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Hearing Date: 5/9/2013

APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal Number: A-2-SNF-12-020

Applicant: San Francisco Recreation and Park Department

Appellants: Golden Gate Audubon Society, Golden Gate Park Preservation Alliance, SF Ocean Edge, Sierra Club (SF Bay Chapter), Viking Soccer Parents for Grass Fields in Golden Gate Park, Jean Barish, Shawna McGrew, Gregory P. Miller et al., George Shepard Wooding et al., and Nancy Wuerfel et al.

Local Decision: Coastal development permit approved by the San Francisco Planning Commission (May 24, 2012) and upheld by the San Francisco Board of Appeals (August 1, 2012 and September 12, 2012) (City and County of San Francisco permit number 2010.0016P)

Project Location: Beach Chalet athletic fields facility located in the western end of Golden Gate Park just inland from the Great Highway and Ocean Beach off of John F. Kennedy Drive in San Francisco.

Project Description: Renovation of an existing 9.4-acre athletic field complex with artificial turf, field lighting, spectator seating, expanded parking lot, concrete pathways, renovated bathroom facilities, and expanded public plaza.

Staff Recommendation: Substantial Issue Exists; Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The City and County of San Francisco (City of San Francisco) approved a coastal development permit (CDP) to allow the renovation of the Beach Chalet athletic fields facility, an existing 9.4-acre athletic field facility located in the western edge of Golden Gate Park, roughly 1,000 feet inland from Ocean Beach, in San Francisco. The renovation includes: replacing the existing grass fields with artificial turf, installing ten 60-foot tall sets of field lights, installing spectator seating (for approximately 1,000 spectators), replacing the existing 8-foot perimeter metal chain-link fence with a 3.5-foot vinyl chain-link fence (with eight 16-foot tall sections behind soccer goal post end lines), expanding the existing parking lot with 20 additional spaces, renovating the existing bathroom facilities, installing concrete paths around and through the facility, and creating a public plaza with play structures, barbecue pits, and tables. The Appellants contend that the City's decision is inconsistent with the City of San Francisco Local Coastal Program (LCP) because the approved project: 1) does not protect the naturalistic quality of the western end of Golden Gate Park, including in terms of its historic status; 2) is contrary to the mandate for reforestation by removing over 55 trees; 3) does not preserve the natural characteristics of the Cliff House/Sutro Baths area; and 4) does not protect the Richmond and Sunset residential areas from traffic and visitor impacts.

Staff recommends that the Commission find that the appeals raise substantial LCP conformance issues and that the Commission take jurisdiction over the CDP application. Staff further recommends that the Commission approve a CDP for a modified renovation project to address LCP requirements for the site.

The LCP requires that development “emphasize the naturalistic landscape qualities of the western end of the park for visitor use”. LCP certification documents indicate that the intent and goal of the LCP was to ensure protection of the unique pastoral landscape character of the Park. The City-approved project will modify the existing Beach Chalet fields area in a way that will alter its naturalistic character, including through the introduction of project elements that would significantly change its spatial organization and setting (e.g., artificial turf, field lights, seating areas, fencing, concrete paths, etc.). The City found that the project would cause significant and unavoidable adverse impacts to the fields area in this respect, including in light of Golden Gate Park's significant historic status (i.e., it is on the National and California Registers of Historic Places as a historic district), but approved the project via a statement of overriding considerations.

There are likely many different alternative project variations that could address the LCP policy to emphasize naturalistic landscape qualities, but it is clear that any proposal that seeks to renovate the Beach Chalet athletic fields facility consistent with the LCP must emphasize the naturalistic pastoral landscape, including by keeping hardscape and engineered elements to a minimum and making sure they are subordinate to the pastoral landscape character. Within this context, there are a range of potential project elements that may be appropriate to meet City objectives of increasing the field's recreational usage while also meeting LCP requirements that protect the naturalistic landscape. It is within this context (i.e., whether a proposed element increases recreational access and whether it emphasizes the field's pastoral, non-structured landscape qualities) that project alternatives must be analyzed. Fundamentally, project elements that break up the overall grassy area are problematic in this respect (such as the proposed 30-foot wide

linear concrete area with seating that would bisect the fields entirely), as are significant project elements that significantly frame the field areas in a linear and/or regular fashion (e.g., perimeter fencing). Other project elements that introduce significant hardscape and ‘engineered’ elements also take away from the naturalistic character of the area. For other project elements, however, there is some judgment involved as to what tips the scales to not appropriately emphasizing the naturalistic landscape qualities of the site. For example, some field lighting that doesn’t break up the overall grassy area and some linear form seating areas that are integrated into landscape areas could be consistent with that LCP policy.

To bring the project into conformance with the LCP, staff recommends that the Commission approve a revised project that addresses the naturalistic setting and character of the Park and that would include:

- Redoing the natural turf fields with natural grass (including with enhanced foundation and drainage) and maximizing revegetation efforts with an eye towards emphasizing naturalistic spatial organization for the fields area (e.g., curvilinear as opposed to linear)
- Eliminating and/or reducing field lighting (and limiting lighting otherwise to that necessary for public safety)
- Modifying fencing (including because existing fencing which has altered the character of the site is currently unpermitted)
- Modifying seating to be informal bench seating (e.g., intermittent benches) and/or more limited linear seating forms integrated with perimeter paths and landscaping
- Modifying paths to be decomposed granite or equivalent as opposed to concrete
- Providing enhanced signage and path connections between the fields and Ocean Beach, as well as interpretive signing

Such a project would be a significant improvement to the Beach Chalet fields area that would both enhance its pastoral naturalistic character and its utility for recreation consistent with the LCP.¹ The motions to implement staff’s recommendation are found on page 5 below.

¹ In addition, although not part of the CDP, additional recreational utility, including nighttime play via lights, may be accomplished at nearby West Sunset Playground (outside of the coastal zone, about a mile and a half away from the Beach Chalet site) where the City has already allotted funding towards field improvements. Such improvements to West Sunset Playground (as opposed to at Beach Chalet) were identified by the City’s certified CEQA document as the environmentally superior alternative to meet project objectives. This hybrid would address LCP requirements and the need for increased recreation.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location Map

Exhibit 2 – Existing Site Photos

Exhibit 3 – Approved Project Design and Renderings

Exhibit 4 – City’s Final Local Action Notice

Exhibit 5 – Appeals of City and County of San Francisco’s CDP Decision

Exhibit 6 – Applicant’s Response to Appeals

Exhibit 7 – Correspondence Received

Note: for Exhibits 5, 6, and 7, see May 2013 public meeting at www.coastal.ca.gov

I. MOTIONS AND RESOLUTIONS

A. Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-SNF-12-020 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-3-SNF-12-020 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

B. CDP Determination

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-SNF-12-020 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number A-2-SNF-12-020 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with City and County of San Francisco Local Coastal Program policies. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the proposed project plans (see Exhibit 3) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Synthetic Turf Replaced With Natural Turf.** All synthetic turf shall be eliminated from the project and in its place natural grass turf shall be used. The natural grass turf area shall include replacement of the existing turf with new turf, and installation of an underlying turf foundation system designed to provide enhanced stability, including in terms of enhanced drainage, to the maximum extent feasible (e.g., regrading, placement of drainage materials and systems, gopher wire, etc.).
 - b. **Field Lighting Modified.** All field lighting shall be eliminated from the project or shall be allowed only along the perimeter of the project site and integrated with the perimeter vegetation.
 - c. **Fencing Modified.** All fencing surrounding the fields, including existing fencing present without benefit of a CDP (i.e., all fencing currently present at the site), shall be

eliminated from the project and removed. The only fencing allowed shall be low fencing (no higher than 3 feet) near the restroom, plaza, play, and picnic areas where required (including where it is shown that topographic changes, vegetation, and/or site design cannot achieve the same purpose) to adequately protect users of those areas from wayward balls. Allowed fencing shall be: minimized as much as possible; as see-through as possible while still achieving its purpose; integrated into the site and the site design as seamlessly as possible, including in terms of the use of natural materials; made up of other than chain-link (e.g., through use of wood stiles, brass pipe stiles, cable rails, hog wire, etc.) as much as possible.

- d. Pedestrian Pathways Modified.** Pedestrian pathways shall only be allowed along the periphery of the field area, with allowed connections emanating from the periphery of the field area to existing paths to the north, west, and south, and to the parking lot to the east. All pedestrian pathways shall be made up of decomposed granite or similar product that appears as decomposed granite (e.g., decomposed granite mixed with binding agents, such as GraniteCreek product); shall be sited and designed to connect to offsite trails, and to seamlessly integrate with the natural environment as well as the parking lot, restroom, plaza, play, and picnic areas; shall be curvilinear as opposed to straight-line segments as much as possible; and shall include bump outs for interpretive signage, benches, and ADA seating areas.
- e. Spectator Seating Modified.** All spectator seating within the middle of the field area shall be eliminated from the project. Spectator seating along the northern and southern edges of the field area shall only be allowed where the seating is broken up into shorter sections and integrated with perimeter paths and landscaping in such a way as to emphasize the naturalistic edge of the fields. Bench seating shall be allowed along the periphery of the field area if the benches are sited and designed and limited in size (e.g., up to 4-person benches) and number to that that can be installed along the periphery of the field area and incorporated within the pedestrian pathway system in a way that does not detract from the naturalistic landscape qualities of the site (e.g., a limited number of benches spaced out along the pathway system, natural bench materials, etc.).
- f. Lighting.** Lighting shall be limited to the minimum lighting necessary for pedestrian and vehicular safety purposes associated with use of the athletic field facility, including through the use of low (i.e., bollard-mounted) fixtures where fixtures are needed if possible. All allowed lighting shall be downward directed and designed so that it limits the amount of light or glares visible from both on and off site to the maximum extent feasible. Lighting plans shall be submitted with documentation associated with chosen lighting features demonstrating compliance with this condition.
- g. Parking Lot.** The parking lot area shall be screened from view as seen from the field, restroom, plaza, play, and picnic areas as much as possible through planting new vegetation, with access from the parking lot to these areas limited to a pedestrian pathway access at the south end of the parking lot through the vegetation, and a main access (located along the existing accessway location) into these areas where the main access is subject to the same surfacing requirements as apply to the plaza area (see below).

- h. Restroom, Plaza, and Surrounding Areas.** The pavement surrounding the restroom that exists without benefit of a CDP shall be eliminated from the project and removed. The restroom and plaza area shall be separated from the parking lot area through a vegetated screen. The plaza area shall be reconfigured so that it appears as a curvilinear and naturalistic form, and not as a straight line or circular form; shall be limited in size to what will not detract from the spatial relationship between the fields and restroom building; and shall be sited and designed to conform to site topography as much as possible, except where some minor elevation nearest the fields would help avoid the need for fencing (see also fencing condition). The plaza area shall be surfaced with decomposed granite or similar product that appears as decomposed granite (e.g., decomposed granite mixed with binding agents, such as GraniteCreek product) if feasible, but may be surfaced with wood (e.g., wood decking) or a harder surface (such as colored concrete) if required to accommodate the level of use associated with the restroom and plaza, and if the wood/harder surface materials blend with the natural setting.
- i. Play and Picnic Areas.** The play and picnic areas shall be reconfigured so that they appear as a curvilinear and naturalistic forms integrated into and with the surrounding vegetation, and not as a straight line or circular form; and shall be sited and designed to conform to site topography as much as possible, except where some minor elevation nearest the fields would help avoid the need for fencing (see also fencing condition). The play and picnic areas shall be surfaced with decomposed granite or similar product that appears as decomposed granite (e.g., decomposed granite mixed with binding agents, such as GraniteCreek product). All play and picnic area amenities shall be sited and designed in such a way as to emphasize the naturalistic landscape qualities of the site (including through use of natural materials, muted colors, amorphous (as opposed to in pattern) locations, etc.).
- j. Landscaping.**

 - a. Proposed and Augmented.** Proposed landscaping shall be sited and designed to emphasize the naturalistic landscape qualities of the site, and shall be supplemented as necessary to address the requirements of this Revised Project Plans condition. In particular, landscaping shall be augmented along the northern, western, and southern edges of the field area in such a way as to result in a curvilinear as opposed to a straight-line form, and to help provide a natural barrier to catch wayward balls. Landscaping shall also be augmented along the eastern side of the field area to provide visual separation between the parking lot and the rest of the site, and between the field area and the restroom/plaza and play/picnic areas, all sited and designed in such a way as to result in a curvilinear as opposed to a straight-line form, and to help provide a natural barrier to catch wayward balls.
 - b. Plan Requirements.** Plans shall include landscape and irrigation parameters that shall identify all plant materials (size, species, quantity), all irrigation systems, and all proposed maintenance measures for the site. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid

contamination of the local native plant community gene pool. All landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site.

- k. Signs.** Signs shall be provided that strengthen the visual and physical connection between the fields area and Ocean Beach. Signs shall be installed at appropriate locations in the parking lot and along the pathway system near the fields, as well as at Ocean Beach, that provide information to direct users from the beach to the parking lot and fields area, and vice versa. The signs shall be designed so as to provide clear information without impacting public views and site character, and shall be consistent with Golden Gate Park and Golden Gate National Recreation Area signs. Interpretive signs shall be provided at appropriate points in the fields area (e.g., near the restroom/plaza area, etc.) that describe the history of the site and Golden Gate Park.
- l. Utilities Underground.** All utilities and utility connections shall be located underground.

All requirements above and all requirements of the approved Revised Project Plans shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Revised Project Plans.

- 2. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:
 - a. Construction Areas.** The plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and public views.
 - b. Construction Methods and Timing.** The plan shall specify the construction methods and timing to be applied to limit coastal resource impacts to the maximum extent feasible. Construction shall be limited daylight hours, and construction lighting, past that required for safety purposes, is prohibited.
 - d. BMPs.** The plan shall clearly identify all best management practices (BMPs) to be implemented during construction and their location. Such plans shall contain provisions for specifically identifying and protecting all natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, etc.) to prevent construction-related runoff and sediment from entering into these natural drainage areas which ultimately deposit runoff into the Pacific Ocean. Silt fences, straw wattles, or equivalent measures shall be installed at the perimeter of all construction areas. At a minimum, such plans shall also

include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, and restricting grading and earthmoving during the rainy weather. The plan shall indicate that: (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; all de-watering operations shall include filtration mechanisms; (b) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment shall not be allowed; in any event, such wash water shall not be allowed to enter any natural drainage; (c) concrete rinsates shall be collected and they shall not be allowed to enter any natural drainage areas; (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); all wastes shall be disposed of properly, trash receptacles shall be placed on site for that purpose, and open trash receptacles shall be covered during wet weather); and (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day.

- e. **Construction Site Documents.** The plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- f. **Construction Coordinator.** The plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- g. **Notification.** The Permittees shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development

permit. The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 3. Violation.** WITHIN 60 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the Permittee shall satisfy all requirements specified in the conditions hereto that the Permittee is required to satisfy prior to issuance of this permit. Failure to comply with this requirement or any other aspect of this CDP and its conditions may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
- 4. Liability for Costs and Attorney Fees.** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION AND DESCRIPTION

The Applicant, the City of San Francisco Recreation and Park Department, proposes to renovate the Beach Chalet Athletic Fields facility in the western edge of Golden Gate Park, roughly 1,000 feet inland of Ocean Beach and immediately east of the Great Highway (the first public road paralleling the sea) in San Francisco (see Exhibit 1 for the project location map, Exhibit 2 for existing site photos, and Exhibit 3 for approved project plans). To the north of the proposed development site are the Beach Chalet and Park Chalet restaurants and the Dutch Windmill/Queen Wilhelmina Tulip Garden, to the east is the Golden Gate Park Golf Course, and to the south is the former Richmond-Sunset Sewage Treatment Plant (now partially removed).

The Beach Chalet Athletic Fields facility was originally constructed in 1933 and continues to serve as one of three primary ground sports athletic facilities within the city. The City indicates that the existing field area is in poor condition and unusable for much of the year (due to uneven playing surfaces, gophers, soggy conditions, etc.), and that a primary objective of the project is to increase the utility of the fields for recreational athletic use. The existing site contains an irrigated grass field of sufficient size to accommodate four soccer fields (6.8 acres), a 50-space parking lot (0.58 acres), an 8-foot tall metal chain-link fence surrounding the perimeter of the

fields, and restrooms, for a total of 9.4 acres (see Exhibit 2 for existing site photos).² The Applicant proposes the following improvements: expand the fields by 0.4 acres to accommodate modern field dimensions (to a total of 7.2 acres), replace the existing grass with synthetic turf, expand the parking lot by 20 spaces for a total of 70 (to a total of 0.78 acres), install ten 60-foot tall sets of field lights, install concrete paths around and through the facility, install 47 pedestrian pathway lights, install 13 parking lot lights, install over 1,000 spectator seats, replace the 8-foot perimeter metal chain-link fence with a 3.5-foot vinyl chain-link fence (with eight 16-foot tall sections behind soccer goal post end lines), renovate the bathrooms, install a new plaza area with play equipment, barbeque areas and picnic tables, remove 16 trees and 44 shrubs, and replant 200 trees and 1,000 plants (see Exhibit 3, approved project design and renderings). The renovations would expand the Beach Chalet facility by some 1.8 acres to a total of 11.2 acres.

B. CITY OF SAN FRANCISCO CDP APPROVAL

On May 24, 2012, the San Francisco Planning Commission approved local CDP 2010.0016P authorizing the proposed project. The Planning Commission's approval was appealed to the San Francisco Board of Appeals which, on August 1, 2012 and September 12, 2012, upheld the Planning Commission's approval. The City's notice of final local action was received in the Coastal Commission's North Central Coast District office on October 4, 2012 (Exhibit 4). The Coastal Commission's ten-working day appeal period for this action began on October 5, 2012 and concluded at 5pm on October 18, 2012. Ten appeals of the City's CDP decision were received during the appeal period (see below and see Exhibit 5).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is a major public works project being funded by the San Francisco Recreation and Park Department.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the

² The chain-link fence was installed without benefit of a CDP, as was the asphalt apron around the restroom building connecting to the parking lot area (including removal of the trees and vegetation that previously existing on the north, east, and south sides of the restroom building). See also Violation finding below.

hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations³. Under Section 30604(b), if the Commission considers the CDP de novo and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding does not need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicants (or their representatives), persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

Ten nearly identical appeals of the City’s action were filed with the Commission, with Appellants as follows:

- Golden Gate Audubon Society (by Mark Welther)
- Golden Gate Park Preservation Alliance (by Katherine Howard)
- SF Ocean Edge (by Katherine Howard; agents Lozeau Drury LLP and Mark Massara)
- Sierra Club, San Francisco Group, San Francisco Bay Chapter
- Viking Soccer Parents for Grass Fields in Golden Gate Park (by Kathleen McCowin)
- Jean Barish
- Shawna McGrew
- Gregory P. Miller et al⁴
- George Shepard Wooding et al⁵
- Nancy Wuerfel et al⁶

The Appellants contend that the approved project is inconsistent with the City of San Francisco LCP, also known as the Western Shoreline Plan, because the project: 1) does not emphasize the

³ The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

⁴ Mr. Miller’s appeal references 134 co-appellants (see Exhibit 5 for complete list).

⁵ Mr. Wooding’s appeal references 6 co-appellants (see Exhibit 5 for complete list).

⁶ Ms. Wuerfel’s appeal references 59 co-appellants (see Exhibit 5 for complete list).

naturalistic landscape qualities of the western end of Golden Park for visitor use, including in terms of its historic status; 2) does not continue to implement a long-term reforestation program at the western portion of the park; 3) does not preserve the natural characteristics of the Cliff House/Sutro Bath area; and 4) does not protect the Richmond and Sunset residential areas from traffic and visitor impacts from adjacent recreation and open space areas. Please see Exhibit 5 for the full appeal documents.

E. SUBSTANTIAL ISSUE DETERMINATION

The CDP Determination findings below are included herein in their entirety by reference.

1. Cited and/or Applicable Policies

The LCP establishes policies by location and subject area, with specific policies for Transportation, the Great Highway, Golden Gate Park, the Zoo, Lake Merced, Ocean Beach, Sutro Heights Park, Cliff House-Sutro Baths, Fort Funston, Olympic Country Club, and the Richmond and Sunset Residential Neighborhoods. Each geographic area has separate and specific policies to guide development and protect coastal resources. The Appellants cite the following policies:

Golden Gate Park LCP Objective 3, Policy 1: Strengthen the visual and physical connection between the park and beach. Emphasize the naturalistic landscape qualities of the western end of the park for visitor use. When possible eliminate the Richmond-Sunset sewer treatment facilities.

Golden Gate Park LCP Objective 3, Policy 2: Continue to implement a long-term reforestation program at the western portion of the park.

Cliff House/Sutro Bath LCP Objective 8, Policy 1: Develop the Cliff House/Sutro Bath area as a nature-oriented shoreline park. Permit limited commercial-recreation uses if public ownership is retained and if development is carefully controlled to preserve the natural characteristics of the site.

Richmond and Sunset Residential Neighborhoods LCP Objective 11, Policy 6: Protect the neighborhood environment of the Richmond and Sunset residential areas from the traffic and visitor impacts from the public using adjacent recreation and open space areas.

2. Naturalistic Landscape Qualities

The Appellants contend that the project fails to protect the naturalistic qualities of this part of Golden Gate Park, including in terms of its historic status, by replacing the existing grass fields with artificial turf, by installing ten 60-foot tall sets of field lights, by expanding the parking lot with 20 additional spaces, and by adding spectator seating and other visitor facilities. The Appellants contend that the introduction of these structured elements: is not appropriate in a meadow-like, natural setting; will inappropriately harm and alter the natural and historic character of the area; and will inappropriately harm the natural beauty of the area and its function as an important habitat for wildlife. Key issues of concern identified include the impact on site character (including in terms of the way in which the historic status of the Park informs that

character), the impacts from night lighting, particularly in foggy conditions, and the impacts from artificial turf on water quality.

Character Impacts

The Beach Chalet athletic fields facility is located in Golden Gate Park, which helps define the setting and character for understanding the proposed project. The Park consists of an expansive forest interspersed with open meadows and linked by a system of curvilinear paths and roads. Numerous gardens, lakes, and recreational features are located throughout the park, as well as naturalistic forest areas. It is designed as a picturesque park landscape that was influenced by the work of Frederick Law Olmsted, Sr., perhaps the preeminent American landscape architect, and designer of both Central Park in New York as well as Prospect Park in Brooklyn. Golden Gate Park was listed on the National and California Registers of Historic Places as a historic district in 2004, and the Beach Chalet Athletic Fields and the associated restroom building are both listed as contributing resources of the Park and its character in that regard.

The essential character of the Beach Chalet fields area derives from how it fits within the design of this part of the Park as a woodland predominantly surrounding an open space landscape. A series of more recent improvements in the fields area have altered this character somewhat (including the installation of a perimeter 8-foot tall chain-link fence around most of the field area in 1998, and an asphalt apron (including associated tree and vegetation removal to make way for asphalt) around the restroom building in the 1980s). The 1998 chain-link fence formalized the edges of the playing fields area and changed the spatial organization of the site in ways that diminished its naturalistic and pastoral character. Similarly, the removal of vegetation and replacement with asphalt around the restroom building changed the way in which the building relates to both the fields and the parking lot, including visually opening up the connection to the parking lot area. In taking its action, the City found that notwithstanding these improvements “the historic integrity of the Beach Chalet Athletic Fields appears to be substantially intact”, and that these past improvements “do not reduce the historic integrity of the landscape or building to the degree that their character-defining features are no longer present.”⁷ Particularly critical in an LCP context, none of these improvements were constructed by benefit of a CDP, and thus are considered unpermitted, with the baseline for this CDP review being an analysis as if the fence weren’t there and the vegetation were there, and as if the site context was as it existed prior to such unpermitted development (see also Violation finding below).

Thus, the baseline for this LCP analysis is the site as it existed prior to the fencing and the vegetation removal and asphalt installation around the restroom building. In this sense, the fields area is a grassy area framed by trees and vegetation that is perceived as a pastoral open space used for recreational pursuits with a small restroom. It is this spatial organization and the natural landscape that most clearly reflects the character of the site.

The City’s historic resource findings help to elaborate on these points. As the City found in approving the project, “Golden Gate Park is a cultural landscape historically significant...in the areas of landscape architecture and social history as one of the pioneering examples of the large

⁷ Per City of San Francisco’s Historic Resource Evaluation Response dated July 27, 2011 (HRER), p.3.

urban park in the United States” and as “the first naturalistic landscape park in the west.”⁸ The project’s Historic Resources Evaluation states as follows:

*The Beach Chalet Athletic Fields site is a cultural landscape. Cultural landscapes are defined as geographic areas that have been shaped by human activity. They can result from a conscious design or plan, or they can evolve as a byproduct or result of people’s activities. They may be associated with a historic event, activity, or person, or may exhibit other cultural or aesthetic values (NPS, 1996:4). The character-defining features of the Beach Chalet Athletic Fields cultural landscape includes its spatial organization and topography, vegetation, circulation, buildings, structures, site furnishings, and views.*⁹

Although related to the character of the site, the LCP emphasizes the naturalistic landscape qualities of the site as opposed to its historical character. The LCP requires that development “emphasize the naturalistic landscape qualities of the western end of the park for visitor use.”¹⁰ The term “naturalistic landscape qualities” is not defined by the LCP, but it is clear that a primary contributing factor to the character of Golden Gate Park, including the Beach Chalet fields area, is the way in which the natural environment (including flora and fauna) intersects and interacts with use areas (including recreational use areas) in a way that emphasizes the natural qualities of the park setting. LCP certification documents indicate that the intent and goal of the LCP in this respect is to ensure protection of the “pastoral” landscape character of Golden Gate Park. In fact, LCP issue identification documents from 1980 described the overarching policies for Golden Gate Park as:

Objective D.2, Policy A: ensure that the essential design elements that give the Park its unique landscape character are retained and protected.

Objective D.2, Policy D calls for the establishment of designated naturalistic parkland areas to protect the pastoral character of the Park and ensure the retention of the Park’s open space.

Objective D.3, Policy B calls for the preservation of notable Park landmarks of historic, architectural and aesthetic value; the encouragement of restoration or reconstruction of other buildings and features that provide continuity with the past.

⁸ HRER, pp. 2-3 (and citing Nelson, Douglas. NPS Form 10-900, Golden Gate Park. July 2003, revised June 2004. On file for review at the SF Planning Department, National Register Historic District Files, 1650 Mission Street, Suite 400, San Francisco, CA 94103.).

⁹ Beach Chalet Athletic Fields Renovation City and County of San Francisco Final Historic Resources Evaluation p.1 (ESA July 2011).

¹⁰ Golden Gate Park LCP Objective 3, Policy 1.

*Objective D.5, Policy A ensures that the Park's recreational activities are compatible with the Park's environment. The policy addresses the issue of the preservation of wild life habitats....*¹¹

These objectives formed the basis for the LCP's current Golden Gate Park policies, with the issue identification documents concluding that: "a level of common purpose exists between [the Coastal Act and Golden Gate Park policies] and that local land use policies and zoning are consistent with Coastal Act policies for Golden Gate Park [i.e., the LCP]." In other words, the legislative LCP intent for the LCP policies requiring that 'naturalistic landscape qualities be emphasized' is based on ensuring protection of the pastoral landscape character of the Park for visitors.

The City-approved project would alter the spatial organization and setting of the Beach Chalet fields area in a way that would significantly change its character-defining features (e.g., replacing grass field with artificial turf) and add features that would significantly change the character of the fields area (e.g., field lighting, significant linear seating areas, concrete bisecting fields, etc.). The City found that the project would cause significant and unavoidable adverse impacts to the fields area in this respect, including in light of Golden Gate Park's significant historic status,¹² but approved the project via a statement of overriding considerations.

It is clear that the City's action would significantly change the character of the Beach Chalet fields area for visitor use, including as acknowledged by the City. It is equally clear that that character is also a defining element of the naturalistic landscape qualities and setting that are protected by the LCP. The City-approved project will modify the existing Beach Chalet fields area in a way that will adversely alter its natural character, including through the introduction of project elements that appear incompatible with its protected spatial organization and setting (e.g., artificial turf, field lights, seating areas, concrete paths, etc.). The City's action raises a substantial LCP conformance issue on these points.

Night Lighting - Public View Impacts

Part of the naturalistic quality of the Beach Chalet fields area is that it is not lit at night, and thus does not contribute to light and glare being visible from either within or outside of Golden Gate Park. In that way, the field area does not currently interfere or otherwise impact public views through light pollution, including from the Cliff House/Sutro Baths area referenced in the LCP. The proposed project includes ten Musco-brand 60-foot tall field light structures that would be operated until 10 pm year-round. These lights are designed specifically for sports fields with the goal of lighting the field evenly while minimizing the spread of light upward. The fixtures are shielded in an effort to prevent the upward spill of light and instead focus light downward onto the playing surface.

¹¹ From San Francisco Local Coastal Program Public Lands Issue No. 1A: Golden Gate Park. San Francisco Department of City Planning, February 1980.

¹² Including because the project would not meet Secretary of the Interior standards for development associated with designated historic resources.

The City-approved lights would extend above the tops of the tallest trees surrounding the athletic fields to a height of 60 feet,¹³ and thus would be visible from the fields area as well as from points outside the site, including from Ocean Beach and the Cliff House/Sutro Bath area, which is protected as a “nature-oriented shoreline park” under the LCP (see renderings in Exhibit 3). The City’s lighting analysis shows that light illumination from the field lights is not expected to reach beyond 270 feet from the fields. The analysis showed that current light measurements taken from the Great Highway immediately adjacent to Ocean Beach and west of the project site range from less than 1 foot candle (FC) to more than 4 FCs, a result of street lamps along the Great Highway and ambient glare from the surrounding city. The lighting for the fields is expected to produce, 150 feet away on a flat plain and without obstructions, approximately 0.25 to 0.95 FCs. Thus, the street lamps currently produce up to four times the amount of light illumination at the Great Highway compared to what the new field lights would produce from 150 feet away. At 270 feet away, the City’s analysis indicates that light illumination measurements from the field lights drop to 0 FCs.¹⁴

The eastern edge of Ocean Beach and the promenade along the O’Shaughnessy seawall is roughly 400 feet away from the project area. As such, and since the athletic fields are surrounded by trees, light from the fields is not expected to illuminate Ocean Beach. However, since the lighting structures extend above the tree canopy, the lights themselves would be still be visible from offsite, even if they are not expected to illuminate these areas. The lights would change the view that includes the fields area because the lights would be visible from off-site. Golden Gate Park and the fields area appears a darkened area in these views, and provides a noticeable visual respite in the view from the lights in surrounding built environment. The change from a darkened natural area to one with banks of visible lights would detract from these views.

Finally, calculations were performed for upward light spillover to determine whether light would interfere with the dark sky, a particular concern raised during the local process, including because the Ocean Beach and Sutro Heights areas are popular with amateur astronomers. The analysis found that during clear conditions at 150 feet away from the lights and at a height of 60’ above ground, light measurements dropped to 0 FCs. This analysis confirms that upward spillover would be minimal. However, the City’s lighting analysis did not take into consideration potential impacts from fog and inclement weather conditions. It is possible that during such conditions there would be a glow over the field area that would be visible from on as well as offsite, including at neighboring Ocean Beach and at the Cliff House/Sutro Baths area.

In both cases, views would be impacted, but the impacts are tempered by the fact that the fields area is in the middle of the City environment with lighting around the park and along the Great Highway. In other words, the views in question already include a series of light sources, and the

¹³ The City evaluated options for reducing the height of the lights below the heights of the surrounding trees and vegetation, but concluded that the 60-foot height was as low as the lights could be sited and still function for athletic field lighting, including because moving the lights any lower would begin to impact the vision of players on the fields.

¹⁴ The City confirmed the accuracy of their lighting calculations by comparing light measurements from the South Sunset Playground and Crocker Amazon Playground, which both have similar field lighting as that approved at Beach Chalet. At both sites, the actual lighting measurements are consistent with the measurements projected during their project permitting stage.

introduction of lights into them in the fields area would not significantly alter their value. The City's action does not raise a substantial LCP conformance issue on these points.

Night Lighting - Bird Impacts

Another component that could be considered part of the naturalistic landscaping quality of the Beach Chalet fields area is the natural flora and fauna. In approving the project, the City found that Golden Gate Park is an important migratory stopover for birds along the Pacific Flyway. The EIR indicates that one of the major flyway routes through this part of the coast is along the shoreline, and the EIR concluded that raptors, songbirds, shorebirds, and waterfowl all stop in Golden Gate Park and Lake Merced during their fall and spring migrations.

Because light spillover during clear conditions is expected to be minimal and because the City determined that light is not expected to illuminate Ocean Beach, as described above, the City found the project's lighting impacts on migrating birds to be minimal. Additionally, because most raptors migrate during the day, the City found that impacts from night lighting to migrating raptor species would not be expected to be significant. Lastly, the City's lighting impact analysis concludes that the project would have minimal impact on resident species, such as owls and bats, because lighting is already present in the project's vicinity, including street lights along the Great Highway, lighting at the adjacent Beach Chalet and Park Chalet restaurants, and lighting from the adjacent urban neighborhoods.

In terms of resident species, the combination of lighting and artificial turf (see also below) could reduce foraging potential for certain species, such as raptors and owls, during twilight and a portion of the night. Surveys performed in winter and spring of 2011 identified one special-status bird species that was observed or is commonly seen in Golden Gate Park in the Beach Chalet fields vicinity, the bank swallow (listed as threatened by the State of California). Other species commonly seen at the Beach Chalet fields include: American kestrel, Cooper's hawk, Red-tailed hawk, Red-shouldered hawk, Great horned owl, and Barn owl. However, no nests were observed during a winter 2011 survey in any of the trees and shrubs within 150 feet of the fields. During a second survey during breeding season in May 2011, three inactive nests were found. Thus, the City concluded, based on the results of these surveys, that the trees and shrubs surrounding the athletic fields are not commonly used for nesting by raptors or owls, although the City also concluded that raptors, owls, and bats could use the onsite trees for nesting during the breeding season and perching during the non-breeding season.

In terms of migrating species, the City's analysis was based only on clear weather conditions, and did not evaluate impacts during foggy or cloudy weather conditions, which have the potential to scatter and reflect light and create a more luminous dome. Numerous studies have shown the potential for birds to become negatively impacted by stadium lights, especially during foggy and cloudy conditions when the ambient glow of urban development can confuse birds that use the moon and stars for navigation.¹⁵ As stated earlier, the western end of Golden Gate Park and Ocean Beach are important stopover sites for migratory birds along the Pacific Flyway. It is important to note that "Pacific Flyway" is a descriptor for a phenomenon that encompasses

¹⁵ For example, Reed, J.R., J.L. Sincock, and J.P. Hailman. 1985. Light attraction in endangered procellariiform birds: reduction by shielding upward radiation. *Auk* 102:377-383.

the entire state of California and beyond and that not all areas of the state are as important as others. However, depending on the types of migrating birds, certain pathways (e.g. bordering the ocean, along valleys, etc.) will be more frequented, and certain habitats (woodlands, riparian areas, large meadows) will be more important stopovers than others.

According to Commission staff ecologists, Dr. John Dixon and Dr. Jonna Engel, the primary concern with night lighting at the Beach Chalet Athletic Fields is the potential for night migrating birds to become confused and attracted to the lights during inclement/foggy weather. In addition, most migratory movement occurs early in the evening so any impacts to migrating birds due to the Beach Chalet lighting are likely to occur during the first two to three hours after sunset when the lights will be in use. Birds that migrate at night use the moon and stars for navigation. During clear weather they appear to be able to distinguish artificial lighting from light emanating from planets and stars.¹⁶ However, during inclement weather, birds can become confused and drawn to artificial lights. This phenomenon has been observed on numerous occasions at lighted buildings, oil platforms, and athletic fields. Once drawn into an artificial light source a number of negative outcomes, including mortality, can occur; birds may crash into something, circle the light source becoming exhausted, or become confused and drawn off course.

Dr. Dixon and Dr. Engel have determined that given the location relative to the Pacific Flyway in Golden Gate Park and only 1,000 feet from the Ocean Beach shoreline, a significant stopover site for migratory birds, the City-approved lights have the potential to adversely impact migratory birds. As such, there are unknown potential impacts to migratory birds, which use Ocean Beach and Golden Gate Park as important stopover sites on their migration paths. In fact, the project's biological analysis concluded as such, saying that "it is unclear how construction and subsequent use of the improved soccer field complex will affect common wildlife species. In particular, use of artificial lighting (proposed for use at night until no later than 10 pm) could disrupt natural movement, breeding, or foraging behavior."¹⁷ Thus, there may be an impact to migratory birds during inclement/foggy weather.

In terms of the question of night lighting impacting birds, though, the connection between the LCP requirement to emphasize the naturalistic landscaping qualities of the site for visitor use less clearly extends to the way in which such emphasis extends more generally to protection of resident and migratory birds. Clearly, the policy is a landscape character policy. Granted, birds are a part of that context, but less obviously so, including as referenced in LCP certification documents. The fact that there may be an impact to migrating birds in inclement/foggy weather is an issue, but it is not of itself in this context enough to raise a substantial LCP conformance issue. The City's action does not raise a substantial LCP conformance issue on these points.

¹⁶ Memorandum from Coastal Commission ecologist Dr. Jonna D. Engel: City of Malibu LCP Amendment No.1-11-A regarding Malibu High School Athletic Field Night Lighting, September 22, 2011.

¹⁷ Biological Resource Assessment Report, City and County of San Francisco's Beach Chalet Soccer Field Improvement Project. May & Associates, Inc., February 2010.

Artificial Turf Impacts

The naturalistic landscape qualities of the western end of Golden Gate Park include the fact that it is vegetated, partly with grass, but also with trees and shrubs, and the way in which management and use of the area affects the natural environment. On the former, the City-approved project would replace the natural turf with artificial turf.¹⁸ Artificial turf can appear naturalistic inasmuch as it is generally green in color, like natural grass, and structured to appear as fresh cut grass. The fact that artificial turf is so uniform, both in color and in structure, reduces the effect of the illusion somewhat, but it can still convey a naturalistic (as opposed to natural) landscape quality.

In this case, the existing field is a single turfed area surrounded by a rectangular, albeit not completely linear, tree/shrub line.¹⁹ The proposed artificial turf would be confined within very structured rectangles, would be edged by linear seating areas, fencing, and a central concrete walkway, and each field would be covered with permanent field lines of varying colors that are used to mark out playing fields and related components of them. The naturalistic illusion that one might have related to a green carpet of artificial turf (to replace the existing natural turf in the same general area) is thus impaired by the way in which the fields would be broken up, fenced, and striped. Taken together, and particularly given the baseline of a grassy field area essentially surrounded by woodland,²⁰ the artificial turf clashes with the naturalistic landscape qualities of the Beach Chalet fields. The City's action raises a substantial LCP conformance issue on this point.

In addition, replacing over seven acres of grass with artificial turf raises concerns about the way in which it will affect wildlife. When not in use for sporting events, the fields are commonly used for foraging habitat by raptors, owls, and other birds. The fields contain gophers and other rodents that are prey for raptors and other birds that inhabit the park. Replacing some seven acres of grass with artificial turf may negatively impact bird foraging here. However, the degree to which this is the case, and the relative magnitude of the potential impact, is uncertain. Given the more tenuous connection between bird impacts and the LCP's 'naturalistic' policy, as discussed above, the fact that there might be an impact to foraging birds is an issue, but it is not of itself in this context enough to raise a substantial LCP conformance issue. The City's action does not raise a substantial LCP conformance issue on this point.

In terms of the way in which management and use of the area affects the natural environment, the Appellants claim that the replacement of the grass fields with artificial turf will introduce toxic materials into the environment. Given the Pacific Ocean is less than 1,000 feet away to the west, water quality is an even greater concern. As stated earlier, because of the poor condition of the existing grass fields and their inoperability for much of the year, the project seeks to replace

¹⁸ The artificial turf would consist of four components: fiber, infill, backing, and underlayment. The fiber will consist of polyethylene (plastic), which would have a grass-like texture and appearance. The infill, used for stability, is comprised of 70% styrene butadiene rubber (SBR) and 30% sand. The SBR is composed of recovered scrap tires.

¹⁹ Granted, the existing natural turf area is mostly enclosed by the existing 8-foot tall perimeter chain link fence that gives it a structured appearance, but given the fence is unpermitted, the analytic baseline for CDP review is as if the fence weren't there. See also Violation finding.

²⁰ Id (existing fencing unpermitted).

seven acres of grass with artificial turf. The turf will allow for increased play hours (the fields will be allowed to remain year-round, even if it is raining), and decreased maintenance. The City estimates that the artificial turf fields would save 5.7 million gallons of irrigation water annually and would not require any herbicides or pesticides. An underdrain system would be installed beneath the turf to collect all stormwater from the fields, plaza, and parking lot. The stormwater would infiltrate from the fields into the underdrain system and then be conveyed to the City's combined sewer/stormwater system for treatment at the Oceanside Water Pollution Control Plant. Consistent with the water quality testing program at other artificial turf fields within the city, City Recreation and Park and Public Utilities Commission staff would sample and test the stormwater to ensure it meets applicable standards. If water quality standards are met, the stormwater could be allowed to infiltrate into the groundwater system at a later date.

The Appellants cite numerous studies, including those of the United States Environmental Protection Agency, that show some artificial turf fields containing toxic materials and heavy metals, including lead, arsenic, and mercury. Because of these concerns, the City established a Synthetic Playfields Task Force in 2008 to identify the primary environmental concerns of artificial turf and make recommendations as to best practices for the use of turf within the City's parks, playgrounds, and athletic fields. The recommendations developed by the Task Force include: prevent leachate/stormwater from infiltrating the groundwater system and instead direct it to the City's combined sewer/stormwater system for treatment, conduct tests of stormwater runoff to determine levels of zinc and other contaminants, and develop synthetic turf standards that identify the maximum levels of metals allowed in artificial turf materials used in the City.²¹ Finally, all vendors must submit a product analysis of the turf's fiber, infill, backing, and underlayment to quantify all metals and semivolatile organic compounds (SVOCs). All of these measures and requirements were recommended by the Task Force and subsequently implemented by the City to ensure that only non-toxic, high-quality materials are being used in the city's parks.

Ongoing water quality testing, as recommended by the Task Force, has been performed at fields installed with artificial turf. Samples taken at the South Sunset Playground and Garfield Square Park in 2010 and 2011 showed that volatile organic compounds (VOCs) and SVOCs were not detected in any sample. Dissolved metal concentrations²² were all below the applicable drinking water Maximum Contaminant Levels (MCLs) and applicable freshwater surface water ESL. Thus, City testing has shown that the artificial turf fields installed at other City parks has not contributed to water quality impairment. Similar treatment and testing is required for the Beach Chalet Athletic Fields turf as well. Therefore, because of the City's stringent artificial turf material composition requirements, the positive water quality testing results performed at other similar fields, and the project's design to capture and treat all stormwater runoff, the City's

²¹ The synthetic turf standards identify a maximum level of soluble chromium, lead, and zinc in SBR material. The levels are 0.05 milligrams/liter (mg/l) for chromium, 0.0025 mg/l for lead, and 250 mg/l for zinc. Both chromium and lead levels are equal to or below the applicable Environmental Screening Levels (ESL) and California Drinking Water Standards for groundwater. While the allowable zinc concentration is higher than the allowable standards, the Task Force determined that the actual amount of zinc that would be dissolvable within groundwater would meet the applicable ESL and Drinking Water Standard since zinc is more difficult to dissolve.

²² Metals analyzed include: antimony, arsenic, barium, beryllium, cadmium, cobalt, chromium, copper, iron, manganese, mercury, molybdenum, nickel, lead, selenium, silver, thallium, vanadium, and zinc.

action does not raise a substantial LCP conformance issue in terms of the impacts of the artificial turf fields on water quality.

3. Reforestation Program Implementation

The Appellants contend that the City-approved project is inconsistent with the LCP's requirement to implement a long-term reforestation program at the western end of Golden Gate Park because it includes the removal of 55 trees. The Applicant claims that they are only removing 16 trees (ten Monterey cypress and six Monterey pine) and 44 invasive shrubs (*Myoporum laetum*). Of the 16 trees, the City indicates that five are in poor health or are already dead. Consistent with the City's Golden Gate Park Forest Management Plan, the project area would be replanted with over 200 trees and 1,000 plants. The Forest Management Plan seeks to identify and replace the park's aging trees, many of which were original plantings with the park's development well over 100 years ago. All replantings would be overseen by the City's Park Forestry Supervisor and Natural Areas Program Director.

Thus, in this case, the City-approved project includes some tree and shrub removal and some tree and shrub planting. Clearly, however, the replanting component would result in significantly more trees and vegetation at the site after the project than before. The location of the trees and shrubs raise concerns related to the character of the site and the need for emphasizing naturalistic landscape qualities as required by the LCP (see above), but the fact that it results in more forest than is currently the case supports the argument that it is part of implementation of a reforestation program, and the City's action does not raise a substantial LCP conformance issue on this point alone.

4. Richmond and Sunset Traffic Impacts

The Appellants contend that the City-approved project will not protect the Richmond and Sunset residential areas from traffic impacts because the project will result in a significant increase in traffic and visitors. Indeed, a stated goal of the project is to increase the usability of the fields and allow for more play. The City projects that the renovation project would increase annual play hours from 4,738 hours to 14,320 hours. An increase in visitors and users is appropriate for a complex as large as the Beach Chalet with its four fields, and consistent with its use as one of the City's three primary sports athletic fields. A traffic analysis was performed as part of the EIR for the project. The analysis found that the project would generate 52 net-new peak-hour (4:30-5:30pm) vehicle trips during weekdays and 72 net-new peak-hour vehicle trips on weekends.²³ Based off these numbers, the EIR found that none of the ten intersections in the vicinity would experience any significant impacts in level-of-service (LOS) delay. The project would also generate demand for 51 additional parking spaces on weekday peak periods (for a total of 208 spaces) and 72 additional spaces on weekends (288 spaces). With the 70 spaces available in the expanded parking lot and 258 on-street spaces within the park within a five minute walk along John F. Kennedy Drive, 47th Avenue, and South Fork Drive, there are a total of 328 parking spaces available for Beach Chalet Athletic Field users. Thus, parking supply in Golden Gate Park within a five minute walk of the fields is adequate to serve the facility even on peak weekday and weekend events. Thus, the project is not expected to significantly impact traffic in the Richmond

²³ These numbers were based on City field observations showing that generally there are about 40-54 players/referees/spectators per field on weekdays, and about 72 people per field on weekends. The analysis also assumed that all additional person trips would be made by car and that there would be two people per vehicle.

and Sunset neighborhoods, and the City's action does not raise a substantial LCP conformance issue on this point.

5. Substantial Issue Determination Conclusion

The LCP requires that development “emphasize the naturalistic landscape qualities of the western end of the park for visitor use”. LCP certification documents indicate that the intent and goal of the LCP in this respect is to ensure protection of the unique pastoral landscape character of the Park. The City-approved project will modify the existing Beach Chalet fields area in a way that will significantly alter its natural character, including through the introduction of project elements that would significantly alter its spatial organization and setting (e.g., artificial turf, field lights, seating areas, fencing, concrete paths, etc.). The City found that the project would cause significant and unavoidable adverse impacts to the fields area in this respect, including in light of Golden Gate Park's significant historic status, but approved the project via a statement of overriding considerations.

In short, the City approved project raises substantial LCP conformance issues on these points, and therefore the Commission finds that a substantial issue exists with respect to the City-approved project's conformance with the certified City of San Francisco LCP, and takes jurisdiction over the CDP application for the proposed project.

F. COASTAL DEVELOPMENT PERMIT DETERMINATION

The Substantial Issue Determination findings above are included herein in their entirety by reference. The standard of review for this CDP determination is the City of San Francisco certified LCP.

1. Approvable Project

As described in the preceding findings, the proposed project would alter the Beach Chalet fields facility in ways that would not emphasize its naturalistic landscape qualities as required by the LCP. It is clear from LCP certification documents that the intent and goal of the LCP in this respect is to ensure protection of the unique pastoral landscape character of this part of Golden Gate Park. The proposed project would introduce an intensely structured facility in an area where the LCP directs the opposite. It is clear that an approvable project would need to be modified to better fit within the site setting and character.

There are likely many different alternative project variations that could address the character issues, but it is clear that any proposal that seeks to renovate the Beach Chalet athletic fields facility must emphasize the natural, pastoral landscape by keeping hardscape and engineered elements to a minimum, and making sure they are subservient to the pastoral landscape character. The foundation for an approvable project lies in the character-defining features of Golden Gate Park itself. As indicated previously, the Park consists of an expansive forest interspersed with open meadows and linked by a system of curvilinear paths and roads. Numerous gardens, lakes, and recreational features are located throughout the park, as well as naturalistic forest areas. The significance of the design of the Beach Chalet fields area derives from how it fits within the design of this part of the park to form an integral part of the woodland and open space landscape. Framed by trees and vegetation, the fields are meant to be perceived

as a pastoral open space used for recreation. It is this spatial organization and the natural landscape that most clearly drives an approvable project that respects the naturalistic setting and character as required by the LCP.

Within this context, there are a range of potential project elements that may be appropriate to meet City objectives of increasing the field's recreational usage while also meeting LCP requirements that protect the naturalistic landscape. Fundamentally, project elements that break up the overall grassy area are problematic in this respect (such as the proposed 30-foot wide linear concrete area with seating that would bisect the fields entirely), as are significant project elements that significantly frame the field areas in a linear and/or regular fashion (e.g., perimeter fencing). Other project elements that introduce significant hardscape and 'engineered' elements also take away from the naturalistic character of the area. For other project elements, however, there is some judgment involved as to what tips the scales to not appropriately emphasizing the naturalistic landscape qualities of the site. For example, some field lighting that doesn't break up the overall grassy area and some linear form seating areas that are integrated into landscape areas could be consistent with that LCP policy.

Such an approvable project could include: redoing the natural turf fields with natural grass (including with enhanced foundation and drainage elements); eliminating and/or reducing field lighting (and limiting lighting otherwise to that necessary for public safety); modifying fencing (including because existing fencing which has altered the character of the site is currently unpermitted); modifying seating to be informal bench seating (e.g., intermittent benches) and/or more limited linear seating forms integrated with perimeter paths and landscaping; modifying paths to be decomposed granite or equivalent as opposed to concrete; providing enhanced signage and path connections between the fields and Ocean Beach, as well as interpretive signing; updating the restroom building and surrounding area in relation to the parking lot area in a way that separates the two (including in light of unpermitted past vegetation removal and hardscaping that inappropriately connected the two visually) with an emphasis on natural materials and landscaping; siting and designing the picnic and play areas to blend into the environment; and maximizing revegetation efforts with an eye towards emphasizing naturalistic spatial organization for the fields area (e.g., curvilinear as opposed to linear) and using vegetation as backstop for wayward balls. Such a project would be a significant improvement to the Beach Chalet fields area that would both enhance its pastoral character and its utility for recreation consistent with the LCP. See special conditions.

It should be noted that a revised project will still greatly increase recreational use and utility at the Beach Chalet fields site over what is available now. In addition, although not part of this CDP, additional recreational utility, including nighttime play via lights, may be accomplished at nearby West Sunset Playground (outside of the coastal zone, about a mile and a half away from the Beach Chalet site). The project EIR identified the West Sunset Playground Off-Site Alternative as the Environmentally Superior Alternative (after the No Project Alternative) under CEQA. This alternative proposes similar project renovations, including night lighting, artificial turf, and seating, but at the West Sunset Playground instead of at Beach Chalet. The West Sunset Playground is approximately 18 acres in size and is located near Sunset Boulevard and Ortega Street in the Sunset District of San Francisco. The West Sunset Playground facility includes a large soccer field, three baseball diamonds, two tennis courts (with lights), a full basketball court

(with lights), a playground, restrooms, and small recreation center. The Playground is part of a complex that includes Sunset Elementary School, Ortega Branch Library, A.P. Giannini Middle School, and Saint Ignatius College Preparatory.

The EIR acknowledged that the West Sunset Playground alternative would avoid impacts to historic resources (since West Sunset Playground is not a listed historic resource) and would also allow for greater athletic field access and use. Such an alternative appears appropriate for the West Sunset Playground, which is surrounded by urban development, including three schools and a library. The EIR found that this alternative would fail to meet the objective of increased recreational usage at the Beach Chalet site, but this conclusion was based off the assumption that no improvements or renovations would take place at Beach Chalet. With the approvable project, the objective of increased recreational usage at the Beach Chalet site will be realized. When combined with improvements at West Sunset Playground, including artificial turf and night lighting, significant recreational enhancements can be realized in this part of the City. Clearly, further refinement of the West Sunset Playground alternative would be needed, but it appears that such an alternative would be able to meet all project goals, especially considering that the West Sunset Playground is already proposed for renovation and budgeted \$13.2 million from San Francisco's 2012 Clean and Safe Neighborhood Parks Bond.

In conclusion, an approvable project exists that would accomplish the City's project goal of increasing recreational opportunities while also respecting the naturalistic character and landscape of the western end of Golden Gate Park and Ocean Beach as required by the LCP. The City's objectives could also be furthered through combining such improvements with the CEQA environmentally superior project at the West Sunset Playground. This hybrid, where the Beach Chalet fields are improved consistent with the LCP and the West Sunset Park fields are improved including potentially for lighted field play, is a win-win on many levels, including enhancing the Beach Chalet site consistent with its naturalistic pedigree and greatly increasing the utility and availability of recreational fields in this area of the City.

The Commission's approval of a more naturalistic landscape project at the Beach Chalet fields facility is in recognition of the naturalistic setting and character that are protected by the LCP, and the constraints to developing such an intensely structured facility as the proposed project at the site. Commission staff is prepared to work with the Applicant, other City departments, and interested parties to help foster a better overall project that can meet LCP requirements, enhance and protect coastal resources, and meet the community's recreational needs over the longer term with a sustainable and beneficial public infrastructure project.

2. Violation

Development including, but not limited to: 1) the installation of an 8-foot tall chain-link fence enclosing the majority of the Beach Chalet fields area; 2) removal of trees and vegetation around the Beach Chalet restroom; and 3) installation of pavement around the Beach Chalet restroom, has taken place without benefit of a CDP. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the City and County of San Francisco LCP. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position

regarding the legality of any development undertaken on the subject site without a CDP, or that all aspects of the violation have been fully resolved.

3. Indemnification

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications.²⁴ Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes Special Condition 4 requiring reimbursement for any costs and attorney fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this permit.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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 effect which the activity may have on the environment.

The City, acting as the lead CEQA agency, certified an EIR for the project pursuant to CEQA. That EIR evaluated project impacts, identified mitigations to reduce certain impacts, but found some to be significant and unavoidable, in particular related to the cultural resource and historic landscape of Golden Gate Park generally, and the Beach Chalet fields area specifically. For this reason, the City adopted a statement of overriding considerations acknowledging such impacts. At the same time, the EIR found that the proposed project was not the least environmentally damaging feasible alternative, instead finding the West Sunset Playground alternative environmentally superior to the proposed project. The City's EIR has been challenged in court.²⁵

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are

²⁴ See also California Code of Regulations Title 14 Section 13055(g).

²⁵ SF Coalition for Children's Outdoor Play, Education and the Environment v. City and County of San Francisco in San Francisco Superior Court. The litigation challenges inadequate acknowledgement of toxics in SBR crumb rubber infill, failure to consider alternatives to SBR rubber infill, and inadequate project alternatives analysis in the City's EIR.

no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

Biological Resource Assessment Report, City and County of San Francisco's Beach Chalet Soccer Field Improvement Project prepared by May & Associates, Inc., February 2010.

City of Malibu LCP Amendment No-1-11-A regarding Malibu High School Athletic Field Night Lighting. Memorandum from Dr. Jonna D. Engel, Ph.D., Ecologist. September 2011.

Draft and Final Environmental Impact Report (State Clearinghouse No. 2011022005) prepared for San Francisco Planning Department, October 2011.

Final Historic Resources Evaluation, Beach Chalet Athletic Fields Renovation. Prepared by Environmental Science Associates for San Francisco Planning Department, July 2011.

Historic Resource Evaluation Response prepared by San Francisco Planning Department, July 2011.

San Francisco Local Coastal Program Public Lands Issue No. 1A: Golden Gate Park. Prepared by San Francisco Department of City Planning, February 1980.