

ORDINANCE NO. 460

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

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

SECTION 1. Environmental Review.

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

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

SECTION 2. Findings for Malibu Municipal Code Amendment.

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

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

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

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

Policies. Further, maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

D. Although the restrictions would reduce the amount of available parking spaces by approximately half for a total of four hours per night, the supply of available parking for beach access would continue to exceed demand because the restriction hours are at a time of night when beach access parking demand is relatively low.

SECTION 3. Amendments to Malibu Municipal Code.

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

10.19.010 Short Title.

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

10.19.020 Overnight Parking Restrictions.

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

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

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

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

10.19.030 Exemptions.

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

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

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

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

10.19.040 Prohibitions and Fines.

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

10.19.050 Effectiveness.

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

SECTION 4.

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

SECTION 5.

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

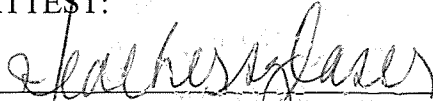
SECTION 6. Certification.

The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 27th day of January 2020.


KAREN FARRER, Mayor

ATTEST:


HEATHER GLASER, City Clerk
(seal)

Date: January 30, 2020

APPROVED AS TO FORM:

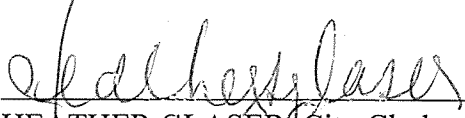


CHRISTI HUGIN, City Attorney

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

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 460 was passed and adopted at the Regular City Council meeting of January 27, 2020, by the following vote:

AYES:	4	Councilmembers:	Mullen, Peak, Pierson, Farrer
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmember:	Wagner



HEATHER GLASER, City Clerk
(seal)