

CALIFORNIA COASTAL COMMISSION

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November 19, 2004

Th.5a

TO: CALIFORNIA COASTAL COMMISSIONERS

FROM: PETER M. DOUGLAS, EXECUTIVE DIRECTOR

**SUBJECT: STAFF RECOMMENDATION ON MAP OF POST-LCP
CERTIFICATION JURISDICTION, CITY OF HALF MOON BAY**
(for Commission consideration at its December 8-10, 2004 meeting)

This recommendation was developed by Jonathan Van Coops and Darryl Rance, Coastal Program Analysts, GIS/Mapping and Publications Unit, working under the direction of Susan Hansch, Chief Deputy Director and Manager, Technical Services Division.

SUBSTANTIVE FILE DOCUMENTS

- National Wetland Inventory Maps, (Montara Mountain and Half Moon Bay Quadrangles) U.S. Department of the Interior, Fish & Wildlife Service, April 1985
- Potential Public Trust Land Maps, (Montara Mountain and Half Moon Bay Quadrangles), California State Lands Commission, 1979
- U.S. Coast Survey Historical Topographic Maps, NOAA, 2000 (*See Attachment 1*)
- Coastal Commission 1: 12,000-scale vertical aerial photography 1970-2001
- California Coastal Records Project, 2003

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the map prepared by staff showing the areas where the Commission retains permit authority pursuant to Public Resources Code (PRC) Section 30519(b) and Section 30613, and where appeals of local government coastal development permit approvals are allowed pursuant to PRC Section 30603(a)(1) and (2) within the City of Half Moon Bay.

MOTION

Staff recommends that the Commission adopt the following motion:

I move that, for the reasons stated in the staff report and recommendation dated November 19, 2004, the Commission approve the Post-LCP Certification Map prepared by staff for the City of Half Moon Bay.

STAFF NOTE

While the Commission has adopted approximately 60% and 80% of the Post-LCP Certification maps for the 59 coastal cities and 15 coastal counties respectively, the Commission has not yet adopted Post-LCP Certification maps for three jurisdictions with certified LCPs, including Half Moon Bay, Palos Verdes Estates, and the City of San Diego. The staff is currently working to finalize the draft maps for Palos Verdes Estates and San Diego in preparation for their adoption at Coastal Commission meetings during the coming year.

BACKGROUND ON POST-LCP CERTIFICATION MAP PROCEDURES

After the Commission certifies a local government's LCP, permit authority within that jurisdiction is delegated to that local government. However, pursuant to Section 30519(b) of the Coastal Act, the Commission retains permit authority (with certain exceptions) after LCP certification over developments occurring on tidelands, submerged lands, and public trust lands. In addition to the retained permit jurisdiction, Section 30603 of the Coastal Act defines certain areas and types of development for which approvals by the local government may be appealed to the Commission. Appeal jurisdiction is retained, for example, on lands within 100 feet of streams or wetlands, lands subject to the public trust, lands within 300 feet of the coastal bluffs, beaches, or estuaries, and lands between the sea and the first public road paralleling the sea.

The Commission's administrative regulations (14 CCR Section 13576) provide that a map portraying the areas of continuing Commission permit and appeal jurisdiction be adopted in conjunction with the final LCP certification. An update procedure is also described and provides the basis for revision and re-adoption of the map by the Commission. Within these regulations is implicit the idea that, while the adopted map should portray the various jurisdiction boundaries as accurately as possible, it remains only a depiction, a cartographic representation and not a definition of the jurisdiction, and cannot be used on its own without field determination procedures to establish a precise boundary location. Conditions on the ground control permit and appeal jurisdiction boundary location regardless of how accurate the mapped boundary may be.

Previous Half Moon Bay Draft Post-LCP Certification Maps

During the early 1980's the Commission's Technical Services Division began a project to complete Draft Post-LCP Certification Permit and Appeal Jurisdiction maps for all local governments within or partly within the Coastal Zone. The first effort consisted of producing a set of 161 draft maps using the USGS 7.5 minute quadrangle base (scale 1:24,000 or 1 inch equals 2000 feet), which was completed in 1981. The primary purpose of this project was to provide a consistent, *statewide* view of the *draft* permit and appeal boundaries for review by the local government staff, Commission staff, and other interested parties. It was fully anticipated that these maps would be reviewed and revised or refined, as indicated by the map notes and general correspondence sent out with maps for review. The area of the Coastal Zone within the City of Half Moon Bay, which in 1981 had already been incorporated, was covered by map sheets 61 and 62, the Montara Mountain and Half Moon Bay quadrangles. Copies of these regional 7.5-minute quadrangle-scale draft maps were distributed for review to the regional commission offices and local governments in April 1981. The boundaries and map notes shown on this map were replicated in 1988 on a large-scale base map provided by the City, which was transmitted to the City and Central Coast District office staff for review at that time.

STAFF ANALYSIS

The depiction of permit and appeal jurisdiction on the Half Moon Bay draft post-LCP Certification map does not appear to present any *major* areas of controversy affecting the map adoption at this time. Coastal Commission staff has reviewed the post-LCP Certification map and jurisdictional boundaries with staff of the City of Half Moon Bay, and has made edits that clarify and correct elements of the appeal jurisdiction boundary. While the Coastal Zone does extend inland up to approximately five miles in this part of San Mateo County, and includes the City in its entirety, the Commission's continuing permit and appeal jurisdiction areas are generally found along the immediate shoreline, west of Highway 1, and adjacent to wetlands, and streams in the area of the City east of Highway 1. The retained permit jurisdiction boundary follows along the City's coastline (mean high tide line (MHTL)/toe of coastal bluff) and extends inland to include potential public trust lands at the estuary of Pilarcitos Creek. The appeal jurisdiction boundary follows a combination of the First Public Road paralleling the Sea, 300 feet from the MHTL or top of coastal bluff depending on the location, and also extends to areas within 100 feet of streams and non-tidal wetlands found at various locations within the City. A description of the route of the designated First Public Road paralleling the Sea is described in the section entitled: First Public Road Description.

Permit Jurisdiction

Generally speaking, the Commission's continuing permit jurisdiction in the City of Half Moon Bay exists only on lands lying below the MHTL, and within potential public trust lands located south of Pilarcitos Creek. The primary sources for the permit boundary are maps 61 and 62 (Montara Mountain and Half Moon Bay quadrangles, scale 1:24,000) from the set showing

potential tidelands trust areas prepared for the Commission by the State Lands Commission staff in the late 1970's using, among other sources, two US Coast and Geodetic Survey (now known as the National Geodetic Survey) topographic maps done during the period from 1861 to 1884 (T-993 and T-1009), and the contemporary USFWS National Wetland Inventory maps for this area.

These historic maps and other documents and information are analyzed wherever the public trust component is the controlling boundary criterion, however, given the complexity involved in precisely mapping potential public trust boundaries, it is evident the delineation may or may not include all areas subject to the trust. Questions regarding the exact location and extent of public trust lands must be referred to the State Lands Commission for determination.

Tidelands, the first component of the Commission's retained permit jurisdiction, are lands lying between the lines of mean high tide and mean low tide. The Mean High Tide Line (MHTL) is the landward tidelands boundary, an ambulatory boundary that moves with changes in the profile of a sandy beach. The MHTL is and has been used by the U.S. Supreme court, the California Supreme court, federal and state courts, the state legislature, state regulatory and administrative agencies, and local governments as the boundary between public tidelands and private uplands.

The location of the fluctuating Mean High Tide Line is determined by establishing the intersection of the shore with the plane (elevation) of Mean High Tide as calculated by the National Geodetic Survey for a particular location. Surveys can be performed to establish MHTL or tidelands locations. The State Lands Commission, as administrator of California's ungranted tidelands, can and does perform such surveys.

Appeal Jurisdiction

The appeal jurisdiction boundary in the City of Half Moon Bay is also shown in Exhibit 3. The First Public Road paralleling the Sea is the predominant controlling boundary criterion throughout the City, which results in an appeal area here that includes mostly areas west of Highway One.

As with all other coastal cities, the appeal jurisdiction boundary in Half Moon Bay is mapped according to the geographic criteria specified in Section 30603(a) of the Coastal Act, and further defined in the Commission's regulations at 14 C.C.R. §13577. Along the shoreline of the ocean, the appeal jurisdiction boundary generally follows the First Public Road, except where the road is situated closer than 300 feet inland from the bluff top or beach. In these locations the boundary is 300 feet from the top of the seaward face of the bluff or the inland extent of the beach, whichever applies. Farther inland, appeal areas are found along coastal streams and wetlands, where the boundaries include lands within 100 feet of the stream banks or upland wetland limits. *See* Pub. Res. Code §30603(a)(1), 14 C.C.R. §13577(i).

First Public Road

The language of 14 C.C.R. Section 13577(i)(1) was intended to ensure that the designated “First Public Road Paralleling the Sea” (FPR) extend inland around water bodies that are considered the “Sea” as defined by P.R.C. Title 14, Section 30115. C.C.R. section 13577 (i)(1)(E), provides that in order for a road to qualify as the First Public Road paralleling the Sea, it must be a road that “does in fact connect with other public roads providing a continuous public access system, and generally parallels and follows the shoreline of the “Sea” so as to include all portions of the “Sea” where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the “Sea” to extend landward of the generally continuous coastline.”

First Public Road Description

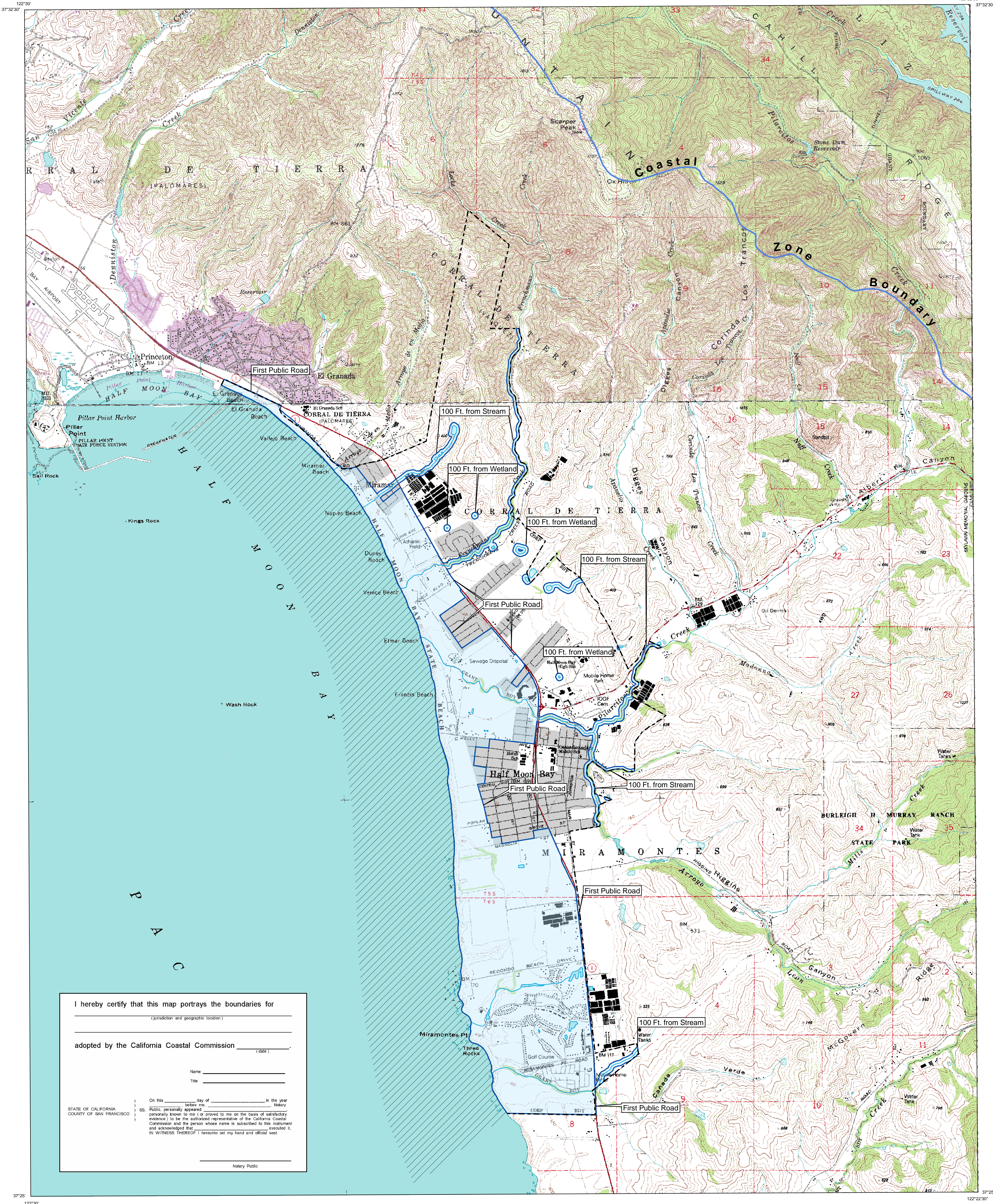
The series of roadways and streets listed below and shown as a component of the Commission’s appeal jurisdiction boundary on the attached Exhibit 3, constitute the current route of the “First Public Road Paralleling the Sea,” for purposes of Public Resources Code (P.R.C.) Sections 30600.5, 30601, and 30603, 30115, and all other applicable provisions of the Coastal Act of 1976. This system of coastal roadways and streets is consistent with, and meets the criteria set forth in 14 C.C.R. Section 13577, in particular 13577(i).

From the northern City boundary the route designated as the First Public Road paralleling the Sea (FPR) in the City of Half Moon Bay follows State Highway One south to its intersection with Coronado Street at the southern limits of the community of El Granada, where it leaves the City temporarily. Then, at the southern limits of the community of Miramar, from the intersection of the City boundary and Miramar Drive, southwest on Miramar Drive to Mirada Road, southwest on Mirada Road to Alameda Avenue, southeast on Alameda Avenue to Roosevelt Boulevard, northeast on Roosevelt Boulevard to State Highway One, southeast on State Highway One to State Highway One Frontage Road, southeast on State Highway One Frontage Road to Wave Avenue, southwest on Wave Avenue to Pilarcitos Avenue, southeast on Pilarcitos Avenue to Kehoe Avenue, northeast on Kehoe Avenue to State Highway One Frontage Road, southeast on State Highway One Frontage Road to State Highway One, southeast on State Highway One to Grand Boulevard, southwest on Grand Boulevard to St. James Avenue, southeast on St. James Avenue to Belleville Boulevard, northeast on Belleville Boulevard to State Highway One, south on State Highway One to Kelly Avenue, northwest on Kelly Avenue to Potter Avenue, south on Potter Avenue to Miramontes Avenue, northwest on Miramontes Avenue to Ocean Avenue, south on Ocean Avenue to Valdez Avenue, southeast on Valdez Avenue, to Potter Avenue, south on Potter Avenue to Central Avenue, west on Central Avenue to Railroad Avenue, southeast on Railroad Avenue to Grove Street, east on Grove Street to First Avenue, south on First Avenue to Magnolia Street, east on Magnolia Street to Third Avenue, north on Third Avenue to Grove Street, east on Grove Street to State Highway One, and south on State Highway One to its intersection with the southern City boundary.

NOTE

In some areas a parcel is bisected by the appeal jurisdiction boundary. All development proposed within the appeal area defined as appealable is subject to the Commission's appellate jurisdiction. In addition, if a development is proposed partly on the portion of the parcel that forms the basis for geographic appeal jurisdiction, and partly on the remainder of the parcel, and the Commission decides to hear the appeal, then the Commission reviews the action of the local government (section 30603(a)), which encompasses all the development that was authorized in the permit.

Due to the reproduction cost of the large scale map sheet normally mailed to Coastal Commissioners and other interested person, only the 11 inch x 17 inch size map has been included with the staff report. Full-size copies of Exhibit 3 are available for review at the City of Half Moon Bay, and at the Coastal Commission's offices in San Francisco and Santa Cruz. Full size maps will also be available for review at the December 8-10 Commission meeting.



Map prepared by Technical Services Division,
California Coastal Commission, November 2004.

Based on U.S. Geological Survey (USGS)
Montara Mountain and Half Moon Bay
Quadrangles Enhanced Digital Raster Graphic
(DRGE). Initial data developed by the USGS
and enhanced by Beartooth Mapping, Inc.,
March 2000.

Map date: 1988; Scale 1:24,000; Polyconic
Projection, UTM Zone 10 N; 1983 North American
Datum.

Shoreline shown represents the approximate
line of mean high water. The average range of
tide is approximately 4 feet.

Revisions shown in purple compiled
from aerial photographs taken 1984
and other source data. Partial field check by
U.S. Forest Service. Map edited 1988.
Purple tint indicates extension of urban areas.

The following motion was adopted by the California Coastal Commission on March 1, 1977 in conjunction with the jurisdictional maps pursuant to §30103 (b) of the Coastal Act of 1976:
1. Where the Coastal Zone boundary follows road or railroad rights-of-way, the boundary of the Coastal Zone shall be the inland boundary of the improved right-of-way as it exists as of January 1, 1977, or as modified by closure or additional improvement thereafter provided that it shall not be more than 100 yards inland from the centerline.
2. It is the intention of the Commission, that minor development such as construction of curb cuts, driveways, or other development serving property on the inland side of such roads or railroads, be excluded from any coastal permit requirements by means of an appropriate categorical exclusion as permitted by §30610 (d) of the Public Resources Code.

The coastal zone boundary on this map has been revised pursuant to Public Resources Code §30150, an amendment to the Coastal Act of 1976, effective January 1, 1980.

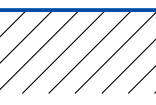
The coastal zone boundary shown on this map is a digital version of the maps adopted by the California Coastal Commission pursuant to §30103 (b) of the California Coastal Act of 1976 (California Public Resources Code §30000 et. seq.). In addition to the land area delineated, the coastal zone includes all offshore islands, and extends seaward to the State's outer limit of jurisdiction.
Under the provisions of §304 (a) of the federal Coastal Zone Management Act of 1972, as amended, "excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents."
Under the provisions of §30006 of the California Coastal Act, as amended in 1978, "within federal lands excluded from the coastal zone pursuant to the federal Coastal Zone Management Act of 1972, the State of California shall, consistent with applicable federal and state laws, continue to exercise the full range of powers, rights, and privileges it now possesses or which may be granted."



Technical Services Division
California Coastal Commission

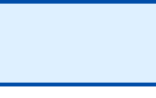
Post-LCP Certification Permit and Appeal Jurisdiction

City of Half Moon Bay



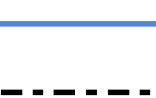
Permit Jurisdiction

This area includes only lands below the mean high tide line and lands where the public trust may exist.

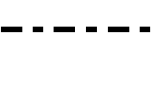


Appeal Jurisdiction

This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 300' of the top of the seaward face of any coastal bluff.



Coastal Zone Boundary



City Boundary



0 0.25 0.5 1 Mile

0 0.5 1 2 Kilometers



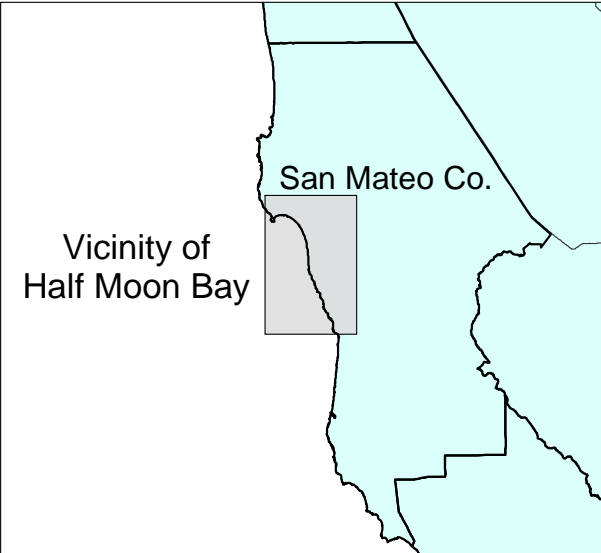
Note

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §30519(b), and §30603(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.R.C. §30603(a)(3), (a)(4) and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

In addition to these geographic areas of appeal jurisdiction the following types of development are appealable throughout the coastal zone pursuant to P.R.C. §30603 (a)(4) and (a)(5):
1. Any development approved by a county that is not designated as a principal permitted use under zoning approved pursuant to the applicable Local Coastal Program;
2. Any development that constitutes a major public works project or a major energy facility.

In some areas a parcel is bisected by the appeal jurisdiction boundary. All development proposed within the appeal area defined as appealable is subject to the Commission's jurisdiction. In addition, if a development is proposed partly on the portion of the parcel that forms the basis for geographic appeal jurisdiction, and partly on the remainder of the parcel, and the Commission decides to hear the appeal, then the Commission reviews the action of the local government (§30603(a)), which encompasses all the development that was authorized in the permit.

Quadrangle Location Map



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|------------------------|----------|---------------|---------------|
| Prepared By: | JVC, DSM | Date: | November 2004 |
| Adopted by Commission: | | | |
| Revisions: | | | |
| Date: | By: | Comm. Action: | |
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DRAFT HALF MOON BAY