

Bond Case Briefs

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Hagopian v. State

Court of Appeal, Second District, Division 1, California - January 24, 2014 - Cal.Rptr.3d - 2014 WL 265517

Developers of coastal property who had commenced construction without first obtaining a coastal development permit brought action against Coastal Commission for declaratory, injunctive, and writ relief challenging Commission's issuance of cease and desist and restoration orders. The Superior Court denied developers' claims. Developers appealed.

On appeal, developers argued that: (1) the County of Los Angeles is the proper permitting body for the coastal zone in which their property is located; (2) the county should be ordered to assume this permitting authority; (3) the Commission should be ordered to compel the county to fulfill this obligation; (4) the Commission violated petitioners' due process rights and denied them a fair hearing; and (5) the Commission's findings were unsupported by substantial evidence.

The Court of Appeal held that:

- Coastal Commission was not required to transfer permitting authority before county apprised Commission of permitting procedures;
- Coastal Commission hearing was not improperly biased against developers;
- Commission was not required to adopt regulations that would ensure county would actually adopt and certify local coastal programs; and
- County's choice whether to seek interim permitting authority under Coastal Act was discretionary.

Under the Coastal Act provision stating that the authority for issuance of coastal development permits shall be delegated to local governments, the Coastal Commission's duty to cede permitting authority to local governments is conditioned on the local government first establishing permitting procedures, adopting ordinances prescribing them, and informing the Commission.

The Coastal Act provision stating that the authority for issuance of coastal development permits shall be delegated to local governments did not require the Coastal Commission to transfer permitting authority over a geographic unit to a county, where the county had neither apprised the Commission of any permitting procedures it intended to implement for that geographic unit nor adopted an ordinance prescribing them.