



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, Interim City Manager

Date prepared: September 15, 2021 Meeting date: September 27, 2021

Subject: Second Reading and Adoption of Ordinance No. 493

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 493 determining the project is categorically exempt from the California Environmental Quality Act and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking), Title 10 (Vehicles and Traffic) of the Malibu Municipal Code to prohibit parking on the west side of Trancas Canyon Road between Pacific Coast Highway and Tapia Drive between the hours of 12:00 am and 3:00 am daily.

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 September 13, 2021, the Council introduced on first reading Ordinance No. 493.

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 27th day of September 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

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

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.