

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT  
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# Th17a



Appeal Filed: 8/20/19  
49th Day: 10/29/19  
Staff: C. Groves - V  
Staff Report: 9/26/19  
Hearing Date: 10/17/19

## **STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE**

**APPEAL NUMBER:** A-4-MMT-19-0182

**APPLICANT:** Los Angeles County Department of Public Works

**APPELLANT:** Pamela Gayle Johnson

**LOCAL GOVERNMENT:** Los Angeles County

**LOCAL DECISION:** Approval with Conditions of Coastal Development Permit No. RPPL2017007901-(3)

**PROJECT LOCATION:** Pacific Coast Highway public right-of-way between Coastline Drive and Topanga Canyon Boulevard, Santa Monica Mountains, Los Angeles County

**PROJECT DESCRIPTION:** To authorize the implementation of parking restrictions and associated regulatory signage along a 0.7-mile stretch of Pacific Coast Highway (PCH) that would prohibit parking on the landward side of PCH between 12:00am and 2:00am and prohibit parking on the seaward side of PCH between 2:00am and 4:00am daily.

**STAFF RECOMMENDATION:** **No Substantial Issue**

**MOTION & RESOLUTION:** **Page 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" finding are found on **page 7**.

The approved project consists of the implementation of parking restrictions with associated regulatory signage along both the landward and seaward sides of a 0.7-mile stretch of Pacific Coast Highway (PCH) between Coastline Drive and Topanga Canyon Boulevard, in the Santa Monica Mountains area of unincorporated Los Angeles County. This section of PCH runs east-west, with a steep coastal bluff immediately to the north of the project site, and fronting Topanga Beach to the south. PCH provides lateral vehicle, bicycle, and pedestrian access along the coast, and public parking within the road right-of-way along both sides of the highway is utilized by coastal visitors. Staff estimates that the subject portion of road right-of-way accommodates approximately 274 public parking spaces which are currently unrestricted. The approved parking restrictions would apply within the entire project area and would prohibit parking on the landward side of PCH between 12:00am and 2:00am and prohibit parking on the seaward side of PCH between 2:00am and 4:00am. Signage will be installed on existing posts and poles, and no new posts are proposed as part of the project. The County has indicated that the intent of the staggered parking restriction at this location is to increase parking turnover and discourage parking of recreational and commercial vehicles overnight and for extended periods. Safety and sanitation issues have been identified by the County and nearby residents in this area as a result of overnight camping within vehicles and a lack of support facilities. The County believes that encouraging parking turnover at night will help address those issues; however, the County has also indicated that a safe parking program is needed to address the issue of overnight parking of vehicles and the County's Homeless Initiative is currently working on a safe parking program, similar to a program that was adopted by the City of Los Angeles.

The appellant in this case made a general assertion that the project will adversely impact public access to the coast, and thus is inconsistent with the public access policies of the Coastal Act.

The Coastal Act and certified LCP policies protect the public's right to access the beach at all times, thus parking should be available for beach access at all hours. The LCP also prohibits the implementation of restrictions on public parking that would impede public access to beaches, trails, or parklands, except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. In its approval of the project, the County applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact public access and is therefore consistent with the public access and recreation policies of the Coastal Act and LCP. By staggering the two-hour nighttime restrictions, there will always be parking available along this segment of PCH at all hours of the night. Furthermore, in order to avoid potential confusion and the perception that both sides of the highway are restricted during the same two-hour period of the night, the County's action includes a condition of

approval that requires the parking restriction signs to indicate that during the period of restricted parking along one side of PCH, parking is available on the other side of PCH. This additional information on the parking restriction signage would serve to avoid any potential adverse impacts to public access by informing visitors that parking along both the landward side and seaward side of this section of PCH is not restricted during the same time period, and that during the period of one restriction there is available parking along the other side of PCH. In other words, it will be clear that public parking is available within the general area at all hours. Although the restrictions would reduce the amount of available parking spaces by approximately half for a total of four hours per night, the supply of available parking for beach access would continue to exceed demand because the restriction hours are at a time of night when beach access parking demand is relatively low. For these reasons, the approved parking restriction would not serve to impede or restrict public access to beaches, trails, or parklands, consistent with Land Use Plan Policy CO-174 and Coastal Act Section 30211. Further, maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies CO-157 and CO-172.

In summary, the County's record includes extensive factual evidence and legal support for the County's findings that the project is consistent with the public access policies and provisions of the Coastal Act and certified LCP. The extent and scope of the development is relatively small, and although the coastal resource at issue in this permit action (public access) is significant, the approved parking restriction in this case is limited and would not adversely impact public access to beaches, trails, or parklands. Adequate parking to serve beach recreation uses in this area would continue to be provided at all hours of the day and night. 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 appellant's contentions raise no substantial issue with regard to the approved project's consistency with the policies and provisions of the County's certified LCP and the Coastal Act.

## Table of Contents

<b>I. APPEAL JURISDICTION AND PROCEDURES .....</b>	<b>5</b>
A. APPEAL PROCEDURES.....	5
1. Appeal Areas .....	5
2. Grounds for Appeal .....	5
3. Substantial Issue Determination .....	5
4. De Novo Permit Hearing .....	6
B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL .....	6
<b>II. STAFF RECOMMENDATION FOR NO SUBSTANTIAL ISSUE .....</b>	<b>7</b>
<b>III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE .....</b>	<b>7</b>
A. PROJECT DESCRIPTION AND SETTING .....	7
B. APPELLANT’S CONTENTIONS .....	8
C. ANALYSIS OF SUBSTANTIAL ISSUE.....	8
1. Public Access and Recreation.....	9
2. Factors Considered in Substantial Issue Analysis .....	11

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### EXHIBITS

Exhibit 1.	<a href="#"><u>Vicinity Map</u></a>
Exhibit 2.	<a href="#"><u>Aerial Photograph</u></a>
Exhibit 3.	<a href="#"><u>Project Plan</u></a>
Exhibit 4.	<a href="#"><u>Streetview Photographs</u></a>
Exhibit 5.	<a href="#"><u>Final Local Action Notice</u></a>
Exhibit 6.	<a href="#"><u>Appeal by Pamela Gayle Johnson</u></a>

## **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 within the public right-of-way along Pacific Coast Highway, in an unincorporated area of the County of Los Angeles (Exhibit 1). This area is within 300 feet of the inland extent of the beach, thus 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 issue and that the Commission will therefore not review the coastal development permit *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**

On September 5, 2017, the Los Angeles County (County) Department of Regional Planning Hearing Officer (Hearing Officer) approved a coastal development permit for a previous version of the subject parking restrictions which would have prohibited parking between 2:00am and 4:00am daily along three segments of Pacific Coast Highway (PCH) in the vicinity of Topanga Beach and Leo Carrillo State Beach. On October 9, 2017, the County's approval was appealed by Coastal Commissioners Dana Bochco and Mark Vargas (Appeal No. A-4-MMT-17-0059) due to concerns regarding the project's consistency with the public access and recreation policies of the Coastal Act and certified LCP. In response to the Coastal Commission's appeal, the applicant (County Department of Public Works) requested that the hearing on the appeal be postponed in order to allow time to collect additional parking information and discuss the project and various alternatives with Commission staff, local residents, and the California Highway Patrol. These efforts led the County to revise the timing and geographic scope of the parking restriction proposal. The County's original permit action, which was the subject of Commission Appeal No. A-4-MMT-17-0059, was withdrawn, and the current version of the parking restrictions was submitted to the County as a new permit application.

On October 2, 2018, the County Hearing Officer approved Coastal Development Permit No. RPPL2017007901 with conditions. On October 15 and 16, 2018, the project was appealed to the County Planning Commission by Pamela Gayle Johnson and Raven Nicole Williams, respectively. On December 12, 2018, the Planning Commission held a public hearing at which it heard presentations from County staff, the appellants, and residents of properties near the project site. The Planning Commission continued the appeal to January 30, 2019, and asked County staff to gather more information about parking regulations in other locations along PCH. On January 30, 2019, the Planning Commission denied the appeal and approved the project. The Planning Commission's approval was timely appealed to the County Board of Supervisors (Board) by Pamela Gayle Johnson and Raven Nicole Williams. On April 23, 2019, the Board held a public hearing at which it heard presentations from County staff and the appellants, and indicated its intent to deny the appeal and approve the project. On July 30, 2019, the Board adopted findings in order to deny the appeal, approve the project, and find it to be categorically exempt from CEQA.

The County's Notice of Final Action was received by Commission staff on August 6, 2019 (Exhibit 5). Commission staff provided notice of the ten working-day appeal period, which began on August 7, 2019 and ended on August 21, 2019. Pamela Gayle Johnson filed a timely appeal on August 20, 2019 (Exhibit 6). Commission staff notified the County, the applicant, and all interested parties that were listed on the appeal and requested that the County provide its

administrative record for the permit. The administrative record was received on August 29, 2019. 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 29, 2019.

## II. STAFF RECOMMENDATION FOR NO SUBSTANTIAL ISSUE

**MOTION:** *I move that the Commission determine that Appeal No. A-4-MMT-19-0182 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-19-0182 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:

### **A. PROJECT DESCRIPTION AND SETTING**

The approved project is for the implementation of parking restrictions with associated regulatory signage along both the landward and seaward sides of an approximately 0.7-mile segment of Pacific Coast Highway (PCH) between Topanga Canyon Boulevard and Coastline Drive, in the Santa Monica Mountains area of unincorporated Los Angeles County (Exhibits 1-4). This section of PCH runs east-west and is flat, with a steep coastal bluff immediately to the north of the project site, and fronting Topanga Beach to the south. PCH is operated by the California Department of Transportation and provides lateral vehicle, bicycle, and pedestrian access along the coast. Additionally, public parking within the road right-of-way along both sides of the highway is utilized by coastal visitors. The County's action characterizes the approved project as a parking management plan; however, the approved project is to implement two-hour nighttime parking restrictions within the road right-of-way along a limited segment of PCH that staff estimates to provide approximately 274 public parking spaces which are currently unrestricted. Specifically, the approved parking restriction would prohibit parking on the landward side of PCH (approx. 111 spaces) between 12:00am and 2:00am, and prohibit parking on the seaward side of PCH (approx. 163 spaces) between 2:00am and 4:00am daily between Topanga Canyon

Boulevard and Coastline Drive. Signage will be installed on existing posts and poles, and no new posts are proposed as part of the project. The County has indicated that the intent of the staggered parking restriction at this location is to increase parking turnover and discourage parking of recreational and commercial vehicles overnight and for extended periods. Safety and sanitation issues have been identified by the County and nearby residents in this area as a result of overnight camping within vehicles and a lack of support facilities. The County believes that encouraging parking turnover at night will help address those issues; however, the County has also indicated that a safe parking program is needed to address the issue of overnight parking of vehicles and the County's Homeless Initiative is currently working on a safe parking program, similar to a program that was adopted by the City of Los Angeles.

## **B. APPELLANT'S CONTENTIONS**

The County's final action on the subject coastal development permit was appealed to the Commission by Pamela Gayle Johnson on August 20, 2019 (Exhibit 6). The appellant contends that the subject parking restrictions will adversely impact public access to the coast, which is inconsistent with the public access policies of the Coastal Act. The appeal also incorporates materials that the appellant states were previously provided to the County during the local CDP hearing and appeal process. None of these materials contain any contentions regarding consistency of the subject project with the Local Coastal Program or the Coastal Act.

## **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 appellant 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 appellant cited 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, 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. Public Access and Recreation**

The appellant only made a general assertion that the project, as approved by the County, does not conform to the public access policies of the Coastal Act. However, based on the appellant's general contention, the following policies and provisions of the County's certified Santa Monica Mountains LCP and the Coastal Act are applicable.

Santa Monica Mountains Land Use Plan Policy CO-157 states:

*In carrying out the requirements 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.*

Santa Monica Mountains Land Use Plan Policy CO-158 states:

*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.*

Santa Monica Mountains Land Use Plan Policy CO-172 states:

*Provide adequate parking to serve recreation uses. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.*

Santa Monica Mountains Land Use Plan Policy CO-174 states:

*The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails, or parklands, (including, but not limited to, the posting of "no parking signs", red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.*

Santa Monica Mountains Implementation Plan Section 22.44.1400.I.6.a states:

*Adequate parking to serve recreation uses shall be provided. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.*

Santa Monica Mountains Implementation Plan Section 22.44.1400.I.6.c states:

*The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails, or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such*

*restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.*

Coastal Act Section 30210 states:

*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 states:

*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 30220 states:

*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 30223 states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

The policies of the County's certified Santa Monica Mountains LCP and the Coastal Act call for public access to the coast to be maximized. The proposed area along PCH between Topanga Canyon Boulevard and Coastline Drive where the approved parking restrictions will apply currently provides parking for nearby Topanga Beach (Exhibit 2). Topanga Beach is a popular visitor-serving destination and is accessible on foot at all hours of the day and night. The existing public beach parking lots seaward of the highway and adjacent to Topanga Beach (managed by Los Angeles County Department of Beaches & Harbors) are gated and closed to the public at night. Because of work schedules and other constraints, not everyone can visit the beach during the day. To access Topanga Beach at nighttime, most coastal visitors would drive and park along the road right-of-way of PCH where there is currently no nighttime restriction. The Coastal Act and certified LCP policies protect the public's right to access the beach at all times, not only during daytime hours. Thus parking should be available for beach access at all hours. The LCP prohibits the implementation of restrictions on public parking that would impede public access to beaches, trails, or parklands, except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.

The approved parking restriction would prohibit parking on the landward side of the subject segment of PCH (approx. 111 spaces) for only a two-hour period between 12:00am and 2:00am daily, during which time the seaward side of PCH would be available for parking. The approved parking restriction would prohibit parking on the seaward side of PCH (approx. 163 spaces) between the hours of 2:00am and 4:00am, during which time the landward side of PCH would be available for parking. By staggering the two-hour nighttime restrictions, there will always be

parking available along this segment of PCH at all hours of the night. Although the amount of available parking spaces (approx. 274) would be reduced by approximately half between the hours of 12:00am and 4:00am pursuant to the staggered two-hour restriction, it is anticipated that the supply of available parking for beach access would continue to exceed demand because the restriction hours are at a time of night when beach access parking demand is relatively low. The County's findings for approval of the subject coastal development permit state: "The Project ... does not restrict public access to the beach or reduce parking in the vicinity of the beach. Instead, the Project will increase availability of parking within the Project Site. Vehicles will be required to move at least daily. Therefore, beach visitors will find more parking available within the Project Site. The timing of the parking restriction is staggered to ensure that there will always be the opportunity for street parking within the Project Site. The two-hour parking restrictions will encourage parking turnover, thus providing more parking for beach visitors. Therefore, the Project will not restrict public access to the beach."

Furthermore, in order to avoid potential confusion and the perception that both sides of the highway are restricted during the same two-hour period of the night, the County's action includes a condition of approval that requires the parking restriction signs to indicate that during the period of restricted parking along one side of PCH, parking is available on the other side of PCH. This additional information on the parking restriction signage would serve to avoid any potential adverse impacts to public access by informing visitors that parking along both the landward side and seaward side of this section of PCH is not restricted during the same time period, and that during the period of one restriction there is available parking along the other side of PCH. In other words, it will be clear that public parking is available within the general area at all hours.

For these reasons, the approved parking restriction would not impede or restrict public access to beaches, trails, or parklands, consistent with Land Use Plan Policy CO-174 and Coastal Act Section 30211. Further, maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies CO-157 and CO-172. Land Use Plan Policy CO-158 also calls for parking to be distributed throughout an area to avoid overuse of any single area. The County has indicated that the intent of the staggered parking restriction at this location is to discourage parking of recreational and commercial vehicles overnight and for extended periods. Safety and sanitation issues have been identified by the County and nearby residents in this area as a result of overnight camping within vehicles and a lack of support facilities. The approved project would encourage parking turnover at night to help address those issues, while also ensuring adequate parking for public beach access.

For the reasons discussed above, the Commission finds that the County's action is consistent with the relevant policies of the Coastal Act and the County's LCP relating to public access.

## **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 and/or the public access policies of the Coastal Act. In this case, the appeal only made a general assertion regarding the project's inconsistency with the

public access policies of the Coastal Act. However, based on the appellant's general contention, the Commission is evaluating the County's action relative to the public access policies of both the Coastal Act and the County's certified Santa Monica Mountains 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 Coastal Act and certified LCP. In this case, as discussed in detail above, the Commission finds that the County had substantial factual support for its conclusion that the parking restrictions would not adversely impact public access. 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 public access policies and provisions of the Coastal Act and 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 limited nighttime parking restrictions along a 0.7-mile segment of PCH road right-of-way, affecting approximately 274 parking spaces. Given that the total affected area is relatively small, the limited nighttime parking restrictions will only be in effect for a few hours in the middle of the night, and more than one hundred parking spaces will remain open to the public at all hours, the extent and scope of the project is minimal and would ensure that adequate public access parking would still be available in this area at any given time. Therefore, the Commission finds that 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 a public right-of-way along PCH. The approved regulatory signage would be installed on existing poles, and no public views or environmentally sensitive habitat would be affected by the project. However, the approved project is directly related to public access to the coast, particularly to Topanga Beach. Public access is a significant coastal resource that is accorded maximum protection under the Coastal Act and County's LCP. For the reasons discussed above, the approved parking restrictions would not impede or adversely impact public access to beaches, trails, or parklands. Maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided. Although the coastal resource at issue in this coastal development permit is significant, the project approved by the County in this case is consistent with the public access policies of the Coastal Act and LCP, and the project's impact on that resource is minimal.

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 Commission finds that the County applied the Coastal Act and LCP policies correctly in finding that the project will not adversely impact public access and is therefore

consistent with the applicable public access policies. 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 issues of regional or statewide significance. While coastal access and parking restrictions along a State highway are statewide issues, this project is consistent with the policies and provisions of the Coastal Act and LCP and will not adversely impact public parking or coastal access in the immediate area. Thus the project 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, favor 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 Coastal Act and 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**

County of Los Angeles Regional Planning Hearing Officer Hearing Package, Project No. R2017-005072-(3), dated October 2, 2018; County of Los Angeles Regional Planning Commission Hearing Package, Project No. R2017-005072-(3), dated December 12, 2018; County of Los Angeles Regional Planning Commission Additional Information Memorandum, Project No. 2017-005072-(3), dated January 30, 2019; County of Los Angeles Board of Supervisors Hearing Package, Project No. 2017-005072-(3), dated April 23, 2019; Santa Monica Mountains Local Coastal Program, Certified by the California Coastal Commission October 2014; California Coastal Commission Appeal No. A-4-MMT-17-0059.