



Council Agenda Report

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

Prepared by: Susan Dueñas, Public Safety Manager
Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: April 1, 2022

Meeting date: April 25, 2022

Subject: Temporary Day-Use Impound Yard

RECOMMENDED ACTION: 1) Review a recommendation by the Public Safety Commission regarding establishing a temporary day-use impound yard; and 2) Provide direction to staff on how to proceed.

FISCAL IMPACT: There is no fiscal impact associated with this recommended action. Depending on what direction Council provides on a temporary day-use impound yard, additional funding may be necessary to prepare an existing City-owned site or to lease a privately-owned space that was not previously included in the Adopted Budget for Fiscal Year 2021-2022.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

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 vehicle code and local code violations. Currently, Sierra Towing and Roy's Towing, both based in the City of Thousand Oaks, are approved tow companies for LASD within the Malibu city limits.

The ability to tow vehicles that are parked illegally in marked tow away zones is critically important to manage illegal parking and public safety throughout the City, especially during the summer months when the number of visitors to the City increases greatly and there is an increase in traffic congestion. Visitors routinely park illegally in order to more easily access the many public areas in the City or because other parking is not available. However, this frequently creates public safety hazards and negatively impacts residents and neighborhoods at large, and also has the potential to impact the ability of emergency

responders. Unfortunately, parking tickets and signage alone are not enough to discourage people from parking illegally.

LASD's current ability to tow vehicles is limited by the distance tow trucks must travel to pick up a vehicle and then transfer a vehicle to an impound yard, which can be as much as an hour one way during the summer months. This situation has two significant impacts:

- 1) In order to tow a vehicle, a deputy must stay with the vehicle until the tow company arrives. If a tow truck is not nearby, a deputy can be tied up for an hour or more waiting for the tow truck. This is not the best use of a deputy's time, so the goal is to minimize that wait time.
- 2) Once a vehicle is picked up by a tow company, it must travel to Thousand Oaks to transfer the vehicle to the tow company's impound yard. This travel time to and from Thousand Oaks decreases the availability of the tow truck in Malibu.

By creating a day-use impound yard within the City, the number of vehicles that can be towed is significantly increased since tow trucks do not have to travel to Thousand Oaks to transfer the vehicle to their permanent impound yard, and the amount of time deputies must wait for a tow company to arrive is greatly reduced since tow trucks can be staged at a day-use impound site.

Prior Efforts to Establish a Day-Use Impound Yard

The Public Safety Commission (Commission) has explored multiple options and potential locations in Malibu for a temporary impound yard. In all discussions, the concept was defined as a place 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. No vehicles would be stored at the Malibu location overnight.

Potential locations that have been explored in the past include:

- Malibu High School upper parking lot
- The City-owned property at Pacific Coast Highway (PCH) and Heathercliff
- City Hall parking lot
- The Malibu Equestrian Park
- The Los Angeles County-owned circular area at the entrance to Zuma Beach at Busch Drive and PCH

At the February 3, 2021 Commission meeting, the Commission recommended that the City Council consider the use of the Malibu High School upper parking lot 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. One of the key considerations for a site was its proximity to Zuma Beach and Point Dume, which is where most of the cars being impounded are located. At the same meeting, they also voted to form an Ad Hoc Committee 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.

The Ad Hoc Committee was provided with a list of properties that already have the proper zoning for a day-use impound yard (Attachment 1) which includes Industrial (I) and Commercial General (CG). A Conditional Use Permit (CUP) may be granted by the Planning Commission to permit a towing and automobile storage use in these two zones and is not a permitted use in any other zone.

The Ad Hoc Committee conducted numerous site visits to possible locations, including the Malibu High School, Equestrian Park, City-owned lot at PCH and Heathercliff, and circular area at the entrance to Zuma Beach at Busch Drive and Pacific Coast Highway. At one point, the circular area at the entrance to Zuma Beach was being seriously considered. However, due to its proximity to a creek and lack of pedestrian access, it was dismissed as a possibility.

At the March 3, 2021 Commission meeting, the Ad Hoc Committee reported back on their findings. When the option of using the Equestrian Park was discussed, community members from the Trancas Riders and Ropers strongly objected to using that site. When discussing the City Hall parking lot, its distance from Zuma was a major concern as well as the fact that it is frequently rented out as off-site parking for private functions. Ultimately, the Commission re-affirmed its recommendation of the Malibu High School upper student parking lot as the first choice for a temporary tow yard.

However, to implement this plan, the operator was required to obtain a CUP to operate a temporary tow yard for the summer months at the Malibu High School and a Temporary Use Permit (TUP) for the use to operate while a CUP is processed. Since TUPs are only valid for a 14-day period, a CUP is needed due to the length of time the impound yard would be needed. On June 14, 2021, the City Council voted in favor of waiving the application fees for a temporary use permit and conditional use permit for the use of the high school parking lot as the site of a temporary tow yard.

Unfortunately, this site was never implemented due to the length of time required to obtain a CUP combined with ongoing construction at the high school and the restrictions on the number of weekends the tow site could operate at that location. Ideally, a site needs to be available from Memorial Day through Labor Day. However, the high school site is not available after the middle of August due to regular school activities.

At the March 5, 2022 Commission meeting, staff recommended that the Commission discuss options regarding a temporary day-use impound yard again and provide a recommendation to the City Council. After a lengthy discussion and reflection on past efforts, the Commission voted in favor of recommending to the City Council that the undeveloped property at Heathercliff and PCH be used as a temporary site. The site map (Attachment 2) indicates the proposed location, entrance, and exit. The tow companies using the site would be required to use pans or other protective devices to prevent vehicle fluids from leaking onto the ground and tow company personnel would need to be onsite to collect the impound fees and release the vehicles to the owners.

However, the Heathercliff site is currently zoned Commercial Neighborhood and using this site would require a change in the Malibu Municipal Code (MMC) and Local Coastal Program (LCP) Local Implementation Plan to conditionally permit LASD sponsored impound yards. Alternatively, the Council could amend the City's TUP ordinance to allow for the use to take place on the Heathercliff parcel.

The points below outline the process to amend the TUP ordinance should the Council vote to initiate a Zone Text Amendment (ZTA). Except for review by Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES), all other steps are required by the MMC and would be as follows:

- Initiation of the ZTA (*Tentative May 9, 2022*)
- Vet the proposed ZTA at a ZORACES Meeting (*Tentative June 2022*)
- Present the draft ZTA to Planning Commission for recommendation to the City Council (*Tentative July 18, 2022*)
- Present the ZTA for adoption and first reading of the revised ordinance by the City Council (*Tentative September 12, 2022*)
- Second reading and adoption of the ordinance (*Tentative September 27, 2022*)

URGENCY ORDINANCE OPTION

Since this is a public safety issue that will present itself beginning Memorial Day weekend and the TUP ZTA would not become effective until the end of summer, the Council may consider directing staff to return to the May 9, 2022, City Council meeting with an Urgency Ordinance that would amend the City's TUP ordinance while the TUP ZTA is being processed. The Urgency Ordinance could become effective immediately upon adoption by a four-fifths vote at the May 9, 2022, meeting.

If the Council directs staff to amend the Permitted Uses Table in the MMC and the LCP to include a day-use impound yard as an allowable use, a ZTA and Local Coastal Program Amendment (LCPA) is required for consistency between the two use tables. Since this process involves the California Coastal Commission (CCC), this process could take between 1.5 to 2 years to complete. The process for this type of amendment would be as follows:

- Initiation of the ZTA and LCPA
- Vet the proposed ZTA and LCPA at a ZORACES Meeting
- Present the draft ZTA and LCPA to Planning Commission for recommendation to the City Council
- Present the ZTA for adoption and first reading of the revised ordinance by the City Council; at this same meeting the LCPA would be considered by the City Council for approval to submit to the CCC.
- The LCPA would be submitted to the CCC
- Second reading and adoption of the ordinance (ZTA)
- Approval of the LCPA by the CCC
- Adoption of the LCPA by the City Council
- Final approval and Certification by the CCC.

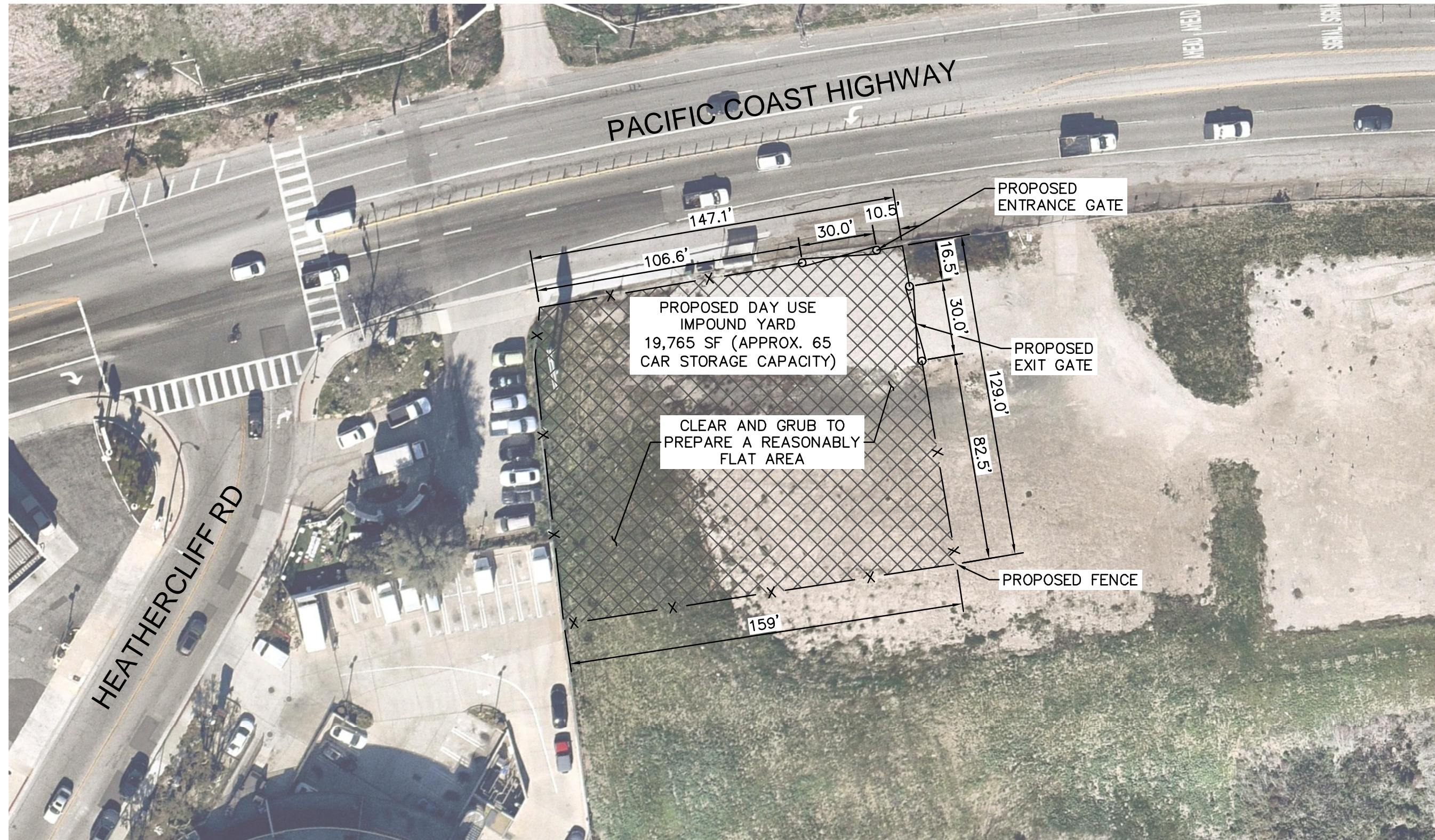
Based on the Council's direction staff will prepare a ZTA and/or Urgency Ordinance for presentation to the City Council.

ATTACHMENTS:

- 1) Table of properties zoned for towing and automobile storage
- 2) Proposed Day-Use Impound Yard Site Map

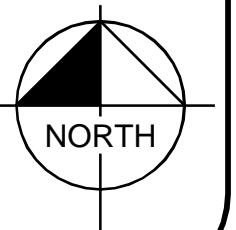
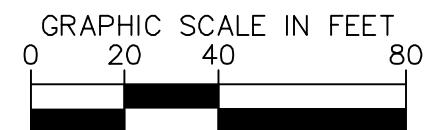
Zoned for Tow Yards				
LIP (Appendix 1 Table B Permitted Uses)				
Towing and Automobile Storage				
Allowed in CG and I Zones with CUP				
Property Owner	Address	Zone	Note	Description
LA County Consolidated	32550 Pacific Coast Highway	I	Fire Station	LACFD Fire Station #99
LA County	6464 Busch Drive	I		Zuma Beach entrance road
Santa Monica Unified School District	30215 Morning View Drive	I	School	Malibu High School
Santa Monica Unified School District	APN: 4469-019-902 (No physical address)	I	School	Malibu Equestrian Park/Malibu High School
Santa Monica Unified School District	APN: 4469-018-903 (No physical address)	I	School	Parking lot for Malibu High School
Santa Monica Unified School District	APN: 4469-019-901 (No physical address)	I	School	Vacant lot/Malibu Equestrian Park
Santa Monica Unified School District	APN: 4469-019-900 (No physical address)	I	School	Vacant lot/Malibu Equestrian Park
Santa Monica Unified School District	APN: 4469-018-902 (No physical address)	I	School	Vacant lot/Malibu Equestrian Park
Santa Monica Unified School District	6225 Merrit Dr	I	School	Parking lot/Malibu Equestrian Park
Santa Monica Unified School District	APN: 4469-018-904 (No physical address)	I	School	Parking lot/Malibu Equestrian Park
Santa Monica Unified School District	APN: 4469-018-901 (No physical address)	I	School	Vacant lot/Malibu Equestrian Park
United, Malibu Church	30128 Morning View Dr	I	Church	Parking lot/Church facilities
LA County Flood Control District	5910 Trancas Canyon Road	I		Flood Control Basin/Blue line stream
Malibu West Swimming Club	APN: 4469-001-011 (No physical address)	I	Recreation	Tennis Courts
Malibu Congregation of Jehovah Witnesses	32057 Pacific Coast Highway	I	Church	Parking lot/Church facilities
Bishop of the Protestant Episcopal Church	28211 Pacific Coast Highway	I	Church	Parking lot/Church facilities
Malibu Jewish Center	24855 Pacific Coast Highway	I	Church	Parking lot/Synagogue facilities
LA County	3863 Malibu Country Dr	SFM	Facilities	Malibu Mesa Wastewater Treatment Plant
Santa Monica Unified School District	6955 Fernhill Drive	I	School	Malibu Elementary School
Helen and Bob Wilcox	28734 Pacific Coast Highway	I	Residence	Multiple Family Residence
KW Malibu Colony LLC	23841 Malibu Road	CG	Center	Malibu Colony Plaza
KW Partnership LP and KW Two Partnership LP	23670 Pacific Coast Highway	CG	Center	Gas Station/Business Center
Chevron USA Inc	23614 Pacific Coast Highway	CG	Gas Station	Vacant Lot
Reco Land Corp	23614 Pacific Coast Highway	CG	Center	Malibu Country Mart
City of Malibu	APN: 4458-020-900 (No physical address)	CG		Vacant Lot
23676 and 23726 Malibu Road LLC	23664 Malibu Road	CG		Parking Lot
23676 and 23726 Malibu Road LLC	23700 Malibu Road	CG	Center	Business Center

Zoned for Tow Yards				
LIP (Appendix 1 Table B Permitted Uses)				
Towing and Automobile Storage				
Allowed in CG and I Zones with CUP				
Property Owner	Address	Zone	Note	Description
LA County Consolidated Fire	23720 Malibu Road	CG	Fire Station	Fire Station 88
Morton and Leslie Gerson	23730 Malibu Road	CG	Center	Business Center
State of CA	3503 Las Flores Canyon Road	I	Utility	State Facilities
Andrew Conrad	3504 Las Flores Canyon Rd	I	School	The Sycamore School
LA County Consolidated Fire	3970 Carbon Canyon Rd	I	Fire Station	Fire Station 70
Serra Retreat	3401 Serra Road	I	Center	Serra Retreat
State of CA	APN: 4458-023-902 (No physical address)	I		Vacant Lot
Santa Monica Unified School District	23811.5 Malibu Crest Drive	I		Lot)
23800 Malibu Crest LLC	APN: 4458-024-045 (No physical address)	I		Vacant Lot
LA County	23525 Civic Center Way	I	Center	Courthouse, Water District, Malibu Library
Jean Paice Phillips	3661 Cross Creek Rd	CG		Private Equestrian Center
Mariposa Land Co LTD	3738 Cross Creek Rd	CG		Storage Facility
Presbytery of Santa Barbara Inc	3324 Malibu Canyon Road	I	Church	Parking lot/Church facilities
Presbytery of Santa Barbara Inc	23933 Malibu Knolls Road	I	Church	Parking lot/Church facilities
Presbytery of Santa Barbara Inc	23960 Malibu Knolls Road	I	Church	Church Facilities
So Cal Edison	3639 Winter Canyon Road	I	Utility	Socal Edison Facility
Santa Monica Unified School District	3602 Winter Canyon Road	I	School	Webster Elementary School
(Multiple Owners - 17)	3601 Vista Pacifica	I	Residential	Multiple Unit Residential
Santa Monica Unified School District	3608 Winter Canyon Road	I	School	Webster Elementary School Parking Lot
LA County	3637 Winter Canyon Road	I	Utility	LA County Road Maintenance Lot
Archdiocese of LA	3625 Winter Canyon Road	I	Church	Our Lady of Malibu Church & School
Roman Catholic Archbishop	3625 Winter Canyon Road	I	Church	Our Lady of Malibu Church & School
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NEARMAP DATED FEBRUARY 2022

EXHIBIT - PROPOSED DAY USE IMPOUND YARD



Kimley»Horn

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