

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL - SUBSTANTIAL ISSUE & DE NOVO

Appeal Number: A-5-RPV-15-0051

Applicant: City of Rancho Palos Verdes

Local Government: City of Rancho Palos Verdes

Local Decision: Approval with Conditions

Appellants: Commissioners Mark Vargas and Roberto Uranga

Project Location: Channelview Court, Rancho Palos Verdes, Los Angeles County

Project Description: Appeal of Local Coastal Development Permit No. ZON2015-00348 approved for the designation of an everyday 24-hour permit parking requirement on both sides of Channelview Court beginning at Seawolf Lane to the end of the cul-de-sac, which is seaward of the first public road paralleling the sea.

Staff Recommendation: Substantial Issue – Denial

IMPORTANT NOTE: The Commission will not take testimony on this “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at the same hearing following the substantial issue vote or at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the grounds on which Appeal A-5-RPV-15-0051 has been filed because the locally approved development raises issues of consistency with the City of Rancho Palos Verdes certified Local

Coastal Program (LCP) and the public access and recreation policies of Chapter 3 of the Coastal Act. Staff also recommends **denial** of the Coastal Development Permit application after the De Novo hearing.

The City approval designates both sides of Channelview Court for permit/resident-only parking. The resident-only parking restriction would apply 24/7 along the entire 750-foot long right-of-way from Seawolf Lane to the cul-de-sac at the end of Channelview Court (**Exhibit 1**). The intent of the City-approved permit is to keep the public from using the street. Some residents along this street have complained about the public parking along the street in order to access public blufftop trails, the shoreline, and nearby visitor-serving accommodations. The City’s staff report indicates that this area is highly popular with the public because of the adjacent blufftop trails and shoreline with tide pools below (**Exhibit 1**). The City’s reason for wanting to eliminate public access to this road was “*to reduce parking impacts along this street created by nonresidential vehicular parking, [which] is necessary [in order] to provide reasonably available and convenient parking for the benefit of residents who live on this street and their guests.*” (**Exhibit 2**).

The project is located in between the first public road (Palos Verdes Drive South) and the sea in Subregion 3 of the City’s certified LCP (**Exhibit 1**). Because of the site’s location, the City is required to make findings that the proposed development is consistent with the Chapter 3 public access and recreation policies of the Coastal Act. The City found that its action approving the parking restriction is consistent with the Chapter 3 policies of the Coastal Act, but failed to provide any explanation of how the action is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act. A substantial issue exists because the City’s action is not consistent with the Chapter 3 public access policies of the Coastal Act, which state that one of the state’s primary goals in the coastal zone is to “[m]aximize public access to and along the coast and maximize public recreational opportunities in the coastal zone.” The City’s action limits the public ability to access the coast in this location by removing public parking spaces as a matter of convenience for the residents who live there. Furthermore, the City’s action is not consistent with the City’s certified LCP because the LCP does not allow for preferential parking in this Subregion, and specifically states that “*The shoreline is a public resource which could be denied through gating or restricting of coastal roads.*”

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Appendix A – Substantive File Documents

LIST OF EXHIBITS

Exhibit 1	Project Location
Exhibit 2	Local CDP ZON2015-00348
Exhibit 3	Appeal

I. MOTION AND RESOLUTION FOR SUBSTANTIAL ISSUE

Motion: *I move that the Commission determine that Appeal No. A-5-RPV-15-0051 raises **NO Substantial Issue** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the 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 an affirmative vote of the majority of the Commissioners present.

Resolution:

*The Commission hereby finds that Appeal No. A-5-RPV-15-0051 presents a **SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access policies of the Coastal Act.*

II. APPELLANTS' CONTENTIONS

On August 10, 2015, the Commission received a Notice of Final local Action for City of Rancho Palos Verdes Local Coastal Development Permit (CDP) ZON2015-00348 (**Exhibit 2**). Local CDP ZON 2015-00348 approved the designation of an everyday 24-hour parking permit/residents only area on both sides of the entire length of Channelview Court, which is seaward of the first public road paralleling the sea.

On August 21, 2015, Commissioners Mark Vargas and Roberto Uranga filed an appeal of Local CDP ZON2015-00348 (**Exhibit 3**). The appeal contends that the on-street public parking supply affected by the City-approved permit-parking program is located between the first public road (Palos Verdes Drive South) and the sea. Public parking seaward of Palos Verdes Drive South supports access to the blufftop trail system and the public beach below, both of which are popular destinations for visitors to the coast. The parking limitations adopted by the City-approved permit-parking program will adversely affect the public's ability to utilize the public street parking that supports access to the trails and beach inconsistent with the public access and recreation policies of the Coastal Act [Coastal Act sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30221, 30223, and 30224]. The permit parking program approved by the local coastal development permit is also inconsistent with the certified LCP because the LCP does not allow the City to establish a preferential parking program in this subregion.

The appeal asserts that coastal resources affected by the City's action, public access and recreation, are significant resources. Protection and expansion of public beach access and recreation are among the Coastal Act's highest priorities. The legislature expressly stated in section 30001.5 of the Coastal Act that one of the state's primary goals in the coastal zone is to "[m]aximize public access to and along the coast and maximize public recreational opportunities in the coastal zone." Limiting public access through the elimination or reduction of public parking supplies must be very carefully considered and only the minimum limitation necessary to protect public safety or other valid needs should be allowed. Therefore, the City's approval of Coastal Development Permit ZON2015-00348 raises issues as to consistency with the certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act.

III. LOCAL GOVERNMENT ACTION

On August 4, 2015, the City of Rancho Palos Verdes City Council held a public hearing on the proposed project, the designation of an everyday 24-hour parking permit only area on both sides of the entire length of Channelview Court. At the conclusion of the public hearing, the City Council approved Resolution No. 2015-78, thereby approving Local CDP ZON2015-00348.

The Coastal Commission South Coast Office received the Notice of Final Action for the local coastal development permit on August 10, 2015. On August 21, 2015 an appeal was filed by two Coastal Commissioners during the Coastal Commissions ten (10) working day appeal period. No other appeals were received.

IV. APPEAL PROCEDURES

After certification of an LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs. Development approved by cities or counties may be appealed if they are located within certain geographic appealable areas, such as those located between the sea and the first public road paralleling the sea or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the mean high tide line of beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county [Coastal Act section 30603(a)].

Section 30603 of the Coastal Act states:

- (a) *After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
 - (1) *Developments approved by the local government 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) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Section 30603(a)(1) of the Coastal Act establishes the project site as being in an appealable area because it is located between the sea and the first public road paralleling the sea (**Exhibit 1**).

Grounds for Appeal

The grounds for appeal of an approved local CDP in the appealable area are stated in section 30603(b)(1), which states:

- (b)(1) *The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.*

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal include contentions that the approved development does not conform to the policies set forth in the certified LCP regarding public access and recreation, nor with the public access and recreation policies of Chapter 3 of the Coastal Act.

Qualifications to Testify before the Commission

If the Commission, by a vote of 3 or more Commissioners, decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether the appeal raises a substantial issue. The time limit for public testimony will be set by the chair at the time of the hearing. As noted in section 13117 of Title 14 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant(s), persons who opposed the application before the local government (or their representatives), and the local government. In this case, there is no indication of opposition in the City's record. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

The de novo hearing is scheduled at the same hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

V. FINDINGS AND DECLARATIONS – SUBSTANTIAL ISSUE

A. Project Location and Description

The subject site is a public street, Channelview Court, located seaward of the first public road (Palos Verdes Drive South) in the City of Rancho Palos Verdes, Los Angeles County (**Exhibit 1**). Immediately east and southeast of the road is a developed residential neighborhood. North of the site is a public road, Palos Verdes Drive South. West and southwest of the site is a resort (Terranea Resort), including a hotel and golf course, and the Pacific Ocean. The road itself is approximately 750 feet long and 35 feet wide with sidewalks on both sides. There is one single-family residence on the northeast side of the street. The rest of the area on the north side of the street is developed with vegetation. Along the southern side of the street are twelve single-family residences. A public trail that leads to other coastal trails is located midway down the south side of the street. The west end of the street terminates in a cul-de-sac. Just beyond the end of the cul-de-sac is another public trail that also connects to the coastal blufftop trail system, a public beach and tide pools below, and Terranea Resort. Prior to the development of the residential neighborhood in Subregion 3, which occurred mostly during the in the mid-1980s, the subregion was agricultural land that sat adjacent to Marineland, a marine-themed attraction park (**Exhibit 1**). Terranea Resort was developed about ten years ago. Prior to this time and throughout the development of the area, and even now, the public was able to freely access the coastal blufftop trail system, coastal view points, and the beach and tide pools below.

B. Local Coastal Program Certification

Rancho Palos Verdes is a shoreline community in southern Los Angeles County that incorporated as a City on September 7, 1973. On April 27, 1983, the Commission certified the City's LCP. The City's LCP is comprised of a 1978 Coastal Specific Plan LCP, which, along with the access policies of the Coastal Act, is applicable document for the subject site and City-approved project.

C. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to section 30600(b) unless it finds that no substantial issue exists as to conformity with the certified LCP and, if applicable, the access policies of Chapter 3 of the Coastal Act. The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government’s coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

Staff is recommending that the Commission find that **a substantial issue exists** with respect to whether the local government action conforms with the access provisions of Chapter 3 of the Coastal Act and the access, recreation and hazards policies of the City’s certified LCP for the reasons set forth below.

D. Substantial Issue Analysis

As stated in section IV of this report, the local CDP may be appealed to the Commission on the grounds that the proposed development does not conform to the standards set forth in the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. Pursuant to section 30625 of the Coastal Act, the Commission must assess whether the appeal raises a substantial issue as to the project’s consistency with the certified LCP or the access policies of the Coastal Act.

In making that assessment, the Commission considers whether the appellants’ contentions regarding the inconsistency of the local government action with the certified LCP or the public access policies raise significant issues in terms of the extent and scope of the approved development, the factual and legal support for the local action, the precedential nature of the local action, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

As provided below, the City of Rancho Palos Verdes certified LCP contains policies that protect public access and recreation in the coastal zone. Additionally, sections 30210, 20212.5 and 30213 of the Coastal Act require public access to the waters of the coast be maximized for all the public, requires public facilities, including parking facilities, to be distributed throughout an area to mitigate against impacts of overcrowding or overuse, and provides for the protection of lower cost visitor and recreational facilities, like free parking for beach access. These policies are also provided below.

Relevant LCP Policies

Urban Environmental Element

- Compatibility of the Coastal Region with Adjacent Activity (Page U-2)

- 1. Strive to eliminate existing conflicts associated with regionally oriented activities*
- 2. Continue to facilitate regional and statewide programs and activities within the coastal region in a manner which will mitigate adverse impacts to the neighboring community and City as a whole.*

-Coastal-Dependent Activity (Page U-18)

- 3. Facilitate justifiable coastal-dependent development in a manner that is compatible with the City and surroundings, while allowing a positive utilization of coastal resources.*

-Public Recreational Activity Areas (Page U-28)

- 1. Encourage future residential development to meet the needs of their residents*
- 3. Encourage new development to provide both active and passive recreational facilities within specifically controlled land areas (view corridors, RM districts, etc.).*

4. Require all parks to provide adequate parking within their boundaries to meet their projected carrying-capacities.

-Coastal Access (Page U-48)

Whether road networks are held in public or private ownership is of critical concern in the coastal region. The shoreline is a public resource which could be denied through the gating or restricting of coastal roads. In order to ensure the public's right to access via roads, existing and proposed roads should be public unless it is demonstrated to the City's satisfaction that a private road(s) would not impede public access to the shoreline.

(Page U-62)

Parking - Parking will be provided in various ways through the coastal region, which will serve the path and trail networks.

Abalone Cove Beach Park – The park has 147 parking spaces and is considering adding 125 temporary overflow spaces. In the future, when master planning is completed, more spaces should be added.

Marineland – Current parking areas provide for more than 2,000 vehicles. Parking is free and could be used by people wanting to bicycle or walk on the pathways along the coast.

-Combined Corridor Network (Page U-67)

10. Require roads to be public unless it is demonstrated to the City's satisfaction that a private road(s) would not impede public access to the shoreline.

Coastal Act Policies

Coastal Act Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Coastal Act Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The City of Rancho Palos Verdes has granted approval of a coastal development permit that would create a preferential parking zone on a public street located seaward of the first public road. The City justified the action by stating that the locally approved project is consistent with the certified LCP and the Chapter 3 public access and recreation policies of the Coastal Act, yet the City's findings are

unsubstantiated. As noted above, there are no policies in the City’s certified LCP that allow the establishment of a preferential parking area. In fact, the LCP specifically states that *“The shoreline is a public resource which could be denied through the gating or restricting of coastal roads.”*

The project location falls within Subregion 3 of the City’s certified LCP. The City’s LCP establishes this area as a view and access corridor (Pages C-7 and C-10). The LCP chapter on Subregion 3 considers the area when a great portion of it was used for agricultural land and Marineland, a marine-themed attraction park that closed in 1987, existed in Subregion 2 located directly southwest of Subregion 3 (now Terranea Resort). There are no policies yielding guidance for residential or visitor parking in the chapter that governs Subregion 3 and the City relied on the chapters providing guidance for Subregions 4 and 5 directly downcoast (east) of Subregion 3. The chapters state that the need to preserve residential parking (in Subregions 4 and 5) arose after Abalone Cove was opened to the public and the demand for visitor parking exceeded expectations. Due to a lack of sufficient visitor parking, visitors began to park in the adjacent residential neighborhood. In response to the hindrance on the residential parking supply, a permit/resident only parking area was established in that neighborhood. Coastal Staff has not yet determined when Abalone Cove was open to the public or when the permit only parking was established in the adjacent neighborhood, but after reviewing California Coastal Records Project pictures, the events appear to have happened after 1972 but before 1978. More research is needed to determine if those actions were prior to the Coastal Act or if a coastal development permit was issued.

While the City’s LCP is silent on how to reconcile the balance between residential and visitor parking in the Rancho Palos Verdes Coastal Zone, it does provide parking policies for parking related to coastal access and specifically to Abalone Cove, as stated above. The City’s LCP calls for parking that will serve the path and trail networks to be provided and that additional parking spaces should be added to the Abalone Cove access area. The City failed to mention these two policies in their review of the preferential parking project.

The City’s action in approving Local CDP ZON2015-00348 lacks legal support under both the LCP and Chapter 3 public access and recreation policies because it will prohibit the public from accessing established public on-street parking space in a highly popular coastal area. The City’s LCP policies call for the City to create more visitor-serving parking spaces in the area, not to remove them. The City’s action would restrict established public parking seaward of the first public road and therefore restrict the public’s right to access coastal trails, the shoreline, and coastal views. It is therefore inconsistent with the public access protection policies of the LCP and Chapter 3 of the Coastal Act.

Coastal access and preferential parking are statewide issues. Visitors come from far distances to access this section of the coast, which is famous for its kelp forests, fishing, and whale watching. Public transportation is very limited here, especially when traveling from outside of the peninsula region. Often times, personal vehicles are the only option for people to access this relatively remote section of the coast. The Chapter 3 public access polices of the Coastal Act state that maximum access shall be provided for *all* the people, that development shall not interfere with the public’s ability to access the coast, and that lower cost facilities, including parking, shall be protected. It is fundamentally important to protect public parking supplies that support coastal access, especially in areas with limited public parking, such as the subject area.

Allowing the City to proceed with the City-approved development would set a precedent for allowing permit/resident-only parking areas seaward of the first public road and in highly popular coastal areas. The implementation of resident-only parking restriction on one street could result in an increase of use on the adjacent streets, which could lead to additional requests for residential-only parking restrictions. Public parking is explicitly called out as a significant resource to be protected under the Coastal Act (Coastal Act section 30212.5). As such, the City’s approval directly contradicts the public access policies of the Coastal Act.

This appeal raises local issues, pertaining to established public parking seaward of the first public road, which provides direct access to vistas, public access trails, and the beach and tide pools below. Such restrictions on public parking have the potential to deny coastal access opportunities to visitors from inland areas, especially in areas like this where public transportation is not readily available. However, the implication of allowing the City to remove public parking seaward of the first public road could have statewide effects if other Cities follow suit. Accordingly, the appellants’ contentions raise concerns about the future interpretation of LCP and Coastal Act compliance. Therefore, the appeal is both precedential and raises issues of statewide significance.

The Coastal Act sets high standards to protect public access, standards which are completely feasible in this case. For that reason and the reasons stated above, the appeal raises a substantial issue of consistency with the regulations and standards set forth in the certified City of Rancho Palos Verdes LCP and the public access policies of the Coastal Act.

VI. MOTION AND RESOLUTION – DE NOVO PERMIT

Motion: *I move that the Commission **approve** Coastal Development Permit No. A-5-RPV-15-0051 pursuant to the staff recommendation.*

Staff recommends a **NO** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development would not be in conformity with the certified Local Coastal Plan and/or the public access and recreation policies of the California Coastal Act.

VII. FINDINGS AND DECLARATIONS – DE NOVO PERMIT

A. PROJECT DESCRIPTION

The project description and location is hereby incorporated by reference from Section V of the Substantial Issue portion of this staff report on page 7.

B. PUBLIC ACCESS AND RECREATION

As a de novo permit matter, the standard of review for the proposed development is the City of Rancho Palos Verdes certified LCP. Since the proposed project is located between the nearest public road and the sea, section 30604(c) requires that the proposed development must also conform with the public access and recreation policies of Chapter 3 of the Coastal Act before issuing a CDP for such development.

Policies of the certified Local Coastal Program and the public access policies of the Coastal Act are hereby incorporated from Section V above. The following recreation policies of the Coastal Act also apply:

Coastal Act Policies

Coastal Act Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section: 30224: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in area dredged from dry land.

Protecting public access to the coast is one of the highest charges of the Coastal Act. The subject site is a public street in a highly visited coastal area. Recreational activities in this area include fishing, snorkeling, SCUBA diving, kayaking, bicycling, hiking, whale watching, star gazing, meditation, picnicking, bird watching, exercise, etc. This street is significant because it provides direct physical access to coastal dependent recreational opportunities including two trailheads directly seaward of the street (**Exhibit 1**). The City’s reason for wanting to eliminate public access to this road was “to reduce parking impacts along this street created by nonresidential vehicular parking, [which] is necessary [in order] to provide reasonably available and convenient parking for the benefit of residents who live on this street and their guests.” (**Exhibit 2**).

The City justified this action by citing LCP policies that do not apply to this Subregion (Subregion 3), but to Subregions 4 and 5, which allow for resident only parking in those particular areas. There is no policy in Subregion 3 that explicitly addresses public parking. However, the LCP does include language pertaining to public vehicle and public path and trail networks throughout Subregion 3. Furthermore, the entire area of Subregion 3 sits between the first public road and the sea, therefore all development within Subregion 3 must conform to the public access and recreation policies of the Coastal Act. Although the City's staff report states that the development is consistent with the public access and recreation policies of the Coastal Act, they do not substantiate that statement and instead state that the policies in Subregion 3 "*do not relate to public access or recreation.*" It may be that the policies in Subregion 3 of the City's LCP do not relate to public access and recreation, but that does not excuse the City's responsibility for making findings that the development is consistent with the public access and recreation policies of the Coastal Act, which is required by the Coastal Act because this site is located in between the first public road and the sea.

In fact, the City-approved development is not consistent with the public access and recreation policies of the Coastal Act. Other than public streets, public parking is extremely limited in this area with only two public parking lots for over a mile and a half stretch of coastline which contains popular coastal trails, shoreline access, and abundant recreational opportunities (**Exhibit 1**). Pelican Cove Parking Lot is approximately one-half of a mile west of Channelview Court. It opens one hour before sunrise and closes one hour after sunset and has a vehicle parking capacity of approximately 95 spaces. Terranea Resort's public parking lot is approximately one-quarter of a mile south of the street and has a parking capacity of approximately 62 spaces. The next available public parking is at Abalone Cove Parking Lot, which is approximately three-quarters of a mile east of the street and does not provide direct access to the coastal trails in Subregions 2 or 3, but does provide direct access to coastal trails in its own region, Subregion 5. All of the residential streets in Subregion 4, directly east Subregion 3, restrict public parking with only a few blocks available for public parking between 5:00 p.m. and 9:00 a.m. Parking along Terranea Way, directly west of the street, does provide public street parking, and tends to fill up rather quickly.

Allowing the City to remove the public's ability to park on Channelview Court would increase the public parking demand on other streets in Subregion 3. Coastal Act section 30212.5 requires parking to be distributed throughout an area to prevent overcrowding by the public of one single area. Parking here is already limited to a few areas. Eliminating the public's right to park along this street and exacerbating the demand for public parking on other streets in Subregion 3 creates the potential for residents to make the same request for resident-only permit parking and they would have precedent justification for that request. If this were to become a trend, virtually all of the public parking in Subregion 3 could be removed or severely restricted.

Allowing one street in Subregion 3 to obtain resident-only permit parking, because some residents along that street feel inconvenienced by the public's presence, is not a valid reason to restrict the public's ability to access the coast. Section 30210 of the Coastal Act requires that, in carrying out the public's right to access the waters of the coast pursuant to the California Constitution, maximum access and recreational opportunities shall be provided to the coastal waters for all the people consistent with public safety needs, public rights protection, private property rights, and natural resources from overuse. The City did not make findings that public safety, public rights, private property rights, or natural resources are adversely affected by members of the public parking on this street, only that some residents are annoyed by members of the public parking on "their" street.

Furthermore, all residences on Channelview Court have two-car garages with additional parking on their private driveways, which results in about four off-street parking spaces per household.

Additionally, the City stated that some residents have complained that employees from Terranea Resort (who are instructed not to park in the residential neighborhoods) have been observed parking on Channelview Court. Employees violating an agreement between the City and their employer is not a valid reason for the City to restrict the entire public from accessing this public street, and by extension access to the coast, by not allowing public parking on this street. The City is encouraged to continue to work with the management of Terranea Resort to address these concerns and not require the public to shoulder the burden of honoring the agreement made between the City and Terranea Resort.

Furthermore, LCP Transportation Policy 10 requires roads to remain public unless it can be demonstrated that privatizing a road will not impede public access to the shoreline. While the City is not proposing to privatize the road per se, by removing the public's ability to park on the road, they are effectively privatizing it by preventing members of the public who use the road to access the public trails and public beach from using it for that purpose. The fact that members of the public do park on this street demonstrates that removing the public's right to park there would indeed impede public access to the coast.

Commission staff met with the City staff on July 9, 2015, prior to the City's action, to discuss the public access impacts of resident-only parking restrictions being considered by the City Council. Commission staff raised concerns that the proposal was not consistent with the public access provisions of the Coastal Act and encouraged the City to look at other options to address the concerns of the residents along Channelview Court. Possible time limits for public parking on Channelview Court were briefly discussed, but the City Council action initiated a complete prohibition of public parking on this street. Commission staff met again with the City on October 5, 2015 and January 7, 2016 after the City took its action and an appeal to the Coastal Commission was filed. The staffs again discussed limitations on public parking to a number of hours, but Commission staff commented that time limits on public parking would also adversely affect coastal access, and the City did not change its proposal for complete prohibition of public parking on Channelview Court. After thorough consideration, staff does not believe that it is appropriate to place any restrictions on public parking in this area. This is a highly popular area. Many people visit this area to use the beach below to fish, skin dive, and launch kayaks or canoes and spend several hours paddling around the peninsula to other beaches only to return hours later to retrieve their vehicles. This area has historically been available to the public with virtually no restrictions. Allowing restrictions now would set an unjustified precedent against protecting existing lower cost, maximum public access to the coast, and associated parking facilities designed to provide that access, inconsistent with section 30210, 30212.5, and 30213 of the Coastal Act.

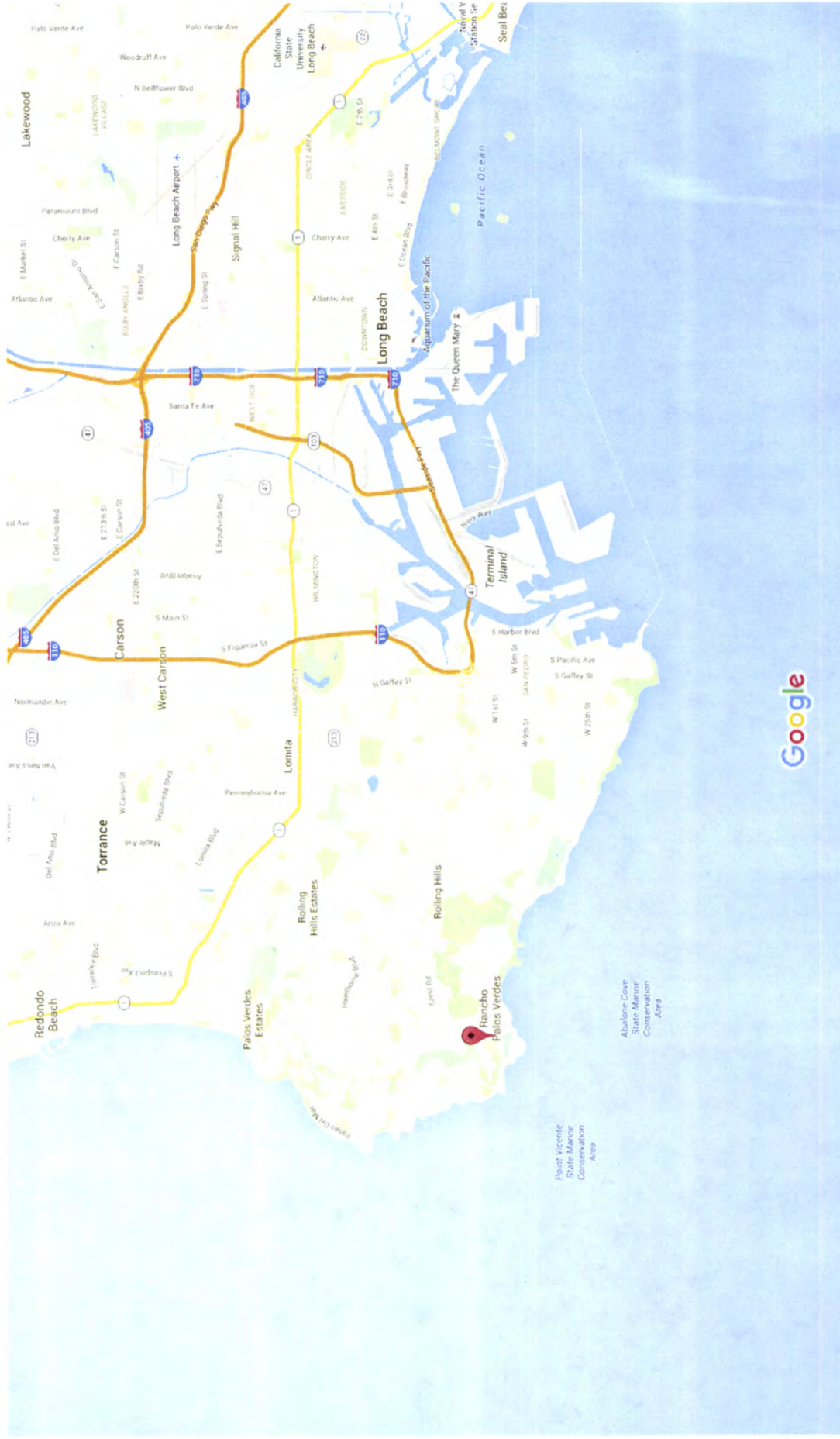
Parking along this entire stretch of coastline is important because it provides direct physical access to coastal recreational opportunities. In particular, the public streets in Subregion 3 provide some of the only unrestricted public parking for miles. If parking in this area were to become unavailable to the public, it would severely restrict public access to this very popular section of the coast. For the reasons stated above, staff recommends that the Commission deny the City's coastal development permit because it is inconsistent with the City's certified LCP and does not conform to the Chapter 3 public access and recreation policies of the Coastal Act.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080(b)(5) of CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal access that would occur if the coastal development permit were approved. Accordingly, the Commission's denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, do not apply.

Even if CEQA did apply, 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. As discussed above, the proposed project is inconsistent with the certified LCP and the public access and recreation policies of the Coastal Act. The development has not been designed to eliminate adverse effects to public access and recreation. The denial of the proposed development would avoid any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA denies the proposed project.

Google Maps Channelview Ct



Map data ©2016 Google 1 mi

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A-S-RPV-15-005 |

EXHIBIT # 1
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First Public Road

Public Parking Lots

PROJECT LOCATION



Public Trails
COASTAL COMMISSION

Public Trails

Imagery ©2016 Google, Map

5-RPV-15-0748
(8.24.15)

August 5, 2015

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that on August 4, 2015, the City Council of the City of Rancho Palos Verdes approved a request for a Coastal Permit (Planning Case No. ZON2015-00348).

Project: Channelview Court Permit Parking
Landowner: City of Rancho Palos Verdes
Location: Channelview Court (Thomas Guide 822-H5)

Said decision designates a 24-hour permit parking requirement on both sides of Channelview Court in the City of Rancho Palos Verdes beginning at Seawolf Lane to the end of the cul-de-sac. The intent of this permit parking area is to provide on-street parking for the residents who live on Channelview Court caused by long term parking of nonresidents on this street that has adversely impacted the residents living on this street.

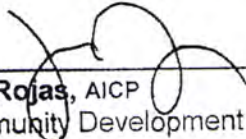
In granting Coastal Development Permit, the following findings were made:

1. That the proposed development is in conformance with the Coastal Specific Plan;
2. That the proposed development, when located between the sea and the first public road, is in conformance with applicable public access and recreational policies of the Coastal Act.

This permit parking approval is described in the attached Council-adopted Resolution No. 2015-78.

Since the project is located in an Appealable Area of the City's Coastal District, this decision may be appealed to the California Coastal Commission within ten (10) working days of the receipt of this notice in the Coastal Commission Long Beach Office.

If you have any questions regarding this permit, please contact So Kim, Senior Planner, at (310) 544-5228 or via e-mail at sok@rpv.com.


Joel Rojas, AICP
Community Development Director

Attachment
Exhibit – Resolution No. 2015-78

COASTAL COMMISSION
A-5-RPV-15-0051
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South Coast Region

AUG 10 2015

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c: Interested Parties List
California Coastal Commission (Certified Mail 7004 2510 0007 4502 3556)

RESOLUTION NO. 2015-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES APPROVING A COASTAL PERMIT TO ESTABLISH PERMIT PARKING ON CHANNELVIEW COURT (ZON2015-00348).

WHEREAS, Chapter 10.20 of the Rancho Palos Verdes Municipal Code authorizes the City Council to establish permit parking in areas in the City by resolution pursuant to the authority provided by California Vehicle Code Section 22507; and

WHEREAS, Terranea and hiking trails are located just to the southwest of Channelview Court and members of the public accessing Terranea and the trails have been observed parking their vehicles for long periods of time on this street. These parked vehicles are precluding residents who live in this area from being able to park vehicles in front of their homes, which is causing a deterioration of their residential quality of life; and

WHEREAS, the residents along Channelview Court, have requested the City to regulate the parking in this neighborhood to address the parking problems associated with non-residents parking cars on this street; and

WHEREAS, the establishment of permit parking everyday, 24-hours a day, is intended to reduce parking impacts along this street created by nonresident vehicular parking, and is necessary to provide reasonably available and convenient parking for the benefit of residents who live on this street and their guests.

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000 *et. seq.* ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et. seq.*, the City's Local CEQA Guidelines, and Government Code Section 65962.5(f) (Hazardous Waste and Substances Statement), the proposed project has been found to be categorically exempt under Class 1 (Section 15301); and,

WHEREAS, the City Council held a duly noticed public hearing on August 4, 2015, at which time all interested parties were given an opportunity to be heard and present evidence;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1: Required Findings. The City Council finds that the establishment of a permit parking area for Channelview Court every day, 24 hours a day, is necessary to provide parking on this street for the residents who live there that is caused by long term parking of nonresident vehicles on this street. These adverse impacts have resulted in deterioration of the residential quality and character of the Channelview Court

neighborhood to the detriment of its residents and their property values. For these reasons, the City Council finds that the establishment of a permit parking area for the street listed in Section 2 of this Resolution is necessary to avoid the adverse impacts upon the adjacent residential area indicated above and to provide reasonably available and convenient parking for the benefit of the residents along this street throughout the day and evening.

Section 2: Designation of Permit Parking Area. Based upon the findings in Section 1, the following area is designated for permit parking:

Channelview Court (both sides from Seawolf Drive to end of the street).

Section 3: Designation of Parking Restrictions. Pursuant to Section 22507 of the Vehicle Code, the permit parking restrictions on the street listed in Section 2 above shall be as follows:

No parking except by permit only.

Section 4: Posting of Signs. The parking prohibitions contained in Section 3 of this Resolution shall not become effective until signs have been posted giving adequate notice of the parking restrictions imposed by this resolution. The Director of Public Works is hereby authorized to erect such signs. Vehicles that are parked without displaying the required permit may be towed pursuant Vehicle Code Section 22651(n).

Section 5: Coastal Permit Findings. A Coastal Permit for permit parking along Channelview Court is warranted because:

- A. That the proposed development is consistent with the coastal specific plan. More specifically, The Coastal Specific Plan (CSP) identifies parking problems in parts of the coastal zone and the need to address the matter. For example, the CSP indicates that since the opening of the Abalone Cove Shoreline Park, some park patrons have used residential streets for auto parking, particularly on weekends and holidays. It was thought that the limited on-site parking would more or less limit the number of patrons, but soon after it was clear that this self-limiting hypothesis was not going to be the case. Rather, because of its popularity, cars overflowed to any and all available parking spots. The parking overflow adversely impacted adjacent residential areas and efforts such as posting no parking and blocking non-resident access to residential areas have since relieved most of the parking problems. The CSP continues to explain the need to work with the residents to implement privatizing streets or regulating parking (CSP Pages S4-14 and S5-15). Similar to the situation identified in the CSP at Abalone Cove Shoreline Park, the increasing popularity of Terranea Resort and its public amenities (ie. trails, viewing stairway, etc.) has resulted in increased public and Terranea employee parking in the residential neighborhood of Channelview Court. Channelview Court is a public residential street with public parking allowed on both sides, extending west from Seawolf Drive and ending in a cul-de-sac next to Terranea Way. Although there is free public parking available for public trail users on the Terranea property, the parking is limited.

Given the location of Channelview Court with a path at the end of the cul-de-sac that provides access to Terranea Way, residents on Channelview Court have been raising concerns with public parking on their street. In response to these concerns and at the recommendation of the Traffic Safety Committee, parking studies were prepared. These parking studies confirmed that Terranea Resort employees and patrons play a role in over-parking, particularly on Channelview Court. Additionally, the findings of the parking studies revealed that permit parking could effectively eliminate parking intrusion along Channelview Court as the displaced number of available parking spaces could be absorbed by the larger SeaBluff neighborhood. Thus, as proposed, the permit parking program will be enforced 24 hours a day, 7 days a week and signs will be posted restricting parking. The proposed method of parking regulation is consistent and no different than the actions identified in the CSP that addressed parking overflow surrounding Abalone Cove Shoreline Park by posting no parking signs and blocking non-resident access.

- B. That the proposed development, when located between the sea and the first public road, is consistent with applicable public access and recreation policies of the Coastal Act. Channelview Court is located within Coastal Zone, Subregion 3. The four policies within Subregion 3 (CSP Page S3-14) do not relate to public access or recreation. The 1978 Coastal Specific Plan includes language about the former Marineland of the Pacific within Subregion 3. The CSP does not identify any parking concerns or problems as a result of Marineland patrons. Accordingly, there is no policy indicating the need for the provision of additional parking or restricting parking in neighboring streets. However, Marineland was demolished and replaced with Terranea Resort in 2009. The increasing popularity of Terranea and surrounding public amenities soon resulted in overflow parking into neighboring streets. The proposed permit parking is the City's proposed method to mitigate the parking problems along Channelview Court. The parking study indicates that even with the displaced parking from Channelview Court, there will still be a surplus of available public parking areas for the public to access the coastal trails and beaches. Although Subregion 3 does not have a specific policy that addresses parking issues, Subregion 4 includes a policy that reads "*Continue to work with the residents and the County to solve the parking problems caused by Abalone Cove Beach Park (CSP Page S4-14).*" This policy to address the parking problems in the past as the neighborhood west of Abalone Cove Beach Park also experienced overflow parking in the past. This problem was mostly relieved through the efforts of posting no parking signs and blocking non-resident access to the residential areas. The current situation in the SeaBluff neighborhood, especially along Channelview is very similar to the parking problems that stemmed from the use of Abalone Cove Beach Park. The proposed method of posting no parking signs

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and regulating parking mimics past efforts for *Abalone Cove Beach Park* as identified in the CSP

Section 6: The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 4th day of August 2015.

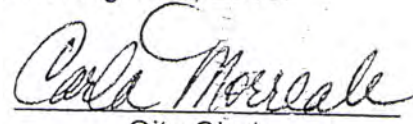
/s/ Jim Knight
Mayor

Attest:

/s/ Carla Morreale
City Clerk

State of California)
County of Los Angeles)ss
City of Rancho Palos Verdes)

I, Carla Morreale, the City Clerk of the City of Rancho Palos Verdes, do hereby certify that the above Resolution No. 2015-78 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on August 4, 2015.


Carla Morreale
City Clerk

COASTAL COMMISSION

EXHIBIT # 2
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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coastal Commissioners: Mark Vargas & Roberto Uranga
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Rancho Palos Verdes
2. Brief description of development being appealed: Designate a 24-hour permit parking requirement on both sides of Channelview Court beginning at Seawolf Lane to the end of the cul-de-sac. The intent of this permit parking area is to provide on-street parking for the residents who live on Channelview Court caused by long term parking of nonresidents on this street that has adversely impacted the residents living on this street.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
Channelview Court beginning at Seawolf Lane to the end of the cul-de-sac, City of Rancho Palos Verdes, Los Angeles County.
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. Denial: _____

NOTE: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-RPV-15-0051
DATE FILED: August 21, 2015
DISTRICT: South Coast

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South Coast Region

AUG 21 2015

COASTAL COMMISSION

A-5-RPV-15-0051

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CALIFORNIA
COASTAL COMMISSION

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: _____
 - b. City Council/Board of Supervisors: X
 - c. Planning Commission: _____
 - d. Other: _____
6. Date of local government's decision: August 4, 2015
7. Local government's file number: ZON2015-00348

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:
 City of Rancho Palos Verdes
 Attn: Joel Rojas, Community Development Director
 30940 Hawthorne Boulevard
 Rancho Palos Verdes, CA 90272

2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.
 - a. _____

 - b. _____

 - c. _____

COASTAL COMMISSION

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SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The on-street public parking supply affected by the City-approved permit parking program is located between the first public road (Palos Verdes Drive South) and the sea. Public parking seaward of Palos Verdes Drive South supports access to the blufftop trail system and the public beach below, both of which are popular destinations for visitors to the coast (see attached map). The parking limitations adopted by the City-approved permit parking program will adversely affect the public's ability to utilize the public street parking that supports access to the trails and beach in violation of the public access and recreation policies of the Coastal Act [Coastal Act Sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30221, 30223 and 30224]. The permit parking program approved by the local coastal development permit is also inconsistent with the certified Local Coastal Program because a preferential parking program is not allowed by the LCP.

The coastal resources affected by the City's action, public access and recreation, are significant resources. Protection and expansion of public beach access and recreation are among the Coastal Act's highest priorities. The legislature expressly stated in Section 30001.5 of the Coastal Act that one of the state's primary goals in the coastal zone is to "[m]aximize public access to and along the coast and maximize public recreational opportunities in the coastal zone." Limiting public access through the elimination or reduction of public parking supplies must be very carefully considered and only the minimum limitation necessary to protect public safety or other valid need should be allowed. Therefore, the City's approval of Coastal Development Permit ZON2015-00348 raises issues as to consistency with the certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

COASTAL COMMISSION

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Google

© 2015 Google

Coastal Access Blufftop Trail

Channel View Ct

COMMISSION

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State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent

Date: _____

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: 

Date: Nov. 24, 2015

(Document 2)

COASTAL COMMISSION

EXHIBIT # 3
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State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent



Date: 8-21-15

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

COASTAL COMMISSION

EXHIBIT # 3
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