



Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: August 26, 2020 Meeting date: September 14, 2020

Subject: Second Reading and Adoption of Ordinance No. 469

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking) of the Malibu Municipal Code to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway.

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

WORK PLAN: This item was included as item 4f in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On August 24, 2020, the Council introduced on first reading Ordinance No. 469.

ATTACHMENT: Ordinance No. 469

ORDINANCE NO. 469

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING SECTION 10.19.020 OF CHAPTER 10.19 (OVERNIGHT PARKING) OF THE MALIBU MUNICIPAL CODE TO CREATE STAGGERED OVERNIGHT PARKING RESTRICTIONS BETWEEN 12:00 A.M. AND 2:00 A.M. AND BETWEEN 2:00 A.M. AND 4:00 A.M. DAILY IN THE CORRAL BEACH AND ZUMA BEACH AREAS OF PACIFIC COAST HIGHWAY

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

SECTION 1. Findings for Malibu Municipal Code Amendment.

The City Council hereby makes the following findings and recommends that the Malibu Municipal Code (MMC) be amended as set forth in Section 2 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.

SECTION 2. Amendments to Malibu Municipal Code.

Section 10.19.20 (Overnight Parking Restrictions) of Chapter 10 (Overnight Parking), Title 10 (Vehicles and Traffic) is hereby amended, to add two additional overnight parking restriction areas, to read as follows:

- C. Corral Beach Area: Pacific Coast Highway between the west edge of West Malibu Road to the east edge of the property line of 26044 Pacific Coast Highway:
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.
- D. Zuma Beach Area:
1. Pacific Coast Highway between the west edge of Zuma Beach parking entrance and the east property boundary of 30425 Pacific Coast Highway:
 - a. South (seaward) - No parking between 12:00 a.m. to 2:00 a.m.
 2. Pacific Coast Highway between the west property boundary of 30425 Pacific Coast Highway to the east edge of Trancas Creek bridge.
 - a. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

SECTION 3. 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 4. 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 5. 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 amends the existing overnight parking ordinance to add two new areas where parking restrictions could be allowed with a Coastal Development Permit 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.

SECTION 6. Certification.

The City Clerk shall certify the adoption of this Ordinance.

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

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S 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.