

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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**Th13a**

Appeal Filed: 8/14/17  
 49th Day: 10/23/17  
 Staff: W. Horn - V  
 Staff Report: 9/21/17  
 Hearing Date: 10/12/17

**STAFF REPORT: APPEAL- NO SUBSTANTIAL ISSUE**

**APPEAL NUMBER:** A-4-MMT-17-0041

**APPLICANT:** Vladimir & Luba Tomalevski

**APPELLANTS:** Sophie Wong and Ron Levy

**LOCAL GOVERNMENT:** County of Los Angeles

**LOCAL DECISION:** Approval with Conditions of Coastal Development Permit  
201500112

**PROJECT LOCATION:** 18225 Coastline Drive, Los Angeles County (APN: 4443-008-021)

**PROJECT DESCRIPTION:** To authorize the development of three residential condominium units within two buildings (Building A is 28 feet high and 2,480 sq. ft., and Building B is 30 feet high and 5,310 sq. ft.), a private driveway, three two-car garages, two uncovered guest parking spaces, and 1,371 cu. yds. of grading (1,066 cu. yds. cut, 305 cu. yds. fill).

**STAFF RECOMMENDATION:** No Substantial Issue

**MOTION & RESOLUTION:** Pages **6 and 7**

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NOTE: This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial

issue, the *de novo* phase of the hearing will occur at a future Commission meeting during which it will take public testimony.

## SUMMARY OF STAFF RECOMMENDATION

The Commission's role at the "substantial issue" phase of an appeal is to decide whether the appeal of the local government action raises a substantial issue with respect to the grounds on which the appeal was filed, which can include a claim that the approved development is not in conformity with the applicable provisions of the certified Local Coastal Program (LCP) or with the public access policies of the Coastal Act (Pub. Res. Code §§ 30210-14). Staff recommends that the Commission, after public hearing, determine that **no substantial issue exists** with respect to the grounds on which the subject appeal has been filed. The **motion** and **resolution** for a "no substantial issue" findings are found on **pages 6 and 7**.

The subject project was approved by the County of Los Angeles (County) Regional Planning Commission (Planning Commission) on November 16, 2016 and was subsequently appealed to the County Board of Supervisors (BOS). The BOS conditionally approved the project on March 28, 2017. The approved project consists of a multi-family residential development on a single 0.23 acre (0.19 acre net), previously disturbed, but undeveloped parcel located within a residentially developed neighborhood in the Sunset Mesa area of the County. Development of the parcel will consist of two buildings (Building A and Building B) on two separate pads, a private driveway, three two-car garages, and two uncovered guest spaces. Building A will be located on the southernmost pad, adjacent to the proposed private driveway and will consist of a garage on the ground level and a two-story residential condominium with three bedrooms and three bathrooms located above. The total floor area for Building A will be 2,480 sq. ft. Building B will be located on the northernmost pad, directly behind Building A, and will consist of two identical three-story residential condominium units each with three bedrooms and three bathrooms. The floor area for each unit in Building B will be 2,655 sq. ft. The total floor area for the project, including both Building A and Building B, will be 7,790 sq. ft. and total grading for the project will be 1,371 cu. yds. (1,066 cu. yds. of cut, 305 cu. yds. of fill, and 761 cu. yds. of export).

The appellants contend that: (1) the project is not required to be constructed on two stepped pads and that construction on a single pad would be more appropriate pursuant to LUP Policy LU-29; (2) the proposed development is inconsistent with the development standards of projects in the vicinity, specifically height and setbacks; and (3) the height and layout of the development blocks the views of the ocean from neighboring properties which is not allowed pursuant to LUP Policies LU-35 and LU-38.

In its approval of the project, the County correctly analyzed the proposed development to ensure that the project is consistent with all of the relevant policies and provisions of the certified LCP, including those pertaining to scenic resource protection. Slopes on the site exceed 15 percent, and pursuant to the hillside management policies and provisions of the LCP, the development is required to be constructed on multi-level pads in order to minimize land disturbance. The LCP also limits the height of new development to 30 feet in this area, and the proposed project is consistent with that requirement. Lastly, the LCP protects scenic resources and requires preservation of views of the ocean from public viewing areas and from the principal permitted

use on adjoining parcels. The proposed project site is not located within a designated scenic resource area and would not be visible from any public viewing areas. Further, the approved project is compatible with the character of the surrounding area and preserves ocean views from the residential development on adjoining parcels. The project site is an infill lot located within an existing developed residential neighborhood that contain other single and multiple family residences.

The extent and scope of the development is relatively small, and no significant coastal resources will be affected by the project. In addition, the project does not raise issues of regional or statewide significance, and the County's decision will not have an adverse precedential value for future CDP decisions. Therefore, staff recommends that the Commission find that the appellants' contentions raise no substantial issue with regard to the approved project's consistency with the policies and provisions of the County's certified LCP.

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### EXHIBITS

Exhibit 1.	<a href="#">Vicinity Map</a>
Exhibit 2.	<a href="#">Aerial Photo</a>
Exhibit 3.	<a href="#">Project Plans</a>
Exhibit 4.	<a href="#">Appeal by Sophie Wong</a>
Exhibit 5.	<a href="#">Appeal by Rob Lissner</a>
Exhibit 6.	<a href="#">Correspondence from the Applicant</a>
Exhibit 7.	<a href="#">Correspondence from the Appellant’s Representative</a>
Exhibit 8.	<a href="#">Story Poles</a>
Exhibit 9.	<a href="#">Photosimulations of Final Project</a>

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## **I. APPEAL JURISDICTION AND PROCEDURES**

### **A. APPEAL PROCEDURES**

The Coastal Act provides that after certification of a local government's Local Coastal Program (LCP), the local government's actions on Coastal Development Permit applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

#### **1. Appeal Areas**

Approvals of CDPs by cities or counties may be appealed if the development authorized is to be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea; 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 greater; on state tidelands; or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section 30603(a)). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603(a)(4)). Finally, developments that constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603(a)(5)).

In this case, the project site is located on Coastline Drive, in an unincorporated area of the County of Los Angeles ([Exhibit 1](#)) within a parcel that is zoned R-3, Limited Multiple Residence Zone. Section 22.44.1720 of the Los Angeles County-Santa Monica Mountains Local Implementation Program (LIP) identifies apartment houses as the principally permitted use for properties zoned R-3. However, because the proposed project includes dividing the property into a three-unit condominium, which is not designated as the principally permitted use for the property, the County's coastal development permit for the subject project is appealable to the Commission.

#### **2. Grounds for Appeal**

The available grounds for an appeal of a local government approval of development are 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 the Coastal Act. (Coastal Act Section 30603(b)(1)).

#### **3. Substantial Issue Determination**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the Commissioners present is required to

determine that an appeal raises no substantial issues and that the Commission will therefore not review the merits of the appeal *de novo*. If the Commission determines that no substantial issue exists, then the local government's coastal development permit action will be considered final.

#### **4. De Novo Permit Hearing**

Should the Commission determine that a substantial issue exists, the Commission will consider the CDP application *de novo*. The applicable test for the Commission to apply in a *de novo* review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and, if the development is between the sea and the first public road paralleling the sea, the public access and recreation policies of the Coastal Act. (Coastal Act Section 30604(b) & (c)).

### **B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

The project that is the subject of this appeal was first heard before the Los Angeles County (County) Planning Commission (Planning Commission) on August 31, 2016, and after a presentation from County Planning staff and discussion with the applicant and opponents to the project, the Planning Commission directed the applicant to redesign the project in order to minimize impacts to neighboring properties. A continued public hearing for the project was heard before the Planning Commission on October 5, 2016, and after a presentation from County Planning staff and discussion with the applicant and opponents to the project, the Planning Commission directed the applicant to further redesign the project in order to further minimize impacts to neighboring properties. A continued public hearing for the project was heard before the Planning Commission on November 16, 2016, and the project was subsequently approved. The action by the Planning Commission was appealed by Sophie Wong within the local appeal period and was heard before the Los Angeles County Board of Supervisors (BOS) on March 28, 2017. The BOS voted to deny the appeal and approve the project.

The County's Notice of Final Action for the project was received by Commission staff on August 7, 2017. Commission staff provided notice of the ten working day appeal period, which began on August 7, 2017 and ended on August 21, 2017. Sophie Wong filed her appeal on August 14, 2017 and Ron Levy filed his appeal on August 21, 2017, both during the Commission's appeal period ([Exhibits 4 and 5](#)). Commission staff notified the City, the applicant, and all interested parties that were listed on the appeals and requested that the County provide its administrative record for the permit. The administrative record was received on August 23, 2017. Pursuant to Section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which the appeal was filed with the Commission, which would be October 23, 2017; however, according to Section 30625(a), the applicant can waive that time limit.

## **II. STAFF RECOMMENDATION FOR SUBSTANTIAL ISSUE**

**MOTION:** *I move that the Commission determine that Appeal No. A-4-MMT-17-0041 raises NO substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

**STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. If the Commission finds **No Substantial Issue**, the Commission will not hear the application de novo, and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. A-4-MMT-17-0041 does not present 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 and recreation policies of the Coastal Act.

**III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE**

The Commission hereby finds and declares<sup>1</sup>:

**A. PROJECT DESCRIPTION AND SETTING**

The subject coastal development permit (CDP) approved by Los Angeles County consists of the development of two buildings (Building A and Building B) on two separate pads, a private driveway, three two-car garages, and two uncovered guest spaces at 18225 Coastline Drive in the Santa Monica Mountains area of Los Angeles County (APN 4443-008-021). Building A will be located on the southernmost pad, adjacent to the proposed private driveway and will consist of a garage on the ground level and a two-story residential condominium with three bedrooms and three bathrooms located above. The total floor area for Building A will be 2,480 sq. ft. Building B will be located on the northernmost pad, directly behind Building A, and will consist of two identical three-story residential condominium units each with three bedrooms and three bathrooms. The floor area for each unit in Building B will be 2,655 sq. ft. The total floor area for the project, including both Building A and Building B, will be 7,790 sq. ft. and total grading for the project will be 1,371 cu. yds. (1,066 cu. yds. of cut, 305 cu. yds. of fill, and 761 cu. yds. of export). The approved CDP also includes a Vesting Parcel Map to divide the property into a three-unit condominium. Project plans for the development are included in [Exhibit 3](#).

The approved project is located on a 0.23 acre parcel with sloping terrain in excess of 15 percent within a residentially developed neighborhood and is zoned “R-3” (Limited Multiple Residence, 20 units per net acre). Permits were issued in 1961 by Los Angeles County to develop the site with a four-unit apartment complex. The footings, foundation and retaining walls for the project were constructed; however the project was never completed. The existing foundation and retaining walls will be removed as part of the approved project. The surrounding area is developed with single family residences and multiple family residential structures. The subject

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<sup>1</sup> The suggested findings and conclusions from the Summary of Staff Recommendation are also hereby incorporated by reference.

parcel is bordered by existing single-family and multiple-family residential development to the east, west, and north, and Coastline Drive borders the parcel to the south ([Exhibit 2](#)).

## **B. APPELLANT’S CONTENTIONS**

The County’s final action on the subject coastal development permit was appealed to the Commission by Sophie Wong on August 14, 2017 and by Ron Levy on August 21, 2017. Ms. Wong owns the property to the north of the proposed project and Mr. Levy is the authorized agent for the property located immediately west of the proposed project. Those appeals are included in [Exhibits 4 and 5](#). The appeals filed by the appellants contend that:

- 1) the project is not required to be constructed on two stepped pads, and construction on a single pad would be more appropriate pursuant to LUP Policy LU-29;
- 2) the proposed development is inconsistent with the development standards of projects in the vicinity, specifically height and setbacks; and
- 3) the height and layout of the development blocks the views of the ocean from neighboring properties, which is not allowed pursuant to LUP Policies LU-35 and LU-38.

## **C. ANALYSIS OF SUBSTANTIAL ISSUE**

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellants relative to the locally-approved project’s conformity to the policies contained in the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. In this case, the appellants only cited the hillside development, community character and visual resource policies of the certified Los Angeles County-Santa Monica Mountains LCP; they did not raise any issues with the public access policies of the Coastal Act as grounds for appeal.

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. The Commission’s regulations indicate simply that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (Cal. Code Regs., Title 14, Section 13115(b)).

In evaluating the issue of whether the appeal raises a substantial issue, the Commission considers 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 certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of coastal resources affected by the decision;
4. The precedential value of the local government’s decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significant.



In this case, for the reasons discussed below, the Commission determines that the appeal raises no substantial issue with regards to the grounds on which the appeal has been filed, as discussed below.

### **1. New Development and Visual Resources**

The appellants contend that the project, as approved by the County, does not conform to the following policies and provisions of the County's certified Santa Monica Mountains LCP.

Policy LU-29 of the Santa Monica Mountains Land Use Plan states, in relevant part:

*Maintain low densities within Rural Lands and Rural Residential areas and protect the features that contribute to rural character and rural lifestyles by:*

...

- *Minimizing disturbance of landforms and biological resources by requiring buildings on hillsides to be constructed on multilevel pads where appropriate; ...*

Policy LU-35 of the Santa Monica Mountains Land Use Plan states, in relevant part:

*Require that new development preserve views of the ocean or Scenic Elements from public parkland, trails, Scenic Routes, and the principal permitted use on adjoining parcels...*

Policy LU-38 of the Santa Monica Mountains Land Use Plan states:

*Limit structure heights to ensure protection of scenic resources and compatibility with surrounding settings.*

Definition of "Scenic Resource Areas/Scenic Areas" in the Santa Monica Mountains Land Use Plan:

*Places on, along, within, or visible scenic routes, public parklands, trails, beaches, and state waters that offer scenic vistas of the mountains, canyons, beach, and other unique natural features. Scenic resource areas also include the scenic resource areas identified on Map 3 and consist of Scenic Elements, Significant Ridgelines, and Scenic Routes. Public parkland and recreation areas identified on Map 4 are also considered scenic resource areas.*

Definition of "rural" in the Santa Monica Mountains Land Use Plan:

*A non urban or agricultural environment characterized by low densities without typical urban services. Equestrian and limited agrarian activities are often appropriate in such areas. Urban services and facilities not normally found in rural areas include curbs, gutters, and sidewalks; street lighting, landscaping,*

*and traffic signalization; mass public transit; and commercial facilities dependent on large consumer volumes such as regional shopping areas.*

Provision 22.44.1250.B of the Santa Monica Mountains Implementation Plan states, in relevant part:

*...every residence and every other building or structure in the Coastal Zone shall have a height not to exceed 30 feet above natural or finished grade...*

Provision 22.44.1350.B of the Santa Monica Mountains Implementation Plan states, in relevant part:

*To minimize the impacts of development in hillside areas, the following measure shall apply to all property containing any area with a slope of 15 percent or more...*

*Building or building pads on sloping sites or complex areas shall be constructed on multilevel pads, where feasible, to minimize grading and disturbance of biological resources, unless another design would require less land alteration.*

Specifically, the appellants contend that the height and layout of the development blocks the views of the ocean from neighboring properties, which is not allowed pursuant to Land Use Plan (LUP) Policies LU-35 and LU-38. The appellants also contend that the project is not required to be constructed on two stepped pads, and construction on a single pad would be more appropriate pursuant to LUP Policy LU-29.

The appellants assert that the approved project will obstruct the views of the coastline and ocean as seen from the adjacent existing residential development, specifically the appellant Sophie Wong's residence located at 18248 Wakecrest Drive and the residence located at 18233 Coastline Drive (appellant Ron Levy is the authorized agent for the property owner at this address).

The site of the proposed project is not along, within, or visible from any designated scenic routes, public parklands, trails, beaches or state waters. Furthermore, the proposed project site is not identified as a scenic resource area on any of the LCP's Map of Scenic Resources. Lastly, the site is not a public parkland or recreation area as identified on Map 4. Thus, the project site does not constitute a scenic resource as defined in the LCP, and LUP Policy LU-38 is not applicable to the project with regards to protection of scenic resources. However, while LUP Policy LU-35 also requires the protection of scenic resources, Policy LU-35 includes a provision that requires new development to preserve views of the ocean from the principal permitted use on adjoining parcels.

The County's action and administrative record regarding the subject CDP addresses the issue of private views of the coast from adjacent properties. The project went through several design changes as it was being processed by the County in order to address private view impacts. [Exhibit 8](#) includes photos of the proposed project story poles that were put up at the site, as seen

from 18248 Wakecrest Drive (Wong residence) and 18233 (Levy residence). As shown in that exhibit, the proposed development will slightly intrude into ocean and coastline views as seen from the Wong's deck, and the proposed development will only obstruct ocean and coastline views from two side windows as seen from the Levy residence. It should be noted that the County Planning Commission directed the applicant to make revisions to the project following its hearings on August 31, 2016 and October 5, 2016 in order to reduce impacts to the views of the ocean and coast from the adjoining parcels. In addition, at the November 16, 2016 Planning Commission hearing the project was approved and the Planning Commission directed County staff to draft an additional condition of approval limiting the placement of roof mounted antennas, solar panels, and air conditioning units in order to protect ocean and coastline views from neighboring parcels. Finally, prior to the County Board of Supervisors (BOS) hearing, the applicant made additional revisions to the project design to further accommodate more views of the ocean and coastline from the two properties. Photo simulations of the originally proposed design and the final design as seen from the Wong's deck that was approved by the BOS on March 28, 2017 are included in [Exhibit 9](#). Site plans of the project showing the originally proposed design and final approval from the BOS are included in [Exhibit 3](#).

As illustrated in [Exhibits 8 and 9](#), the project as approved by the County minimally intrudes (approximately 5 percent) into views of the ocean and coastline from the Wong's deck and the project only obstructs views of the ocean and coastline from two side windows at the Levy residence. Project modifications were considered during the County's process in order to arrive at a siting and design alternative that would substantially preserve coastal views from neighboring residences. Based on the visual analysis included in the County's record, private views are not significantly affected by the approved project and will therefore be preserved, as required by LUP Policy LU-35.

The appellants also state that, pursuant to LUP Policy LU-38, the proposed project is inconsistent with the development standards of projects in the vicinity, specifically regarding height and setbacks. As previously discussed, the proposed project is located within the Sunset Mesa neighborhood of Los Angeles County and existing development consists of single and multiple family residences. The appellants specifically state that the development immediately west, located at 18233 Coastline Drive, should be the standard of review for the proposed project. That project consists of two conjoined, four-story, 35 ft. high, 4,000 sq. ft. condominium units, each with a two-car garage approved by the Commission in 2001 (Coastal Development Permit (CDP) No. 4-00-234)). While both Building A and Building B of the proposed project will be limited to 30 feet in height, the multi-level construction results in the final elevation for Building B being slightly above the final elevation for the project at 18233 Coastline Drive. The appellants believe that allowing the subject development to be constructed on multi-level pads is inappropriate in this instance because the multi-level development will obstruct the ocean views of adjacent properties and is inconsistent with the existing pattern of development in the area. Thus, the appellants assert that the project should be constructed on a single pad and the height should be reduced.

However, CDP No. 4-00-234 for the project at 18233 Coastline Drive was approved before the Commission's certification of the Los Angeles County-Santa Monica Mountains LCP in 2014 and was subject to a different standard of review. As such, the proposed project must now ensure conformity with the certified LCP. Section 22.44.1250.B of the County's certified Local

Implementation Program limits buildings or structures to a height not to exceed 30 feet above natural or finished grade. In this case, both of the condominium structures proposed for this project are within the 30 ft. height limit above natural or finished grade. Building A will be approximately 28 ft. and Building B will be approximately 30 ft.

While Policy LU-29 cited by the appellants is not applicable to the approved project because it is not located within a rural portion of the County as defined in the LCP, the approved development must still be found consistent with the hillside development requirements of the LCP.

Specifically, Section 22.44.1350.B of the County's certified Local Implementation Program states that for any property containing an area with a slope of 15 percent or more (as is the case with the subject property), building or building pads shall be constructed on multi-level pads, where feasible, to minimize grading and disturbance of biological resources, unless another design would require less land alteration. Construction on a single pad in this instance would require more grading and land alteration. Further, there are other multiple family residences zoned R-3 along Coastline Drive to the east of the subject site that are constructed on two building pads ([Exhibit 2](#)). In addition, the proposed project is consistent with the front, side and rear setbacks required for development within the R-3 zone pursuant to the certified LCP. Considering the height and size of the development in the vicinity, and the project's consistency with the height, setback and hillside development standards in the LCP, the proposed project is compatible with the surrounding neighborhood setting and does not significantly affect private views.

For the reasons discussed above, the County's action was consistent with the relevant policies and provisions of the County's LCP relating to new development and protection of visual resources.

## **2. Factors Considered in Substantial Issue Analysis**

The standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the appealable development's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appeal cites several new development and visual resource policies of the LCP. The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following five factors that are addressed below.

The first factor in evaluating the issue of whether the appeal raises a substantial issue is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. In this case, as discussed in detail above, the Commission finds that County had substantial factual support for its conclusion. Additionally, the County's record includes extensive factual evidence and legal support for the County's findings that the project is consistent with all of the applicable new development and visual resource protection policies and provisions of the certified LCP.

The second factor in evaluating the issue of whether the appeal raises a substantial issue is the extent and scope of the development as approved. As described above, the project consists of a multi-family residential development on a single 0.23 acre (0.19 acre net), previously disturbed, but undeveloped parcel located within a residentially developed neighborhood in the Sunset Mesa area. Given that this lot is relatively small and the development type is consistent with the surrounding area, the extent and scope of the subject development on this particular lot is minimal. Therefore, the extent and scope of development is not significant.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. In this case, the project site is an infill lot located in an existing developed residential community. The project is not located within any designated scenic resource area, and public views of the ocean or the Santa Monica Mountains are not available from Coastline Drive. As such, the project will not have any adverse impacts on visual resources. Although the County's LCP requires preservation of private views of the ocean from neighboring properties, private views are not a coastal resource that is protected under the Coastal Act. Regardless, private views are not significantly affected by the approved project; rather, the project has been repeatedly redesigned to ensure that such views are preserved. Further, the subject parcel does not contain any environmentally sensitive habitat areas. The approved project is also consistent with the LCP's grading and water quality protection policies and provisions. Thus, no significant coastal resources will be affected by the decision.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for the future interpretation of its LCP. In this case, the approved project is consistent with the policies and provisions of the LCP. As such, the County's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. In this case, the approved project is consistent with the policies and provisions of the LCP, will not result in any adverse impacts to public scenic resources, environmentally sensitive habitat areas, or other coastal resources. As such this appeal does not present issues of regional or statewide significance.

In conclusion, the Commission finds that none of the factors listed above, used to evaluate whether a substantial issue exists, favors a finding that a substantial issue exists. For the reasons discussed above, the Commission finds that the appeal raises no substantial issue with respect to the consistency of the approved development with the policies of the County's certified LCP or the public access policies in Chapter 3 of the Coastal Act. Applying the five factors identified above, the Commission finds the County's record adequately supports its position that the proposed project is consistent with the applicable LCP policies. In addition, the development is relatively small in scope, does not have a significant adverse effect on significant coastal resources, would not be an adverse precedent for future coastal development permits, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue with respect to the grounds on which it was filed.

## **APPENDIX 1**

### **Substantive File Documents**

Adopted County of Los Angeles Board of Supervisor's Hearing Package Project No. R2015-03107-(3) dated July 11, 2017; Santa Monica Mountains Local Coastal Program, Certified by the California Coastal Commission October 2014; California Coastal Commission Coastal Development Permit No. 4-00-234