To: Mayor Farrer and Honorable Members of the City Council

Prepared by: Richard Mollica, Assistant Planning Director

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: December 18, 2019  Meeting Date: January 13, 2020

Subject: Amend Malibu Municipal Code to Authorize the Implementation of a Parking Management Plan Along Two Segments of Pacific Coast Highway

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 460 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and adding Chapter 10.19 to Title 10 (Vehicles and Traffic) of the Malibu Municipal Code (MMC) to prohibit parking on portions of the landward side of Pacific Coast Highway (PCH) between 12:00 am and 2:00 am and seaward side of PCH between 2:00 am and 4:00 am daily on two segments of PCH; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 460 for the January 27, 2020 Regular City Council meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020.

DISCUSSION: The purpose of this ordinance is to protect public access to coastal resources in a manner consistent with the City’s Local Coastal Program (LCP). 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. The proposed parking ordinance would stagger the two-hour no parking restriction to not adversely impact public access and remain 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 PCH at all hours of the night.

To address the issues caused by long term parking and the recent influx of vehicles parking in the eastern portion of the City as the result of the adoption of a similar County ordinance near Topanga Beach, the City’s Public Safety Commission suggested the City implement a similar ordinance. The Public Safety Commission recommended a parking ordinance that would be citywide; however, after discussions with the California Coastal Commission, the scope of this ordinance has been reduced to address two specific areas of the City where coastal resources and beach access are most affected by long term parking. The two areas that will be the subject of this ordinance will be the Las Tunas and Malibu Pier areas.

To implement the subject ordinance, a coastal development permit (CDP) application will be required. The CDP application for the no parking sign installation will provide the details on the location of the parking restrictions, as well as conditions to ensure that the parking restriction is implemented in a way that is consistent with the Coastal Act and City’s LCP. Specifically, to avoid potential confusion and the perception that both sides of PCH are restricted during the same two-hour period of the night, the CDP will include 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 and residents that parking along both the landward side and seaward side 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. 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. In addition, the intent of the staggered parking restriction is to increase parking turnover and discourage parking of recreational and commercial vehicles overnight and for extended periods. It has been observed that vehicles both private and commercial are being stored on City streets and the highway for extended periods of time.

The storage of these vehicles reduces the availability of parking and the purpose of this ordinance is to increase parking through the use of a mechanism that would require the turnover and increased availability of parking and would not serve to impede or restrict public access to beaches, trails, or parklands, consistent with the LCP’s Land Use Policies. Furthermore, the storage of vehicles adjacent to public access or shorelines, has an impact on public views. Public views from scenic roadways are protected by the City's LCP. 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 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

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.

The proposed parking ordinance will be implemented through the approval of a CDP. The CDP will require that the parking signs be clear to inform the public that parking will be available on the opposite side of the street during the no parking period. Furthermore, the staggering of the parking restriction will ensure parking is available at all times.

LUP Policy 2.1: The shoreline, parklands, beaches and trails located within the City provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance.

The proposed ordinance would increase parking turnover and ensure parking opportunities for both residents and visitors utilizing the shoreline, beaches, and trails.

LUP Policy 2.9: Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council.

The proposed parking ordinance is being implemented in a manner that is consistent the parking restrictions that have been approved for the County in the portion of the PCH adjacent to the City’s eastern limits.

LUP Policy 2.11: Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of environmentally sensitive habitat areas.

The proposed ordinance will affect public rights-of-way in a manner that increases the opportunities for public parking by requiring the daily turnover of parking. In addition, the daily turnover of parking will be occurring at different times for the two sides of PCH which will ensure public parking is always available. Furthermore, it has been observed that oversized recreational vehicles that are parked for extended periods of time could be discharging effluent onto City streets and storm drains.
**LUP Policy 2.17:** Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, shall be subject to a coastal development permit.

The implementation of the parking ordinance will require a CDP for the installation of the necessary signage. Furthermore, the ordinance will ensure that parking is available on at least one side of the street or highway at any given time, therefore public access will remain available at all times.

**LUP Policy 2.26:** Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

The proposed ordinance will not result in the elimination of public parking. The parking restriction will take place during the night hours when demand on public recreational areas is low. In addition, the parking restriction will be staggered to ensure parking will be available on at least one side of the street at any time.

**LUP Policy 2.27:** 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.

As discussed above, the proposed ordinance will not result in the elimination of public parking. The parking restriction will take place during the night hours when demand on public recreational areas is low. In addition, the parking restriction will be staggered to ensure parking will be available on at least one side of the street at any time. The proposed ordinance would also protect public health and safety because of threats to water quality from effluent tank discharges associated with camper vehicles.

**Proposed Areas and Times to be Implemented as Part of the Ordinance**

The proposed parking ordinance would be implemented in the following two areas of the City:
A. Las Tunas Area: Pacific Coast Highway between west edge of Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway:

1. North side - No parking between 12:00 a.m. to 2:00 a.m.
2. South side – No parking between 2:00 a.m. to 4:00 a.m.

B. Malibu Pier Area: Pacific Coast Highway between west boundary of Sweetwater Canyon Road to the west boundary of the crosswalk at the Malibu Pier:

1. North side - No parking between 12:00 a.m. to 2:00 a.m.
2. South side – No parking between 2:00 a.m. to 4:00 a.m.

Summary of the Proposed Ordinance

Chapter 10.19 Overnight Parking Ordinance

Add Chapter 10.19 to Title 10 of the MMC to read as follows:


A. Pacific Coast Highway between west edge of Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway:

1. North side - No parking between 12:00 a.m. to 2:00 a.m.
2. South side – No parking between 2:00 a.m. to 4:00 a.m.

B. Pacific Coast Highway between west boundary of Sweetwater Canyon Road to the west boundary of the crosswalk at the Malibu Pier:

1. North side - No parking between 12:00 a.m. to 2:00 a.m.
2. South side – No parking between 2:00 a.m. to 4:00 a.m.

10.19.030 Exemptions.

The following vehicles shall be exempt from the parking restrictions of Section 10.19.020:

A. A vehicle owned or operated by a utility, whether privately or publicly owned, when used in the course of business;

B. A vehicle owned or operated by a governmental agency when used in the course of official government business; and
C. A vehicle that has been issued an authorized emergency vehicle permit by the commissioner of the California Highway Patrol, when that vehicle is used in the course of business.

10.19.040 Prohibitions and fines.

A. Any person violating the provisions of this chapter shall be subject to fines and penalties per the provisions of chapter 10.12 and as adopted by the city by resolution or ordinance.

ENVIRONMENTAL REVIEW: This Ordinance was assessed in accordance with the authority and criteria contained in the CEQA, the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes an overnight parking ordinance and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SUMMARY: Staff recommends that the City Council introduce on first reading Ordinance No. 460 amending MMC Title 10 to add Chapter 10.19 for the implementation of an overnight parking ordinance; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 460 for the January 27, 2020 Regular City Council meeting.

ATTACHMENT: Ordinance No. 460
ORDINANCE NO. 460

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADDING CHAPTER 10.19 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE MALIBU MUNICIPAL CODE TO PROHIBIT PARKING ON PORTIONS OF THE LANDWARD SIDE OF PACIFIC COAST HIGHWAY BETWEEN 12:00 A.M. AND 2:00 A.M. AND SEAWARD SIDE OF PACIFIC COAST HIGHWAY BETWEEN 2:00 A.M. AND 4:00 A.M. DAILY ON TWO SEGMENTS OF PACIFIC COAST HIGHWAY

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes an overnight parking ordinance and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.


The City Council hereby makes the following findings and recommends that the MMC be amended as set forth in Section 3 of this ordinance.

A. The overnight storage of vehicles on streets in the City has decreased the availability of public parking in the City. Consistent with General Plan Policy 1.3.2, the proposed parking restrictions have been imposed to facilitate the efficient use of street parking spaces.

B. City staff has documented the overnight storage of vehicles on City streets near public access points. Without posted restrictions on overnight parking, these vehicles are encouraged to stay in one place for excessive periods of time, blocking ocean views, taking up numerous parking spaces, and facilitating camping. There are no wastewater disposal or camping facilities in these parking areas.

C. The storage of these vehicles reduces the availability of parking and the purpose of this ordinance is to increase parking through the use of a mechanism that would require the turnover and increased availability of parking and would not serve to impede or restrict public access to beaches, trails, or parklands, consistent with the Local Coastal Program’s Land Use
Policies. 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 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

D. 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.


Chapter 10.19 (Overnight Parking) of Title 10 (Vehicles and Traffic) is hereby added to the Malibu Municipal Code to read as follows:

10.19.010 Short Title.

This chapter shall be known as the “Overnight Parking Ordinance” of the city. The ordinance shall only be in effect upon final approval of a coastal development permit for posting of signs.


A. Pacific Coast Highway between west edge of Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway:

1. North side - No parking between 12:00 a.m. to 2:00 a.m.
2. South side – No parking between 2:00 a.m. to 4:00 a.m.

B. Pacific Coast Highway between west boundary of Sweetwater Canyon Road to the west boundary of the crosswalk at the Malibu Pier:

1. North side - No parking between 12:00 a.m. to 2:00 a.m.
2. South side – No parking between 2:00 a.m. to 4:00 a.m.

10.19.030 Exemptions.

The following vehicles shall be exempt from the parking restrictions of Section 10.19.020:

A. A vehicle owned or operated by a utility, whether privately or publicly owned, when used in the course of business;

B. A vehicle owned or operated by a governmental agency when used in the course of official government business; and

C. A vehicle that has been issued an authorized emergency vehicle permit by the commissioner of the California Highway Patrol, when that vehicle is used in the course of business.

A. Any person violating the provisions of this chapter shall be subject to fines and penalties per the provisions of chapter 10.12 and as adopted by the city by resolution or ordinance.

10.19.050 Effectiveness.

A. This ordinance shall not take effect until a Coastal Development Permit is approved for sign placement.

SECTION 4.

The Public Works Department shall cause signs to be placed within the City notifying motorists of the overnight parking restrictions created by this Ordinance. All such signs shall comply with the standards set forth in the California Department of Transportation Traffic Manual.

SECTION 5.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 6. Certification.

The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2020.

___________________________
KAREN FARRER, Mayor

ATTEST:

____________________________
HEATHER GLASER, City Clerk
(seal)
Date: ______________________

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEYS OFFICE
CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.