

CALIFORNIA COASTAL COMMISSION

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May 20, 2005

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TO: CALIFORNIA COASTAL COMMISSIONERS

FROM: PETER M. DOUGLAS, EXECUTIVE DIRECTOR

**SUBJECT: STAFF RECOMMENDATION ON MAP OF POST-LCP
CERTIFICATION JURISDICTION, CITY OF PALOS VERDES ESTATES
(for Commission consideration at its June 7-10, 2005 meeting)**

This recommendation was developed by Jonathan Van Coops, Darryl Rance, and Helmut Gieben, 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 Map, (Redondo Beach Quadrangle) U.S. Fish & Wildlife Service, April 1985
- Potential Public Trust Land Maps, (Redondo Beach Quadrangle), California State Lands Commission, 1979
- U.S. Coast Survey Historical Topographic Maps, T-1153 (1870) and T-1231 (1871), NOAA, 2000
- National Ocean Survey (NOS) Shoreline Manuscript Maps, TP-00397 (1978) and TP-00792 (1978), NOAA, 2000
- Coastal Commission 1: 12,000-scale vertical aerial photography 1970-2001
- California Coastal Records Project, 2003
- U.S. Geological Survey (USGS) 7.5 Minute Series Topographic Map, (Redondo Beach Quadrangle), USGS, 1963 (revised 1981)

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 Palos Verdes Estates.

MOTION

Staff recommends that the Commission adopt the following motion:

I move that, for the reasons stated in the staff report and recommendation dated May 20, 2005, the Commission approve the Post-LCP Certification Map prepared by staff for the City of Palos Verdes Estates.

STAFF NOTE

While the Commission has adopted approximately 73% and 80% of the Post-LCP Certification maps for the 60 coastal cities and 15 coastal counties respectively, the Commission has not yet adopted Post-LCP Certification maps for two jurisdictions with certified LCPs: Palos Verdes Estates and the City of San Diego. The staff is also currently working to finalize the draft maps for San Diego in preparation for their adoption at a future Coastal Commission meeting.

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 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 Palos Verdes Estates Draft Post-LCP Certification Maps

During the late 1970's and 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 Palos Verdes Estates, which in 1981 had already been incorporated, was covered by map sheet 139, the Redondo Beach quadrangle. 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 City's LCP was first certified with suggested modifications in November of 1979, about the same time the mapping effort described above began. At that time a large-scale parcel base map was obtained from the city and a map depicting the post-certification permit and appeal boundaries was prepared and transmitted to both the City and the Commission's South Coast Regional Commission office staff for review. The post-certification map adoption scheduled for mid-1980 did not take place however, due to a number of delays regarding the City's LCP resubmittal and recertification, which would have been necessary in order to proceed with the map. Although the City's LCP was ultimately adopted on December 12, 1991, due to an administrative oversight, a map depicting the Commission's retained permit and appeal jurisdictions was never officially adopted by the Commission.

STAFF ANALYSIS

The depiction of the Commission's permit and appeal jurisdictions on the Palos Verdes Estates draft post-LCP Certification map presents no significant 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 Palos Verdes Estates, and has made edits that clarify and correct elements of the appeal jurisdiction boundary. The Coastal Zone is relatively narrow in this part of Los Angeles County, with the inland boundary generally following Palos Verdes Drive and Paseo Del Mar. The permit jurisdiction consists entirely of lands below the mean high tide line (MHTL), and the appeal jurisdiction boundary follows the first public road and the Coastal Zone boundary with two exceptions where the boundary is located 300 feet from the top of the bluff. The route of the designated First Public Road paralleling the Sea is set forth in the section entitled: First Public Road Description.

Permit Jurisdiction

The primary sources for determining the Commission's continuing permit jurisdiction in the City of Palos Verdes Estates are the contemporary USFWS National Wetland Inventory map for this area, and map 139 (Redondo Beach quadrangle, 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, US Coast Survey (now known as the National Geodetic Survey) topographic maps done in 1870 and 1871 (T-1153 and T-1231).

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 that 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 the shoreline, particularly in sandy beach areas. 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 Water 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.

Review of the above-referenced primary source materials revealed no historical coastal wetlands, estuaries or other potential public trust lands within the City. Therefore, the Commission's continuing permit jurisdiction in the City of Palos Verdes Estates exists only on lands lying below the mean high tide line (MHTL), which in this area runs along the toe of the coastal bluff. For the purposes of the Post-LCP Certification map proposed for adoption by the Commission for the City of Palos Verdes Estates, the landward boundary of the Commission's retained permit jurisdiction has been drawn to follow the shoreline as it is shown on the USGS 7.5 minute Redondo Beach quadrangle (scale 1:24,000) and the parcel base map provided by the City. (See Exhibit 3.)

Appeal Jurisdiction

As with all other coastal cities, the appeal jurisdiction boundary in Palos Verdes Estates 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. In these locations the boundary is 300 feet from the top of the seaward face of the bluff. *See* Pub. Res. Code §30603(a)(1), 14 C.C.R. §13577(i).

The appeal jurisdiction boundary in the City of Palos Verdes Estates is shown in Exhibit 3. Because the Coastal Zone is so narrow here, the Coastal Zone Boundary itself (which is coincident with the First Public Road paralleling the Sea for most of its length) is the predominant controlling boundary criterion throughout the City. The result is an appeal area that includes most of the Coastal Zone with two exceptions: along Rocky Point Road and Via Segovia, both in the southern part of the City, where the appeal jurisdiction boundary leaves the Coastal Zone Boundary and First Public Road following a line 300 feet inland of the top of the coastal bluff before returning again to the Coastal Zone Boundary.

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 Palos Verdes Estates follows Palos Verdes Drive West to its intersection with Via Corta, northwest on Via Corta to Via Almar, northwest and along Via Almar to Via Arroyo, northwest on Via Arroyo to the northernmost segment of Paseo Del Mar, and southwest along Paseo Del Mar to its intersection with Palos Verdes Drive West. The FPR then follows Palos Verdes Drive West south and southwest to its intersection with the middle segment of Paseo Del Mar, southwest along Paseo Del Mar to Rocky Point Road, west and along Rocky Point Road to Yarmouth Road, northeast on Yarmouth Road returning to Paseo Del Mar. From there The designated FPR follows Paseo Del Mar southeast to a point where it becomes Paseo

Lunado and then continues eastward on Paseo Lunado to Via Anacapa, south on Via Anacapa returning to Paseo Lunado, then west on Paseo Lunado, continuing south to a point where Paseo Lunado again becomes Paseo Del Mar. The FPR then follows Paseo Del Mar west and south to Via Segovia, southwest and along Via Segovia returning to Paseo Del Mar, then southeast on Paseo Del Mar to its terminus at Via Alvarado. The FPR then follows Via Alvarado northwest and north to Via Sola, northeast on Via Sola to Via Anacapa, southeast on Via Anacapa to Via Pacheco, south and southeast on Via Pacheco to Palos Verdes Drive West, and south on Palos Verdes Drive West to 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.

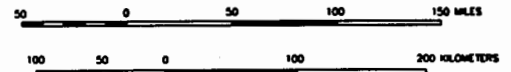
Due to the reproduction cost of the large scale map sheet normally mailed to Coastal Commissioners and other interested person, only the 11 inch x 17 inch size map has been included with the staff report. Full-size copies of Exhibit 3 are available for review at the City of Palos Verdes Estates, and at the Coastal Commission's offices in San Francisco and Long Beach. Full-size maps will also be available for review at the June 7-10, 2005 Commission meeting.

EXHIBIT 1

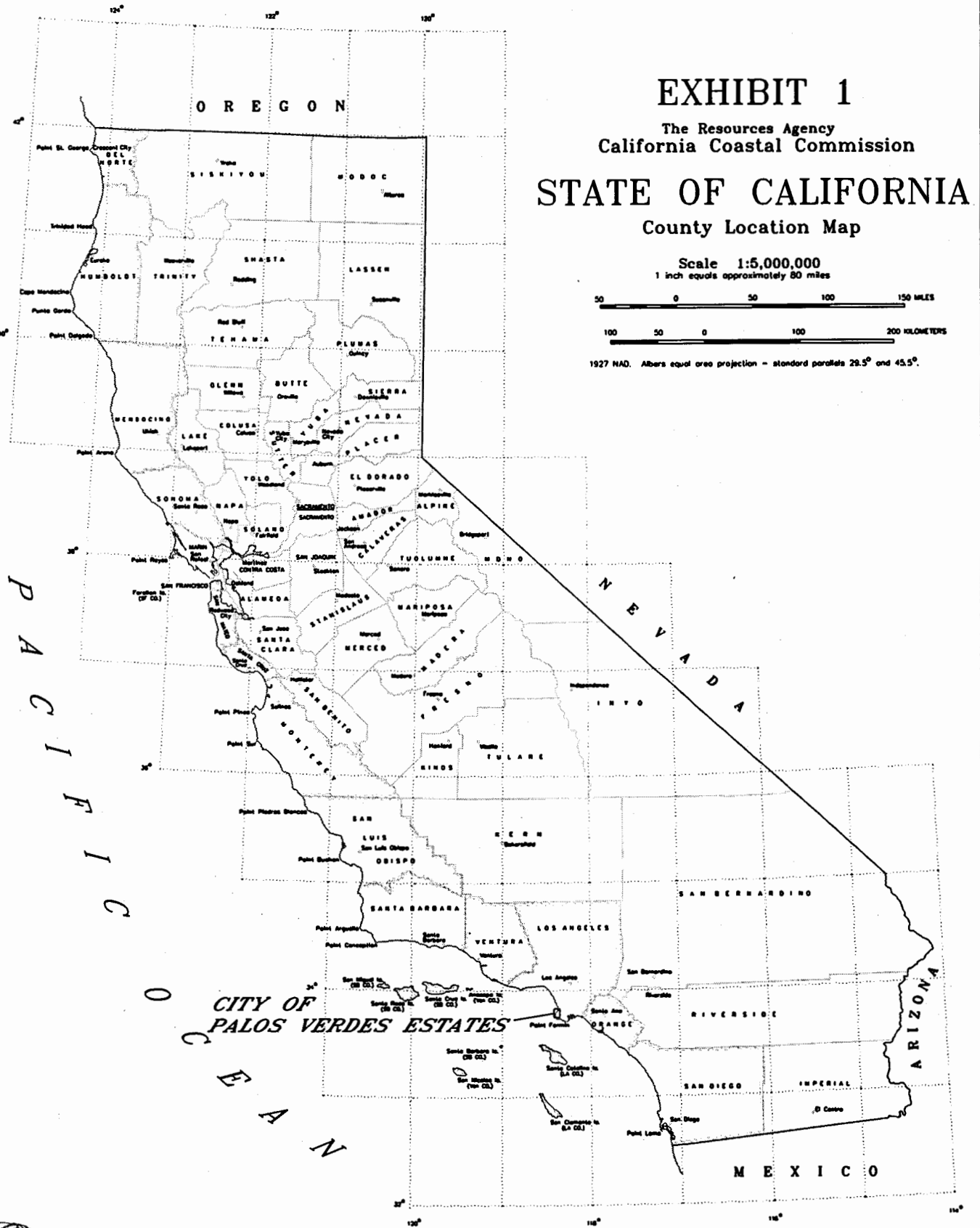
The Resources Agency
California Coastal Commission

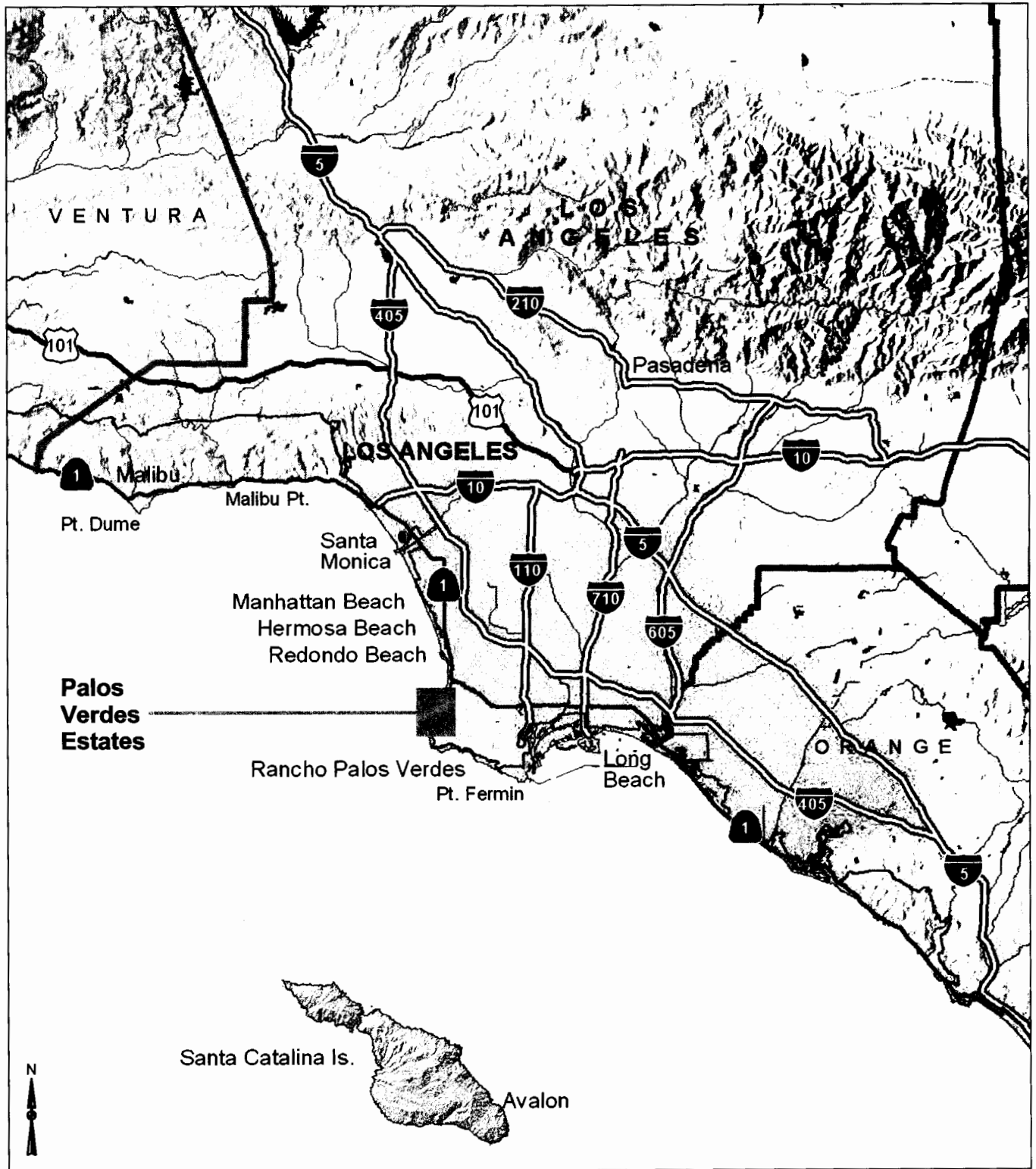
STATE OF CALIFORNIA County Location Map

Scale 1:5,000,000
1 inch equals approximately 80 miles



1927 NAD. Albers equal area projection - standard parallels 29.5° and 45.5°.





—— Coastal Zone Boundary

**Regional Location Map
City of Palos Verdes Estates**

CALIFORNIA
COASTAL
COMMISSION

Technical Services Division

Scale approximate. For illustrative purposes only.

Exhibit 2



Map prepared by Technical Services Division,
California Coastal Commission, May, 2005.

Based on U.S. Geological Survey (USGS)
Redondo Beach Enhanced Digital
Raster Graphic (DRGE). Initial data was
developed by the USGS and enhanced by
Seerforth Mapping, Inc. DRGE published on
March 17, 2005. Parcel data from City of
Palos Verdes Estates, May, 2005.

Base map date: 1981; Scale 1:10,000;
UTM Zone 11 N; 1983 North American Datum.

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

The following motion was adopted by the California Coastal Commission on March 1, 1977 in conjunction with the jurisdictional maps pursuant to §30105(b) of the Coastal Act of 1972:

1. Where the Coastal Zone boundary follows road or railroad right-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 1972, 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 Coastal Act of 1972 (California Public Resources Code §30200 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."

Post-LCP Certification Permit and Appeal Jurisdiction

City of Palos Verdes Estates

-  **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 ft 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 ft of streams and wetlands and lands within 300 ft of the top of the seaward face of any coastal bluff.
-  **Coastal Zone Boundary**
-  **City Boundary**



Los Angeles Co.



Palos Verdes Estates

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. §30518(a), and §30602(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.R.C. §30003(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)(8):

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 located 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.

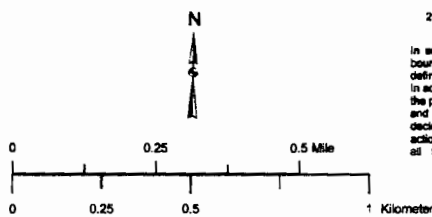
Prepared by: JVC, HQ, BSM Date: May 2005

Adopted by Commission:

Resolutions:

Date: By: Comm. Action:

Date:	By:	Comm. Action:



REGULATORY AND JURISDICTIONAL BOUNDARIES

