



# City Council Agenda Report

To: Mayor Grisanti and Members of the City Council

Prepared by: Susan Duenas, Public Safety Manager

Approved by: Steve McClary, Interim City Manager

Date prepared: June 4, 2021 Meeting date: June 14, 2021

Subject: Temporary Tow Yard

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**RECOMMENDED ACTION:** 1) Receive a report from staff on efforts to facilitate location of a temporary tow yard to be used during the summer; and 2) Consider whether to waive temporary use permit and/or conditional use permit application fees for the use of the high school parking lot for the site of the temporary tow yard.

**FISCAL IMPACT:** Funding for this permit has not been included in the Adopted Budget for Fiscal Year 2020-2021. The fee for a temporary use permit is \$696, and the fee for a conditional use permit is \$3,488. If approved, waiving the permit fees will result in a loss of revenue in Account 101-000-3421 (Planning Review Fees).

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

**DISCUSSION:** The Los Angeles County Sheriff's Department (LASD) reviews and approves towing companies for the removal and processing of vehicles that have been impounded due to violations of local codes. Each towing company provides a location where towed vehicles are to be held. Currently, Sierra Towing, based in Newbury Park, is the approved tow company for LASD within the Malibu city limits.

Since Sierra Towing's current tow yard is located in Newbury Park, tow trucks transferring vehicles are unavailable in the city for an extended period of time after towing a vehicle. On February 3, 2021, the Public Safety Commission discussed potential locations in Malibu for a temporary tow yard where towed vehicles could be stored until either they were claimed by their owners or, if not claimed, transferred to the out-of-town location at the end of the day.

At that meeting, the Commission unanimously approved the following two actions:

- Provide a recommendation to the City Council that the new Malibu high school upper parking lot be considered as the preferred, primary location for a temporary tow yard site during the summer with the City's properties on PCH at Heathercliff and/or the City Hall parking lot be considered secondary options.
- Form a Temporary Tow Yard Ad Hoc Committee comprised of Chair Frost and Commissioner Spiegel to evaluate ease of access, proximity to areas where vehicles would likely be towed from, environmental concerns, security considerations, and historical usage related to recommended locations and report back to the Commission, time permitting, and be prepared to make a presentation to the City Council.

At the March 3, 2021, Public Safety Commission meeting, the Ad Hoc Committee reported back to the Commission, and the Commission re-confirmed its recommendation of the Malibu High School upper student parking lot as the first choice for a temporary tow yard.

While the Santa Monica-Malibu Unified School District (SMMUSD) has approved this use, there is a fee of \$10 per space, per day. Based on prior experience, 25 spaces per day are needed; therefore, use of the High School lot costs \$250 per day. Sierra Tow has agreed to enter into an agreement with SMMUSD and pay the fee.

To operate the temporary tow yard, a use permit from the City will also be required. If a conditional use permit (CUP) is acquired then the lot will be able to be used in the future without additional permits, so long as the temporary tow yard operates in accordance with the CUP. A CUP requires a hearing before the planning commission and a 21-day public notice, and the decision can be appealed to the City Council. To get the tow yard operational as quickly as possible a temporary use permit (TUP) could be obtained instead, or simultaneous with, a CUP. A TUP requires a 32-day public notice but does not require a planning commission hearing. As each TUP is good for only 14 days, more than one TUP may need to be applied for to allow the temporary tow yard to operate through August 15 (the date when the lot will no longer be available, although the school district has indicated it may be able to extend this date). A TUP includes a fee of \$696 whereas a CUP includes a fee of \$3,488. The operator has requested that these fees be waived.

Due to the public purpose and public safety benefits involved, the City Council may direct that fees for the TUP(s) and/or CUP be waived.

ATTACHMENTS: None