



# Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Justine Kendall, Associate Planner

Reviewed: Richard Mollica, Acting Planning Director

Date prepared: January 7, 2021 Meeting date: January 19, 2021

Subject: Coastal Development Permit No. 21-001 - An application to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through installation of associated regulatory signage at the City boundary to restrict the parking of oversize vehicles for a period of not more than 72 hours citywide

Locations: At the northern City boundary, in the public right-of-way of:  
Las Flores Canyon Road  
Rambla Pacifico Street  
Malibu Canyon Road  
Corral Canyon Road  
Latigo Canyon Road  
Kanan Dume Road  
Encinal Canyon Road

Owner: City of Malibu

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 21-08 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 21-001 to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through the installation of associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Las Flores Canyon Road, Rambla Pacifico Street, Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours (City of Malibu).

DISCUSSION: This agenda report is divided into the following sections:

- Regulatory Background
- Project Description
- Project Setting
- Project Discussion
- Local Coastal Program (LCP) Analysis
- CEQA Analysis

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

### ***Regulatory Background***

1. Implement the parking restrictions and permit program described in Ordinance No. 427.
2. Install seven new signs describing the regulation at the northern City boundary in the public right-of-way along each of the following public roadways:
  - a. Las Flores Canyon Road,
  - b. Rambla Pacifico Street,
  - c. Malibu Canyon Road,
  - d. Corral Canyon Road,
  - e. Latigo Canyon Road,
  - f. Kanan Dume Road, and
  - g. Encinal Canyon Road.

### ***Regulatory Background***

On December 11, 2017 the City Council adopted Ordinance No. 427, adding Chapter 10.18 to Title 10 (Vehicles and Traffic) of the Malibu Municipal Code (MMC) to establish citywide oversize vehicle restrictions which prohibit the parking of commercial oversize vehicles on city streets and limits the parking of non-commercial vehicles to two hours between the hours of 12:00 a.m. and 5:00 a.m. and modifying Section 1.10.040 of the Malibu Municipal Code (MMC) to include Chapter 10.18 as subject to Administrative Fines.

The ordinance was adopted to address the long-term storage and operation of both non-commercial and commercial oversize vehicles on City streets near public access points (Attachment 3).

The long-term parking of oversize vehicles on streets in the City decreases the availability of public parking, can block ocean views, and can create a safety hazard due to their extra width. In response to these issues, Ordinance No. 427 established (1) a permit system for residents with oversize vehicles and (2) restrictions for commercial vehicles and non-commercial vehicles.

The permit system allows a resident to park a specific trailer or oversize vehicle on city streets within 1,000 feet of the owner's residence for a period of not more than 72 hours, after a complete application has been submitted demonstrating residency and full payment of all outstanding parking citations.

The restrictions on parking commercial and non-commercial vehicles on public streets include:

1. Oversize commercial vehicles and commercial trailers making local deliveries shall not park along public streets for more than two hours before the vehicle must be moved at least 1,000 feet from the location it was parked.
2. Non-commercial oversize vehicles and trailers may park along public streets for only two hours between the hours of 12:00 a.m. and 5:00 a.m. before the vehicle must be moved at least 1,000 feet from the location it was parked.

Several types of vehicles are exempt from these parking restrictions, including:

- 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;
- D. Commercial oversize vehicles and trailers making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the street or highway in a residential district.
- E. Commercial oversize vehicles and trailers delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction or any building or structure located on the street or highway for which a valid building permit, where required, has been obtained.
- F. A vehicle or trailer that is in compliance with Section 10.18.030 and is visibly displaying a valid permit issued pursuant to MMC section 10.18.050 that:
  1. Is attached to the rearview mirror of the vehicle, or front/dashboard of the vehicle/trailer if it does not have a rearview mirror; and
  2. Can be read from outside the vehicle/trailer.

Any person violating the provisions of the ordinance shall be subject to fines and penalties per the MMC.

An oversize vehicle is one which exceeds 23 feet in length; or exceeds 80 inches in width; or exceeds 82 inches in height. Oversize vehicles do not include pickup trucks which are

taller than 82 inches or wider than 80 inches; provided that they do not have a camper shell which exceeds the height of the cab and overhangs the sides of vehicle. In addition, unattached or attached trailers may not park on City streets if they meet the definition of an oversize vehicle.

### ***Project Description***

The implementation of a parking restriction along public streets is a two-part process: (1) adoption of an ordinance amending MMC Title 10 (completed, as mentioned, on December 11, 2017); and (2) pursuant to the Local Coastal Program, approval of a coastal development permit to install the necessary signage and implement the parking restriction. The subject application serves as the latter part of the process and 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.

Regulatory signage notifying travelers of the restrictions on the parking of oversize vehicles citywide are proposed to be placed on all major roadways with entrances to the City. The subject CDP addresses only the proposed seven signs for the roadways where the signage location is not located within the California Coastal Commission (CCC) appeal jurisdiction: Las Flores Canyon Road, Rambla Pacifico Street, Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road. A subsequent CDP to allow for the installation of signage along the Pacific Coast Highway (PCH) at the eastern and western City boundaries, and at Tuna and Decker Canyon roads at the northern City boundaries will also be on the January 19, 2021 agenda under CDP No. 21-002 (Attachment 2 – Exhibit A).

Public Works staff will work with Southern California Edison and other utilities to determine where signs can feasibly be posted on existing utility poles. Where there is not a suitable pole, a new pole will be installed.

### ***Project Setting***

The parking restrictions adopted under Ordinance No. 427 are City-wide and so the locations of each sign will not have location-specific impacts on parking. Rather, they are posted at each major entrance into the City to ensure that visitors understand that the regulation applies to any public street within the City boundaries. The exact site of the signs will be determined during installation however, they will be as close to the City boundary as possible, within the roadway public right-of-way and not within the appeal jurisdiction of the CCC.

Since the locations of the proposed parking signs in this application are not in the appeal zone as shown on the Post-LCP Certification and Appeal Jurisdiction Map, this project will not be appealable to the CCC.

As stated in the Malibu LCP Land Use Plan (LUP), the beaches of Malibu are world-famous tourist destinations for millions of visitors annually from foreign countries, all 50 states of the U.S., as well as to residents of cities and towns located throughout California. In addition, the Santa Monica Mountains area within and adjacent to the City provides an extensive network of public trails that traverse and connect Federal, State, and County parklands, and a system of heavily used historic trails on private land. Overall, a wide variety of recreational opportunities exist in the area including hiking, biking, horseback riding, camping, fishing, picnicking, nature study, surfing, diving, and swimming. Public access to and along the shoreline and trails, and the provision of public recreational opportunities has historically been a critical and controversial issue in Malibu.

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. Specifically, oversized commercial vehicles including trailers have been parked along City streets for extended periods of time. These vehicles appear to be used for the advertisement of commercial services, mobile storage of beach equipment to allow for the operation of a curbside rental business, and food trucks. Both City staff and the LASD have observed these oversized vehicles being stored for long periods of time or using public parking for the operation of commercial ventures such as concession stands. On May 1, 2017, both staff and LASD presented to ZORACES photographic evidence of commercial vehicles functioning as concession stands in on-street parking areas in the City as well as information on similar parking prohibitions implemented in neighboring jurisdictions.

The parking of these vehicles for significant lengths of time 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 Policies, as discussed in more detail below.

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.

Furthermore, public safety is affected by oversized vehicles. Where the shoulder of the road is narrow, the extra width of oversized vehicles forces pedestrian and bicycle traffic into traffic lanes. In addition, oversized vehicles pose line of sight issues for traffic entering and exiting public streets.

It is important to note that the Malibu Beach RV Park, located within the City, contains 142 RV rental sites along with up to 35 tent sites. This facility is available to park oversized RVs when long-term parking is desired. The Malibu Beach RV Park is open 365 days a year.

### ***Project Discussion***

The City and County have been working to address issues related to parking on PCH and local streets for several years. There has been a proliferation of vehicles parking long-term on public streets throughout the City, many of which are oversized vehicles, including commercial vehicles and RVs. The long-term parking of oversized vehicles adversely impacts the ability of public parking for visitors attempting to access coastal resources. Furthermore, parking of oversized vehicles in these public scenic areas blocks scenic views and can create safety hazards. There is also evidence of the potential for significant adverse environmental impacts to sensitive ocean habitats and water quality from wastewater and trash dumping from oversized vehicles which are used as permanent or semi-permanent overnight residential facilities.

There are two primary concerns with implementing the proposed parking restrictions: 1) adverse effects on those experiencing homelessness; and 2) conflicts with the public access directives of the Coastal Act and Malibu LCP. Both are discussed below.

#### Homelessness in the City

When processing ordinances and CDPs for other parking restrictions in the City, one of the concerns discussed by the City Council, other agencies, and members of the public has been the potential impacts to the unhoused population since some unhoused individuals may live in RVs and other oversized vehicles parked on public roads.

It is interesting to note that during the pandemic, when emergency parking restrictions were put in place to prohibit parking on PCH to support the Governor's safer at home orders, few of the overnight parkers seemed to be individuals experiencing homelessness and rather were campers and others visiting the area recreationally. Since regulations on overnight parking have been put into effect in certain areas in the City throughout the last year, the number of overnight and long-term vehicles, particularly RVs, has dramatically declined.

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. 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. Given the programs in effect, the project will not adversely affect those in Malibu experiencing homelessness.

- *Safe Parking Program*

On January 13, 2020, prior to the adoption of Ordinance No. 460, which addressed the overnight parking of vehicles in some areas, the Council directed staff to explore options for addressing any potential impacts to the homeless. On May 11<sup>th</sup>, the Council considered a resolution to initiate staff work on a zone text amendment (ZTA) that would allow safe parking programs with a temporary use permit. Due to the number of letters and comments received on the proposed ZTA initiation, the Council decided to postpone the item until in-person meetings resume. Currently, the Council is holding virtual meetings due to the COVID-19 pandemic.

- *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

*California 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 ordinance would not impact access to the surrounding coastal resources, because oversized non-commercial vehicles would be able to park for an unlimited period of time from 5:00 a.m. to 12:00 a.m. and for a period of two hours between 12:00 a.m. and 5:00 a.m. The prohibition of commercial oversized vehicles would not conflict with the California Coastal Act because the operators of those vehicles are conducting business and not seeking access to coastal resources. The availability of public parking is expected to increase as a result of the proposed prohibition of parking oversized commercial vehicles that are not used for local deliveries.

California Coastal Act Section 30211 states:

*“Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.”*

The majority of public beach accessways, state beaches and parks within the City are secured by locked gates and closed to public access between sunset and sunrise when the limited term parking would be in effect.

California Coastal Act Section 30212.5 states:

*“Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.”*

The purpose of the proposed parking limitation is to prevent the abuse of free public parking from long-term storage of vehicles, which reduces the daily availability of parking for visitors to the area. The proposed parking limitations are designed to increase the availability of daily public parking along City streets to facilitate parking and access to coastal resources by forcing the turnover of parking spaces. In addition, commercial oversize vehicles would be precluded from parking along public streets unless they are permitted as part of a construction management plan, which would result in an increase of parking for non-commercial vehicles.

The proposed oversize parking regulations will not be in effect for oversize non-commercial vehicles when coastal resources within the City are in operation and is therefore consistent with California Coastal Act Section 30213, which states:

*“Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.”*

In addition, the proposed ordinance promotes the following LCP Land Use Plan (LUP) policies by encouraging the turnover of public parking. By increasing the turnover of parking there will be more low-cost parking opportunities.

*LUP 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.*

*LUP 2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.*

*LUP 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 purpose of this ordinance is to improve public access to coastal resources by reducing the effects oversized vehicles have on public parking. Through the regulation of oversized vehicles, it is expected that there will be an increase in the availability of on-street parking spaces for those who access coastal resources within the City. It should be noted that no parking spaces are being displaced or eliminated by the proposed ordinance.

The ordinance will result in a forced turnover of parking, eliminating the long-term parking of oversized vehicles and increasing the availability of parking along City streets; it does not conflict with other LUP policies designed to protect coastal access and recreation, including the following:

*LUP 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.*

*LUP 7.12 Restrictions on or elimination of existing on-street public parking on Pacific Coast Highway and adjacent side-streets shall not be permitted unless a comparable number of replacement parking spaces are provided in the immediate vicinity and it is demonstrated that such restrictions or elimination will not adversely impact public access to the shoreline.*

In compliance with LUP Policy 2.27, the project does not impede or restrict public access but rather is intended to increase public access by reducing the impacts of oversized vehicles on parking. City Staff has documented the long-term storage and parking of both non-commercial and commercial oversized vehicles on City streets near public access points. Oversized vehicles block ocean views, take up numerous parking spaces, and their extra width pose additional safety hazards. Where the shoulder of the road is narrow, the extra width of oversized vehicles forces pedestrian and bicycle traffic into traffic lanes. In addition, oversized vehicles pose line of sight issues for traffic that is entering and exiting public streets.

In compliance with LUP Policy 7.12, the proposed parking restriction does not eliminate or remove parking, but in turn, serves to correct the loss of parking turnover through the establishment of a nightly two-parking limitation on oversize non-commercial vehicles and trailers. Furthermore, the daily prohibition on commercial oversize vehicles and trailers will result in the increased availability of parking along City streets for access to coastal resources.

### ***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 and Scenic, Visual and Hillside Resource Protection 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 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.

### Zoning (LIP Chapter 3)

The project does not include structures or development for which the standards of LIP Chapter 3 would apply, and the entire project is proposed within the public right-of-way. Therefore, review under this Chapter is not applicable to the project.

In addition, the proposed signs are exempt from the requirement to obtain a Sign Permit pursuant to LIP Chapter 3.15.4(D)(1)(i)<sup>1</sup>.

### Grading (LIP Chapter 8)

The installation of each sign would require minimal soil displacement. As such, the project does not involve any grading for which the grading standards of LIP Chapter 8 would apply. Therefore, review under this Chapter is not applicable to the project.

### Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts archaeological resources. The proposed signs would cause minimal ground disturbance and would not result in the potential for impacts associated with the protection policies of LIP Chapter 11. Therefore, review under this Chapter is not applicable to the project.

### Water Quality (LIP Chapter 17)

The project does not involve any improvements for which the water quality protection standards of LIP Chapter 17 would apply. Therefore, review under this Chapter is not applicable to the project.

### Wastewater Treatment System Standards (LIP Chapter 18)

The project does not include development associated with the provisions in LIP Chapter 19. Therefore, review under this Chapter is not applicable to the project.

## **A. General Coastal Development Permit (LIP Chapter 13)**

Pursuant to LIP Section 13.9, the following four findings need to be made on all coastal development permits.

*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

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<sup>1</sup> LIP Chapter 3.15.4(D)(1) The following signs, if not illuminated, shall be permitted without the requirement of a sign permit in all land use zones: ... i. Signs for Public or Quasi-Public Use. Directional and public convenience signs for public and quasi-public uses may be permitted on public property. The design of such signs shall conform to standard directional sign specifications promulgated by the director and approved by the planning commission. The total number of signs allowed shall be based on the minimum number necessary for adequate public identification as determined by the director.

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. As discussed herein, the proposed project, as conditioned, conforms to the LCP and MMC.

*Finding 2. If the project is located between the first public road and the sea, that the project is in conformity 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).*

None of the proposed signs are located between the first public road and the sea. Therefore, this finding does not apply.

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

No Project – The no project alternative would avoid any changes to parking within the City, in that Chapter 10.18 would remain unenforceable. Oversize vehicles could continue to be parked for long periods, limiting public access, blocking scenic views, and creating public and environmental safety hazards. 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, and the reduction in opportunities for unsanitary materials and trash to be discharged into the ocean.

Proposed Project – The proposed signs are proposed to be located in the public right-of-way area alongside public roadways. The project will install approximately seven out of 11 total new signs pertaining to this regulation. Public Works staff will work Southern California Edison and other utilities to determine where signs can be feasibly posted on existing utility poles. Signs which cannot be collocated will create only minor ground disturbances during installation.

Restricting the length of time for which an oversize vehicle can be parked on a public street 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.*

All of the roadways next to which the signs are proposed pass through or are adjacent to land designated as environmentally sensitive habitat area (ESHA), as shown on the LCP

ESHA Overlay Map. However, the signs will be placed within the previously disturbed right-of-way areas alongside the public roads and will not introduce new environmental impacts nor create any fuel modification zone. Therefore, this finding is not applicable.

## **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. Five of the seven signs proposed as part of the subject application are in the Scenic Areas along Scenic Roads, as designated by LIP Chapter 6, Section C<sup>2</sup>.

The large vehicles parked for long periods of time block the view of the scenic resources located throughout the City, particularly of the Pacific Ocean when oversize vehicles are parked on PCH. However, the proposed regulatory signage would be visible from each scenic road, 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 any other directional and safety signage in each area and will be clustered close to the roadway. The signs will be visible but will have no significant adverse effects on scenic or visual resources as they will cause only a limited disruption in the view while traveling on the roadway. 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.

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<sup>2</sup> Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road are designated scenic roads.

*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 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

- A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
- B. New development between the nearest public roadway and the sea.
- C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

None of the proposed signage sites are located between the first public road and the sea, on a bluff, or within a trail. In addition, as discussed above, the proposed implementation of Ordinance No. 427 aims to improve public access by freeing-up parking often taken up by the long-term parking of oversize commercial and non-commercial vehicles. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

### **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: Staff has not received any public correspondence regarding this project.

PUBLIC NOTICE: On January 7, 2020, staff published a Notice of Public Hearing Notice in a newspaper of general circulation within the City of Malibu and mailed to all interested parties (Attachment 4).

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. 21-08. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department and appropriate City departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-08
2. Exhibit A – Proposed Sign Locations
3. November 11, 2017, City Council Staff Report Item 4.A. and Ordinance No. 427
4. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 21-08

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. NO. 21-001 TO IMPLEMENT ORDINANCE NO. 427, MALIBU MUNICIPAL CODE CHAPTER 10.18 THROUGH THE INSTALLATION OF ASSOCIATED REGULATORY SIGNAGE TO RESTRICT THE PARKING OF OVERSIZE VEHICLES CITYWIDE AT THE CITY BOUNDARY OF LAS FLORES CANYON ROAD, RAMBLA PACIFICO STREET, MALIBU CANYON ROAD, CORRAL CANYON ROAD, LATIGO CANYON ROAD, KANAN DUME ROAD, AND ENCINAL CANYON ROAD; AND TO IMPLEMENT A PERMIT PARKING PROGRAM TO ALLOW RESIDENTS TO PARK A SPECIFIC TRAILER OR OVERSIZE VEHICLE ON CITY STREETS FOR A PERIOD OF NOT MORE THAN 72 HOURS (CITY OF MALIBU)

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 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 4, 2021, an Application for Coastal Development Permit (CDP) No. 21-001 was filed by the City of Malibu Planning Department, on behalf the property owner, the City of Malibu, which owns the right-of-way of publicly owned roadways, for placement of parking restriction signs.

C. On January 7, 2021, 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 each development site.

D. On January 7, 2021, a Notice of Coastal Development Permit Application was posted on each development site and the application was deemed complete.

E. On January 19, 2021, 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.

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. 21-001 for installation of regulatory signage to implement the parking restrictions of Ordinance No. 427 through the installation of associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Las Flores Canyon Road, Rambla Pacifico Street, Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours, 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. As discussed herein, the proposed project, as conditioned, conforms to the LCP and Malibu Municipal Code.

2. The proposed signs are proposed to be located in the public right-of-way area alongside public roadways. The project will install approximately seven out of 11 total new signs pertaining to this regulation. Public Works staff will work Southern California Edison and other utilities to determine where signs can be feasibly posted on existing utility poles. Signs which cannot be collocated will create only minor ground disturbances during installation. Restricting the length of time for which an oversize vehicle can be parked on a public street 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.

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

1 and 2. The parking signs necessary for implementation of the project will blend with any other directional and safety signage in each area and will be clustered close to the roadway. The signs will be visible but will have no significant adverse effects on scenic or visual resources as

they will cause only a limited disruption in the view while traveling on the roadway. 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.

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

4. 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.

5. 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.

#### SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 21-002, 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) Implement the parking restrictions and permit program described in Ordinance No. 427.
  - b) Install seven new signs describing the regulation at the northern City boundary in the public right-of-way along each of the following public roadways:
    - i. Las Flores Canyon Road,
    - ii. Rambla Pacifico Street,
    - iii. Malibu Canyon Road,
    - iv. Corral Canyon Road,
    - v. Latigo Canyon Road,
    - vi. Kanan Dume Road, and
    - vii. Encinal Canyon Road.
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 not 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 have been exhausted.

*Project-specific Conditions*

8. Public Works staff shall 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. No signs shall be placed within the appeal jurisdiction of the CCC.
10. 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 19<sup>th</sup> day of January 2021.

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JOHN MAZZA, Planning Commission Chair

ATTEST:

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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. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms). If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-08 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 19<sup>th</sup> day of January 2021 by the following vote:

AYES:

NOES:

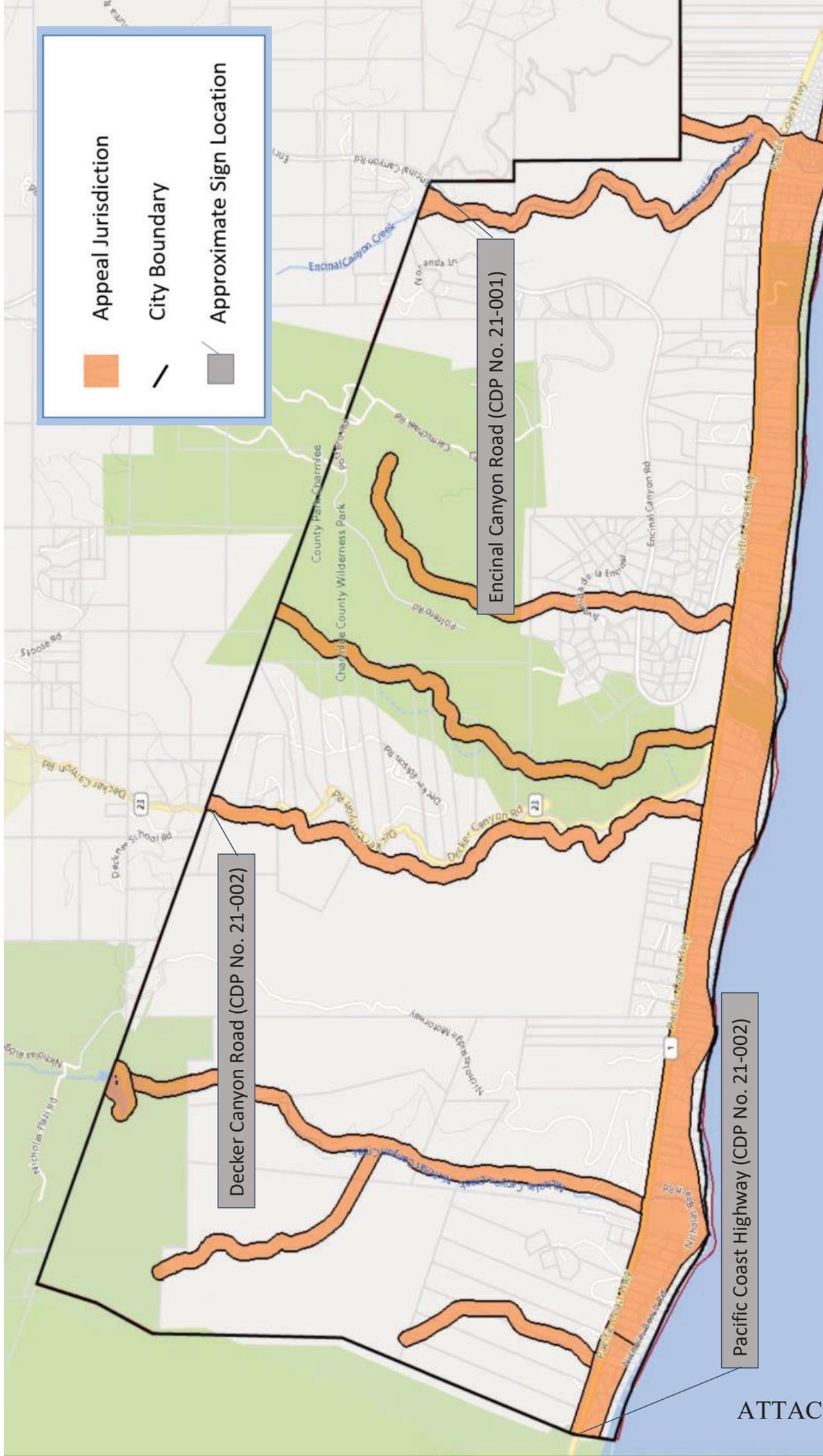
ABSTAIN:

ABSENT:

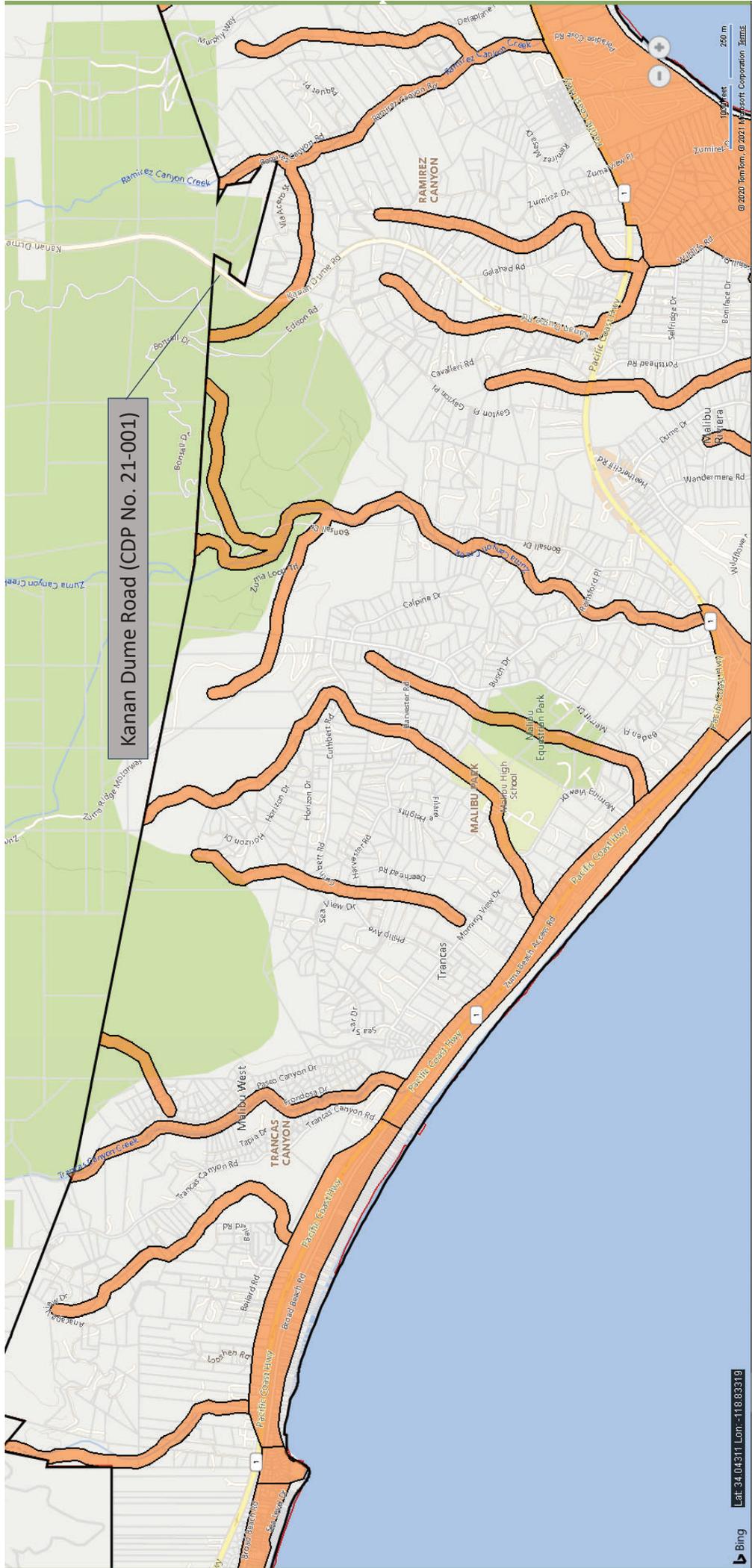
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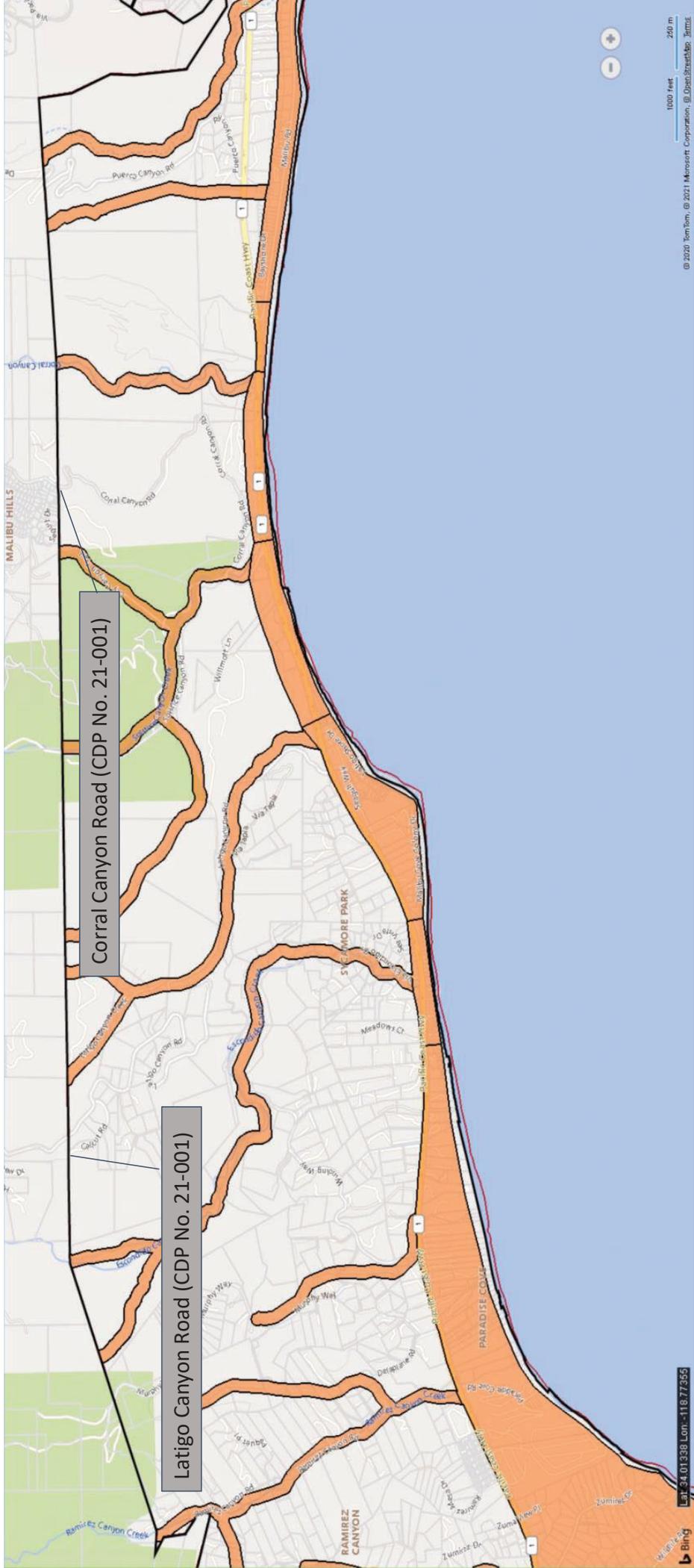
KATHLEEN STECKO, Recording Secretary

EXHIBIT A - SIGN LOCATION PLAN



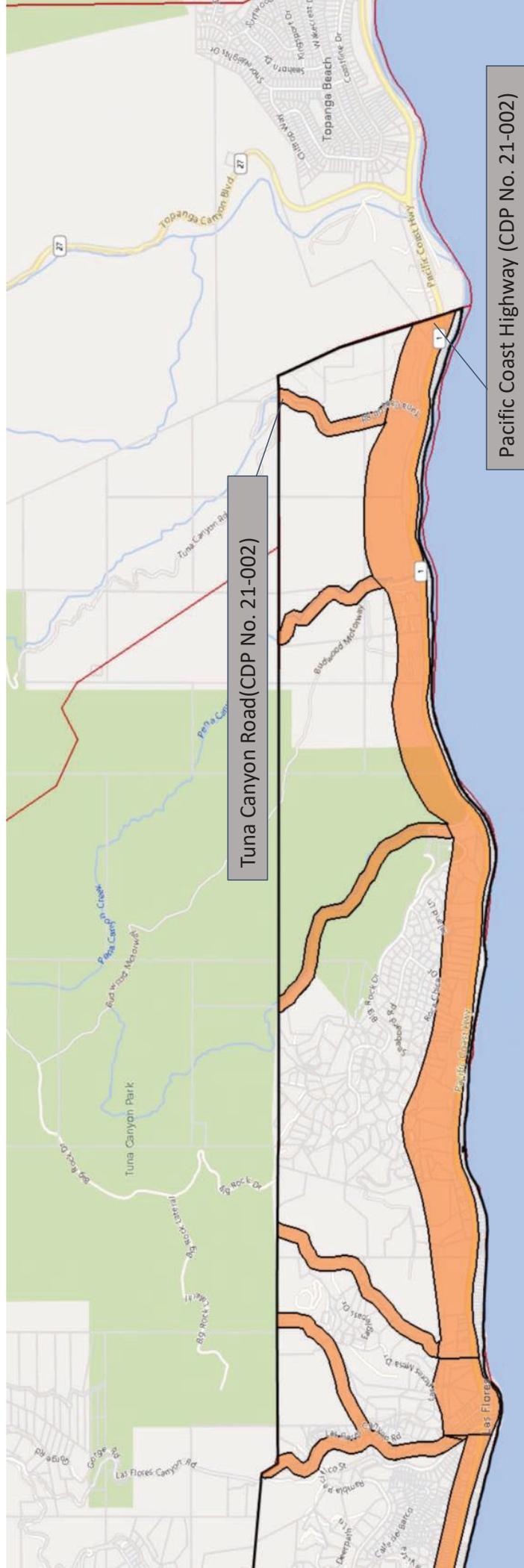
Kanan Dume Road (CDP No. 21-001)





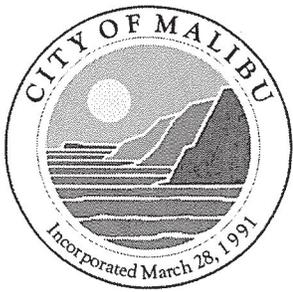






Tuna Canyon Road (CDP No. 21-002)

Pacific Coast Highway (CDP No. 21-002)



# Council Agenda Report

City Council Meeting  
11-27-17

**Item  
4.C.**

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

Prepared by: Richard Mollica, Senior Planner

Reviewed: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager 

Date prepared: November 13, 2017 Meeting date: November 27, 2017

Subject: Oversize Vehicle Parking Restrictions

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**RECOMMENDED ACTION:** 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 427 (Attachment A) determining the project is categorically exempt from the California Environmental Quality Act adding Chapter 10.18 to Title 10 (Vehicles and Traffic) of the Malibu Municipal Code (MMC) to establish citywide oversize vehicle restrictions which prohibit the parking of commercial oversize vehicles on city streets when not engaged local deliveries and limits the parking of non-commercial vehicles to two hours between the hours of 12:00 a.m. and 5:00 a.m. and modifying Section 1.10.040 of the Malibu Municipal Code (MMC) to include Chapter 10.18 as subject to Administrative Fines; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 427 for the December 11, 2017 Regular City Council meeting.

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

**DISCUSSION:** On October 10, 2016, the Council directed staff to research ordinances banning or restricting overnight parking on City streets and bring back a draft ordinance for Council consideration. In addition, residents have requested that the City evaluate an oversize vehicle restriction because oversize commercial vehicles, including trailers, have been parked along City streets for extended periods of time occupying public parking.

On May 1, 2017, the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) considered a staff report outlining three options (Attachment B):

1. Limited-term parking, such as for a few hours at a time;

2. No parking between the hours of 12:00 a.m. and 5:00 a.m.; or some other period;  
and
3. Citywide oversize vehicle parking prohibition.

In addition to staff's presentation, the Los Angeles County Sheriff's Department (LASD) presented information related to the enforcement of no parking zones as well as information pertaining to the banning of oversize vehicles on public streets.

ZORACES recommended that staff draft an oversize vehicle ordinance that prohibits the parking of commercial vehicles, with the exception of local deliveries, on City streets. In addition, it was also recommended to allow oversize non-commercial vehicles to park during daylight hours to allow for access to visitor serving resources. An option for residents to acquire 72 hour permits to temporarily park oversize non-commercial vehicles on City streets was also discussed.

Title 10 (Vehicle and Traffic) of the MMC does not address oversize vehicles and therefore, staff has prepared an ordinance for the Council's consideration. This agenda report addresses the implementation, the proposed oversize vehicle ordinance, a discussion of the California Coastal Act requirements and alternatives.

## **Implementation**

The implementation of a parking restriction along public streets is a two-part process: 1) adoption of an ordinance amending MMC Title 10; and 2) pursuant to the Local Coastal Program, approval of a coastal development permit to install the necessary signage and implement the parking restriction. The proposed ordinance is intended to apply to all local public streets and Pacific Coast Highway (PCH). City staff will coordinate with the California Department of Transportation (Caltrans) prior to the installation of signage along PCH.

## **Oversize Vehicle Regulations**

Staff has received a number of code enforcement requests that center on oversize vehicles impacting the availability of public parking. Specifically, oversize commercial vehicles including trailers have been parked along City streets for extended periods of time. These vehicles appear to be used for the advertisement of commercial services, mobile storage of beach equipment to allow for the operation of a curbside rental business, and food trucks. Both City staff and the LASD have observed these oversize vehicles being stored for long periods of time or using public parking for the operation of commercial ventures such as concession stands. On May 1, 2017, both staff and LASD presented to ZORACES photographic evidence of commercial vehicles functioning as concession stands in on-street parking areas in the City as well as information on similar parking prohibitions implemented in neighboring jurisdictions. In order to regulate oversize vehicles, an oversize vehicle definition must be added to MMC Title 10. Based

on comments from ZORACES, the following definition of an oversize vehicle is proposed:

*Oversize Vehicle:* Any vehicle which exceeds 23 feet in length; or exceeds 80 inches in width; or exceeds 82 inches in height. Oversize vehicles do not include pickup trucks which are taller than 82 inches or wider than 80 inches; provided that they do not have a camper shell which exceeds the height of the cab and overhangs the sides of vehicle. In addition, unattached or attached trailers may not park on City streets if they meet the definition of an oversize vehicle.

The above definition was developed by reviewing specifications of the largest passenger vehicles sold at car dealerships. The largest vehicle currently for sale is a Ford Super Duty Crew Cab with a long bed that is 22.5 feet long with the widest version of this truck having dual rear wheels. This vehicle under the proposed definition would not be considered an oversize vehicle. Pickup trucks with a camper shell that exceeds the height of the cab and overhangs the sides of vehicle would be considered an oversize vehicle.

ZORACES suggested that non-commercial vehicles fitting the definition of an oversize vehicle be allowed to park on City streets only between sunrise and sunset without an oversize vehicle permit, which would allow beach visitors traveling in oversize vehicles the ability to utilize coastal resources. The LASD recommended that violation of this ordinance should result in both a citation and the impoundment of the vehicle. In addition, it was also discussed that commercial vehicles fitting the definition of an oversize vehicles not be permitted to park on City streets at any time unless they are for the purpose of a local delivery or they are construction vehicles which have been addressed in the form of a construction management plan. Construction management plans are submitted to the City and approved as part of the permitting process. In an effort to address the needs of residents who own or rent non-commercial (recreational) vehicles for short-term personal use, a permit program has been included to allow residents to park an oversize vehicle on City streets for up to 72 hours. This provision would allow residents who own oversize vehicles the ability to park them and load or unload them.

Staff acknowledges ZORACES' recommendation regarding the restriction on overnight parking of oversize non-commercial vehicles. However, staff recommends that between the hours of 12:00 a.m. and 5:00 a.m. oversize non-commercial vehicles should be permitted to park for a time period of no more than two hours to comply with the provisions of the California Coastal Act regarding shoreline access. A two-hour parking limitation would allow for access to the shoreline for grunion runs, shoreline fishing, SCUBA diving, or surfing. In addition, staff recommends that the proposed ordinance contain a requirement that at the end of the two-hour time limit the vehicle cannot be re-parked within 1,000 feet of its last parking space.

Violations of the Oversize Vehicle Ordinance will be subject to the City's existing parking citation ordinance and procedures. Modifications are also proposed to MMC Section 1.10.040 (Administrative Fines) to include penalties for the misuse of City issued parking permits.

Recently the City processed a CDP application for the implementation of a 30-minute parking limit between the hours of 2:00 a.m. and 4:00 a.m. that was specific to the area near the Malibu Pier. The California Coastal Commission (CCC) appealed the City's approval of the CDP because it felt the 30-minute time limit impacted access to coastal resources. The appeal of the CDP is still pending. In response to the issue raised by the CCC commissioners and a CCC comment letter that was submitted on June 1, 2017, for the limited time parking at Malibu Pier, staff recommends a two-hour time limit for the proposed ordinance. In a letter dated June 1, 2017, CCC staff recommended that a two-hour time limit be implemented to provide adequate time to access coastal resources.

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

California 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 ordinance would not impact access to the surrounding coastal resources, because oversize non-commercial vehicles would be able to park for an unlimited period of time from 5:00 a.m. to 12:00 a.m. and for a period of two hours between 12:00 a.m. and 5:00 a.m. The prohibition of commercial oversize vehicles would not conflict with the California Coastal Act because the operators of those vehicles are conducting business and not seeking access to coastal resources. The availability of public parking is expected to increase as a result of the proposed prohibition of parking oversize commercial vehicles that are not used for local deliveries.

California Coastal Act Section 30211 states:

“Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.”

The majority of public beach accessways, state beaches and parks within the City are secured by locked gates and closed to public access between sunset and sunrise when the limited term parking would be in effect.

California Coastal Act Section 30212.5 states:

“Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.”

The purpose of the proposed parking limitation is to prevent the abuse of free public parking from long-term storage of vehicles, which reduces the daily availability of parking for visitors to the area. The proposed parking limitations are designed to increase the availability of daily public parking along City streets to facilitate parking and access to coastal resources by forcing the turnover of parking spaces. In addition, commercial oversized vehicles would be precluded from parking along public streets unless they are permitted as part of a construction management plan, which would result in an increase of parking for non-commercial vehicles.

The proposed oversized parking regulations will not be in effect for oversized non-commercial vehicles when coastal resources within the City are in operation and is therefore consistent with California Coastal Act Section 30213, which states:

“Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.”

In addition, the proposed ordinance promotes the following LCP Land Use Plan (LUP) policies by encouraging the turnover of public parking. By increasing the turnover of parking there will be more low-cost parking opportunities.

LUP 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.

LUP 2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.

LUP 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 purpose of this ordinance is to improve public access to uses by reducing the effects oversized vehicles have on public parking. Through the regulation of oversized vehicles, it is expected that there will be an increase in the availability of on-street parking spaces for those who access coastal resources within the City. It should be noted that no parking spaces are being displaced or eliminated by the proposed ordinance.

The ordinance will result in a forced turnover of parking, eliminating the long-term parking of oversize vehicles and increasing the availability of parking along City streets and does not conflict with other LUP policies designed to protect coastal access and recreation, including the following:

LUP 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.

LUP 7.12 Restrictions on or elimination of existing on-street public parking on Pacific Coast Highway and adjacent side-streets shall not be permitted unless a comparable number of replacement parking spaces are provided in the immediate vicinity and it is demonstrated that such restrictions or elimination will not adversely impact public access to the shoreline.

In compliance with LUP Policy 2.27, the project does not impede or restrict public access but rather is intended to increase public access by reducing the impacts of oversize vehicles on parking. City Staff has documented the long-term storage and parking of both non-commercial and commercial oversize vehicles on City streets near public access points. Oversize vehicles block ocean views, take up numerous parking spaces, and their extra width pose additional safety hazards. Where the shoulder of the road is narrow, the extra width of oversize vehicles forces pedestrian and bicycle traffic into traffic lanes. In addition, oversize vehicles pose line of sight issues for traffic that is entering and exiting public streets.

In compliance with LUP Policy 7.12, the proposed parking restriction does not eliminate or remove parking, but in turn, serves to correct the loss of parking turnover through the establishment of a nightly two-parking limitation on oversize non-commercial vehicles and trailers. Furthermore, the daily prohibition on commercial oversize vehicles and trailers will result in the increased availability of parking along City streets for access to coastal resources.

### **Alternatives:**

The following is a list of modifications that could be included in the proposed ordinance:

- The proposed ordinance could only affect oversize commercial vehicles and not recreational vehicles;
- The proposed ordinance could include a two-hour parking limit to allow oversize commercial vehicles the ability to park on City streets;

- The proposed ordinance could have modification to the overnight parking limits, and
- The proposed ordinance could include an oversize commercial parking vehicle permit program.

PUBLIC NOTICE: On November 2, 2017, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

SUMMARY: Staff recommends that the City Council introduce on first reading Ordinance No. 427 determining the project is categorically exempt from the California Environmental Quality Act adding Chapter 10.18 to Title 10 (Vehicles and Traffic) of the MMC to establish citywide oversize vehicle restrictions which prohibit the parking of commercial oversize vehicles on city streets and limits the parking of non-commercial vehicles to two hours between the hours of 12:00 a.m. and 5:00 a.m. and modifying Section 1.10.040 of the MMC to include Chapter 10.18 as subject to Administrative Fines; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 427 for the December 11, 2017 Regular City Council meeting.

ATTACHMENTS:

- A. Ordinance No. 427
- B. May 1, 2017 ZORACES Report
- C. Public Hearing Notice

ORDINANCE NO. 427

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADDING CHAPTER 10.18 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE MALIBU MUNICIPAL CODE AND MODIFYING SECTION 1.10.040 OF THE MALIBU MUNICIPAL CODE TO INCLUDE CHAPTER 10.18 AS SUBJECT TO ADMINISTRATIVE FINES TO IMPLEMENT A CITYWIDE RESTRICTION ON THE PARKING OF OVERSIZE VEHICLES

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

SECTION 1. Findings. The City Council hereby finds that this ordinance has been processed in accordance with state law and the Malibu Municipal Code (MMC) and that the ordinance is consistent with the General Plan.

- A. The storage of oversize 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 long-term storage and parking of both non-commercial and commercial oversize vehicles on City streets near public access points. Oversize vehicles block ocean views, take up numerous parking spaces, and their extra width pose additional safety hazards. Where the shoulder of the road is narrow, the extra width of oversize vehicles forces pedestrian and bicycle traffic into traffic lanes. In addition, oversize vehicles pose line of sight issues for traffic that is entering and existing public streets.
- C. The restrictions will not unreasonably displace noncommercial or commercial vehicles.
- D. The City wishes to increase the availability of street parking spaces for non-commercial vehicles as permitted by Section 22507 of the California Vehicle Code.

SECTION 2. Chapter 10.18 of Title 10 of the MMC is hereby added and shall read as follows:

10.18.010 Short Title.

This chapter shall be known as the "Oversize Vehicles Ordinance" of the city.

10.18.020 Definitions.

As used in this chapter:

"Commercial Trailer" means any trailer which is used or maintained for compensation, or profit or designed, used, or maintained primarily for the transportation of property.

“Commercial Vehicle” means any vehicle which is used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

“Oversize Vehicle” means any vehicle which exceeds 23 feet in length; or exceeds 80 inches in width; or exceeds 82 inches in height. Oversize vehicles do not include pickup trucks which are taller than 82 inches or wider than 80 inches; provided that they do not have a camper shell which exceeds the height of the cab and overhangs the sides of vehicle. In addition, unattached or attached trailers are may not park on City public streets, including Pacific Coast Highway if they meet the definition of an oversize vehicle.

“Permit” means a permit issued by the City of Malibu pursuant to the provisions of this chapter.

“Recreational” means any vehicle or trailer that is noncommercial and is used for recreation or transportation of personal goods.

“Resident” means any person who lives in a dwelling unit located within the City of Malibu.

“Residential District” means the districts of the city and roads and rights-of-way included within or immediately adjacent thereto.

“Trailer” means a trailer, semi-trailer, camp trailer, un-mounted camper, or trailer coach as defined in the California Vehicle Code.

#### 10.18.030 Parking Restrictions.

Oversize commercial vehicles and commercial trailers making local deliveries shall not park along public streets for more than two hours before the vehicle must be moved at least 1,000 feet from the location it was parked.

Non-commercial oversize vehicles and trailers may park along public streets for only two hours between the hours of 12:00 a.m. and 5:00 a.m. before the vehicle must be moved at least 1,000 feet from the location it was parked.

#### 10.18.040 Exemptions.

The following vehicles shall be exempt from the parking restrictions of Section 10.18.030:

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;

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;

D. Commercial oversize vehicles and trailers making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the street or highway in a residential district.

E. Commercial oversize vehicles and trailers delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure located on the street or highway for which a valid building permit, where required, has been obtained.

F. A vehicle or trailer that is in compliance with Section 10.18.030 and is visibly displaying a valid permit issued pursuant to MMC section 10.18.050 that:

1. Is attached to the rearview mirror of the vehicle, or front/dashboard of the vehicle/trailer if it does not have a rearview mirror; and
2. Can be read from outside the vehicle/trailer.

#### 10.18.050 Permits.

A. After a complete application has been submitted demonstrating residency, the city shall issue a permit to allow a resident to park a specific trailer or oversize vehicle on city streets for a period of not more than 72 hours. However, no permit shall be issued until the applicant has paid all of his or her outstanding parking citations, including all civil penalties and related fees. Permit fees shall cover the cost of maintaining the oversize vehicle parking permit program and be set by city council. No vehicle or person may receive more than 10 permits under this section during a calendar year.

B Duration. Parking permits shall be valid for 72 hours and specify the dates it is active and the vehicle is it issued for. No refund of permit fees will be granted once the permit has been issued.

C. Parking Permits. Applicants shall be residents required to present proof of residency within the City of Malibu. All parking permits shall be imprinted with the permit number of the resident applicant. In addition, the vehicle or trailer must be parked within a 1,000 feet of the owner's residence.

D. Availability of Parking. A permit shall not guarantee or reserve to the holder thereof an on-street parking space within the city.

E. Restrictions and Conditions. The issuance of such permit shall not be construed to be a permit for, or approval of, any violation of this Code, California Vehicle Code, or any other law or regulation.

#### 10.18.060 Transfer of oversize vehicle permits prohibited.

A. It is unlawful for any person to:

1. Transfer a permit issued pursuant to Section 10.18.030, or

2. Display a permit issued pursuant to Section 10.18.030, or allow such a permit to be displayed, in a vehicle other than the one authorized by the permit.

10.18.070 Prohibitions and fines.

A. With the exception of section 10.18.060, 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.

B. In addition to all other enforcement remedies, any person violating section 10.18.060 shall be subject to administrative fines and penalties per the provisions of chapter 1.10.

SECTION 3. Chapter 1.10.040(A) of Title 1 of the MMC is hereby added and shall read as follows:

A. MMC Section 1.10.040(A) is hereby amended and subsequent sections renumbered.

11. Chapter 10.18 (Oversize Vehicle Ordinance)

SECTION 4. 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 oversize vehicle 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.

SECTION 5. The public works department shall cause signs to be placed within the city notifying motorists of the oversize vehicle 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 6. 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 7. The ordinance is not effective until a Coastal Development Permit is approved for the program.

SECTION 8. The City Clerk shall certify adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
SKYLAR PEAK, Mayor

ATTEST:

\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)

Date: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHRISTI HOGIN, City Attorney



Zoning Ordinance  
Revisions & Code  
Enforcement  
Subcommittee Meeting  
05/01/17

**Item 2**

## Zoning Ordinance Revisions and Code Enforcement Subcommittee Agenda Report

**To:** Zoning Ordinance Revision and Code Enforcement Subcommittee  
(ZORACES) Members Peak and Wagner

**Prepared by:** Richard Mollica, Senior Planner

**Approved by:** Bonnie Blue, Planning Director *BB*

**Date prepared:** April 26, 2017 **Meeting date:** May 1, 2017

**Subject:** Parking Restrictions

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**RECOMMENDED ACTION:** Discuss the proposed public parking restriction options and provide feedback for staff to draft an ordinance to implement restrictions on the use of public parking in specific areas throughout the City.

**DISCUSSION:** At its October 10, 2016 meeting, the City Council, at the request of Councilmember Rosenthal, directed staff to research ordinances banning or restricting overnight parking on City streets and bring back a draft ordinance for Council consideration. This report outlines three options to address the Council's request.

The City Council, at the request of numerous citizens, requested that the City evaluate an ordinance that would address overnight camping and the long-term storage of vehicles on public streets. In addition, residents have requested that the City evaluate an oversize vehicle restriction because oversize commercial vehicles, including trailers, have been parked along City streets for extended periods of time. In addition, to oversize vehicles occupying public parking, staff has also noticed that businesses, especially existing properties with non-conforming parking lots, are using public parking as employee parking to increase the availability of customer parking in private parking lots.

Because the needs of visitors and residents vary throughout the City, staff recommends that different parking limitations be applied to specific areas of the City. Staff has verified numerous locations throughout the City where parking restrictions would result in the increased availability of public parking. Attachment 1 identifies

specific areas and the parking issues that are associated with those areas and Attachment 2 includes recommendations for each area.

Staff has considered the following three options:

1. Limited-term parking, such as for a few hours at a time;
2. No parking between the hours of 12:00 am and 5:00 am; or some other period and;
3. Citywide oversize vehicle parking prohibition.

### **1. Limited-Term Parking**

The establishment of limited-term parking would force the turnover of parking spaces throughout the day. Under this option, a length of time will be established that a vehicle could remain parked in an area or along a specific street. Limited-term parking can be in effect 24 hours a day or during a specific time period. The City Council could place additional limitations regarding how far a car has to be moved at the end of the term to qualify as relocated. Some jurisdictions require that vehicles move at least 18 inches while others require that the vehicle is not re-parked within a quarter mile of its original parking space.

The benefit of this type of parking regulation is that it is consistent with the policies regarding public parking contained in the Local Coastal Program (LCP). In addition, limited-term parking that is in effect 24 hours a day would ensure a constant turnover of parking throughout the day. This type of parking restriction would also discourage all-day parking of commercial vehicles that operate beach concession services and ensure that parking is used for noncommercial activities. Limited-term parking would also prevent the storage of vehicles on streets.

The disadvantage of this option is that it would require either the Sheriff or the City's Volunteers on Patrol to mark vehicles and then come back at the end of that time period to verify that the vehicle has been moved. The necessity of more than one visit to an area in order to enforce limited-term parking would increase the enforcement burden.

### **2. Establishment of "No parking" between the hours of 12:00 a.m. to 5:00 a.m.**

Prohibiting parking during a specific time period would result in the turnover of parking spaces at least once a day. This option would prevent the storage of vehicles in public on-street spaces and would eliminate the beach concession businesses that leave vehicles parked overnight. While this option only forces the turnover of parking once a day, it would be the most efficient to enforce. Any vehicle parked during the "No Parking" period would be ticketed or towed and the Sheriff would not need to mark vehicles and return at a later time to determine if they have been moved.

This parking limitation would still be consistent with LCP policies because public parking would not be inhibited from sunrise to well after sunset. However, this would not discourage the all-day parking of vehicles for commercial uses in public on-street spaces.

### **3. Oversize Vehicle Parking Prohibition**

Vehicles which meet the definition of an oversized vehicle could be prohibited from parking on City streets. An oversized vehicle for the purposes of parking limitations is typically defined as “any motor vehicle, as defined by the California Vehicle Code, Section 670:(a) That exceeds 96 inches in height, exclusive of such projecting devices as are expressly allowed pursuant to the California Vehicle Code, and exceeds 240 inches in length; or (b) That is attached to a trailer, as defined by the California Vehicle Code, Section 630, regardless of the combined height and length of the motor vehicle and attached trailer.”

Some cities, such as Santa Monica, allow for oversize vehicles to park during daylight hours, but such vehicles have to be moved during evening hours. The City of Ventura has implemented a ban on the parking of oversize vehicles on City streets regardless of time of day. However, both the City of Ventura and City of Santa Monica issue permits to allow residents the ability to park oversize vehicles within the City for a specific time period. A similar program could be implemented within the City.

The benefit of banning oversized vehicles is that it would eliminate the use of public on-street parking by commercial vehicles such as food vendors and beach concession businesses. The availability of street parking for non-oversized vehicles would be increased. Through the use of a permit system residents with oversized vehicles would still be able to utilize public street parking for limited time periods to allow for the loading/unloading of oversize vehicles in relation to travel and camping plans.

Both the Sheriff's Department and the City's Volunteers on Patrol could enforce parking restrictions on oversized vehicles. However, staff time would be required to issue and enforce permits allowing residents the ability to temporarily park oversize vehicles on City streets.

#### **Implementation**

Any changes to the current parking along public streets will require the approval of a Coastal Development Permit (CDP) that would be appealable to the California Coastal Commission (CCC). In addition, an ordinance amending Malibu Municipal Code Title 10 would also be required. Similar to past parking ordinances, a new parking ordinance would require approval by the City Council first, followed by approval of a CDP by the Planning Commission.

Since the CDP is appealable to the CCC, staff has discussed the implementation of new parking regulations with CCC staff. CCC staff indicated that they would support

the implementation of limited-term parking rather than a prohibition on parking during a specific time. As an example, CCC staff would support limiting parking to no more than two hours between 12:00 midnight and 5:00 a.m. but would object to prohibiting parking between 12:00 midnight and 5:00 a.m. According to CCC staff, broad “No Parking” limitations, regardless of time of day, would be an impediment to public access and as a result, would be in conflict with the LCP’s Public Access policies. Staff believes the enforcement efficiency gained by the prohibition method outweighs the public access benefit CCC staff is seeking to protect with the use of a limited-term approach.

STAFF FOLLOW-UP: Following comments from ZORACES, staff will develop a draft ordinance to MMC Title 10 (Vehicles and Traffic) for consideration and adoption by the City Council.

ATTACHMENTS:

1. Analysis of Problematic Sites
2. Recommended Implementation Plan

## Analysis of Problematic Sites

The following areas have been identified as areas with long-term/all-day parking issues.

Big Rock Beach (Near 19500 Pacific Coast Highway): Caltrans recently completed a project to upgrade parking and a scenic viewing area along an undeveloped portion of Big Rock Beach. Implementation of limited parking in this area would eliminate long-term parking and create greater parking opportunities for visitors to the area.

Zonker Harris Public Accesway (22706 Pacific Coast Highway): Numerous commercial businesses surround the Zonker Harris Public Accesway and as a result, the availability of on-street parking in this area is limited. In addition, residents of nearby condominiums have voiced concerns regarding the lack of availability of on-street parking due to commercial uses in the area. For example, at a recent Planning Commission meeting where the conditional use permit application for the Soho House was discussed, nearby residents indicated that existing commercial uses do not provide adequate parking and on-street parking is being utilized by employees of the surrounding businesses. Limits on the length of time that vehicles can be parked would prevent the long-term/all-day parking of vehicles and increase the availability of parking for those using the public access way.

Malibu Pier/ Surfrider Beach: Pacific Coast Highway in the vicinity of Surfrider Beach and Malibu Pier contains oversized commercial vehicles that are being stored as well as being used for the operation of curbside beach concession businesses. Limits on parking would eliminate the long-term storage of vehicles and trailers in this area and increase the availability visitor-serving parking.

Pacific Coast Highway Between Cross Creek Road and Webb Way: Along Pacific Coast Highway in the vicinity of Legacy Park, numerous cars and trucks are parked for extended periods of time and are advertised as for sale. In addition, curbside businesses such as food trucks have been observed. Parking in this area is important to allow for public access to shopping, Legacy Park, government buildings, and Malibu Lagoon State Park.

Puerco Beach and Corral Beach: It has been observed that oversized commercial vehicles have been stored on the ocean side of Pacific Coast Highway and have been used for the operation curbside beach equipment rentals. Removal of these vehicles would increase the availability of beach parking as well as parking for the Sara Wan Trail located on the inland side of Pacific Coast Highway.

Escondido Beach: Numerous vehicles utilize the parking along both sides of the highway for all-day parking. It appears that these vehicles are related to commercial uses taking place in the vicinity. If parking was limited to a specific amount of time, parking spaces would turn over, offering parking opportunities to those visiting Escondido Beach, which has two public vertical accessways.

Westward Beach Road and Zuma Beach: During the summer months, parking along both sides of Westward Beach Road is heavily used and there are no parking restrictions. City staff has noticed the parking of oversized commercial vehicles and the operation of beach concession businesses along the shoulder of the road. Often, commercial vehicles are parked for extended periods of time and prevent beach visitors from utilizing the free public parking.

## Recommended Implementation Plan

Depending on ZORACES' comments, staff may present a variety of parking management approaches to the City Council. For example, in areas where beach access is not located within residential areas a prohibition on oversize vehicles or no parking between the time period of 12:00 a.m. to 5:00 a.m. would prevent the storage of oversize vehicles that are used in the operation of curbside beach equipment rental or food vending. Limited term parking or a prohibition on the parking of oversize vehicles are methods that would best address parking needs in areas where public accessways are located near or in residential areas. The table below demonstrates what parking management approaches would address the needs of specific areas as included in Attachment 1 (Analysis of Problematic Sites).

Location	Recommendation	Reason
Big Rock Beach	<ul style="list-style-type: none"> <li>• Limited Term Parking</li> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	This would allow for use of on-street parking by both residents and visitors while preventing the long-term parking of commercial vehicles.
Zonker Harris	<ul style="list-style-type: none"> <li>• Limited Term Parking</li> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	This would allow for use of on-street parking by both residents and visitors while preventing the long-term parking of commercial vehicles.
Malibu Pier/Surfrider Beach	<ul style="list-style-type: none"> <li>• No parking between the hours of 12:00 a.m. to 5:00 a.m.</li> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	This would increase public parking by preventing the storage of vehicles and the establishment of curbside vending businesses.
PCH Between Cross Creek Rd. and Webb Way	<ul style="list-style-type: none"> <li>• No parking between the hours of 12:00 a.m. to 5:00 a.m.</li> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	This would increase public parking by preventing the storage of vehicles and the establishment of curbside vending businesses.
Puerco Beach and Corral Beach	<ul style="list-style-type: none"> <li>• No parking between the hours of 12:00 a.m. to 5:00 a.m.</li> </ul>	This would increase public parking by preventing the storage of vehicles and the

**ATTACHMENT 2**

Location	Recommendation	Reason
	<ul style="list-style-type: none"> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	establishment of curbside vending businesses.
Escondido Beach	<ul style="list-style-type: none"> <li>• Limited Term Parking</li> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	This would allow for use of on-street parking by both residents and visitors while preventing the long-term parking of commercial vehicles.
Westward Beach Rd. and Zuma Beach	<ul style="list-style-type: none"> <li>• No parking between the hours of 12:00 a.m. to 5:00 a.m.</li> <li>• Oversize Vehicle Parking Prohibition</li> </ul>	This would increase public parking by preventing the storage of vehicles and the establishment of curbside vending businesses.

## ATTACHMENT 2

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, November 27, 2017, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, for the project identified below.

**PARKING RESTRICTIONS ORDINANCE**

The Malibu City Council will consider an amendment to add Chapter 10.18 to Title 10 (Vehicles and Traffic) of the Malibu Municipal Code to establish a citywide oversize vehicle restrictions which prohibit the parking of commercial oversize vehicles on City streets and limit the parking of non-commercial vehicles to two hours between the hours of 12:00 a.m. and 5:00 a.m. on public streets

Applicant: City of Malibu  
Location: Citywide  
City Planner: Richard Mollica, Senior Planner  
(310) 456-2489, extension 346  
rmollica@malibucity.org

The California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. After analyzing the project, the Planning Department determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

A written staff report will be available at or before the hearing. All persons wishing to address the Council will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

**IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

If there are any questions regarding this notice, please contact Richard Mollica, Senior Planner, at (310) 456-2489, extension 346.

  
\_\_\_\_\_  
BONNIE BLUE  
Planning Director

Publish Date: November 16, 2017

ATTACHMENT C



City Of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
Phone (310) 456-2489  
[www.malibucity.org](http://www.malibucity.org)

**PLANNING DEPARTMENT**  
**NOTICE OF PUBLIC HEARING**

**NOTICE OF PUBLIC HEARING**

The Malibu Planning Commission will hold a public hearing on **TUESDAY, January 19, 2021, at 6:30 p.m.** for the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 pursuant to the Governor's Executive Orders N-25-20 & N-29-20 & the County of Los Angeles Public Health Officer's Safer at Home Order..

**COASTAL DEVELOPMENT PERMIT NO. 21-001** - An application to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18, to install associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Las Flores Canyon Road, Rambla Pacifico Street, Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours

**OWNER:** City of Malibu and California Department of Transportation (Caltrans)  
**APPEALABLE TO:** City Council  
**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines 15301(c)  
**APPLICATION FILED:** January 4, 2021  
**CASE PLANNER:** Richard Mollica, Acting Planning Director, [rmollica@malibucity.org](mailto:rmollica@malibucity.org)  
(310) 456-2489, ext. 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 by contacting the Case Planner 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.

To view or sign up to speak during the meeting, visit [www.malibucity.org/virtualmeeting](http://www.malibucity.org/virtualmeeting).

**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 emailed to [psalazar@malibucity.org](mailto:psalazar@malibucity.org) within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at [www.malibucity.org/planningforms](http://www.malibucity.org/planningforms). If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

RICHARD MOLLICA, Acting Planning Director

Date: January 7, 2021