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Staff:	M. Alvarado - LB
Staff Report:	05/22/2026
Hearing Date:	06/11/2026

STAFF REPORT: NO SUBSTANTIAL ISSUE

Appeal Numbers:	**A-4-MAL-26-0011**
Applicant:	**City of Malibu Public Works Department**
Appellants:	Dr. Thomas G. Diamantidis
Local Decision:	Approval with Conditions by Malibu City Council on April 13, 2026 (Coastal Development Permit No. 25-041)
Project Location:	Approximately 1.2-mile-long segment of Pacific Coast Highway between Broad Beach Road (east end) and La Piedra Beach Road, Malibu, Los Angeles County.
Project Description:	A limited term (15-18 months) pilot project involving temporary safety improvements including two new roundabouts (at El Matador Beach Road & Encinal Canyon Road), lane reductions (5 lanes to 2 lanes), new bicycle lanes and striping, new Quick-Kurb bollards for traffic channelization, new signage, new crosswalks and flashing beacons, and safety lighting.
Staff Recommendation:	No Substantial Issue exists

IMPORTANT HEARING PROCEDURAL 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 three 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 Malibu City Council approved, with conditions, a local coastal development permit (CDP) requested by the City of Malibu Public Works Department (City) for a limited term (15-18 months) pilot project involving temporary traffic safety improvements on Pacific Coast Highway (PCH) in the City of Malibu in Los Angeles County. The traffic calming safety improvements are intended to reduce traffic speeds and improve overall safety and safety for pedestrians and cyclists along an approximately 1.2-mile-long segment of the public right-of-way of PCH between Broad Beach Road (east end) and La Piedra Beach Road (west end). The improvements include two new roundabouts (at El Matador Beach Road & Encinal Canyon Road), reductions in the number of lanes (5 lanes to 2 lanes) and lane narrowing, new bicycle lanes and striping, new Quick-Kurb bollards for traffic channelization, new signage, new crosswalks and flashing beacons, and new safety lighting. PCH is owned by the California Department of Transportation (Caltrans), but these improvements are a city-led project developed in conjunction with Caltrans.

PCH through Malibu has ongoing safety issues related to high speeds, limited parking for residents and visitors to coastal destinations, and limited controlled crossings, sidewalks, and bike routes. The City has experienced a relatively high rate of fatal and serious injury collisions compared to similarly sized jurisdictions. In response, on Jun 22, 2015, the Malibu City Council adopted the 2015 PCH Safety Study that the City developed in partnership with Caltrans. The study includes recommendations for various measures to improve safety along the highway corridor to reduce vehicle, bicycle, and pedestrian conflicts. This project brings forward some elements of the 2015 Safety Study as a pilot project for implementation and analysis of effectiveness.

At the heart of appeal, the appellant Dr. Thomas G. Diamantidis asserts that the project violates Malibu's certified Local Coastal Program (LCP) and the California Coastal Act because it was approved without sufficient evidence, especially regarding safety, hazards, and public access impacts. The appellant contends that lane reductions and roundabouts will reduce traffic capacity, worsen congestion, and create unsafe conditions along a critical coastal corridor and primary wildfire evacuation route. He contends that the project was approved without adequate analyses on those issues, claiming that the approved roundabouts, particularly at Encinal Canyon Road, were not recommended in the 2015 PCH Safety Study and the project lacks essential studies such as traffic modeling, evacuation analysis, and hazard assessments. The appeal further contends the project is inconsistent with the public access and recreation policies of the Coastal Act and the City's LCP because reduced roadway capacity and increased congestion could impair coastal access and discourage use of beach access points and coastal pullouts.

These contentions do not raise a substantial issue in this case. The local record reflects that the City evaluated multiple safety approaches, including speed reductions, enforcement, and alternative roadway configurations. The City concluded that a two-lane roundabout was infeasible due to right-of-way constraints and that reducing travel lanes will still maintain adequate traffic capacity based on existing traffic volumes.

The record further demonstrates that the City considered emergency needs and concluded that the project consists of temporary and removable improvements that can be modified or removed during emergencies to preserve evacuation operations and emergency access. The City, Caltrans, and other public safety agencies determined that emergency vehicles could traverse over the mountable roundabouts without impediment and that personnel and equipment could be staged to rapidly clear these devices if needed during wildfire events. These concerns therefore do not raise a substantial issue related to the LCP or the Coastal Act's policies on public access.

The City's findings that the project will not significantly divert traffic onto residential streets, impair coastal access, or create unsafe bicycle conditions are supported by evidence and therefore do not violate the LCP or the Coastal Act. Instead, the project proposes important safety improvements that will enhance public access for all users, including those not in automobiles, consistent with the Coastal Act's protections on access. The project is intended to improve traffic predictability, reduce vehicle speeds, and enhance multimodal safety while preserving existing beach accessways, coastal recreational parking, and recreational facilities. The project does not eliminate or restrict any existing beach trails and accessways, shoreline access points, or recreational resources, nor does it involve roadway closures or permanent reductions in access infrastructure. The project will result in the removal of some parking spaces along highway shoulders but would also add an equivalent number of spaces along other sections of the shoulder within the project limits. Overall, the project makes important and needed safety improvements that will improve the ability of all users to make use of the corridor, including cyclists and pedestrians.

Speeding along PCH, combined with the absence of key complete-street elements that protect pedestrians and cyclists, remains a significant and ongoing concern. This project advances a few much-needed safety improvements in that regard, even if on a temporary basis, while avoiding adverse effects on coastal public access or other coastal resources, and potentially enhancing access for many users. Moreover, the project is temporary and subject to monitoring and adjustment during the pilot period and will need future reauthorization to become permanent.

Staff therefore recommend that the Commission, after public hearing, determine that the appeal contentions do not raise a substantial issue of LCP conformance and consistency with the public access and recreation policies of the Coastal Act.

The motion to adopt the staff recommendation of No Substantial Issue is found on **page 7**.

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1. APPEAL JURISDCTION AND PROCEDURES

A. Appeal Procedures

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. A Local government must provide notice to the Commission of its coastal permit actions. During a period of 10 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.

Appeal Areas

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if it is located within an appealable area, such as a site located 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 any wetland, estuary, or stream and lands within 300 feet of the top of the seaward face of a coastal bluff. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

In this case, the City's CDP approval is appealable to the Coastal Commission because the permitted development is located between the sea and the first public road paralleling the sea, which is Pacific Coast Highway.

Grounds for Appeal

The grounds for appeal of development approved by the local government and subject to appeal to the Commission 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 the Coastal Act (See Public Resources Code § 30603(b)(1)).

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.

At this stage, the Commission considers only issues raised in the appeal. Staff recommends either "substantial issue" or "no substantial issue." The Commission generally considers several factors in making that determination.[1]

De Novo Permit Review

If a substantial issue is found to exist, the Commission will evaluate the project de novo. The de novo permit hearing may be held by the Commission at the same time as the substantial issue hearing or at a later time. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

B. Local Government Action and Filing of Appeal

On September 9, 2025, the City of Malibu Public Works Department applied for local CDP No. 25-041 with the City of Malibu's Planning Division. On December 16, 2025, the City's Planning Commission held a duly noticed public hearing, reviewed and considered the local record, and approved the proposed project. The Planning Commission's decision was subsequently appealed to the Malibu City Council by a local resident.

On April 13, 2026, the City Council held a duly noticed public hearing, considered the local appeal and denied it, and approved local CDP No. 25-041 for the project described above subject to 35 special conditions.

The notice of the City's final CDP action was received in the Coastal Commission's South Central Coast District office on April 14, 2026 (**Exhibit 3**). The Coastal Commission's ten-working-day appeal period for this action began on April 14, 2026, and concluded at 5 p.m. on April 28, 2026. A valid appeal of the City's CDP decision was filed on April 27, 2026, during the appeal period (see below and see **Exhibit 4**), by Dr. Thomas G. Diamantidis, a local resident who participated in the local hearing and requested revisions to the project. Commission staff notified the City, the applicant, and all interested parties that were listed on the appeal that an appeal was filed and requested that the City provide its administrative record for the permit. The administrative record was received on May 8, 2026. 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 in this case is July 6,

[1] The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no substantial issue" (see California Code of Regulations, Title 14, Section 13115(b) (CCR)). CCR Section 13115(c) of the Commission's regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a significant issue: (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 and the Coastal Act's public access provisions; (2) the extent and scope of the development; (3) the significance of the 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 significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

2026.

2. MOTIONS AND RESOLUTIONS – NO SUBSTANTIAL ISSUE

Staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal was filed. To implement this recommendation, 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 (i.e., a tied vote results in a finding that a "substantial issue" is raised).

> **Motion**: I move that the Commission determine that Appeal No. A-4-MAL-26-0011 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act, and I recommend a **yes** vote.
>
> **Resolution:** The Commission hereby finds that Appeal No. A-4-MAL-26-0011 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

3. FINDINGS & DECLARATIONS – NO SUBSTANTIAL ISSUE

A. Project Location and Setting

The subject local Coastal Development Permit (CDP) approval was requested by the City of Malibu Public Works Department for a pilot project along an approximately 1.2-mile-long segment[2] of the Pacific Coast Highway[3] (PCH) between approximately postmile[4] 58.4 near Broad Beach Road (east end) approx. 0.5 miles east of El Matador State Beach entrance and postmile 59.6[5] near La Piedra Beach Road (west end) approx. 0.1 miles west of Encinal Canyon Road in the City of Malibu, Los Angeles County (see **Figure 1** below). Additional maps and aerials of the project site and project footprint are provided as **Exhibit 1**.

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[2] The City clarified that the project description includes two distinct measurement categories related to roadway improvements. The "begin work" to "end work" limits (1.53 miles) encompass the full extent of project activities, including minor roadway modifications such as striping changes. The "begin construction" to "end construction" limits (1.2 miles) refer specifically to segments involving raised or more substantial physical construction elements. The City confirmed that both measurements are accurate and are used for different technical and reporting purposes, including the limits identified in the Planning Commission staff report.

[3] Pacific Coast Highway is referred to in the local record as "Pacific Coast Highway," "Highway 1," and/or "State Route 1" because these terms are commonly used interchangeably by various public agencies and stakeholders.

[4] A postmile is a Caltrans location marker used to identify specific points along state and federal routes, which is based on the Caltrans Linear Referencing System (CLRS). The online Postmile Query Tool allows the public to explore CLRS at: https://postmile.dot.ca.gov/PMQT/PostmileQueryTool.html

[5] La Piedra Beach Road / PCH intersection is more accurately located roughly between postmile 59.5 and 59.6. However, the full "begin work" to "end work" of the entire limits of the project are located approximately between postmile 58.4 and 59.9.



Figure 1: Approximate Construction Project Site along Pacific Coast Highway in Malibu, CA

The City is the lead agency responsible for developing and implementing the project. Because the project will be located entirely within the state-owned right-of-way, the City obtained acknowledgment and approval from the California Department of Transportation (Caltrans) as the property owner during the local CDP process, but Caltrans is not a co-applicant. Separately, the City also obtained a required Caltrans encroachment permit approval for work within the state highway.

This stretch of the highway is a prominent coastal corridor in western Malibu, where the highway traces the edge of the Pacific Ocean. This stretch is a four-lane roadway, consisting of two lanes in each direction, with a two-way left-turn lane along the majority of the project roadway. Currently, bicyclists must share the roadway with motorists and use highway shoulders that are often occupied by parked vehicles. The travel lanes are approximately 12 feet wide, and the paved shoulders are approximately 10 feet wide. For purposes of this report, PCH is considered an east-west roadway although it is designated as a north-south route by the state, and in this area of Malibu PCH flows east-west.

The corridor is characterized by direct ocean frontage, sandy beaches, low coastal bluffs, and native vegetation typical of the Santa Monica Mountains region. Along the south side of the highway, beachfront homes and public beach access points front the shoreline, while canyon slopes and hillside development rise to the north. The area is widely recognized for its expansive ocean views, open western exposure, and changing natural light conditions throughout the day, particularly at sunset. PCH serves as a primary transportation corridor for the community, accommodating local residents, commuters, cyclists, pedestrians, beach visitors, surfers, and weekend travelers, with traffic volumes typically increasing during weekends and summer months. The highway also functions as a critical route for emergency response and evacuation access within the Malibu coastal area. Although the entire length of the project corridor is within view of the Pacific Ocean, it lies too far upslope to experience any tidal influence.

B. Project Description

The locally approved project is a limited term (15-18 months) pilot project involving

temporary safety improvements on PCH including two new roundabouts (at El Matador Beach Road and at Encinal Canyon Road), lane reductions, new bicycle lanes and striping, new signage, new crosswalks, new solar-powered rectangular flashing beacons, new Quick-Kurb bollards for traffic channelization, and new safety solar-powered street lighting along PCH. Select project plans are provided as **Exhibit 2**.

PCH through Malibu has ongoing safety issues related to high speeds, limited parking for residents and visitors to coastal destinations, and limited controlled crossings, sidewalks, and bike routes. The City has experienced a relatively high rate of fatal and serious injury collisions compared to similarly sized jurisdictions. In response, on June 22, 2015, the City Council adopted the 2015 Pacific Coast Highway (PCH) Safety Study[6], which was developed by the City in partnership with Caltrans and analyzed roadway conditions and collision patterns and recommended safety improvements along the corridor to reduce vehicle, bicycle, and pedestrian conflicts. The City and Caltrans have implemented a various recommendations from the study including through, but not limited to, the PCH & Trancas Canyon Right-Turn Lane Project, the PCH Las Flores and Rambla Pacifico Intersection Improvements Project, and most recently, the PCH Signal Synchronization Project. Related improvements have been permitted by the City including a recent plan to install bike lanes along the northern section of PCH through a Caltrans repaving project.

Presently, the City is proposing this pilot project to collect data and evaluate the effectiveness of the approved improvements in promoting safer traffic flow and reducing crash severity. The City states this locally approved pilot project was designed pursuant to this 2015 study and will provide an opportunity to gather community feedback and assess the feasibility of implementing permanent roundabouts here or similar locations within the PCH corridor. The City contends that the project will improve safety and operational efficiency along this stretch of the highway by installing roundabouts, along with related traffic-calming measures that will reduce vehicle speeds, improve visibility, and enhance pedestrian and bicycle safety and access. This project has been developed in coordination with Caltrans.

The proposed improvements will begin at Broad Beach Road / PCH intersection and extend westward to Encinal Canyon Road. The project will reconfigure the existing roadway through restriping and the installation of new raised medians with an approximately 0.33-foot-height and with widths ranging from zero to 20 feet. Along most of the project corridor, the roadway will be reduced from two travel lanes in each direction to one lane, with a width ranging from 11-12 feet wide, in each direction. The existing two-way left-turn lane will generally be retained throughout the corridor, except in limited locations where raised medians will be installed. The design includes the new raised medians of varying widths, a continuous center island, and the addition of Class II bicycle lanes in both directions with buffered separation for enhanced west-east bicycle connectivity along the highway, as well as a southbound parking lane. The buffered separation between the bike and vehicle lanes consists of a striped roadway / space buffer; no physical or vertical barrier is proposed. The proposal includes the design and construction of two single-lane roundabouts at the highway intersections of

[6] The final 2015 PCH Safety Study is available online at: https://www.malibucity.org/443/PCH-Safety-Study.

the El Matador State Beach entrance and at Encinal Canyon Road. The roundabouts are proposed with associated raised medians and central islands approximately 49 feet in width, with heights ranging from 0.33 feet to 0.83 feet, as well as 18-foot-wide through lanes, while roadway segments between and beyond the roundabouts will transition between the reduced one-lane configuration and the existing four-lane configuration east and west of the project limits.

The two roundabouts will be constructed using a “quick-build” modular roundabout system, which utilizes prefabricated curb units installed directly on the existing asphalt to establish the roundabout geometry (see **Exhibit 5** for an example). This method will enable a shorter construction duration compared to a conventional roundabout design and build approach. Speed limits approaching the proposed roundabouts will be reduced in a stepped progression from 55 mph near El Pescador State Beach near the western project limit and Broad Beach Road at the eastern project limit, to 40 mph as drivers approach each roundabout, then further reduced to 25 mph immediately prior to entry and 15 mph within the roundabouts. Between the two roundabouts, speeds will increase to 35 mph before returning to 55 mph as vehicles exit the approximately 1.2-mile project segment.

The bike lanes would transition into the vehicle travel lane before entering the roundabout. Cyclists would ride through the circle with traffic, centered in the lane to discourage unsafe passing, and dedicated bike lanes would resume after exiting the roundabout. The approved project also includes marked pedestrian crossings set back from the roundabout entries, along with pedestrian refuge islands in the median areas. Because vehicles must slow substantially when entering and circulating through the roundabout, pedestrians would cross one direction of traffic at a time over shorter crossing distances than exist today. See **Figure 2** below for a project design overview.

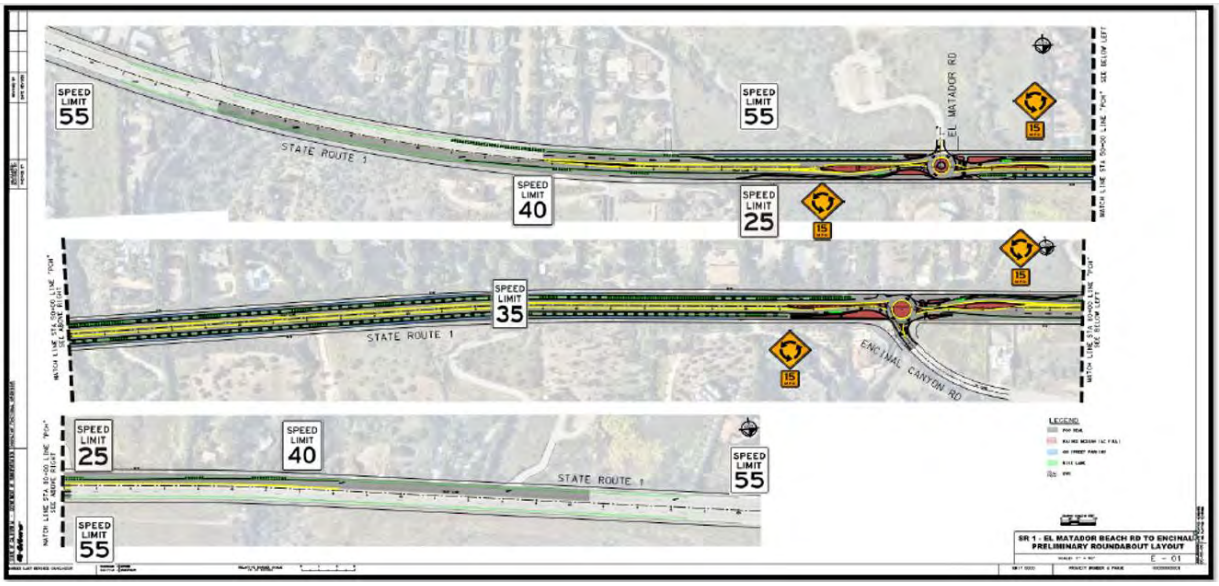


Figure 2: Project Design Overview of Malibu Pilot Project - Temporary Safety Improvements.

Eight temporary light fixtures are proposed at the roundabouts to enhance safety for vehicles, bicycles, and pedestrians at crosswalks. They will be installed on 25-foot poles with 4-foot arms, using downward-facing lights. Each pole will include a solar panel and

sit on a three-foot portable foundation, making the total height approximately 28 feet.

The City states that on-street parking along the highway shoulders will be reconfigured and relocated but generally maintained within the corridor, resulting in no net loss of the number of on-street parking spaces currently existing within the project area as a result of the project. The City proposes to implement these changes through the reconfiguration and relocation of red curb markings and/or "No Parking" signage currently in place.[7] Some spaces will be moved closer to the El Matador Beach access, while parking near La Piedra Beach will be shifted from upcoast locations, with many spaces retained and relocated to areas downcoast of La Piedra Beach and near El Pescador. **Exhibit 2** shows the new on-street parking configurations.

The project will be temporary in nature and will implement interim safety improvements. The roadway improvements, as approved by the City, will remain in place on a temporary basis for a minimum of 15 months, with a possible extension of up to three additional months, during which Caltrans and the City will conduct Safety and Operational Performance Assessments to evaluate effectiveness. Any decision to make the improvements permanent will be contingent upon securing all additionally required discretionary approvals and permits, including the processing and approval of a new or amended local CDP, as applicable. At the conclusion of the pilot program, based on performance data, the improvements will need to be removed and PCH restored to existing conditions, unless a new or amended CDP is obtained.

Construction is tentatively scheduled to begin this fall 2026 and only expected to take up to 90 days and will require phased lane closures implemented in accordance with Caltrans Standard Plans for Traffic Control, including applicable lane closure charts and any reversible lane provisions. Construction may occur during both daytime and nighttime hours, depending on the specific work required and whether conditions are safe for construction crews. The project is anticipated to be completed by this winter 2026.

C. Summary of Appeal Contentions

The appellant, Dr. Thomas G. Diamantidis, contends that the proposed project lacks adequate supporting transportation and safety analysis, including sufficient evaluation of traffic operations, congestion, wildfire evacuation, and hazard impacts specific to Malibu

[7] Please note that, due to the need to bring this item before the Coastal Commission within the 49-day statutory deadline, Commission staff have not yet been able to confirm whether all parking restrictions currently in place within the project area predate the Coastal Act, were previously authorized through a CDP, or otherwise constitute unpermitted development. Commission staff have requested additional information from Caltrans regarding the authorization and installation of the existing parking restrictions to determine the extent to which they are properly permitted.

As part of this project, the City proposes to relocate existing on-street parking along the landward and seaward shoulders of PCH to areas that are currently closed to public parking. The project is a temporary pilot, and pursuant to Condition 3 of the local approval, all temporary improvements, including no parking signs, would be required to be removed at the end of the authorized period (15 months, with possible extension of up to three additional months). Any permanent retention of the roundabouts or associated parking restrictions would require a separate CDP. Accordingly, the local approval does not permanently authorize the installation or continuation of parking restrictions in the project locations. Commission staff continue to evaluate the matter to determine whether existing parking restrictions are properly authorized or were installed without the required CDP.

conditions. The appellant asserts that the proposed roundabouts, particularly at Encinal Canyon Road, were not recommended in the 2015 PCH Safety Study, which instead identified a different roundabout location and recommended only a traffic signal at the Encinal Canyon Road/ PCH intersection. The appeal further asserts that reducing travel lanes and introducing roundabouts along PCH will decrease roadway capacity, worsen congestion, and create unsafe conditions along a critical coastal transportation corridor. According to the appeal, the project was approved without adequate supporting studies, such as traffic modeling, evacuation analysis, or hazard assessments, and therefore lacks substantial evidence demonstrating that the proposed lane reductions and roundabouts will maintain safe traffic operations and adequate emergency access and evacuation capacity. Additional concerns are raised regarding driveway access conflicts for residences fronting PCH, with the appellant asserting that the proposed design is inconsistent with U.S. Department of Transportation, Federal Highway Administration (FHA) guidance because it introduces direct driveway access into the roundabout area and could create operational and safety issues for residents, delivery vehicles, and waste collection services.

A central concern raised in the appeal relates to emergency response and wildfire evacuation capacity, with the appellant arguing that reducing lanes and installing physical roundabouts along what is described as a primary evacuation route for Malibu residents and visitors could impede emergency access and regional evacuations during wildfire events.

The appeal also raises concerns regarding potential pedestrian, bicycle, motorcycle, and vehicle conflicts within the proposed single-lane configuration; the adequacy and recency of the traffic and safety data supporting the project; and whether the project is cost-effective relative to other areas of Malibu with higher collision rates. The appellant further contends that the project is inconsistent with Sections 30210, 30211, and 30212 of the Coastal Act, as well as applicable public access, recreation, and hazards policies of the City's certified LCP, because it allegedly will not maximize coastal access opportunities and could adversely affect public access by reducing roadway capacity, increasing congestion, and creating safety concerns along PCH. The appellant argues that the project could discourage public use of nearby beach access points, parking areas, and coastal pullouts and that the City's analysis focused primarily on parking availability while failing to adequately evaluate broader public access impacts for motorists, pedestrians, bicyclists, and beach visitors.

In addition, the appeal asserts that the project is inconsistent with CEQA, including claims regarding the use of categorical exemptions, cumulative impact analysis, and consideration of alternatives and environmental constraints such as ESHA buffers. Overall, the appellant maintains that the project is unsupported by substantial evidence, inconsistent with applicable safety, environmental, and coastal access standards, and that the appeal raises a substantial issue warranting Commission review. See **Exhibit 4** for the full appeal document.

D. Substantial Issue Determination

The standard of review for the appeal is the City of Malibu's certified LCP policies and the Coastal Act's public access and recreation provisions. The appeal alleges that the

City-approved CDP does not conform with that standard of review, and the Commission here is charged with evaluating those allegations in light of the applicable LCP provisions and Coastal Act public access and recreation provisions.

Applicable Coastal Act and LCP Provisions

The appellant contends that the approved project will result in impacts to public access and recreation inconsistent with the Coastal Act and LCP public access and recreation policies. The appellant's contentions also raise concerns regarding hazards and safety. The Commission's appellate review lens includes the Coastal Act's public access and recreation policies as well as the access, hazards and safety provisions of the Malibu LCP.

The Coastal Act grants high priority to public recreational access uses and activities to and along the coast. The Act protects and encourages lower-cost visitor and recreational facilities where feasible and states a preference for developments providing public recreational opportunities. In addition, the Coastal Act requires that oceanfront land and upland areas suitable for recreational use be protected for recreational uses. In particular:

> **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.
>
> **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.
>
> **Section 30212(a)** states: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. …
>
> **Section 30212.5** 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.
>
> **Section 30213** states, in relevant part: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred…
>
> **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.

> **Section 30221** states: 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.
>
> **Section 30223** states: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
>
> **Section 30240(b)** states, in relevant part: Development in areas adjacent to … parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those … areas.
>
> **Section 30252** states: The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

These above-referenced Coastal Act public access and recreation policies are also incorporated directly into the certified Land Use Plan of Malibu's LCP. Section 30210 requires public recreational access opportunities to be maximized. Section 30211 prohibits development from interfering with the public's right of access. In approving new development, Section 30212 requires new development to provide access from the nearest public roadway to the shoreline and along the coast, save certain limited exceptions, such as existing adequate nearby access. Section 30212.5 requires appropriate siting for public facilities, including explicitly public parking. Sections 30213, 30220, 30221, and 30223 prioritize visitor-serving and recreational uses on oceanfront land over other types of development, particularly uses that provide lower-cost opportunities. Section 30240 protects against impacts to adjacent park areas, such as the adjacent beach and upland recreation areas here. And finally, the Section 30210 direction to maximize public recreational access opportunities represents a different threshold than to simply provide or protect such access opportunities and requires that such access must also be maximized.

Regarding hazards, the appellant cites Coastal Act Section 30253(1) and 30253(5)[8], as incorporated into the certified LUP, which states, in relevant part:

[8] Coastal Act Sections 30253(a) and 30253(e) are incorporated into the Malibu LUP as Sections 30253(1) and 30253(5), respectively.

> New development shall:
>
> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> ...
>
> (5) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The appellant also references LUP Chapter 4, Section A (Introduction), which states in relevant part, that "[d]evelopment within the City, including roads and other infrastructure is highly vulnerable to a variety of natural hazards including threats from landslides, wild fires, earthquakes, storm waves, and flooding...Fire is a serious potential threat several months of every year due to the typically long summer dry season characteristic." LUP Chapter 4, Section A of the LUP emphasizes that development in Malibu is particularly susceptible to multiple natural hazards, including landslides, wildfires, earthquakes, storm waves, and flooding. The section specifically highlights wildfire danger as a recurring and significant risk during Malibu's long, dry summer season.

Additionally, the appellant cites LUP Chapter 4 Policies 4.1, 4.2 and 4.3 related to hazards:

> **LUP Chapter 4, Policy 4.1** states, in relevant part: The City of Malibu and the Santa Monica Mountains coastal zone contains areas subject to hazards that present substantial risks to life and property. These areas require additional development controls to minimize risks, and include, but shall not be limited to, the following:
>
> ...
>
> i. Fire Hazard: areas subject to major wildfires classified in Fire Zone 4 or in the Very High Fire Hazard Severity Zone.
>
> **LUP Chapter 4, Policy 4.2** states: All new development shall be sized, designed and sited to minimize risks to life and property from geologic, flood, and fire hazard.
>
> **LUP Chapter 4, Policy 4.3** states: Information should be provided to the public concerning hazards and appropriate means of minimizing the harmful effects of natural disasters upon persons and property relative to siting, design and construction.
>
> **LUP Chapter 4, Policy 4.14** states: New development shall be prohibited on property or in areas where such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.

Coastal Act Section 30253, as incorporated into the LUP, and LUP Policy 4.2 provide standards that require new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The appellant also cites LUP Chapter 4, Section A, and LUP Policies 4.1, 4.2, 4.3, and 4.14 to support their argument that the City must carefully evaluate fire and other hazard risks when reviewing and approving development projects, and to emphasize the requirement that development must minimize impacts from hazards as well as impacts to coastal resources, including public access and recreation. Additionally, LUP Policy 4.14, which requires that new development be prohibited on property or in areas where such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard.

The appellant also cites Sections 9.3, 13.9, and 13.6.1 of the City of Malibu Local Implementation Plan (LIP), which require the City to make detailed, evidence-based hazard findings before approving a CDP.

> **LIP Section 9.3** (Required Findings and Analysis) states:
>
> A. Written findings of fact, analysis and conclusions addressing geologic, flood, and fire hazards, structural integrity or other potential hazard must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. Such findings shall address the specific project impacts relative to the applicable development standards identified in Section 9.4 of the Malibu LIP. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. Findings for approval or conditional approval shall conclude that the project as proposed, or as conditioned, conforms to the certified Local Coastal Program. A Coastal Development Permit for the proposed development shall only be granted if the City's decision making body is able to find that:
>
> 1. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons;
>
> 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions;
>
> 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative;
>
> 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;

5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP. B. If found to be necessary to conform to the development standards contained in this chapter or any other applicable policy or standard of the certified Malibu LCP the proposed development shall be modified, by special condition, relative to height, size, design, or location on the site and may be required to incorporate other methods to avoid or minimize the adverse impacts on site stability or structural integrity of the proposed development. If special conditions of approval are required in order to bring the project into conformance with the certified Malibu LCP, the findings shall explain how the special condition(s) alleviate or mitigate the adverse effects which have been identified. Mitigation shall not be permitted to substitute for implementation of a feasible project alternative that would lessen or avoid impacts to site stability or structural integrity.

LIP Section 13.9 (Findings) states: All decisions on coastal development permits shall be accompanied by written findings:

A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program; and

B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

C. The project is the least environmentally damaging alternative.

D. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

LIP Section 13.6.1 (Filing Procedures) states, in relevant part:

A. Application for a coastal development permit and amendments to coastal development permits shall be made to the Planning or Building Department on an application form provided by the Department, together with all required plans, maps, elevations, reports and any such supporting information deemed necessary by the Planning Department or any other ordinance contained in the certified LCP to adequately assess and evaluate the proposed project for consistency with the LCP. Application for a coastal development permit may be submitted concurrently with other city permits required by the City Municipal Code. The application may include a fee set by the City Council.

LIP Section 9.3, 13.9, and 13.9.1 require the City to prepare written findings, factual analysis, and conclusions regarding potential hazards (including geologic, flood, fire, structural integrity, and other safety risks) for all project approvals and those findings must explain the basis for the City's decision and be supported by substantial evidence in the administrative record. These LIP regulations provide that a CDP may only be approved if the City can affirmatively find that the proposed project will neither be endangered by, nor contribute to, instability or structural risks arising from geologic, flood, or fire hazards due to the project's design, siting, or other factors.

While not specifically cited by the appeal, there are other relevant applicable LCP policies that were also analyzed by staff and are included in **Appendix A** to this report.

Analysis

The appellant contends that the approved project fails to comply with the safety and hazard provisions of the City of Malibu's certified LCP, which they contend require that development minimize risks associated with fire, traffic, and other natural hazards and avoid increasing danger to the public. Specifically, the appellant argues that the proposed lane reductions and temporary roundabouts along PCH, Malibu's primary evacuation route, were approved without adequate technical analysis, including traffic modeling, evacuation analysis, or site-specific hazard assessments addressing wildfire and emergency access conditions. The appellant asserts that the project could create traffic congestion and bottlenecks along a more than one-mile segment of PCH, impede wildfire evacuations, and delay first responder access during emergency events. The appellant further contends that the project will adversely affect general traffic circulation by increasing congestion during peak beach visitation and seasonal traffic periods and could divert traffic onto smaller residential streets not designed to accommodate increased volumes, and thus overall reduce public access. The appellant also asserts that the City did not prepare sufficient local traffic studies or adequately demonstrate that the proposed traffic-calming and circulation changes will improve roadway safety, thereby raising a substantial issue regarding consistency with Coastal Act and certified LCP policies related to public safety, emergency access, circulation, and hazard protection.

The Commission acknowledges the importance of concerns raised regarding wildfire evacuation, roadway safety, and coastal access, particularly in light of recent wildfire events and associated evacuations in the region. These issues warrant careful consideration in the review of any modifications to PCH. However, based on the information contained in the administrative record, there is not substantial issue with the City's finding that the project will not compromise emergency evacuation capacity, materially impair emergency response, or result in significant adverse traffic, circulation, or public access impacts. These contentions do not raise a substantial issue with respect to the project's conformity with the certified LCP and applicable provisions of the Coastal Act. This includes the above-referenced LCP policies related to hazards and fires, as well as the Coastal Act and LCP's policies related to public access.

Hazards

With regard to the hazards policies and the appellants assertion that project violates the

above-referenced LCP policies, the record reflects that the City evaluated multiple approaches to addressing existing safety conditions on PCH including considerations related to speed management, enforcement, roadway configuration, and operational efficiency. As documented in the City's responses in the administrative record, simply reducing the speed limit, without the proposed roundabouts, would require lengthy Engineering and Traffic Surveys pursuant to state standards and the traffic safety is needed more urgently, and simply reducing speed limits may be ineffective without physical change. The record further reflects the City's determination that roadway safety improvements require a coordinated "three E's" approach (engineering, enforcement, and education) and that enforcement measures alone will not adequately address the documented collision patterns, speeding behavior, and multimodal conflicts along this segment of the highway. The City also evaluated alternative roadway configurations, including a two-lane roundabout design, but concluded such a design was infeasible within the constrained roadway corridor due to adjacent residential properties and nearby recreational areas, including beaches and parks. In addition, the record indicates that the City considered whether reducing travel lanes from two lanes to one lane in each direction will create unacceptable congestion and concluded that, based on existing traffic volumes along the western segment of PCH, the modified roadway configuration will continue to operate efficiently while maintaining sufficient traffic capacity.[9]

As reflected in the local government record, the project consists primarily of temporary and removable traffic-calming, circulation, and operational improvements, including striping modifications, signage, delineation devices, temporary roundabouts, and related traffic-control features located within the existing developed roadway corridor. The improvements are expressly designed and conditioned as adaptive installations rather than permanent alterations to roadway capacity. The City, in coordination with Caltrans and relevant public safety agencies, determined that the new temporary improvements (i.e., two roundabouts, lane reductions, Class II bicycle lanes and striping, bollards, signage, crosswalks and flashing beacons, and safety lighting) can be rapidly removed or modified during emergency conditions if necessary to maintain evacuation operations and emergency access. The record further indicates that, in advance of high fire-risk conditions, the City would stage equipment and personnel to ensure that temporary devices can be promptly cleared if roadway conditions require increased evacuation capacity or operational adjustments. In addition, the record indicates that the proposed roundabouts are designed to maintain emergency access and are engineered as mountable features, allowing large vehicles such as fire ambulances and other emergency response vehicles to traverse over the installations without delay or impediment when necessary.

The record also supports the City's determination that the project is intended to address

[9] Coastal Act Section 30610.91 is not a public access or recreation policy and therefore does not constitute a standard of review for this appeal. However, the section clarifies that a traffic study is not required for the conversion of an existing vehicle travel lane into a bicycle lane. Specifically, Section 30610.91(b) states: "In order to expedite the provision of safe, nonvehicular travel within urbanized areas for the purpose of increasing recreational public access to the coast, limiting vehicle miles traveled, and reducing greenhouse gas emissions, an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane, dedicated transit lane, or a pedestrian walkway, shall not require a traffic study for the processing of either a coastal development permit or an amendment to a local coastal program."

longstanding safety issues along PCH including documented speeding, unsafe turning movements, collision history, and conflicts among motorists, pedestrians, and cyclists. The temporary roundabouts and associated traffic-calming measures are designed to reduce vehicle speeds, improve traffic predictability, and organize turning movements at identified conflict points while maintaining through-traffic circulation. The record further reflects that the City considered and rejected other potential alternatives, including reliance solely on reduced speed limits or increased enforcement, because those measures would not independently resolve the underlying roadway design and operational issues identified along the corridor. Similarly, the City determined that a two-lane roundabout alternative was not feasible due to physical right-of-way constraints, and that the proposed lane configuration will continue to provide adequate roadway capacity based on projected traffic volumes. Because the project is temporary and implemented within the existing roadway footprint, it does not involve roadway widening, expanded infrastructure, or permanent physical barriers that would preclude emergency adaptation or permanently alter circulation patterns.

The project is further structured as a temporary pilot program, authorized for a limited duration of up to 18 months, intended to evaluate the operational effectiveness, safety benefits, and circulation impacts of the proposed improvements prior to any consideration of permanent implementation along PCH within Malibu. The pilot allows the City, Caltrans, and public safety agencies to monitor real-world conditions, including traffic operations, emergency access, evacuation performance, vehicle speeds, collision patterns, multimodal interactions, and bicycle and pedestrian safety. This framework preserves the City's ability to modify, remove, or discontinue elements based on observed conditions and ongoing evaluation. The record does not demonstrate that the project will result in significant diversion of traffic onto local residential streets or cause circulation impacts of a degree sufficient to conflict with applicable LCP or Coastal Act policies.

The appellant additionally contends that the project includes unanalyzed design deficiencies at Encinal Canyon Road related to the location and configuration of a proposed roundabout. The appellant asserts that the roundabout location differs from prior planning efforts, including the 2015 PCH Safety Study, and that it was not adequately analyzed prior to approval. The appellant further contends that the roundabout's proximity to existing private driveway access points could create hazardous conditions, including vehicles backing into traffic lanes and delivery or service vehicles obstructing circulation, and that the City approved the project without sufficient study of site-specific operational impacts. The appellant similarly raises concerns that the proposed temporary roundabouts and roadway modifications will create unsafe conditions for bicyclists by requiring bicyclists and motorists to merge within a single travel lane and contends that adequate analysis of bicycle-vehicle interactions was not conducted. The appellant also argues that FHA guidance identifies safety concerns associated with roundabouts and bicycle operations, contradicting the City's conclusion that the project will improve multimodal safety conditions.

With respect to Encinal Canyon, the record shows that the proposed roundabout was evaluated in coordination with Caltrans and public safety personnel and is part of the broader corridor safety strategy addressing documented operational and safety

deficiencies. The improvements are intended to better organize turning movements, reduce speeds at conflict points, and improve predictability for vehicles accessing adjacent properties. The design remains temporary and removable and does not involve permanent reconstruction or irreversible changes to roadway geometry. The City's approval preserves flexibility to adjust operations if warranted during implementation.

Public Access

The appellant contends that the project could adversely affect public coastal access by reducing roadway capacity, increasing congestion, and discouraging visitation to coastal recreational areas, beach accessways, parking facilities, and coastal pullouts along PCH thereby effectively diminishing access opportunities. The appellant asserts that the City failed to adequately evaluate these broader circulation and access impacts and therefore contends that the project raises a substantial issue regarding consistency with Coastal Act and certified LCP policies regarding coastal access.

With respect to public coastal access, the beaches of Malibu and the surrounding Santa Monica Mountains provide significant recreational opportunities and attract millions of visitors each year. The area includes beaches, public trails, and parklands that support activities such as hiking, biking, camping, surfing, swimming, and fishing. Public access to the shoreline and trails has long been a major and often controversial issue in Malibu, particularly under the requirements of the California Coastal Act of 1976. Development over the past several decades has reduced recreational opportunities and impacted public access to coastal resources. Coastal access includes not only physical pathways to and along the shoreline, but also inland trails, parking, transit, and support facilities such as restrooms and picnic areas. The Coastal Act and the LCP recognize that maintaining and improving public access requires addressing all of these factors together. Adequate transportation, parking, and visitor facilities are essential to ensuring the public can reach and enjoy the coastline and trail systems.

With respect to bicycle safety, the appellant asserts the proposed project designs will increase unsafe conditions. The record, however, supports the City's determination that the project will improve multimodal safety conditions by reducing vehicle speeds and clarifying circulation patterns, thereby improving conditions for bicyclists as well as motorists and pedestrians. As previously stated, both the Coastal Act and the above referenced LCP policies require projects to ensure not only that existing public access be protected, but that it also be maximized. Specifically, the Coastal Act requires maximum access and recreational opportunities be provided for all the people, and that lower cost visitor and recreational facilities be protected and provided, including facilities not just for motorists but also for bicyclists and pedestrians as well. Similarly, barriers to public coastal access should be eliminated or minimized to the extent feasible by ensuring access and recreational opportunities account for the needs of all people, including all types of transportation users. The project will enhance conditions for bicyclists and pedestrians by improving visibility of the users along the roadway and the roundabouts are an effective tool to reduce speeds, which will create safer conditions for pedestrian crossing facilities and cyclists. The project is intended to address documented corridor safety issues and to allow for monitoring and adjustment of traffic-control measures during implementation if needed. The record does not demonstrate that the project will create unsafe bicycle conditions that result in impacts inconsistent

with Coastal Act or LCP policies.

One contention raised by the appellant is that the removal of parking spaces will reduce public access. As shown in **Exhibit 2**, the project would remove some parking spaces along highway shoulders while adding an equivalent number of spaces along other sections of the shoulder within the project limits. The City explains that on-street parking would be reconfigured and relocated through the removal of some existing spaces and the addition of new spaces in areas currently designated as “no parking,” resulting in no net loss of on-street parking. Accordingly, existing coastal access facilities within the project area would remain unchanged, and the record does not contain substantial evidence that the project would reduce access or deter coastal visitation in a manner that would conflict with Coastal Act or LCP access policies.

Overall, the project provides important and necessary safety improvements that enhance the ability of all corridor users, including cyclists and pedestrians, to safely access and travel through the area. The project would not eliminate or restrict any existing beach trails and accessways, parking facilities, shoreline access points, or recreational resources, nor would it involve roadway closures or permanent reductions in access infrastructure. Rather, as approved, the project would improve safety and traffic organization along a primary coastal access corridor while maintaining existing access opportunities. The record supports the conclusion that the improvements will enhance traffic predictability and reduce unsafe conditions that can impede safe travel to coastal destinations.

Accordingly, the appellant has not demonstrated that the project will result in adverse public safety, emergency access, traffic, circulation, bicycle safety, or coastal access impacts sufficient to raise a substantial issue regarding the project’s consistency with the certified LCP or applicable Coastal Act policies. Therefore, the appellant’s contentions do not raise a substantial issue with respect to the project’s conformity with the certified LCP and applicable provisions of the Coastal Act.

Conclusion

When considering a project on appeal, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over the CDP application for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue with LCP and Coastal Act conformance. The Commission has in the past and, pursuant to section 13115(c) of its regulations, considered the following five factors in its decision of whether the issues raised in a given case are “substantial”: (1) the degree of factual and legal support for the local governments’ decisions; (2) the extent and scope of the development as approved or denied by the local governments; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local governments’ decisions for future interpretations of its LCP; and, (5) whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not to, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

In this case, these five factors considered together support the conclusion that the appeal does not raise a substantial issue as to the Coastal Act and City LCP consistency with respect to public access and recreation, and to the City LCP with respect to safety and hazards.

First, the information included in the local administrative record supports the Malibu City Council's decision that the approved development as conditioned will not result in significant negative impacts to public access and recreation and has been sited and designed to minimize hazard risks and assure safety and stability. The Commission finds there is substantial factual and legal support for the City's decision. As the City thoroughly addressed the relevant coastal resource concerns, the Commission assigns more weight to this factor in the substantial issue analysis.

Second, as to project extent and scope, the approved development will be limited to an approximately 1.2-mile temporary road safety improvement project, which will enhance bicycle and pedestrian safety and traffic circulation and facilitate accessibility along the subject segment of PCH. Thus, the extent and scope of the project are relatively limited in scale. When combined with the first factor, this second factor also weighs against finding substantial issue.

The third factor (the significance of coastal resources affected) also supports the finding of no substantial issue. The project site is situated between the first public road and the sea along PCH, and both the LCP and the Coastal Act emphasize the importance of public coastal access and recreation. The project, however, is not anticipated to have a negative adverse impact on public recreational access to the coast consistent with both the LCP and the Coastal Act. In fact, it is anticipated to improve safety along the highway and will help accommodate pedestrians and bicyclists and other visitors of the coast in addition to motorists. Thereby, it is anticipated to enhance public recreation access to the coast, a crucial resource that California citizens and governments have long sought to maximize and protect. Additionally, the project is not expected to negatively impact any other significant coastal resources and has been sited and designed to minimize hazard risks and assure safety and stability. As such, significant coastal resources will not be affected by this decision. Therefore, this factor weighs heavily against finding substantial issue.

Fourth, regarding the precedential value of the City's decisions for future interpretations of its LCP, it should first be noted that any one case, like this one, is decided on its specific facts and its specific merits and is not entirely dispositive as to how subsequent CDP decisions will be made. At the same time, there is always the potential that the City and/or other parties interested in the issues raised here might see the City's action here as precedential in some way, despite each case being considered based on its own facts and context. In any case, decisions like this that have adequately addressed public recreational access protection and maximization strongly suggest no substantial issue as well, and the City's decision does not involve any novel LCP interpretive issues and will not set an adverse precedent for future interpretations of the City's LCP. Furthermore, the Commission finds that the City applied the LCP policies correctly in finding that the project will not adversely impact coastal resources and is consistent with the policies of the LCP with respect to the grounds of the appeal.

Fifth, while the project does raise issues of regional or statewide significance (primarily protection of public access and recreation, and the minimization of the risk from hazards), as previously discussed, there is a high degree of legal and factual support that the approved project as conditioned will improve public access and recreation at this location, and will be safe from coastal hazards.

Taken together, and for the reasons stated in all of the findings above, the Commission finds that Appeal Number A-4-MAL-26-0011 does not present a substantial issue with respect to the grounds on which the appeals have been filed under Section 30603 of the Coastal Act.