



Council Agenda Report

City Council Meeting
08-24-20

**Item
4.B.**

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Joyce Parker-Bozylinski, Contract Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 12, 2020 Meeting Date: August 24, 2020

Subject: Amend Malibu Municipal Code to Authorize the Implementation of a Parking Management Plan Along Two Segments of Pacific Coast Highway (Corral Beach and Zuma Beach)

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking), Title 10 (Vehicles and Traffic) of the Malibu Municipal Code (MMC) to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 469 for the September 14, 2020 Regular City Council meeting.

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

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

DISCUSSION: For several years, the number of vehicles parked overnight on Pacific Coast Highway (PCH) has increased, and associated adverse impacts, such as loss of public parking as vehicles stay for multiple days, trash accumulation, dumping of blackwater from recreational vehicles (RVs) and other vessels into the ocean are causing adverse effects to the community and visitors.

On January 27, 2020, the City Council adopted Ordinance No. 460, which added Chapter 10.19 (Overnight Parking) to Title 10 (Vehicles and Traffic) of the MMC. The ordinance included two areas where overnight parking restrictions could be implemented with the

issuance of a Coastal Development Permit (CDP) for sign posting. The staggered two-hour restrictions were based on the system used by the County of Los Angeles and approved by the California Coastal Commission to control overnight parking on PCH near Topanga. Without posted restrictions on overnight parking, vehicles are able 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 areas.

The areas addressed by Ordinance No. 460 included the Las Tunas Beach area and the Malibu Pier area. On March 2, 2020, the Planning Commission approved a CDP to allow for sign installation to implement the overnight parking rules in the Las Tunas Beach area. The signs have been installed and impose staggered parking restrictions during certain hours. A hearing on the CDP for parking restriction signs around Malibu Pier is expected to be scheduled for a later date.

On January 13, 2020, after the first reading of ordinance, the Council also directed staff to return with a code amendment to add three additional areas where the parking restrictions could be implemented with a CDP. These areas include Corral Beach, Zuma Beach, and Westward Beach. The subject ordinance before the City Council adds Corral Beach and Zuma Beach only. Overnight parking is already restricted (12:00 a.m. to 5:00 a.m.) on both sides of Westward Beach Road.

One of the concerns the Council discussed during its consideration of Ordinance No. 460 is potential impacts to the homeless population since some homeless individuals may live in RVs and other vehicles parked on PCH. At the January 13, 2020 hearing, the Council directed staff to explore options for addressing any potential impacts to the homeless. Options could include an exploration of a Safe Parking Program and a site for a temporary emergency shelter. Safe Parking Programs require that individuals sign up for the program and provide a safe place to park each night with restroom access, a security guard, and social service resources. Safe Parking Program lots are typically run by non-profit organizations that provide the services and security. On May 11, 2020, a resolution to initiate staff work on a zone text amendment (ZTA) that would allow safe parking programs with a temporary use permit was on the City Council's agenda; however, due to the number of letters and comments received on the proposed ZTA initiation prior to the meeting, upon approval of the agenda, 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.

It is interesting to note that during the pandemic when emergency parking restrictions were put in place to prohibit parking on PCH in order 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. After the emergency parking restrictions were lifted and since the No Parking signs have been installed, the number of overnight and long-term vehicles, particularly RVs, in the Las Tunas area has dramatically declined.

An additional concern is to protect public access to coastal resources in a manner consistent with the City's Local Coastal Program (LCP). The Coastal Act and certified LCP policies protect the public's right to access the beach at all times, thus a reasonable amount of parking should be available for beach access at all hours. The LCP also prohibits the implementation of restrictions on public parking that would impede public access to beaches, trails, or parklands, except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. The proposed ordinance is specifically intended to stagger the two-hour no parking restriction to avoid adversely impacting public access and to remain consistent with the public access and recreation policies of the Coastal Act and LCP. Staggering the two-hour nighttime restrictions ensures that there will always be parking available along PCH at night.

To implement the subject ordinance, a CDP application will be processed for the installation of signs in each location. The CDPs will provide the details on the location of the parking restrictions and will include special language to ensure that the parking restrictions are consistent with the Coastal Act and City's LCP. This additional information on the parking restriction signage would serve to avoid any potential adverse impacts to public access by informing visitors and residents that parking along both the landward side and seaward side of PCH is not restricted during the same time period, and that during the period of one restriction there is available parking along the other side of PCH or directly adjacent on the same side of PCH. It will be clear that public parking is available within the general area at all hours. For the Corral Beach area, the parking restriction signs will indicate that during the period of restricted parking along one side of PCH, parking is available on the other side of PCH. For the Zuma Beach area, the signs will indicate the location of available parking adjacent to the restricted parking on the ocean side of PCH.

Proposed Ordinance

In selecting the boundaries for both areas, staff considered the location and number of available parking spaces as well as available places to turn around to access parking on both the landward and seaward of PCH.

For the Corral Beach area, staff recommends utilizing both the landward and seaward of PCH from the west edge of West Malibu Road to the east boundary of the first single-family dwelling (26044 PCH) on the seaward side which is near Corral Canyon Road. Available turn around areas would include Corral Canyon Road and Puerco Canyon Road.

For the Zuma Beach area, staff is recommending new overnight staggered restrictions only the ocean side of PCH since parking is currently prohibited on the landward side at all times. The proposed amendment would create an east side and a west side with alternating hours between the two sides. The affected area would run from the entrance to Zuma Beach at the east end, to the east edge of Trancas Canyon bridge on the west end. This area was divided in half using the approximate halfway point of 30245 PCH, which consists of roughly 472 lineal feet of a no parking area on the ocean side, which will

provide a visual boundary between the east half and west half. Available turn around areas would be at Busch Drive, Morning View Drive and Trancas Canyon Road/Broad Beach Road.

The proposed ordinance would amend MMC Section 10.19.020, to add two new parking restriction areas, to read as follows:

10.19.020 Overnight Parking Restrictions.

C. Corral Beach Area: PCH between the west edge of West Malibu Road to the east edge of the property line of 26044 PCH:

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

D. Zuma Beach Area:

1. PCH between the west edge of Zuma Beach parking entrance and the east property boundary of 30245 PCH:

a. South (seaward) - No parking between 12:00 a.m. to 2:00 a.m.

2. PCH between the west property boundary of 30245 PCH to the east edge of Trancas Creek bridge.

a. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

MMC Sections 10.19.30, 10.19.40 and 10.19.50 will also apply to these areas. Section 10.19.30 exempts utility, government or emergency service vehicles, Section 10.19.40 establishes fines and penalties and Section 10.19.50 requires a CDP for the placement of signs to implement the ordinance.

LCP Consistency

The intent of the staggered parking restriction is to increase parking turnover and discourage parking of recreational and commercial vehicles overnight and for extended periods. It has been observed that vehicles both private and commercial are being stored on City streets and the highway for extended periods of time. 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 apply when beach access parking demand is relatively low.

The storage of these vehicles reduces the availability of parking. The ordinance would increase parking availability using a mechanism that requires turnover but would not serve

to impede or restrict public access to beaches, trails, or parklands, consistent with the LCP's Land Use Policies. Furthermore, the storage of vehicles adjacent to public access or shorelines has an impact on public views. Public views from scenic roadways are protected by the City's LCP. Maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

Coastal Act Section 30210 states: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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

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

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

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

The proposed parking ordinance is being implemented in a manner that is consistent the parking restrictions that have been approved for the County of Los Angeles in the portion of the PCH adjacent to the City's eastern limits, near Topanga Beach and for the City along PCH near Tuna Canyon.

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

The proposed ordinance will affect public rights-of-way in a manner that increases the opportunities for public parking by requiring the daily turnover of parking. In addition, the daily turnover of parking will be occurring at different times for the two sides and segments of PCH which will ensure public parking is always available. Furthermore, it has been observed that oversized recreational vehicles that are parked for extended periods of time could be discharging effluent onto City streets and storm drains.

LUP Policy 2.17: Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, shall be subject to a coastal development permit.

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

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

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

LUP Policy 2.27: The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.

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

discharges associated with long-term parking by RVs and would improve scenic views in these areas by discouraging long-term parking.

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

SUMMARY: Staff recommends that the City Council introduce on first reading Ordinance No. 469 amending MMC Section 10.29.020; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 469 for the September 14, 2020 Regular City Council meeting.

ATTACHMENT: Ordinance No. 469

ORDINANCE NO. 469

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

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

SECTION 1. Findings for Malibu Municipal Code Amendment.

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

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

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

C. The storage of these vehicles reduces the availability of parking and the purpose of this ordinance is to increase parking through the use of a mechanism that would require the turnover and increased availability of parking and would not serve to impede or restrict public access to beaches, trails, or parklands, consistent with the Local Coastal Program's Land Use Policies. Further, maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

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

SECTION 2. Amendments to Malibu Municipal Code.

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

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

SECTION 3. The Public Works Department shall cause signs to be placed within the City notifying motorists of the overnight parking restrictions created by this Ordinance. All such signs shall comply with the standards set forth in the California Department of Transportation Traffic Manual.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this

ordinance only amends the existing overnight parking ordinance to add two new areas where parking restrictions could be allowed with a Coastal Development Permit which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

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

SECTION 6. Certification.

The City Clerk shall certify the adoption of this Ordinance.

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

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

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

CHRISTI HOGIN, City Attorney

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