

Council Agenda Report

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

Prepared by: Susan Dueñas, Public Safety Manager

Approved by: Reva Feldman, City Manager

Date prepared: November 10, 2020 Meeting date: November 23, 2020

Subject: Schedule of Parking Citation Penalties (Continued from November 9, 2020)

RECOMMENDED ACTION: 1) Conduct the Public Hearing; 2) Adopt Resolution No. 20-59 amending the City's Schedule of Parking Citation Penalties, repealing Resolution No. 15-09, and finding the action to be exempt from the California Environmental Quality Act; and 3) Direct the Public Safety Commission to review the Schedule of Parking Citation Penalties annually, or at another frequency determined by the City Council.

FISCAL IMPACT: In Fiscal Year 2019-2020, the City received approximately \$1.2 million in revenue from parking citations (unaudited). Based on the citations revenue received in Fiscal Year 2019-2020, if the new fees are approved, the City could potentially receive between \$100,000 to \$200,000 in additional revenue.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On November 9, 2020, the Council continued this item.

Malibu Municipal Code Section 10.04.010 adopts Los Angeles County Title 15 (Vehicles and Traffic) as the traffic ordinance for the City. By resolution, the City Council establishes a Parking Penalty Schedule (Schedule) for violations of that ordinance. The Schedule indicates the related Los Angeles County Code Section and, where appropriate, the California Vehicle Code as reference. The last time the Schedule was updated was on January 21, 2015 when the City Council adopted Resolution No. 15-09.

At its Regular meetings on September 4, 2020 and October 7, 2020, the Public Safety Commission reviewed the Schedule to consider a recommendation to the City Council regarding adjustments to be made in order for the City's Schedule to be consistent with Los Angeles County Code Chapter 15.200, Schedule of Civil Penalties and Additional

Assessments for Parking Violations, and California Vehicle Code Division 11, Rules of the Road.

The Commission Chair and Vice Chair researched penalties imposed by other cities, including member cities in the Las Virgenes-Malibu Council of Governments and other coastal cities. The attached Parking Fine Comparison spreadsheet (Attachment 2) details fines currently imposed by the City compared to penalties imposed by the Cities of Calabasas, Santa Monica, Manhattan Beach and Laguna Beach.

The Commission voted to make a recommendation to the Council that it revise the City's Schedule of Parking Citation Penalties as follows:

<u>Code</u>	<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
15.20.070	Failure to Obey Signs	\$58.00	\$73.00
15.20.130	Parking Space Markings	48.00	53.00
15.44.140	No Parking Areas - Placement of Vehicle	48.00	53.00
15.64.110	Bus Loading Zone	263.00	No Change
15.64.140	Temporary No Parking	53.00	73.00
15.64.260	No Parking Anytime	53.00	73.00
15.64.280	Parking Wrong Side of Street	53.00	58.00
15.64.320	Parking Driveway	53.00	73.00
15.64.370	Parking Fire Hydrant	68.00	83.00
15.64.400	Handicap Parking Street	338.00	No Change
15.64.410	Handicap Parking Off Street	338.00	No Change
15.76.080	Vehicles on Sidewalk	53.00	73.00

It was discussed that current rates often do not act as a deterrent to motorists choosing to park illegally. The suggested increases range from \$5 to \$20 with no changes recommended for any penalties currently over \$100.

The Commission's recommendation also included the addition of a new fee of \$73.00 for Parking at Red Curb (Code 15.20.070); however, staff subsequently confirmed with the Sheriff's Department that the addition was unnecessary because that violation was cited as a Failure to Obey Signs already included in the Schedule. Lastly, the Commission suggested that it be directed to review the Schedule annually or at another frequency determined by the Council.

ATTACHMENTS:

1. Resolution No. 20-59
2. Parking Fine Comparison
3. Public Hearing Notice

RESOLUTION NO. 20-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING THE CITY'S SCHEDULE OF PARKING CITATION PENALTIES, REPEALING RESOLUTION NO. 15-09, AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Recitals.

A. Pursuant to California Vehicle Code section 40203.5, Malibu Municipal Code section 10.12.060 states that parking penalties shall be established by resolution of the City. These penalties are detailed in the City's Parking Penalty Schedule (Schedule) for violations of that ordinance. The Schedule indicates the related Los Angeles County Code Section and, where appropriate, the California Vehicle Code as referenced.

B. At the recommendation of the City Council Administration and Finance (A&F) Subcommittee, the City Council adopted Resolution No. 15-09 on January 21, 2015, amending the City's Schedule, which was included as part of the Resolution.

C. At its Regular meetings on September 4, 2020, and October 7, 2020, the Public Safety Commission reviewed the Schedule and researched penalties imposed by other cities, including member cities in the Las Virgenes-Malibu Council of Governments and other coastal cities.

D. It was discussed that current rates often do not act as a deterrent to motorists choosing to park illegally and/or do not reflect the penalties imposed by other issuing agencies in Los Angeles County, so the Commission suggested certain fines be increased from \$5 to \$20 except for those penalties that are currently over \$100.

E. The Commission recommended that the Council approve the following revisions to the Schedule:

<u>Code</u>	<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
15.20.070	Failure to Obey Signs	\$58.00	\$ 73.00
15.20.130	Parking Space Markings	48.00	53.00
15.44.140	No Parking Areas - Placement of Vehicle	48.00	53.00
15.64.110	Bus Loading Zone	263.00	No Change
15.64.140	Temporary No Parking	53.00	73.00
15.64.260	No Parking Anytime	53.00	73.00
15.64.280	Parking Wrong Side of Street	53.00	58.00
15.64.320	Parking Driveway	53.00	73.00
15.64.370	Parking Fire Hydrant	68.00	83.00
15.64.400	Handicap Parking Street	338.00	No Change
15.64.410	Handicap Parking Off Street	338.00	No Change
15.76.080	Vehicles on Sidewalk	53.00	73.00

SECTION 2. The City of Malibu hereby rescinds Resolution No. 15-09.

SECTION 3. The Schedule of Parking Citation Penalties attached hereto as Exhibit 1 is hereby adopted.

SECTION 4. City staff has determined that the changes to the City's Schedule of Parking Citation Penalties are statutorily exempt from environmental review under California Public Resources Code section 21080(b)(8) and California Environmental Quality Act implementing guidelines, Title 14 of the California Code of Regulations section 15273 and section 15061(b)(3).

SECTION 5. This resolution shall become effective immediately upon its passage and adoption, except that the penalties set forth in the official Base and Late Fine Schedule for Parking Violations shall take effect as citations are printed giving notice of the new fine amounts.

SECTION 6. The City Clerk shall certify adoption of this resolution and shall cause the same to be processed in the manner provided by law.

PASSED, APPROVED, and ADOPTED this 23rd day of November 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

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

CHRISTI HOGIN, City Attorney

Exhibit 1

LA COUNTY CODE/						
CA VEHICLE CODE		Base Fine	Late Fine	10% Additional	Notes:	
15-15.20.070M/C	FAILURE TO OBEY SIGNS	73.00	73.00		Increased line from \$58 to \$73. This is the code that Sheriff's use to cite for red curbs.	
15-15.20.130M/C	PARKING SPACE MARKINGS	53.00	53.00		Increased line from \$48 to \$53.	
15-15.44.140M/C	PARKING AREAS - PLACEMENT OF VEHICLE	53.00	53.00		Increased line from \$48 to \$53.	
15-48.050M/C	VEHICLE EXCEEDING 6,000 POUNDS	53.00	53.00			
15-48.060M/C	VEHICLE EXCEEDING 14,000 POUNDS/POSTED	53.00	53.00			
15-52.040M/C	BICYCLE LANES/UNAUTHORIZED PARKING	48.00	48.00			
15-64.010M/C	STOPPING PROHIBITED PARKING TIME LIMITS	48.00	48.00			
15-64.020M/C	PARKING LOADING ZONES (COMMERCIAL)	53.00	53.00			
15-64.030M/C	PARKING TIME LIMIT (POST OFFICE)	48.00	48.00			
15-64.040M/C	PARKING AT MAIL BOX	48.00	48.00			
15-64.052M/C	NO COMMERCIAL PARKING IN RESIDENTIAL/OVER 10,000 LBS	53.00	53.00			
15-64.055M/C	NO COMMERCIAL PARKING 10AM-6PM/SIGN POSTED	53.00	53.00			
15-64.060M/C	PARKING OVERNIGHT	53.00	53.00			
15-64.080M/C	PARKING LIMIT/SPECIAL LOCATION	48.00	48.00			
15-64.100M/C	PARKING DISCONNECTED TRAILER	53.00	53.00			
15-64.110M/C	BUS LOADING ZONE	263.00	263.00			
15-64.120M/C	PARKING IN PASSENGER ZONE	53.00	53.00			
15-64.130M/C	NO PARKING - ALLEYS	53.00	53.00			
15-64.140M/C	TEMPORARY NO PARKING	73.00	73.00		Increased line from \$53 to \$73.	
15-64.210M/C	KEY IN IGNITION/UNATTENDED VEHICLE	48.00	48.00			
15-64.220M/C	PARKING ON GRADES	48.00	48.00			
15-64.230M/C	PARALLEL PARKING OVER 18 IN. FROM CURB	48.00	48.00			
15-64.240M/C	ANGLE PARKING	48.00	48.00			
15-64.250M/C	DOUBLE PARKING	53.00	53.00			
15-64.260M/C	NO PARKING ANYTIME	73.00	73.00		Increased line from \$53 to \$73.	
15-64.270M/C	PARKING IN PRIVATE/PUBLIC PROPERTY W/O CONSENT	53.00	53.00			
15-64.280M/C	PARKING WRONG SIDE OF STREET	58.00	58.00		Increased line from \$53 to \$58.	
15-64.290M/C	PARKING IN PARKWAY	53.00	53.00			
15-64.300M/C	BLOCKING STREET	53.00	53.00			
15-64.310M/C	PARKING VEHICLE TRANSPORTING HAZARD MATERIAL	363.00	363.00			
15-64.320M/C	PARKING DRIVEWAY	73.00	73.00		Increased line from \$53 to \$73.	
15-64.330M/C	PARKING IN INTERSECTION	53.00	53.00			
15-64.340M/C	PARKING VEHICLE FOR SALE	53.00	53.00			
15-64.350M/C	PARKING SPECIAL HAZARD	53.00	53.00			
15-64.360M/C	PARKING ADJACENT TO SCHOOL	53.00	53.00			
15-64.370M/C	PARKING CURB VIOLANT	82.00	82.00		Increased line from \$68 to \$82.	

LA COUNTY CODE/ CA VEHICLE CODE		Base Fine	Late Fine	10% Additional	Notes:
15.64.390MC	PARKING ASSIGNED PARKING SPACES	53.00	53.00		
15.64.400MC	HANDICAPPED PARKING/ON STREET	338.00	338.00		
15.64.410MC	HANDICAPPED PARKING/OFF STREET	338.00	338.00		
15.64.440MC	TAXICAB STANDS	33.00	33.00		
15.64.470MC	PARKING METERS	33.00	33.00		
15.64.480MC	OBSERVANCE OF PARKING METERS	33.00	33.00		
15.64.490MC	PARKING METERS FEE REQUIRED	33.00	33.00		
15.64.700MC	PREFERENTIAL PARKING DISTRICT/NO PERMIT	53.00	53.00		
15.76.080MC	VEHICLES ON SIDEWALK	73.00	73.00		Increased fine from \$53 to \$73.
15.76.120MC	REPAIRING VEHICLES ON STREET	53.00	53.00		
15.76.130MC	WASHING VEHICLES ON STREET	53.00	53.00		
17.04.370MC	PARKS/UNAUTHORIZED PARKING	53.00	53.00		
17.12.130MC	VEHICLE PARKED ON BEACH	63.00	63.00		
17.12.190MC	MUTILATE/DESTROY PLANTS/TREES	53.00	53.00		
17.12.230MC	BEACHES/UNAUTHORIZED PARKING	48.00	48.00		
21113A/CVC	UNLAWFUL PARKING PUBLIC GRNDS	53.00	53.00		
21210CVC	BICYCLE PARKING	18.00	18.00		
22500A/CVC	PARKING WITHIN INTERSECTION	53.00	53.00		
22500B/CVC	PARKING ON CROSSWALK	53.00	53.00		
22500C/CVC	PARKING SAFETY ZONE AND RED CURB	53.00	53.00		
22500D/CVC	PARKING FIRE STATION ENTRANCE	68.00	68.00		
22500E/CVC	BLOCKING DRIVEWAY	53.00	53.00		
22500F/CVC	PARKING ON SIDEWALK	53.00	53.00		
22500G/CVC	PARKING ALONG EXCAVATION	53.00	53.00		
22500H/CVC	DOUBLE PARKING	53.00	53.00		
22500I/CVC	PARKING IN BUS ZONE	263.00	263.00		
22500J/CVC	PARKING IN TUNNEL	53.00	53.00		
22500K/CVC	PARKING ON BRIDGE	53.00	53.00		
22500L/CVC	BLOCKING DISABLED ACCESS RAMP	258.00	258.00		
22500.1CVC	PARKING IN FIRE LANE	68.00	68.00		
22502A/CVC	PARKING OVER 18 IN FROM CURB	53.00	53.00		
22502E/CVC	CURB PARKING ONE-WAY ROADWAY	53.00	53.00		
22502CVC	PARALLEL PARKING AND 18 IN CURB	53.00	53.00		
22504A/CVC	UNINCORPORATED AREA PARKING	58.00	58.00		
22505B/CVC	STATE HIGHWAY PARKING	53.00	53.00		
22507.8A/CVC	HANDICAPPED PARKING ON STREET	438.00	438.00	43.80	
22507.8B/CVC	HANDICAPPED PARKING OFF STREET	438.00	438.00	43.80	
22507.8C/CVC	HANDICAPPED/CROSSHATCHED	438.00	438.00	43.80	
22507.8C/CVC	HANDICAPPED PARKING BOUNDARIES	438.00	438.00	43.80	
22513CVC	TOW CARS PARKING ON FREEWAY	53.00	53.00		

LA COUNTY CODE/ CA VEHICLE CODE		Base Fine	Late Fine	10% Additional	Notes:
22514CVC	FIRE HYDRANTS	68.00	68.00		
22515CVC	UNATTENDED VEHICLES	53.00	53.00		
22516CVC	LOCKED DOOR/NO ESCAPE		48.00		
22517CVC	VEHICLES DOOR OPEN TO TRAFFIC	68.00	68.00		
22520CVC	STOPPING ON FREEWAY	43.00	43.00		
22522CVC	PARKING NEAR SIDEWALK ACCESS RAMP	288.00	288.00	28.80	
22523(A)(B)CVC	ABANDONMENT PROHIBITED	113.00	113.00		
22523(B)CVC	ABANDONED VEHICLE ON FREEWAY	113.00	113.00		
22526CVC	ANTI-GRIDLOCK ACT	68.00	68.00		
22526(2ND)CVC	2ND OFFENSE ANTI-GRIDLOCK ACT	113.00	113.00		
22526(3RD)CVC	3RD OFFENSE ANTI-GRIDLOCK ACT	263.00	263.00		
22654(E)CVC	BLOCKING EMERGENCY	41.00	41.00		
22951CVC	PARKING LOT- STREET AND ALLEY PARKING	48.00	48.00		
23333CVC	STOPPING/PARKING- VEHICULAR CROSSING	45.00	45.00		
25300(C)(E)CVC	WARNING DEVICE/DISABLED/PARKED VEHICLE	45.00	45.00		
26708(A)(1)CVC	MATERIAL OBSTRUCTING OR REDUCING DRIVER'S VIEW	68.00	68.00		
26708.5CVC	TRANSPARENT MATERIALS	38.00	38.00		
26710CVC	DEFECTIVE WINDSHIELDS/REAR WINDOW	38.00	38.00		
27155CVC	FUEL CAP REQUIRED	38.00	38.00		
31303(D)CVC	PARKING HAZARD WASTE IN RESIDENTIAL DISTRICT	363.00	363.00		
4000(A)CVC	EXPIRED REGISTRATION	63.00	63.00		
4152.5CVC	FAILURE TO APPLY FOR REGISTRATION	38.00	38.00		
4454(A)CVC	REGISTRATION CARD	38.00	38.00		
4457CVC	MULTIPLATED/ILLEGIBLE LICENSE PLATES/TABS	38.00	38.00		
4462(B)CVC	INCORRECT REGISTRATION ON CAR	38.00	38.00		
4464CVC	ALTERED LICENSE PLATE	38.00	38.00		
5200CVC	DISPLAY OF LICENSE PLATE	38.00	38.00		
5201CVC	POSITION OF PLATES	38.00	38.00		
5201(B)CVC	PLATES CLEARLY VISIBLE	38.00	38.00		
5201(C)CVC	LICENSE PLATE COVERED	38.00	38.00		
5201.1CVC	OBSCURING READABILITY OF LICENSE PLATES	250.00	250.00		
5202CVC	PERIOD OF DISPLAY	38.00	38.00		
5204(A)CVC	NO CURRENT TAGS ON VEHICLE	73.00	73.00		
40206.5CVC	COPY OF NOTICE OF PARKING VIOLATION	2.00	-		

Malibu Existing			Santa Monica		Calabasas		Manhattan Beach		Laguna Beach		NOTES
Code #	Description	Base Fee	Description	Base Fee	Description	Base Fee	Description	Base Fee	Description	Base Fee	
15.20.070	Failure to Obey Signs	\$ 58.00	Disobey Posted Signs	\$ 68.00	Failure to Obey Signs	\$ 58.00	Posted/Prohibited	\$ 53.00	Obedience to Posted Signs	\$ 43.00	
15.20.130	Parking Space Markings	\$ 48.00	Parking Spaces	\$ 58.00	Parking Space Markings	\$ 48.00	Project/lines	\$ 53.00	Parking Space Markings	\$ 43.00	
15.44.140	No Parking Areas-Placement of Vehicle	\$ 48.00	Parking on Drive Apron/Parkway/Sidewalk	\$ 63.00	No Parking Areas-Placement of Vehicle	\$ 48.00	No Parking	\$ 53.00	Parked blocking driveway	\$ 43.00	
15.64.110	Bus Loading Zone	\$ 263.00	Bus Lane	\$ 293.00	Bus Loading Zone	\$ 263.00	Bus Loading Zone	\$ 53.00	Parked in bus zone	\$ 43.00	SM: the fine is for CA vehicle violation vs. Santa Monica Municipal list
15.64.140	Temporary No Parking	\$ 53.00	Disobey Posted Signs	\$ 68.00	Temporary No Parking	\$ 53.00	Temporary Parking Prohibited	\$ 53.00	No parking	\$ 43.00	Laguna: No temporary parking listed
15.64.260	No Parking Anytime	\$ 53.00	Parking Prohibited in Specified Places	\$ 73.00	No Parking Anytime	\$ 53.00	No Parking	\$ 53.00	No parking	\$ 43.00	
15.64.280	Parking Wrong Side of Street	\$ 53.00	Parked on Sidewalk	\$ 68.00	Parking Wrong Side of Street	\$ 53.00	Parking Wrong Side of Street	\$ 53.00			SM: CA vehicle violation on Santa Monica list parking on sidewalk is closest one I found. Laguna: No parking on wrong side of street listed
15.64.320	Parking Driveway	\$ 53.00	Parking on Drive Apron/Parkway/Sidewalk	\$ 63.00	Blocking driveway on private street	\$ 53.00	Blocking driveway	\$ 53.00	Blocking driveway	\$ 43.00	
15.64.370	Parking Fire Hydrant	\$ 68.00	Parked within 15 Feet of Fire Hydrant	\$ 68.00	Parking Fire Hydrant	\$ 68.00	Parking Fire Hydrant	\$ 53.00	Parking Fire Hydrant	\$ 63.00	SM: the fine is CA vehicle violation vs. Santa Monica Municipal list
15.64.400	Handicap Parking Street	\$ 338.00	Parked on/in Handicapped Access Area	\$ 363.00	Disabled Parking Street	\$ 338.00	Disabled Parking Street	\$ 338.00	Handicap Parking Street	\$ 300.00	
15.64.410	Handicap Parking Off St.	\$ 338.00	Blocking Disabled parking	\$ 363.00	Disabled Parking Off St.	\$ 338.00	Disabled Parking Off St.	\$ 338.00	Handicap Parking Off St.	\$ 300.00	
15.76.080	Vehicles on Sidewalk	\$ 53.00	Parked on Sidewalk	\$ 68.00	Parking in intersection	\$ 53.00	Parked on Sidewalk	\$ 53.00	Parked on Sidewalk	\$ 43.00	COGS: no sidewalk parking fine listed
	Late Fee		Late Fee	Price of ticket	Late Fee	\$40 to \$325	Late Fee	\$ 31.00	Late Fee	\$ 34.00	
					COGS: Late penalty ranges between \$40 to \$325 depending on ticket plus they add an admin fee of \$15						

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


The Malibu City Council will hold a public hearing on Monday, November 9, 2020 at 6:30 p.m. regarding increasing the penalties in the Schedule of Parking Citation Penalties adopted pursuant to Malibu Municipal Code Section 10.12.060. The public hearing will be held via the Zoom application only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order (revised March 21, 2020). Consistent with the requirements of Government Code section 66016, data on costs and revenue sources relating to the Permit will be available on the City's website 10 days prior to the meeting.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

If there are any questions regarding this notice, please contact Susan Dueñas, Public Safety Manager, at (310) 456-2489, ext. 313.


SUSAN DUEÑAS, Public Safety Manager

Publish Date: October 29 and November 5, 2020