To: Chair Jennings and Members of the Planning Commission

Prepared by: Joyce Parker-Bozylnski, Contract Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: February 20, 2020          Meeting date: March 3, 2020

Subject: Coastal Development Permit No. 20-010 – An application to implement a parking management plan through installation of regulatory signage with staggered overnight parking limitations on both sides of Pacific Coast Highway in the Las Tunas Beach area

Location: Within the public right-of-way of Pacific Coast Highway between the west edge of the Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway

Owner: California Department of Transportation (Caltrans)

**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 20-32 (Attachment 1) determining the project is exempt from the California Environmental Quality Act (CEQA) and approving Coastal Development Permit (CDP) No. 20-010 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 460 in the Las Tunas area along Pacific Coast Highway (PCH) so that no parking is allowed in the public right-of-way on the landward side between 12:00 a.m. and 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m., located in the public right-of-way between west edge of the Pena Canyon drainage outfall to the east property line of 19562 PCH (Caltrans).

**DISCUSSION:**

This agenda report into the following sections:

- Project overview and background
- Summary of surrounding land uses
- Project description
- Issue analysis
- Local Coastal Program (LCP) analysis
• CEQA analysis

The analysis and findings discussed herein demonstrate that the project is consistent with the LCP.

Project Overview

On January 13, 2020, the City Council held a public hearing on potential parking management options for areas of the City where long term parking has become an issue and discussed Ordinance No. 460. On January 27, 2020, the Council adopted Ordinance No. 460 amending the Malibu Municipal Code (MMC) to add Chapter 10.19 which creates staggered no-parking periods on the landward and seaward sides of two segments of PCH – one in the Las Tunas Beach area and one in the Malibu Pier area.

The ordinance requires a CDP to be processed to authorize the posting of the regulatory signage. The subject CDP addresses only the Las Tunas area. A CDP will be calendared in the coming weeks for the Pier area signage.

The two segments and the proposed hours of restriction are as follows:

Las Tunas Area: PCH between west edge of Pena Canyon drainage outfall to the east property line of 19562 PCH:
1. North (landward) side - No parking between 12:00 a.m. to 2:00 a.m.
2. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

Malibu Pier Area: PCH between west boundary of Sweetwater Canyon Road to the west boundary of the crosswalk at the Malibu Pier:
3. North (landward) side - No parking between 12:00 a.m. to 2:00 a.m.
4. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

The CDP is required in order to evaluate the project’s effect on coastal resources, including access to the beach and other recreational and commercial visitor-serving amenities. Since the location of the proposed parking signs is in the appeal zone as shown on the Post-LCP Certification and Appeal Jurisdiction Map, this project will be appealable to the California Coastal Commission (CCC).

Approval of the subject application will not impact the future CDP for the Malibu Pier area because the two locations are approximately 4.7 miles apart with sufficient on-street parking along PCH between the two areas. Anyone who wishes to avoid the Las Tunas parking restriction area can park along PCH east or west of the proposed project area without any parking restrictions.

In addition, the characteristics of the two areas are different, and they draw different types of visitors. According to the Los Angeles County Department of Beaches and Harbors web
page, the Las Tunas Beach is popular with fishermen and scuba divers but includes other activities like swimming, surf fishing, and surfing. The beach is generally narrow and rocky and can be noisy given the proximity to PCH. The Malibu Pier area includes a wider sandy beach (Surfrider Beach) along other coastal resources such as the Malibu Pier, historic Adamson House, and the Malibu Lagoon State Park as well as many visitor-serving commercial businesses. Since the two areas do not serve the same populations and parking will continue to be available in both areas, even with the implementation of the staggered parking restrictions, maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided in both areas.

**Background**

The City and County have been working to address issues related to overnight parking on PCH and local streets for several years. Recently, there has been a proliferation of vehicles parking long-term on PCH, many of which are oversize vehicles, including commercial vehicles and RVs. In many of the non-commercial vehicles, people are living or sleeping overnight for many days or weeks at a time. The long-term parking of vehicles on PCH adversely impacts the ability of public parking for beach visitors attempting to access coastal resources. Furthermore, long term storage or parking of vehicles in these public scenic areas blocks public views of the ocean. There is also evidence of the potential for significant adverse environmental impacts to sensitive ocean habitats and water quality from wastewater and trash dumping.

City staff was advised that the County of Los Angeles was pursuing a parking restriction CDP to address the long-term vehicle parking that was occurring in the Coastline Drive/Topanga Beach area. CCC staff recommended the City follow the outcome of the pending Coastal Commission appeal on that CDP before moving forward with its own strategy. The County and CCC staff worked for many months on a mutually agreeable approach that would not adversely affect access to coastal resources but would discourage long-term parking.

On October 17, 2019, the CCC denied the appeal and approved the County’s CDP to enact parking restrictions on PCH. The restrictions cover a 0.7-mile stretch of PCH adjacent to the City’s eastern boundary. The restrictions prohibit parking on the landward side of PCH between 12:00 a.m. and 2:00 a.m. and prohibit parking on the seaward side of PCH between 2:00 a.m. and 4:00 a.m. daily.1

Following the County’s successful implementation of PCH parking restrictions in this area, many of those who have been parked for long periods of time along Topanga Beach relocated to the City, particularly in the Las Tunas area. Since a City CDP would be appealable to the CCC, City staff consulted with CCC staff in advance, then the City chose to pursue the same approach as the County and install similar signage for the purposes of ensuring consistency. The Council adopted Ordinance No. 460 for the Las Tunas and

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1 The CCC staff report is available for review at: [https://documents.coastal.ca.gov/reports/2019/10/Th17a/Th17a-10-2019-report.pdf](https://documents.coastal.ca.gov/reports/2019/10/Th17a/Th17a-10-2019-report.pdf)
Malibu Pier areas and directed staff to return with an ordinance to apply similar restrictions to the Corral Beach, Westward Beach and Zuma Beach areas. Staff will return with the Malibu Pier area CDP at an upcoming Planning Commission meeting, and after adoption of the additional ordinance, will return with CDPs for signage installation in the other three areas.

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 and nearby vertical accessways are closed. In addition, the intent of the staggered parking restriction is to increase parking turnover and discourage parking of private 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 and this results in limiting public access to coastal resources.

The storage of these vehicles reduces the availability of parking and the purpose of the proposed parking management program 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 Polices. 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 LCP Land Use Plan Policies 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

In addition, it has been observed that oversized recreational vehicles that are parked for extended periods of time may discharge effluent onto City streets, storm drains and the ocean which creates a public safety issue and adversely impacts sensitive coastal habitat and water quality. This situation subverts the City’s implementation of water quality protection programs in furtherance of California Water Resources Control Board requirements.

**Surrounding Land Uses and Project Setting**

The proposed parking restriction area would apply to both sides of PCH, extending from the Pena Canyon drainage outfall to the east property line of 19562 PCH. The area lies at the toe of a steep hillside such that a steep ascending slope is adjacent to the landward side of PCH, as shown in Figure 1. Attachment 2 depicts the details of the project area, including existing driveways (dark blue lines), restricted road width due to k-rails (yellow lines) and one restricted width due to the location of mail boxes and trash cans adjacent to the right-of-way (light blue lines) serving the residents off Pena Road.
The project area is approximately .31 miles or 1,650 feet in length. Assuming each parking space is 20 feet long, approximately 83 spaces would be affected on each side of PCH for a total of 166 parking spaces. However, k-rails are installed along approximately 550 feet of the landward side road shoulder and on street parking is already limited in these areas. In addition, approximately 140 feet on the landward side near Pena Road contains residential mailboxes and trash cans. Both sides contain public and private driveways. There are approximately 50 feet of driveways/roads on the landward side of PCH, and approximately 95 feet of driveways near the area by the lifeguard tower on the seaward side of PCH across from Pena Road. This would result in a net of approximately 32 spaces on the landward side and 73 spaces on the seaward side being impacted by the proposed parking program, for a total of 105 spaces.

The vicinity of the project area accommodates two public coastal recreational resources: Las Tunas Beach and a Mountains Recreation and Conservation Authority (MRCA) Coastal Accessway (Miramar). There is also a dirt area adjacent to where the Las Tunas Beach lifeguard tower is located but according to the County, this area is not a County parking lot but serves as parking for the lifeguard tower, emergency access and the three portable restrooms. County staff indicates that these restrooms are not locked at night. There is another County-owned parcel further west of the lifeguard tower where there is a wide turn-out area located adjacent to PCH. Again, while people utilize this area during the day to park vehicles, this area is not operated by the County as a parking lot. This project would not add regulatory parking signs in these two County-owned areas at this time; however, if vehicles were to start utilizing these areas for overnight parking or for long periods, the City would coordinate with the County on a potential CDP for signage in these areas. Table 1 provides hours of operation for the Las Tunas Beach.
Table 1- Nearby Coastal Resources

<table>
<thead>
<tr>
<th>Coastal Resource</th>
<th>Hours of Operation</th>
<th>Associated Parking Lot Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Las Tunas Beach</td>
<td>Sunrise to Sunset</td>
<td>Sunrise to Sunset</td>
</tr>
</tbody>
</table>

Table 2 summarizes the nearest open vertical public accessway that provides the public access to the beach, along with the hours of operation.

Table 2 - Nearby Public Accessways

<table>
<thead>
<tr>
<th>Public Access Point</th>
<th>Distance</th>
<th>Hours of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miramar Coastal Access between 19620 PCH and 19562 PCH</td>
<td>Approximately 300 feet upcoast to the west</td>
<td>Sunrise to Sunset</td>
</tr>
</tbody>
</table>

The proposed parking restriction is not expected to impact access to any of the resources mentioned above because as shown in the tables above, the hours of operation are from sunrise to sunset and the Miramar Coastal Access area is locked at sunset.

**Project Description**

The proposed project would:

1) Prohibit parking on portions of the landward side of PCH between 12:00 a.m. and 2:00 a.m. and the seaward side of PCH between 2:00 a.m. and 4:00 a.m. daily in the Las Tunas Beach area as shown in Attachment 2; and

2) Install approximately 16 new wooden poles with signs along the oceanside of PCH. Public Works staff will work Southern California Edison and any other utilities to determine whether signs can be posted on the existing utility poles and if so, a majority of the signs will be placed on the utility poles.

On the landside of PCH, approximately 17 new poles with signs will be installed and approximately 8 new signs will be placed on existing wood poles and one existing utility pole for a total of 25 new signs. Utility poles are generally only located on the oceanside of PCH in this area.

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 has been conditioned to require 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.

The following vehicles would be exempt from the parking restrictions: 1) a vehicle owned and operated by a utility, 2) a vehicle owned and operated by a government agency, and 3) a vehicle that has been issued an authorized emergency vehicle permit by the commissioner of the California Highway Patrol.

The CDP also includes a condition requiring implementation of a comprehensive outreach program to try to assist homeless individuals living in cars and RVs on PCH in the area prior to the implementation of the parking restrictions. This would include information about the upcoming parking restrictions as well as information about the homeless services offered in the area including housing resources.

**Issues Discussion**

There are several concerns with implementing the proposed parking restrictions – the potential for adversely affecting those experiencing homelessness, conflicts with the public access directives of the Coastal Act and Malibu LCP, public safety and pushing the problem elsewhere. All are discussed below.

**Homelessness in the City**

When the County processed the CDP for similar parking restrictions in the County between Coastline Drive and Topanga Canyon Boulevard, the CDP was appealed to the CCC by a member of the public. CCC staff found there was no substantial issue and recommended the CCC deny the appeal. While the Commission agreed with staff and denied the appeal, one of the main concerns expressed by members of the Commission was possible impacts to homeless individuals who might be living in the cars and RVs along PCH. The County described the homeless programs they have in place and indicated they were working on establishing Safe Parking Program. Safe Parking Programs provide individuals a safe place to park each night with restroom access, a security guard, and social service resources. Safe Parking lots are typically run by non-profit organizations that provide the services and security.

The City, along with many community partners and faith-based organizations, has been proactively working to assist homeless individuals in the City for many years. At a Special Council Meeting focused on addressing homelessness in Malibu on January 29, 2020, the Council acknowledged that while the City cannot solve the homelessness problem by itself, it must do its part. At the conclusion of the meeting, the Council directed staff to return with information on possible sites for a Safe Parking Program including properties owned by the State, County and City. The Council also directed staff to explore the use of the former County courthouse in the Civic Center for a homeless shelter.

The information below provides a brief overview of the efforts Malibu is undertaking to address the issues surrounding homelessness in Malibu, particularly relating to parking
and shelter. Together with the conditions of approval, the project will not adversely affect those in Malibu experiencing homelessness.

- **Measure H**

In March 2017, Los Angeles County voters approved Measure H, a quarter percent sales tax increase, to provide an estimated $355 million per year for ten years to fund services, rental subsidies and housing for people experiencing homelessness. Funds are used to award grants to non-profit agencies and cities based on their point-in-time homeless The City of Malibu receives outreach services from St. Joseph’s Center in Venice, which receives annual Measure H grants to provide services to the westside area. Measure H also provides opportunities for cities to apply for grants for planning and implementation of strategies. The City of Malibu has received two Measure H grants: One in 2017 for development of a Strategic Plan for Homelessness and another in 2019 to fund a Housing Navigator to assist the City’s outreach team.

- **The People Concern Outreach Team**

In 2016, the Malibu Task Force on Homelessness secured the first professional homeless outreach team as a pilot project. The Task Force contracted with The People Concern, a non-profit based in Santa Monica. Two full-time outreach workers from The People Concern have been serving Malibu since September 2016. The team locates, engages and builds relationships with homeless individuals in order to connect them with a fully integrated system of care. This system includes mental and medical health care, substance abuse services, permanent supportive housing and, in some cases, reunification with family and loved ones.

In 2019, the City received a Measure H Planning Implementation grant to hire a full-time housing navigator to assist the outreach team. Housing navigators assist clients in developing a plan to address their barriers to housing, increase their income, and maintain and sustain permanent housing. Housing navigators also spend time building relationships with landlords and educating them regarding the housing voucher program, which is crucial to increasing available housing opportunities for those experiencing homelessness.

The People Concern also operates multiple housing programs throughout the Los Angeles County that homeless individuals in Malibu can access including three (homeless service center, shelter and transitional housing) in Santa Monica. They also work collaboratively with case managers and housing navigators to match program participants with permanent supportive housing.

- **Strategic Plan for Homelessness**

In 2017, the City was awarded a $50,000 grant through Measure H to develop a Strategic Plan for Homelessness. The goal of the plan is to improve the effective use of existing resources, identify new strategies and resources, and align with the County’s Homeless
Initiative. The draft plan was adopted by the City Council in July 2018 and included seven goals including reducing the number of people experiencing homelessness in Malibu by providing access to temporary and permanent housing solutions within Los Angeles County.

- **Homeless Connect Days**

Homeless Connect Day events, organized by the County of Los Angeles in cooperation with the City of Malibu, are held at the former County courthouse in the Malibu Civic Center to provide services and resources to those in need via volunteer and non-profit organizations. The events, generally held twice each year, serve nearly 100 homeless individuals by providing showers, haircuts, clean clothing items, and assistance in obtaining identification cards, dental services, vaccinations, legal services, connections to housing, and health insurance.

- **Winter Shelters**

Individuals who are experiencing homelessness in Malibu can access a Winter Shelter by going to the “Pick-Up” location at 23555 Civic Center Way. From there, they will be transported to the West Los Angeles Armory, which is a co-ed shelter with 160 beds that serves this area.

Consistency with the California Coastal Act and the Malibu Local Coastal Program

The Coastal Act and the LCP contain policies to maximize public access to coastal resources. The proposed project is designed to balance the protection of coastal access with resource protection and is consistent with the Coastal Act and LCP policies as follows:

- **California Act Section 30211 states:**

  “Development shall not interfere with the public’s right of access to the sea were 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.”

  The project is consistent with this policy because it increases coastal access and parking availability by increasing parking turnover. Vehicles will be required to move at least daily. Therefore, beach visitors will find more parking available within the project site. Furthermore, the project ensures that there will always be an opportunity for street parking within the project area. Along both sides of PCH, unrestricted parking will be available for 22 hours every day. Parking on the landward side of PCH will only be restricted for two hours (midnight to 2:00 a.m.) and parking on the seaward side of PCH will only be restricted for two hours (2:00 am to 4:00 am). The timing of the parking restriction is staggered to ensure that there will always be the opportunity for street parking
within the project area. The two-hour parking restrictions will encourage parking turnover, thus providing more parking for beach visitors.

Therefore, the proposed project would not restrict public access to the beach and would instead ensure that there will always be the opportunity for street parking for beach visitors within the project site by increasing parking turnover.

- **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.*”

Consistent with this section, the proposed project would not impact access to Las Tunas Beach, because the staggered parking restrictions would be in place when access to the beach isn’t allowed. No significant adverse effects result from limiting the use of parking between the hours of 12:00 a.m. to 4:00 a.m. 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 two hour 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.

Consistent with this section, the proposed project 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 management program 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 project 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 may discharge effluent onto City streets and storm drains or the ocean. The Los Angeles County Sheriff’s office has cited two different individuals who were observed discharging raw sewage from their RVs onto the rock revetment on the shore.\(^2\) This resulted in temporary closure of a public area to allow for a cleanup team to remove the waste and trash from the area that was making its way into the ocean and creating a public safety issue.

• **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 management program through the installation of regulatory signage is being processed with a CDP. Furthermore, the proposed staggered parking program 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 project 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

\(^2\) Video and photographic evidence is on file with the City and Sheriff.
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.

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 project would also protect public health and safety because of threats to water quality from effluent tank discharges associated with camper vehicles.

Public Safety

The staggered parking restrictions could result in visitors parking on the landward side of PCH and having to cross the highway on foot to access the coast. There are no designated crosswalks in the Las Tunas area. However, the prohibition on parking on the seaward side of PCH would be in place from 2:00 a.m. to 4:00 a.m. The vertical beach access is closed between sunset and sunrise. It is expected that the demand for visiting the coast at these hours for uses such as night surfing or grunion runs will be relatively low and that traffic flow on PCH will also be extremely light. The number of people crossing the highway during the restricted seaward side parking is expected to be negligible. Furthermore, there are other locations within the City that would offer unrestricted seaward side parking during these hours.

Relocation of the Problem

There are concerns that long-term parking will simply move westward upon posting of the proposed signs, in the same way that it did when the County implemented the restrictions in the Coastline Drive/Topanga area. It is hoped that the City Council’s measured approach to address areas of the City individually will allow staff to continue to coordinate with other agencies and organizations to try to provide the services people experiencing homelessness need while balancing the protection of coastal resources and access.

LCP Analysis

The LCP consists of the LUP and a LIP. The LUP contains programs and policies to implement the Coastal Act in the City of Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere.

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading, Archaeological / Cultural Resources, Water Quality, and Wastewater Treatment System Standards. Since the proposed project does not involve any
construction other than the installation of signs, the development standards in these sections are not applicable.

The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. These nine sections are discussed under the LIP Findings section. Of these nine, General Coastal Development Permit, Scenic, Visual and Hillside Resource Protection and Public Access findings apply to this project.

None of the development standards in the other chapters are applicable and no findings are applicable. Since there is no construction besides the installation of the signs, no further discussion of these chapters is necessary.

LIP Findings

The proposed project has been reviewed by Planning Department and City Public Works Department for conformance with the LCP. The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies.

A. General Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all CDPs.

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The Coastal Act and the LCP require the protection, maximization, and enhancement of public access and recreational opportunities, including parking, along the coast. The Coastal Act and LCP also require that maximum public access be provided consistent with public safety, the rights of the public and private property owners, and the protection of natural resources. The project has been reviewed for conformance with the LCP by the Planning Department and the City Public Works Department. As discussed herein, based on review of the subject application and detailed site investigation, the proposed project, as conditioned, conforms to the LCP in that it is consistent with all applicable public access goals, policies and standards.

Finding 2. The project is located between the first public road and the sea. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located along PCH, which is the first public road that is located near the sea. The project will prohibit parking on portions of the landward side of PCH between 12:00
a.m. and 2:00 a.m. and the seaward side of PCH between 2:00 a.m. and 4:00 daily near Las Tunas beach between west edge of Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway during the time when all nearby public coastal amenities are closed, thereby increasing parking turnover and improving the availability of parking spaces for the public. Consistent with California Coastal Act Section 30210 and LUP Policies 2.11, 2.25, and 2.26, the staggered parking restriction will allow for greater parking opportunities to the public visiting the beach in the project area. Furthermore, the staggered parking restriction will allow for 24 hour access to coastal resources.

Finding 3. The project is the least environmentally damaging alternative.

No Project – The no project alternative would avoid any changes to parking along this stretch of PCH. Vehicles including RVs could continue to be parked for long periods limiting public access and blocking views of the ocean. Furthermore, evidence of unsanitary materials being discharged and trash making its way into ocean would continue to occur, impacting public safety and coastal habitat. The no project alternative would not accomplish any of the project objectives which include the increased availability of public parking to increase access to coastal resources.

Different Project Boundaries – The project could have been expanded in scope to encompass more linear footage; however, the project boundaries as proposed address improvement of public parking availability in an area with where long-term vehicle storage impeding public parking has been identified by City enforcement staff and the Los Angeles County Sheriff. Increasing the project boundaries is not a project goal at this time.

Proposed Project – The project will install approximately 25 new signs. Approximately 16 new wooden poles with signs will be installed along the oceanside of PCH and approximately 17 new poles with signs will be installed and 8 new signs will be placed on existing wood poles and one existing utility pole on the landside of PCH. Prohibiting parking on portions of the landward side of PCH between 12:00 a.m. and 2:00 a.m. and the seaward side of PCH between 2:00 a.m. and 4:00 daily near Las Tunas Beach will result in the turnover of public parking during the early morning hours when nearby public coastal accesses are closed, allowing for increased public parking opportunities. It is expected to reduce issues with wastewater discharge and trash accumulation that adversely affect the environment, and to open up ocean views that are blocked by long term parking of oversized vehicles. The project is consistent with all state and local policies and is the least environmentally damaging alternative.

Finding 4. 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.
The project site does not contain ESHA, nor is it ESHA adjacent.

B. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is along the right-of-way of PCH adjacent to Las Tunas Beach which is a LUP-identified scenic resource. The parking of large vehicles for long periods of time block the view of the ocean in one of the longest areas (approximately .3 miles) in eastern Malibu where views of the ocean are available. However, as the proposed regulatory signage would be visible from PCH and therefore, the findings set forth in LIP Section 6.4 are enumerated herein.

Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

The parking signs necessary for implementation of the project will blend with other directional and safety signage in the area. The signs will be visible but will have no significant adverse effects on scenic or visual resources as they will be spaced out along the frontage of PCH. In addition, one of the goals of the proposed project is to reduce the number of vehicles parked for long periods of time, which block views of the ocean.

Finding 2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As discussed in Finding 1, the project will not have significant adverse scenic or visual impacts.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the project, is the least environmentally damaging feasible alternative.

Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As discussed in Finding 1, the project, as conditioned, will result in a less than significant impact on scenic and visual resources.

Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.
As discussed in Finding 1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources.

**C. Public Access (LIP Chapter 12)**

LIP Section 12.7.1 requires written findings of fact, analysis, and conclusions addressing public access for all projects between the first public road and the sea, and Section 12.7.2 calls out specific findings to be made. The project site is within public right-of-way on PCH and does not include, or have any accessways to existing or planned public trail areas, and is not located on a bluff-top. The project site is within public right-of-way along PCH, which is adjacent to the beach, but does not offer the opportunity for dedication of public lateral access along or vertical access to the shore, nor is such access necessary due to the existence of a public beach at Las Tunas Beach and nearby public access.

*Finding 1. Project effects on public demand for access and recreation.*

The proposed parking restriction will affect up to 105 spaces between the hours of 12:00 a.m. and 4:00 a.m. in the area of the Las Tunas Beach. The public can still park in this area 24 hours a day; however, during the above-mentioned hours parking will be limited for two hours on alternating sides of PCH.

The goal of the project is to eliminate the long-term storage of vehicles that are currently being parked in on-street spaces that would otherwise serve the public coastal resources located directly adjacent to this parking. Consistent with California Coastal Act Section 30210 and LUP Policies 2.11, 2.25, and 2.26, the 2-hour staggered parking restriction will increase parking turnover, and is expected to improve availability of on-street parking for the public. Therefore, no replacement parking spaces are required.

*Finding 2. Shoreline processes.*

The project has no impact on shoreline processes; this finding does not apply.

*Finding 3, Historic public use and Finding 4, Physical obstructions.*

Frequently, vehicles are parked in the subject area for weeks at a time, resulting in the loss of visitor parking. Long-term parking of vehicles takes away from the public’s ability to utilize free parking along PCH to access coastal resources. The goal and expectation of the proposed parking regulation is that it will create greater availability of public parking for those enjoying the nearby coastal resources by preventing long-term parking of vehicles.
Finding 5. Other adverse impacts on access and recreation.

No adverse impacts on public access and recreation are expected. The project is expected to benefit access to coastal resources and recreation in the Las Tunas Beach area by making parking more available through turn-over of spaces.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is exempt from the provisions of CEQA according to CEQA Guidelines Section 15301(C) – Existing Facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: No written public correspondence has been received to date.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on February 20, 2020 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 2).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-32. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department and the Public Works Department.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-32
2. Exhibit A – Project Area Plan
3. Public Hearing Notice
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 20-010 FOR THE INSTALLATION OF REGULATORY SIGNAGE TO IMPLEMENT THE PARKING RESTRICTIONS OF ORDINANCE NO. 460 IN THE LAS TUNAS AREA ALONG PACIFIC COAST HIGHWAY SO THAT NO PARKING IS ALLOWED IN THE PUBLIC RIGHT-OF-WAY ON THE LANDWARD SIDE BETWEEN 12:00 A.M. AND 2:00 A.M. AND ON THE SEAWARD SIDE BETWEEN 2:00 A.M. AND 4:00 A.M., LOCATED IN THE PUBLIC RIGHT-OF-WAY BETWEEN THE WEST EDGE OF THE PENA CANYON DRAINAGE OUTFALL AND THE EAST PROPERTY LINE OF 19562 PACIFIC COAST HIGHWAY, ADDRESSED AS 19324.5 PACIFIC COAST HIGHWAY (CALIFORNIA DEPARTMENT OF TRANSPORTATION)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. Section 30600 of the Coastal Act requires a local government to obtain a coastal development permit for development in the Coastal Zone. Pursuant to Section 30106 of the Coastal Act, development includes a change in the intensity of use of land. The California Coastal Commission (CCC) has consistently maintained that parking programs constitute development because the implementation of parking limitations to public street spaces in proximity to coastal resources is a change in the intensity of use of land.

B. On January 28, 2020, an application for Coastal Development Permit (CDP) No. 20-010 was submitted by the City of Malibu Public Works Department, on behalf the property owner, California Department of Transportation, which owns the right-of-way of Pacific Coast Highway (PCH), for placement of parking restriction signs.

C. On January 29, 2020, Planning Department staff visited the project area to review the existing conditions.

D. On February 20, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On February 21, 2020 a Notice of Coastal Development Permit Application was posted on the subject property and the application was deemed complete.

F. On March 3, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

ATTACHMENT 1
SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to 15301(C) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 20-010 for installation of regulatory signage to implement the parking restrictions of Ordinance No. 460 in the Las Tunas area along Pacific Coast Highway (PCH) so that no parking is allowed in the public right-of-way on the landward side between 12:00 a.m. and 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m., located in the public right-of-way between west edge of the Pena Canyon drainage outfall to the east property line of 19562 PCH (Caltrans) as shown in Exhibit A.

The project, as proposed, and conditioned herein, is consistent with all applicable LCP standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The Coastal Act and the LCP require the protection, maximization, and enhancement of public access and recreational opportunities, including parking, along the coast. The Coastal Act and LCP also require that maximum public access be provided consistent with public safety, the rights of the public and private property owners, and the protection of natural resources. The project has been reviewed for conformance with the LCP by the Planning Department and the City Public Works Department. As discussed herein, based on review of the subject application and detailed site investigation, the proposed project, as conditioned, conforms to the LCP in that it is consistent with all applicable public access goals, policies and standards.

2. The project will prohibit parking on portions of the landward side of PCH between 12:00 a.m. and 2:00 a.m. and the seaward side of PCH between 2:00 a.m. and 4:00 daily near Las Tunas beach between west edge of Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway during the time when all nearby public coastal amenities are closed, thereby increasing parking turnover and improving the availability of parking spaces for the public. Consistent with California Coastal Act Section 30210 and LCP LUP Policies 2.11, 2.25, and 2.26, the staggered parking restriction will allow for greater parking opportunities to the public visiting the beach in the project area. Furthermore, the staggered parking restriction will allow for 24 hour access to coastal resources.

3. The project will not result in adverse environmental or public access impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts
of the project on the environment or public access. The project will result in the turnover of public parking during the early morning hours when nearby public coastal accesses are closed, allowing for increased public parking opportunities. A condition of approval requires the signage to explain when parking is restricted on one side of the street, it is available on the other. The project is expected to reduce issues with wastewater discharge and trash accumulation that adversely affect the environment, and to open up ocean views that are blocked by long-term parking of oversized vehicles. The project has been conditioned to require implementation of a comprehensive outreach program to try to assist homeless individuals living in cars and RVs on PCH in the area prior to implementation of the parking restrictions. The project is consistent with all state and local policies and is the least environmentally damaging alternative.

B. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

1. The parking signs necessary for implementation of the project will blend with other directional and safety signage in the area. The signs will be visible but will have no significant adverse effects on scenic or visual resources as they will be spaced out along PCH frontage and conditions include a requirement to use existing utility poles. In addition, one of the goals of the proposed project is to reduce the long-term parking of vehicles that block ocean views from PCH, which is a designated scenic highway. Implementation of the project is expected to public coastal views.

2. As discussed in Section A, Finding 3, the project is the least environmentally damaging alternative.

3. There are no feasible alternatives to the proposed project that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources because the project is not expected to have such impacts, and is expected to improve public views of the ocean.

4. The proposed project is designed to further the sensitive resources protection policies in the LCP by enhancing access to public parking, improving ocean views and reducing ocean water quality and habitat impacts associated with trash and wastewater discharge. The project does not have adverse scenic or visual impacts.

C. Public Access (LIP Chapter 12)

1. The proposed parking restriction will affect up to 105 spaces between the hours of 12:00 a.m. and 4:00 a.m. in the area of the Las Tunas Beach. The public can still park in this area 24 hours a day; however, during the above-mentioned hours parking will be limited 2 hours on alternating sides of PCH. The goal of the project is to eliminate the long-term storage of vehicles that are currently being parked in on-street spaces that would otherwise serve the public coastal resources located directly adjacent to this parking. Consistent with California Coastal Act Section 30210 and LUP Policies 2.11, 2.25, and 2.26, the 2-hour staggered parking restriction will increase parking turnover, and is expected to improve availability of on-street parking for the public. Therefore, no replacement parking spaces are required.

2. Frequently, vehicles are parked in the subject area for weeks at a time, resulting in the loss of visitor parking. Long-term parking of vehicles takes away from the public’s ability to utilize free parking along PCH to access coastal resources. The goal and expectation of the proposed parking regulation is that it will create greater availability of public parking for those enjoying the nearby coastal resources by preventing long-term parking of vehicles.
3. No adverse impacts on public access and recreation are expected. The project is expected to benefit access to coastal resources and recreation in the Las Tunas Beach area by making parking more available through turn-over of spaces.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 20-10, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.

2. Approval of this application is to allow for the following:

   a) Prohibit parking on portions of the landward side of PCH between 12:00 a.m. and 2:00 a.m. and the seaward side of PCH between 2:00 a.m. and 4:00 a.m. in the segment of PCH between west edge of the Pena Canyon drainage outfall and the east property line of 19562 Pacific Coast Highway as shown in Exhibit A.

   b) Install approximately 16 new wooden poles with parking restriction signs along the seaward side of PCH. On the landward side of PCH, approximately 17 new poles with parking restriction signs will be installed and 8 new parking restriction signs will be placed on existing wood poles and one existing utility pole for a total of 25 new signs.

3. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision becoming final.

4. This CDP shall expire if the project has not commenced (i.e., parking restriction signs have been installed) within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

5. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

6. Minor changes to the approved project or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the LCP and Malibu Municipal Code.
7. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

*Project-specific Conditions*

8. Public Works staff will work Southern California Edison and other utilities to determine where signs can be posted on the existing utility poles and use existing poles where feasible.

9. The parking restriction signs shall indicate that during the period of restricted parking along one side of PCH, parking is available on the other side of PCH.

10. The City shall implement a comprehensive outreach program to try to assist homeless individuals living in cars and RVs on PCH in the area prior to the implementation of the parking restrictions. This would include information about the upcoming parking restrictions as well as information about the homeless services offered in the area including housing resources.

11. The applicant shall request a final planning inspection upon completion of the project. A final approval shall not be issued until the Planning Department has determined that the project complies with this coastal development permit.

*Fixed Conditions*

12. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.
SECTION 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of March 2020.

____________________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street, Ventura, California 93001, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-32 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 2nd day of March 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
Las Tunas Beach Proposed Parking Restrictions

Legend:
- Ponds
- Project Limits
- K-Heel
- Storm Drain Inlet
- Private Driveway/Road
- Mailboxes and Trash
- Existing No Parking
- Entrance/Exit at County Lot
- Matchline

Notes:
1. Dimensions are based on field measurements.
2. Only select storm drain inlets are identified.
The Malibu Planning Commission will hold a public hearing on Monday, March 2, 2020, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 20-010 - An application to implement a parking management plan as approved by the Malibu City Council and the installation of associated regulatory signage on both sides of Pacific Coast Highway (PCH), within the public right-of-way, between the western edge of Pena Canyon drainage outfall, 19324 PCH, to the east property line of 19562 PCH. Parking along the landward side of PCH will be prohibited between 12:00 AM and 2:00 AM and on the seaward side of PCH between 2:00 AM and 4:00 AM daily.

APPLICANT / OWNER: City of Malibu
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15301(c)
APPLICATION FILED: January 28, 2020
CASE PLANNER: Richard Mollica, Assistant Planning Director, rmollica@malibucity.org (310) 456-2489, extension 346

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City’s action is challenged in court, testimony may be limited to issues raised before or at the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission’s approval directly to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

BONNIE BLUE, Planning Director  Date: February 20, 2020