



# Council Agenda Report

City Council Meeting  
09-13-21

**Item  
4.C.**

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Joyce Parker-Bozylinski, Contract Planner

Reviewed by: Adrian Fernandez, Assistant Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: August 24, 2021 Meeting Date: September 13, 2021

Subject: Amend Malibu Municipal Code to Authorize the Implementation of a Parking Management Plan on the west side of Trancas Canyon Road between Pacific Coast Highway and Tapia Drive (Trancas Canyon Road)

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**RECOMMENDED ACTION:** 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 493 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 prohibit parking on the west side of Trancas Canyon Road between Pacific Coast Highway (PCH) and Tapia Drive between the hours of 12:00 am and 3:00 am daily; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 493 for the September 27, 2021 Regular City Council meeting.

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

**WORK PLAN:** Item 4d (Overnight Parking Ordinance) was included in the Adopted Work Plan for Fiscal Year 2021-2022.

**DISCUSSION:** 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). These areas included the Las Tunas Beach area and the Malibu Pier area. On March 3, 2020, the Planning Commission approved a CDP to restrict overnight parking in the Las Tunas Beach area. Signs implementing the overnight parking restrictions during certain hours have been installed.

On September 14, 2020, the City Council adopted Ordinance No. 469, which amended Section 10.19.020, to add two new parking restriction areas along PCH at Corral Beach and Zuma Beach. On October 19, 2020, the Planning Commission approved CDPs to restrict overnight parking in both of these areas. Signs implementing the overnight parking restrictions during certain hours have been installed.

The purpose of this amendment is to increase public safety and 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 and public recreation areas, thus parking should be available for beach and trail access to all and not occupied by vehicles that park for an extended period of time without turning over. Trancas Canyon Road is a designated trail on the City's General Plan Malibu and Santa Monica Mountains Trail System Map and on the LCP Park Lands Map.

The LCP 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 would restrict parking only on the west side of Trancas Canyon Road to not adversely impact public access and remain consistent with the public access and recreation policies of the Coastal Act and LCP. There will always be parking for vehicles available along Trancas Canyon Road on the east side of the road and north of Tapia Drive.

**Figure One – Satellite View of Affected Area**



Source: Google Maps 2021

To implement the subject ordinance, a coastal development permit (CDP) application will be required. The CDP application for the no parking sign installation will provide the details on the location of the parking restrictions, as well as conditions to ensure that the parking restriction is implemented in a way that is consistent with the Coastal Act and City's LCP.

## ***Proposed Ordinance***

The area between PCH and Tapia consists of approximately 1,390 linear feet of street frontage. Existing no parking (red curb/bus stop and driveway entrance to the Chevron Station and Malibu Country Mart parking lot) areas on the west side of the street would reduce the impacted area to approximately 1,180 linear feet. This would result in the reduction of approximately 59 parking spaces (20 feet for each parking space) between the hours of midnight and 3:00 a.m. However, the supply of available parking for beach and trail access would continue to exceed demand at that time because the restricted hours are at a time of night when beach and trail access parking demand is low. In addition, the intent of the parking restriction is to increase public safety as well as parking turnover and discourage parking overnight and for extended periods.

The overnight storage of vehicles creates a dangerous situation for vehicles traveling southbound on Trancas Canyon Road due to the steepness of the street and the curve that begins at Tapia Drive. Vehicles traveling southbound are generally travelling at a higher rate of speed as the street descends which creates a dangerous situation during nighttime hours when visibility is reduced. To facilitate the safe and efficient use of street parking space, consistent with General Plan Policy 1.3.2, the proposed amendment would amend Section 10.19.020 to add one new parking restriction area, which would read as follows:

### **10.19.020 Overnight Parking Restrictions.**

#### **E. Trancas Canyon Road from Pacific Coast Highway to Tapia Drive:**

1. West side – No parking between 12:00 a.m. and 3:00 a.m.

MMC Sections 10.19.30, 10.19.40 and 10.19 .50 will also apply to this area. 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.

The purpose of this ordinance is to increase public safety as well as the supply of public parking. Public safety will be enhanced by prohibiting the storage of vehicles on the west (downhill) side of the street. In addition, prohibiting overnight parking would result in the turnover and increased availability of public parking. Parking on the east side of street would remain unchanged and the ordinance would not 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.

## **LCP Consistency**

The purpose of this ordinance is to increase public safety and ensure availability of street parking and would not serve to impede or restrict public access to beaches, trails, or parklands, consistent with the LCP's Land Use Policies. Maximum public access opportunities and adequate parking to

serve beach and trail 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. Other signage in area will be maintained that describes the availability of parking in the area. Given the existing parking in the immediate area, placing the parking restrictions only on one side of the street will ensure adequate 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 public safety in addition to parking turnover and ensure safe parking opportunities for both residents and visitors utilizing the shoreline, beaches, and trails.

*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 public safety by prohibiting the parking of vehicles on the west (downhill) side of Trancas Canyon Road south of Tapia Drive. This area is characterized as not having any public improvements such as curbs. In general, vehicles park partially or entirely on the undeveloped dirt area adjacent to the street right of way. The daily turnover of parking will be occurring only on one side of Trancas Canyon Road, which will ensure public parking is always available.

*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 on the west side of the street. No changes to the existing parking on the east side of the street are proposed. In addition, parking used to access nearby Zuma Beach is available at the Zuma State Beach parking lots and along PCH.

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, and will actually increase access and parking by forcing the turnover of parking spots being used for storage of vehicles or long-term parking. In addition, the existing parking available on the east side of the street will remain.

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 restriction will take place during the night hours when demand on public recreational areas is low. The parking restriction will only be on the west side (downhill) to protect public safety in an area with low lighting, steep roadway grade and a curve.

ENVIRONMENTAL REVIEW: This Ordinance was assessed in accordance with the authority and criteria contained in the CEQA, the State CEQA 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. 493 amending MMC Title 10 to amend Section 10.29.020; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 493 for September 27, 2021, Regular City Council meeting.

ATTACHMENT: Ordinance No. 493

## ORDINANCE NO. 493

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 PROHIBIT PARKING ON THE WEST SIDE OF TRANCAS CANYON ROAD BETWEEN PACIFIC COAST HIGHWAY AND TAPIA DRIVE FROM 12:00 A.M. TO 3:00 A.M. DAILY (TRANCAS CANYON ROAD)

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 amends the existing overnight parking ordinance to add one new area 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 2. Findings for Malibu Municipal Code Amendment.

The City Council hereby finds the amendment to be consistent with the general plan and makes the following findings in support of its decision to amend the Malibu Municipal Code 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. In addition, the overnight storage of vehicles and long term-parking creates a dangerous situation for vehicles traveling southbound on Trancas Canyon Road at night due to the steepness of the street and the curve that begins at Tapia Drive. Vehicles traveling southbound are generally travelling at a higher rate of speed as the street descends, which creates a dangerous situation during nighttime hours when visibility is reduced. Consistent with General Plan Policy 1.3.2, the proposed parking restrictions have been imposed to facilitate the safe and efficient use of street parking spaces.

B. Without posted restrictions on overnight parking, vehicles will continue to park in an area with reduced visibility and will be encouraged to stay in one place for excessive periods of time, taking up numerous parking spaces and also impacting visual resources by allowing vehicles to be stored in this scenic area for indefinite periods of time.



C. Although the restrictions would reduce the amount of available parking spaces for a total of three hours per night, the supply of available parking for beach and trail access would continue to exceed demand because the restriction hours are at a time of night when beach and trail access parking demand is low.

D. The purpose of this ordinance is to increase public safety as well as the supply of public parking and improve visual resources. Public safety will be enhanced by prohibiting the storage of vehicles on the west (downhill) side of the street. In addition, prohibiting overnight parking would require the turnover and increased availability of public parking. Parking would still be available on the east side of street and would not impede or restrict public access to beaches, trails, or parklands. 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.

### SECTION 3. 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 one additional overnight parking restriction areas, to read as follows:

#### 10.19.020 Overnight Parking Restrictions.

E. Trancas Canyon Road from Pacific Coast Highway to Tapia Drive:

1. West side – No parking between 12:00 a.m. and 3:00 a.m.

### 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, upon approval of a CDP authorizing their posting. 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. Effectiveness.

This Ordinance shall become effective 30 days after its passage and adoption.

SECTION 7. Certification.

The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of September 2021.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

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

APPROVED AS TO FORM:

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

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JOHN COTTI, Interim 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.