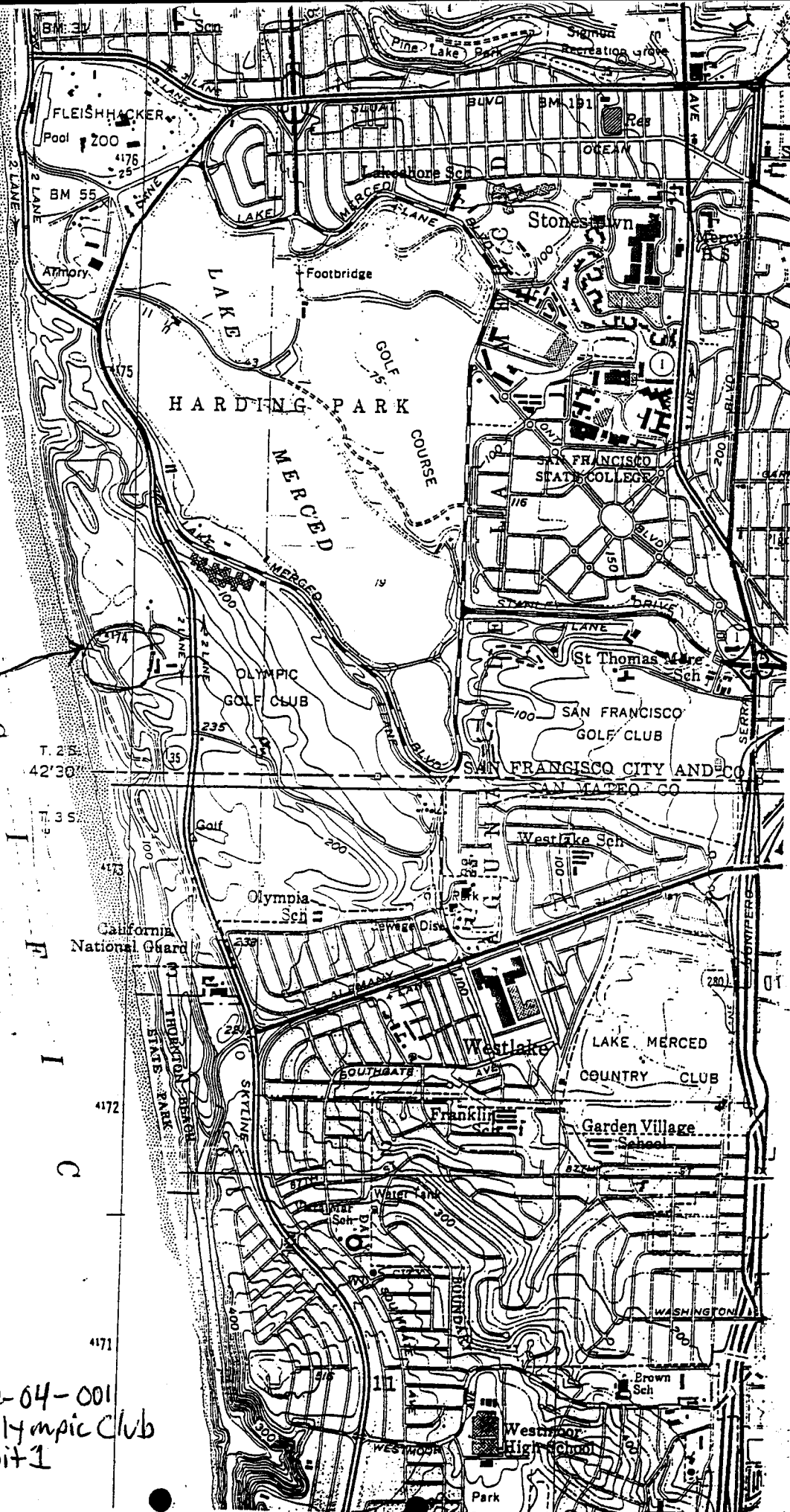
3.4 Exhibits

Exhibit 1 Vicinity Map

Exhibit 2 Site Map

Vicinity
of
project

CDP 2-04-001
The Olympic Club
Exhibit 1



NOTES:

GRADE AND LOWER PUTTING SURFACE OF GREEN ON LEFT EDGE TO INVERT SURFACE DRAINAGE TO RIGHT.



CDA 2-04-001
the Olympic Club
Exhibit 2

SHEET 1 OF 3