



# Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

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Reviewed by: Richard Mollica, Acting Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: October 23, 2020 Meeting Date: November 9, 2020

Subject: Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 – An amendment to the Local Coastal Program and Malibu Municipal Code Allowing Stand-Alone Surface Parking Lots in Commercial Zones as a Conditionally Permitted Commercial Use

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**RECOMMENDED ACTION:** 1) Adopt Ordinance No. 475 (Attachment A) determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and approving Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 to amend the Local Coastal Program (LCP) and the Malibu Municipal Code (MMC) to allow stand-alone surface parking lots in the Commercial General (CG), Community Commercial (CC), and Commercial Neighborhood (CN) zoning districts as a conditionally permitted commercial use citywide; 2) Direct staff to schedule second reading and adoption of Ordinance No. 475 for the November 23, 2020 Regular City Council meeting; and 3) Adopt Resolution No. 20-58 adopting guidelines and standards for parking lot tree selection and planting in stand-alone surface parking lots and determining the same exempt from the California Environmental Quality Act.

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

**WORK PLAN:** This item was included as item 4e in the Adopted Work Plan for Fiscal Year 2020-2021.

**BACKGROUND:** On May 29, 2018, the City Council provided direction on policies to include as amendments to the LCP and the MMC to permit stand-alone parking lots as a

primary commercial use in the CG, CC, CN zones.<sup>1</sup> As part of its direction, the Council asked for the amendment to address surface and subterranean parking (but not allow stand-alone above-ground structures), and that individual projects should be required to conduct parking circulation assessments.

On September 26, 2018 and November 1, 2018, a draft amendment was scheduled for review by the Council's Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES), but the meetings were cancelled due to lack of quorum. Subsequently, a March 17, 2020 meeting was scheduled but cancelled due to the COVID-19 pandemic.

On August 6, 2020, ZORACES met to discuss the draft amendment. At that meeting, the following recommendations were made:

- Include a mechanism to ensure long term compliance;
- Tree canopy coverage should cover both permeable and non-permeable parking areas;
- Seek input from a landscape professional on the types and size of trees to require and whether to plant more mature or younger trees;
- For parking lots larger than two acres, seek input from the Planning Commission on whether the canopy coverage percentage should increase as the size of the parking lot increases;
- Provide examples of typical tree canopy coverage;
- Parking lifts, subterranean, and structured parking should be addressed in a future amendment, as needed;
- No compact spaces should be allowed; and
- Compliance with the Art in Public Places Ordinance should be required.

On September 21, 2020, the Planning Commission held a public hearing on the proposed ordinance and requested several changes. These changes have been incorporated into the attached proposed ordinance (Attachment A) and are discussed in detail later in this staff report. The Planning Commission also recommended that the City Council study parking needs in the City and impose caps in some form to limit the total area taken by stand-alone surface parking lots, and that the stand-alone surface parking lot ordinance not be implemented until such caps are put in place. Planning Commission Resolution No. 20-65 is included as Attachment C.

**DISCUSSION:** Currently, surface parking lots can only be constructed in association with a commercial structure such as a shopping center, office, etc. The proposed ordinance will create a new land use type know as Stand-Alone Surface Parking Lots and this use will be allowed in the CG, CC, and CN zones with a Conditional Use Permit.

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<sup>1</sup> The amendments were initiated by Council through adoption of Resolution No.17-21 on May 22, 2017 after it denied the appeal request of Pepperdine University to find that parking as a stand-alone use is similar to and no more objectionable than other commercial uses in the CC zone.

Below is a summary of the existing primary design standards that apply to a typical commercial parking lot with more than six spaces:

- Spaces must be 9 feet by 20 feet (regular) and 8 feet by 15.5 feet (compact).
- No more than 20 percent can be compact spaces.
- Spaces can be located in rear yard and interior side yard setbacks; cannot be located in front yard or street-side setback.
- Where abutting or across the street from a residential district, must provide 42-inch masonry wall screening. Landscape planting may be substituted with Planning Commission approval.
- Parking must be screened from scenic highways.
- Parking must provide interior circulation.
- Parking must accommodate vans, motorcycles and bicycles.
- Lot must have 5-foot perimeter landscaped planter bed.
- Minimum of 5 percent of paved parking area shall be interior planter beds (exclusive of perimeter planting). Trees are encouraged.
- Center dividers between parking stalls must have tree wells at specified intervals.

### **Summary of Proposed Amendments**

The intent of the proposed ordinance is to permit stand-alone surface parking lots as a conditionally permitted use and to provide additional regulations to ensure enhanced sustainability, high aesthetic value, innovative transportation modes and safety.

The proposed ordinance language in the attached ordinance mirror each other as the existing parking lot development standards in the LCP and MMC are the same. However, the LCP does not include ordinances applicable to conditional use permits and temporary use permits.

The draft language included in the proposed ordinance addresses the following:

- Adds design requirements for the stand-alone surface parking lots to maintain or enhance the community character of the CG, CC and CN zones;
- Amends the permitted uses table to allow a “stand-alone surface parking lot” as conditionally permitted use in the CG, CC and CN zones;
- Explains how existing commercial development standards of MMC Section 17.40.080 and LCP Local Implementation Plan (LIP) Section 3.8 apply to stand-alone surface parking lots;
- Adds standards for parking lot landscaping and maintenance; and
- Adds a 10-year reporting requirement.

The existing parking lot development standards in MMC Section 17.48.050 and LIP Section 3.14, and the commercial development standards found in MMC Section

17.40.080 and LIP Section 3.8 would still apply, except as modified by the proposed ordinance.

Since the ordinance includes amendments to the LCP, it will not go into effect until certified by the California Coastal Commission.

### *Sustainability*

The proposed ordinance includes requirements for the inclusion of environmentally sustainable design practices, such as encouraging permeable surfaces, rainwater harvesting, and more extensive tree coverage and landscaping. The additional landscaping standards will result in greater tree coverage that will provide shade to reduce the heat island potential of paved surfaces and provide nesting bird and wildlife habitat. To address compliance with City's Dark Sky Ordinance (MMC Chapter 17.41), new stand-alone surface parking lots will be required to comply with Lighting Zone-1 of the California Building Code.

### *Aesthetics*

Stand-alone surface parking lots will be required to include perimeter landscape screening along all sides that are adjacent to streets. Furthermore, stand-alone parking lots will be subject to the Art in Public Places Ordinance (Chapter 17.41).

### *Flexibility*

The proposed ordinance also includes provisions to provide pick-up and drop-off sites to allow for the utilization of shuttle services, ride-share/ride-hail services and bicycles as a way to address parking shortages in other areas of the City. The ordinance also includes requirements for bus or other high occupancy vehicle access that will support park and ride uses. These measures ensure that longer-term transportation changes can be accommodated in the newly created parking lots.

### *Efficiency and Safety*

Optimizing parking utilization is a key component of reducing the necessary hardscape footprint of a parking lot and improving safety of the pedestrians using or walking through or around the parking lot. The following standards will be required:

- Ensure efficient and logical transportation access;
- Minimize curb cuts;
- Support safe pedestrian pathways and access;
- Minimize heat island effect; and
- Accommodate alternative modes of transportation.

Addressing efficient access, minimizing curb cuts, and requiring well-placed signage to ensure visible access and clear pedestrian paths of travel designed for all levels of ability will benefit efficiency as well as safety. In addition, all accessibility requirements of the building code shall apply.

### *Commercial Development Standards*

Stand-alone surface parking lots would be treated as a commercial use, subject to the existing commercial development standards contained in MMC Section 17.40.080 and LIP Section 3.8. However, the proposed ordinance contains recommendations for exemptions or relaxation of certain standards when the purpose of the standard is met by the project in a different way. For example, a new parking lot will require perimeter screening along all sides adjacent to a street, tree canopy coverage, and at least 30 percent of the parking lot must be permeable area unless evidence demonstrates that the project includes best management practices which support a lower amount of permeable surfaces. In addition, stand-alone surface parking lots are proposed to be allowed to have parking spaces that are located in the required front and street-side setbacks. Furthermore, the proposed landscape and open space requirements would supersede the existing 40 percent landscaping plus 25 percent open space requirements that are currently applicable to parking lots.

Additionally, kiosks for parking lot attendants or for automated pay stations would be allowed in setbacks subject to certain size limitations.

### *Enhanced Parking Lot Landscaping*

The proposed ordinance establishes additional landscaping requirements for stand-alone surface parking lots. Stand-alone surface parking lots will be required to be planted in a way that achieves 50 percent canopy coverage for the area that accommodates vehicular circulation and parking within 10 years. To accomplish this, a Parking Lot Tree Selection List along with a Tree Planting Guide have been developed in consultation with an arborist consultant (Exhibits A and B of Attachment B). These documents are intended to be adopted by the City Council by resolution and not included in the ordinance itself, so that adjustments can more easily be made.

The Parking Lot Tree Selection List was developed using a variety of factors. These factors include selecting tree species that will: grow well in Malibu, thrive in a parking lot environment, provide a wide variety of shapes to choose from, have minimal issues with litter (e.g., fallen leaves), provide a mix of native/non-native species, provide both deciduous<sup>2</sup> and evergreen trees, and have an attractive appearance.

The proposed ordinance requires applicants to select shade trees from the Parking Lot Tree Selection List unless the tree choice is otherwise approved by a City Arborist. The

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<sup>2</sup> A deciduous tree sheds its leaves annually at the end of its growing season.

applicant will be required to demonstrate canopy coverage area on a planting plan showing the canopy size at 10 years based on the appropriate percentage of the crown as provided on the Tree Selection List. Trees will receive a 25 percent, 50 percent, 75 percent or 100 percent shading credit based on the amount of the mature tree crown that will shade the parking area. Areas in which tree canopies overlap would not be counted twice. An example of how the canopy coverage area is calculated is provided in Attachment D. Consideration would be given to the newly adopted Fire Resistant Landscape Ordinance requirements of MMC Chapter 17.53 with respect to tree planting limitations where overhead utility easements are located.

The ordinance proposes a ratio of one tree per 1,200 square feet of area that accommodates vehicular circulation or parking. The 1,200 square foot requirement results in approximately one tree for every three parking spaces including the associated required backup radius for those spaces. This ratio was chosen to ensure sufficient trees were planted to achieve the 50 percent shade coverage target.

For a tree to grow at the expected rate, it is important to ensure that the tree has adequate room and is properly planted and maintained. The Parking Lot Tree Selection list includes minimum planter width requirements for each species that would ensure proper growing conditions. Requiring sufficiently sized planters may reduce the number of parking spaces that can be provided in a parking lot but will provide the best opportunity for the parking lot to meet the shading target. Compliance with required planter size will be part of the final inspection process.

The City Arborist recommends requiring a mix of 15-gallon and 24-inch box trees and advised against requiring trees larger than a 24-inch box. Younger trees that have not had their roots confined to a box for a long period of time will grow much faster than large box trees with roots that have been confined to a box for years. While the larger trees give instant visual appeal, they are generally not as healthy as younger, smaller trees over a long time period.

## **Implementation, Compliance and Maintenance**

### *Approval Process and Studies*

The proposed ordinance requires a CUP for stand-alone surface parking lots which would be decided upon by the Planning Commission at a public hearing. This requirement ensures each project can be considered individually and conditioned appropriately to avoid adverse impacts on the community. A utilization analysis of other parking facilities within a certain distance of the proposed parking lot will be required as part of the application for stand-alone parking lots. The Planning Commission recommended that the study distance be increased from the original proposal of 500 feet to 1,000 feet due in part to the size of the parcels in the Civic Center area. This change has been incorporated into the proposed ordinance. By analyzing nearby parking lots, the proposed lot can be approved in a way that ensures compatible access with surrounding uses and allows for the potential for

shared use parking; this will allow parking facilities in close proximity to each other to function at the highest level of efficiency, minimizing additional hardscape and excess parking in a concentrated area.

The Planning Commission also recommended requiring a traffic study and needs assessment as part of the CUP application. A traffic study will help determine potential traffic impacts based on the proposed use and design of the parking lot. The purpose of the needs assessment is to ensure a balance of uses in the area and that no one area is dominated by parking lots. These requirements have been included in the proposed ordinance.

Applicants will also be required to concurrently apply for a Coastal Development Permit and demonstrate compliance with the commercial development standards, enhanced parking lot landscaping and parking lot maintenance requirements. The Planning Commission discussed possible impacts from parking lots being utilized by large events held outside City limits and recommended adding language requiring a parking lot owner to obtain a Temporary Use Permit (TUP) or Special Event Permit (SEP) to utilize the lot for event parking. This language has been added to the TUP section of the MMC. Traffic and circulation issues caused by events will be addressed as part of the review process for the issuance of a TUP or SEP.

### *Compliance and Maintenance*

Compliance concerns were raised by both ZORACES and the Planning Commission. The proposed ordinance is focused on proper design, planting, and maintenance in order to give the required trees the best opportunity to thrive at the expected growth rate to achieve the goal of 50 percent canopy coverage. If an approved plan is planted properly (as confirmed by final inspection) and maintained, a parking lot owner would be deemed to be in compliance.

The proposed ordinance requires a 10-year report to the Commission with evidence that all of the trees shown on the final landscape plan, as included in the Landscape Maintenance Agreement (described below), are still planted unless a replacement tree has been approved by the City's Arborist and that the trees are growing at the expected growth rate. If the trees appear to be growing at a slower rate, recommendations to improve the health of the trees shall be provided in the report.

Since proper maintenance is important to allow the trees to grow to their full potential, all major pruning work will have to be supervised by a City-approved, International Society of Arboriculture (ISA) Certified Arborist. Topping of trees or pruning to reduce the tree canopy will be prohibited. A Landscape Maintenance Agreement will be required and will be recorded against the property to inform any potential buyers of the parking lot of the property specific tree canopy maintenance requirements. The final approved landscape plan will be part of the Landscape Maintenance Agreement. In the future, this will allow

the City Arborist or Code Enforcement staff to determine whether a tree has been removed and replaced with a non-compliant species with a different tree canopy.

### Adoption of City Guidelines

As discussed previously the proposed ordinance requires that parking lot trees be selected from the City's Parking Lot Tree Selection List and planted in accordance with the City's Tree Planting Guide. These documents are proposed to be adopted by resolution (Attachment B) so that adjustments can more easily be made. These documents were developed in consultation with an arborist contracted with the City.

### Fees

At this time the City has a contract with an arborist; however, in order to carry out the proposed ordinance, the City will need to issue a request for proposals for City Arborist services. New fees to cover the costs associated with the City Arborist review and the requirement for a Landscape Maintenance Agreement will be presented to the City Council for adoption prior to the ordinance going into effect. These fees will be structured similarly to the City Biologist fees for project reviews where the fees collected from applicants will pay for the City Arborist's review and inspection of projects.

ENVIRONMENTAL REVIEW: Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the Local Coastal Program amendment and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

Furthermore, the Planning Department determined that under Section 15061(b)(3) of the State of California 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. The ordinance will not accommodate required parking or increase parking demand, but will accommodate existing demand, and accordingly, the exemption set forth in Section 15061(b)(3) applies.

CORRESPONDENCE: Correspondence received for the September 21, 2020 Planning Commission hearing is attached as Attachment E.



PUBLIC NOTICE: On October 15, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Attachment F).

SUMMARY: Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Ordinance No. 475 and Resolution No. 20-58.

ATTACHMENTS:

- A. Ordinance No. 475
- B. Resolution No. 20-58 with Exhibits A and B
- C. Planning Commission Resolution No. 20-65
- D. Canopy Coverage Example
- E. Correspondence
- F. Public Hearing Notice

## ORDINANCE NO. 475

AN ORDINANCE OF THE CITY OF MALIBU AMENDING THE LOCAL COASTAL PROGRAM (LOCAL COASTAL PROGRAM AMENDMENT NO. 17-05) AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE (ZONING TEXT AMENDMENT NO. 17-05) TO ALLOW STAND-ALONE SURFACE PARKING LOTS IN THE COMMERCIAL GENERAL, COMMUNITY COMMERCIAL, AND COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS AS A CONDITIONALLY PERMITTED COMMERCIAL USE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby ordain as follows:

### SECTION 1.            Recitals

A.     On May 22, 2017, the City Council adopted Resolution No. 17-21 to: 1) initiate Zoning Text Amendment (ZTA) No. 17-005 and Local Coastal Program Amendment (LCPA) No. 17-005, consider allowing stand-alone surface parking lots in the Commercial General (CG), Community Commercial (CC), and Commercial Neighborhood (CN) zoning districts as a conditionally permitted commercial use and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA and LCPA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

B.     On May 29, 2018, the City Council provided additional direction on the amendment and directed staff to 1) allow surface parking in the CN, CC, and CG zoning districts, 2) require individual projects to conduct parking and circulation assessments, and 3) address subterranean parking.

C.     On September 26, 2018, and November 1, 2018, a draft amendment was scheduled for review by Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) of the City Council, but the meetings were cancelled due to lack of quorum.

D.     On March 17, 2020, the amendment was rescheduled for review by ZORACES, but the meeting was cancelled due to the COVID-19 pandemic.

E.     On August 6, 2020, ZORACES met to discuss the proposed amendments and recommended the following: 1) include a mechanism to ensure long-term compliance; 2) canopy coverage should cover both permeable and non-permeable vehicular areas; 3) seek input from a landscape professional on the types and size of trees to require and whether to plant more mature or younger trees; 4) for parking lots above two acres, seek input from Planning Commission on whether the canopy coverage percentage should increase as the size of the parking lot increases; 5) provide examples of typical tree canopy coverage; 6) lifts, subterranean, and structured parking should be addressed in a future amendment, as needed; 7) no compact spaces should be allowed; and 8) compliance with Art in Public Places Ordinance should be required.

F.     On August 27, 2020, a Notice of Planning Commission Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu.

G. On September 21, 2020, the Planning Commission held a duly noticed public hearing and adopted Planning Commission Resolution No. 20-65 recommending that the Council adopt LCPA No. 17-005 and ZTA No. 17-005 with modifications. The Commission also recommended that the City Council study the City's parking needs and impose caps in some form to limit the total area taken by stand-alone surface parking lots, and that the stand-alone surface parking lot ordinance not be implemented until such caps are put in place.

H. On October 15, 2020, a Notice of Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu.

I. On November 9, 2020, the City Council held a duly noticed public hearing on ZTA No. 17-005 and LCPA No. 17-005, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

## SECTION 2. Findings for Local Coastal Program Amendment

The City Council hereby makes the following findings and recommends that the LCP be amended as set forth Section 3 of this ordinance.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. The amendments address policies for coastal resource protection through environmentally sustainable design such as permeable surfaces and rainwater capture and more extensive tree coverage to provide shade to reduce the heat island potential of paved surfaces.

The amendments will provide more opportunities for public parking lots to absorb the demand for visitor parking for coastal resource access and for private lots to serve as employee or overflow parking for local businesses thus freeing up on-street parking for the public. Stand-alone parking lots can be utilized for park and ride lots, ride-share/ride-hail services and bicycles, giving people a place to store cars and use active modes of transportation. The amendments enhance sustainability by including requirements for permeable surfaces, rainwater harvesting, and more extensive tree coverage and landscaping, including the requirement that the tree cover provides shade over 50 percent of the lot within 10 years.

B. The amendments will be consistent with the following Land Use Plan (LUP) Land Use Policies:

### Chapter 2 - Public Access and Recreation

2.24 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.

*Stand-alone parking lots can serve as a car storage facility and shuttle pickup location to enhance public access to coastal resources that do not have sufficient onsite parking.*

2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.

*Stand-alone parking lots provide the opportunity for existing and new uses to create locations to accommodate surplus and overflow parking that will relieve the pressure on existing on-street parking, making it more available for coastal access and recreation.*

## Chapter 3 – Marine and Land Resources

3.45. All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increases in baseline flows for any receiving waterbody.

*The proposed amendments specifically encourage permeable surfaces and require at least 30 percent of the parking lot to be permeable surfaces unless best management practices justify a lower percentage. Furthermore, storm water will be required to be directed toward landscaping, bio-retention areas or other water collection/treatment areas. The requirement for tree canopy coverage will provide nesting bird and wildlife habitat. The standards also require compliance with the City's dark sky ordinance and LCP lighting standards which will avoid adverse impacts on animal life.*

3.56. Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHA in order to minimize impacts on wildlife. High intensity perimeter lighting and lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA is prohibited.

*The proposed amendments require compliance with this policy and related LCP standards.*

3.76. Permitted land uses or developments shall have no significant adverse impacts on marine and beach ESHA.

*The proposed amendments include development standards to ensure the new conditionally permitted surface parking lots will have no adverse significant impacts on marine and beach ESHA by requiring storm water management, tree canopy coverage and lighting restrictions.*

3.78. New development shall prevent or reduce non-point source pollution in the near shore environment through implementation of the non-point source pollution and private sewage disposal system policies.

3.95. New development shall be sited and designed to protect water quality and minimize impacts to coastal waters by incorporating measures designed to ensure the following:

2. Limiting increases of impervious surfaces.
4. Limiting disturbance of natural drainage features and vegetation.

3.96. New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the Los Angeles Regional Quality Control Board's municipal stormwater permit and the California Ocean Plan.

3.87. Development must be designed to minimize, to the maximum extent feasible, the introduction of pollutants of concern that may result in significant impacts from site runoff from impervious areas. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a Best Management Practice (BMP) or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.

*To support the above policies, the proposed development standards specifically encourage permeable surfaces and require at least 30 percent of the parking lot to be permeable surfaces unless best management practices justify a lower percentage. The standards also require proper drainage design consistent with Regional Water Quality Control Board requirements and prohibit drainage over sidewalks and adjoining properties. Cross-grades must be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas or other water collection/treatment areas. Curbs protecting landscape areas are required to allow storm water pass through. All of these measures support the LCP's goals and policies for protection of coastal water quality.*

## Chapter 4 – Hazards and Shoreline/Bluff Development

Section A Introduction, item 2 (Land Use Provisions) states:

To ensure consistency with the Coastal Act, the policies contained below in the Land Use Plan are intended to facilitate development in a manner which minimizes impacts from hazards as well as impacts to coastal resources, including public access and recreation. These policies can be summarized as follows:

- Developing a strategy to address the issue of sea level rise, both in the short term via permitting actions and a long-term response to address future development impacts along the shoreline;

*The amendments incorporate requirements for parking lot tree canopy coverage and for minimizing the heat island effect. These requirements exceed development standards for other development and support the LCP's goals for avoiding impacts on climate change and sea level rise.*

## Chapter 6 - Scenic and Visual Resources

6.35. New commercial development that includes a parking lot visible from Pacific Coast Highway shall include landscaping and/or berming to screen the view, so long as such measures do not obscure or block views of the ocean.

*The parking lot screening requirements dictate maintaining a low height of 42 to 72 inches that would not obscure views of the ocean. Tree canopies would become part of the scenic landscape and would be designed not to block ocean views.*

## Chapter 7 - Public Works

7.6. Measures to improve public access to beaches and recreation areas through the use of transit and alternative means of transportation should be developed in coordination with state and national park agencies, Los Angeles County, Caltrans, and any other appropriate transit providers. Measures may include but not be limited to:

- d. Development of park-and-ride or other staging facilities at points along the Ventura Freeway (Highway 101), Pacific Coast Highway and cross-mountain roads during peak use hours shall be supported and encouraged.

*Making stand-alone parking lots a conditionally permitted use provides opportunities for interagency collaboration to further this policy.*

7.7. Use of public transit modes (bus or van pool service) by commuters to and from metropolitan Los Angeles to reduce congestion on Pacific Coast Highway and cross-mountain roads during peak use hours shall be supported and encouraged.

*Making stand-alone parking lots a conditionally permitted use provides opportunities for interagency collaboration to further this policy.*

### SECTION 3. Amendments to the Local Coastal Program

The City Council hereby amends the Local Implementation Plan (LIP) as follows:

- A. Amend LIP Section 2.1 to insert the following definitions in alphabetical order:

KIOSK – a structure for the shelter of a parking lot attendant.

STAND ALONE SURFACE PARKING LOT – a parking area established or operated to provide off-street parking and/or use, for which a fee may or may not be charge and is not required parking for a related use.

- B. Amend LIP Section 3.8 (A)(5)(b) to read as follows:

- b. Forty (40) percent of the lot area shall be devoted to landscaping. An additional twenty-five (25) percent of the lot area shall be devoted to open space. Open space areas may include courtyards, patios, natural open space and additional landscaping. Parking lots, buildings, exterior hallways and stairways shall not qualify as open space. This requirement shall not apply to stand-alone surface parking lots.

- C. Amend LIP Section 3.8 (A)(5)(c) to read as follows:

- c. Commercial buildings and stand-alone surface parking lots located within floodplains, liquefaction or earthquake fault zones shall comply with any other site specific hydrologic, geologic and seismic conditions based on the required hydrology soils and geotechnical reports and final recommendations from the city geologist or city engineer

D. Amend LIP 3.14.5(A)(2) to read as follows:

2. The required parking spaces may be located in interior side and rear setbacks. Except for stand-alone surface parking lots, schools and public safety facilities, no parking space, either required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.

E. Amend LIP 3.14.5(A) to add a new (3) to read as follows:

3. Kiosks or automated pay structures for stand-alone surface parking lots may be located within required setbacks. Kiosks shall not exceed ten (10) feet in height and fifty (50) square feet in area.

F. Amend LIP 3.14.5(C) to add a new (4) to read as follows:

4. Additional screening shall be required for stand-alone surface parking lots in the form of landscape screening that has the effect of a solid hedge that obstructs the view of vehicles. Said screening shall be not less than forty-two (42) inches high along where the front or street side yard lot line abuts a street and not less than forty-two (42) inches and not more than seventy-two (72) inches along a rear and side yard that does not abut a street and may incorporate trees at appropriate intervals to break up the solid hedge effect.

G. Amend LIP 3.14.5(D)(7) to read as follows:

7. Parking stalls shall be at least nine (9) feet by twenty (20) feet minimum and shall be marked with lines or indicated with special paving materials. The access lanes shall be clearly defined and shall include directional arrows to guide internal movement traffic. Compact parking spaces are permitted but shall not exceed twenty (20) percent of the total number of required spaces. Compact stalls shall be a minimum of eight (8) feet by fifteen (15) feet six (6) inches and shall be marked for compact use only. Compact parking spaces are not permitted in stand-alone surface parking lots.

H. Amend LIP 3.14.5(D) to add a new (9) to read as follows:

9. Stand-alone surface parking lots shall:
  - a. Support safe and efficient transportation access, minimize curb cuts, support safe pedestrian pathways and access, minimize heat island effect and accommodate alternative modes of transportation, as determined by the director, with input from the Public Works Director and Building Official;
  - b. Address and incorporate where appropriate and feasible the potential for alternative transportation such as ride share/ride-hail services, bicycles and personal transport devices, and to accommodate pickup and drop off for shuttles and other private or public high occupancy vehicles; and

- c. Use clean energy sources to service the facility where feasible.
- I. Amend the heading for LIP 3.14.5(E) to read as follows:
- E. Landscaping and Drainage.
- J. Amend LIP 3.14.5(E) to add a new (9) to read as follows:
9. Stand-alone surface parking lots shall comply with the following additional landscaping standards:
- a. Provide one tree per twelve hundred (1,200) square feet of area that accommodates vehicular circulation and parking for parking lot shade. Trees shall be dispersed throughout the vehicular circulation and parking areas. The tree planting in compliance with this section shall be designed to result in canopy coverage of fifty (50) percent of the vehicular and parking surface areas, whether permeable or impermeable, within ten (10) years and shall be approved by the City Arborist. Exceptions to this requirement to avoid planting under overhead utility easements may be approved by the director. Tree placement shall avoid blocking views of the ocean from public viewing areas at maturity.
  - b. Parking lot shade trees planted to meet this section shall be a fifteen (15) gallon or twenty-four (24) inch box. The use of native trees is highly encouraged.
  - c. Subsection (E)(6) above shall not apply. Trees planted in conjunction with the screening required in Subsection (C)(4) may contribute to this requirement.
  - d. The canopy coverage is calculated by using the expected diameter of the tree crown at ten (10) years. Canopy coverage area is determined by using the appropriate percentage of the crown that shades the parking area. Only trees approved by the City Arborist may be used as parking lot shade trees. Trees shall receive twenty-five (25) percent, fifty (50) percent, seventy-five (75) percent or one hundred (100) percent shading credit based on the amount of the tree crown that shades the parking area. Areas where canopies overlap shall not be counted twice.
  - e. Upon completion of the installation of shade trees, the project landscape architect or arborist shall certify that the trees were planted in compliance with all requirements of this section.
  - f. A Landscape Maintenance Agreement shall be approved by the director and executed and recorded against the property prior to final project sign off and commencement of use. A Landscape Maintenance Agreement shall contain landscape maintenance requirements and a set of “as built” irrigation and landscape plans, and any other pertinent information to facilitate achievement and ongoing maintenance of the fifty (50) percent canopy coverage requirement.
  - g. A report shall be provided to the Planning Commission at the end of the tenth (10<sup>th</sup>) year from the date of final project sign off. The report shall be prepared by the



property owner and provide evidence that all of the trees shown on the final landscape plan, as documented in the Landscape Maintenance Agreement, are still planted unless a replacement tree has been approved by the City Arborist and also that the trees are growing at the expected growth rate. If the trees appear to be growing at a slower rate, recommendations to improve the health of the trees shall be provided.

- h. All major tree pruning work for maintenance shall be supervised by a City-approved International Society of Arboriculture (ISA) Certified Arborist. All pruning shall be performed with an overall goal of providing maximum tree canopy development. The topping of trees is prohibited. Pruning to reduce the canopy coverage of a tree is also prohibited unless approved by the City Arborist.
- i. Permeable surfaces, as determined by the Building Official, shall constitute not less than thirty (30) percent of the lot area, excluding perimeter planting areas, unless evidence demonstrates best management practices support a lower percentage. Permeable surfaces should be landscaped wherever feasible.
- j. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than five (5) percent slope. Permeable surfaces are specifically encouraged in areas of low traffic or infrequent use wherever feasible.
- k. The parking area shall be properly drained, consistent with the requirements of the Regional Water Quality Control Board and subject to the approval of the Director of Public Works.
- l. Parking areas shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
- m. Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.
- n. Landscape areas, excluding drivable surfaces, shall be protected by a curb at least six (6) inches wide and six (6) inches high. Such curbs shall be designed to allow storm water runoff to pass through.

K. Amend LIP Table B (Permitted Uses) – General Services to insert the following new use after Miscellaneous Services and to insert a new footnote 21:

**TABLE B – PERMITTED USES**

**GENERAL SERVICES**

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Stand-alone surface parking lot	•	•	•	•	•	•	•	CUP <sup>21</sup>	CUP <sup>21</sup>	•	•	CUP <sup>21</sup>	•	•	•	•

21. Subject to the development standards of Section 3.8 and Section 3.14.5.

**SECTION 4. Zoning Text Amendment Findings.**

The City Council hereby makes the following findings and recommends that MMC Title 17 be amended as set forth in Section 5 of this ordinance.

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendments serve to enhance the Malibu General Plan Mission Statement by requiring environmentally sustainable design and increased landscaping and shade coverage for stand-alone parking lots. The amendment will require new stand-alone parking lots to comply with the Dark Sky Ordinance which will protect the aesthetic views along Pacific Coast Highway, and from Malibu Canyon Road and other designated scenic roads. The amendment addresses the need to provide parking for visitors to reduce traffic congestion and hazards along Pacific Coast Highway consistent with Section 4.2.4 of Circulation and Infrastructure Element and requires stand-alone parking lots to accommodate alternative modes of transportation consistent with Policy 1.2.2 of Circulation and Infrastructure Element. The amendment is also consistent with Conservation Implementation Measure 74 which requires landscaping to screen public parking from Pacific Coast Highway.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

**SECTION 5. Amendments to Malibu Municipal Code**

A. Amend Section 17.02.060 to insert the following definitions in alphabetical order:

“Kiosk” means a structure for the shelter of a parking lot attendant.

“Stand-alone surface parking lot” means a parking area established or operated to provide off-street general parking and/or use, for which a fee may or may not be charged and is not required parking for a related use.

B. Amend Section 17.22.040 to add a new (Q) to read as follows:

Q. Stand-alone surface parking lot

C. Amend Section 17.24.030 to add a new (L) to read as follows:

L. Stand-alone surface parking lot.

D. Amend Section 17.30.030 to add a new (I) to read as follows:

I. Stand-alone surface parking lot.

E. Amend Section 17.40.080(A)(8)(b) to read as follows:

b. Forty (40) percent of the lot area shall be devoted to landscaping. An additional twenty-five (25) percent of the lot area shall be devoted to open space. Open space areas may include courtyards, patios, natural open space and additional landscaping. Parking lots, buildings, exterior hallways and stairways shall not qualify as open space. This requirement shall not apply to stand-alone surface parking lots.

F. Amend Section 17.40.080(A)(8)(c) to read as follows:

c. Commercial buildings and stand-alone surface parking lots located within floodplains, liquefaction or earthquake fault zones shall comply with any other site specific hydrologic, geologic and seismic conditions based on the required hydrology soils and geotechnical reports and final recommendations from the city geologist or city engineer.

G. Amend Section 17.48.050(A)(2) to read as follows:

2. The required parking spaces may be located in interior side and rear setbacks. Except for stand-alone surface parking lots, schools and public safety facilities, no parking space, either required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.

H. Amend Section 17.48.050(A) to add a new (3) to read as follows:

3. Kiosks or automated pay structures for stand-alone surface parking lots may be located within required setbacks. Kiosks shall not exceed ten (10) feet in height and fifty (50) square feet in area.

I. Amend Section 17.48.050(C) to add a new (4) to read as follows:

4. Additional screening shall be required for stand-alone surface parking lots in the form of landscape screening that has the effect of a solid hedge that obstructs the view of vehicles. Said screening shall be not less than forty-two (42) inches high along where the front or street side yard lot line abuts a street and not less than forty-two (42) inches and not more than seventy-two (72) inches along a rear and side yard that does not abut a street and may incorporate trees at appropriate intervals to break up the solid hedge effect.

J. Amend Section 17.48.050(D)(7) to read as follows:

7. Parking stalls shall be at least nine (9) feet by twenty (20) feet minimum and shall be marked with lines or indicated with special paving materials. The access lanes shall be

clearly defined and shall include directional arrows to guide internal movement traffic. Compact parking spaces are permitted but shall not exceed twenty (20) percent of the total number of required spaces. Compact stalls shall be a minimum of eight (8) feet by fifteen (15) feet six (6) inches and shall be marked for compact use only. Compact parking spaces are not permitted in stand-alone surface parking lots.

K. Amend Section 17.48.050(D) to add a new (9) to read as follows:

9. Stand-alone surface parking lots shall:

- a. Support safe and efficient transportation access, minimize curb cuts, support safe pedestrian pathways and access, minimize heat island effect and accommodate alternative modes of transportation, as determined by the director, with input from the Public Works Director and Building Official;
- b. Address and incorporate where appropriate and feasible the potential for alternative transportation such as ride share/ride-hail services, bicycles and personal transport devices, and to accommodate pickup and drop off for shuttles and other private or public high occupancy vehicles; and
- c. Use clean energy sources to service the facility where feasible.

L. Amend the heading for Section 17.48.050(E) to read as follows:

E. Landscaping and Drainage.

M. Amend Section 17.48.050(E) to add a new (9) to read as follows:

9. Stand-alone surface parking lots shall comply with the following additional landscaping standards:

- a. Provide one tree per twelve hundred (1,200) square feet of area that accommodates vehicular circulation and parking for parking lot shade. Trees shall be dispersed throughout the vehicular circulation and parking areas. The tree planting in compliance with this section shall be designed to result in canopy coverage of fifty (50) percent of the vehicular and parking surface areas, whether permeable or impermeable, within ten (10) years and shall be approved by the City-Arborist. Exceptions to this requirement in order to meet the requirements of the Fire Resistant Landscape Ordinance requirements of Chapter 17.53 pertaining to planting under utility easements may be approved by the director. Tree placement shall avoid blocking views of the ocean from public viewing areas at maturity.
- b. Parking lot shade trees planted to meet this section shall be a fifteen (15) gallon or twenty-four (24) inch box. The use of native trees is highly encouraged.
- c. Subsection (E)(6) above shall not apply. Trees planted in conjunction with the screening required in Subsection (C)(4) may contribute to this requirement.
- d. The canopy coverage is calculated by using the expected diameter of the tree crown at ten (10) years. Canopy coverage area is determined by using the appropriate percentage of the crown as indicated on the approved Parking Lot Tree Selection List on file with the City. Only trees from this list may be used as parking lot shade trees unless otherwise approved by the City Arborist. Trees shall receive twenty-five (25) percent, fifty (50) percent, seventy-five

- 
- (75) percent or one hundred (100) percent shading credit based on the amount of the tree crown that shades the parking area. Areas where canopies overlap shall not be counted twice.
- e. Trees shall be planted consistent with the approved Tree Planting Guide on file with the City.
  - f. Upon completion of the installation of shade trees, the project landscape architect or arborist shall certify that the trees were planted in compliance with all requirements of this section.
  - g. A Landscape Maintenance Agreement shall be approved by the director and executed and recorded against the property prior to final project sign off and commencement of use. A Landscape Maintenance Agreement shall contain landscape maintenance requirements and a set of “as built” irrigation and landscape plans, and any other pertinent information to facilitate achievement and ongoing maintenance of the fifty (50) percent canopy coverage requirement.
  - h. A report shall be provided to the Planning Commission at the end of the tenth (10<sup>th</sup>) year from the approval of final project sign off. The report shall be prepared by the property owner and provide evidence that all of the trees shown on the final landscape plan, as documented in the Landscape Maintenance Agreement, are still planted unless a replacement tree has been approved by the City Arborist and also that the trees are growing at the expected growth rate as shown in the Parking Lot Tree Selection List. If the trees appear to be growing at a slower rate, recommendations to improve the health of the trees shall be provided.
  - i. All major tree pruning work for maintenance shall be supervised by a City-approved International Society of Arboriculture (ISA) Certified Arborist. All pruning shall be performed with an overall goal of providing maximum tree canopy development. The topping of trees is prohibited. Pruning to reduce the canopy coverage of a tree is also prohibited unless approved by the City Arborist.
  - j. Permeable surfaces, as determined by the Building Official, shall constitute not less than thirty (30) percent of the lot area, excluding perimeter planting areas, unless evidence demonstrates best management practices support a lower percentage. Permeable surfaces should be landscaped wherever feasible.
  - k. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than five (5) percent slope. Permeable surfaces are specifically encouraged in areas of low traffic or infrequent use wherever feasible.
  - l. The parking area shall be properly drained, consistent with the requirements of the Regional Water Quality Control Board and subject to the approval of the Director of Public Works.
  - m. Parking areas shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
  - n. Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.

- o. Landscape areas, excluding drivable surfaces, shall be protected by a curb at least six (6) inches wide and six (6) inches high. Such curbs shall be designed to allow storm water runoff to pass through.

N. Amend Section 17.66.030 to add a new (D) to read as follows:

D. Applications for stand-alone surface parking lots within 1,000 feet of other parking facilities must provide an access and utilization analysis that demonstrates any potential opportunities for more efficient usage through shared use or access.

O. Amend Section 17.66.030 to add a new (E) as follows and renumber the remaining subsections:

E. Applications for stand-alone surface parking lots shall include a traffic study and a needs assessment.

P. Amend Section 17.66.080 to add a new (L) to read as follows:

L. For stand-alone surface parking lots, the proposed project minimizes the heat island effect to the extent feasible.

Q. Amend Section 17.68.040 to add a new (M) to read as follows:

M. Stand-alone surface parking lots used for event parking when the event does not have a Temporary Use Permit or Special Event Permit.

R. Amend Title 17 Appendix 1 (Permitted Uses Table) General Services to insert a new use after Miscellaneous Services and a new footnote to read as follows:

#### GENERAL SERVICES

USE	RR	SF	MF	MFBF	MHR	CR	BP O	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Stand-alone surface parking lot	•	•	•	•	•	•	•	CUP <sup>32</sup>	CUP <sup>32</sup>	•	•	CUP <sup>32</sup>	•	•	•	•

32. Subject to Chapter 17.66.030 and the standards of Section 17.40.080 and Section 17.48.50.

#### SECTION 6. Environmental Review.

The City Council has analyzed the project proposal described herein and makes the following findings. Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are

entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

In addition, CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council determined that there is no possibility the amendment will have a significant effect on the environment as the proposed amendments will not accommodate required parking or increase parking demand, but will accommodate existing demand, and accordingly, the exemption set forth in Section 15061(b)(3) applies.

#### SECTION 7. Severability.

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 8. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit the LCP amendments contained in Section 2 of this Ordinance to the California Coastal Commission per Title 14, California Code of Regulations Section 13554.5(a).

#### SECTION 9. Effectiveness.

The LCP amendment and corollary ZTA approved in this Ordinance shall become effective only upon certification by the California Coastal Commission of this amendment to the LCP.

SECTION 10. Certification.

The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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MIKKE PIERSON, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

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

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
\_\_\_\_\_  
CHRISTI HOGIN, 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.



## RESOLUTION NO. 20-58

### A RESOLUTION OF THE CITY OF MALIBU ADOPTING GUIDELINES AND STANDARDS FOR PARKING LOT TREE SELECTION AND PLANTING IN STAND-ALONE SURFACE PARKING LOTS AND DETERMINING THE SAME 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. The City of Malibu wishes to ensure stand-alone surface parking lots support the City's goals of sustainability and high aesthetic value, and minimizing impacts on climate change;

B. The City of Malibu wishes to ensure that City standards for stand-alone surface parking lots result in tree cover that would provide shade to reduce the heat island potential of paved surfaces and provide nesting bird and wildlife habitat; and

C. The City of Malibu seeks to ensure that stand-alone surface parking lots result in tree canopy coverage of fifty (50) percent in ten (10) years.

#### SECTION 2. Environmental Review

Pursuant to Section 15061(b)(3) of the State of California Guidelines, this resolution 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. The resolution does not approve any project and provides guidelines to ensure stand-alone parking lots have proper tree coverage and will have fifty percent (50%) tree canopy coverage in ten (10) years. Thus, the exemption set forth in Section 15061(b)(3) applies.

Further, Section 15307 of the State of California Guidelines exempts actions taken by regulatory agencies to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. These guidelines and standards for parking lot tree selection and planting in stand-alone surface parking lots will ensure tree cover that would provide shade to reduce the heat island potential of paved surfaces and provide nesting bird and wildlife habitat. Thus, the exemption found in Section 15307 is also applicable.

#### SECTION 3. Adoption.

The City Council of the City of Malibu hereby adopts the Parking Lot Tree Selection List (Exhibit A) and Tree Planting Guide (Exhibit B) that shall be used in the implementation of the Stand-alone Parking Ordinance for all new and remodeled stand-alone surface parking lots.

ATTACHMENT B

PASSED, APPROVED AND ADOPTED this 9<sup>th</sup> day of November 2020.

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MIKKE PIERSON, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

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

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CHRISTI HOGIN, City Attorney

**Exhibit A- Parking Lot Tree Selection List**

Common name	Planter minimum width	Briefly Deciduous, Deciduous, Evergreen	Native	Shading capacity	Form	canopy diameter at maturity	Expected % mature size at 10 yrs?	diameter at 10 years (feet)	radius (feet)
Fern pine	8'	E		mod-dense	upright/spreading	60'	50	30	15
Peppermint willow	5'	E		moderate	spreading	30'	60	18	9
Pink flame tree	10'	E		dense	upright	30'	60	18	9
Carob	8'	E		very dense	round headed	40'	50	20	10
Camphor	10'	E		dense	spreading	60'	60	36	18
Red flowering gum	7'	E		dense	spreading	40'	60	24	12
Bronze loquat	3'	E		mod-dense	upright/spreading	25'	60	15	7.5
Coral gum	2'	E		moderate	varies	20'	60	12	6
Chinese parasol tree	5'	D		mod-dense mod-low	low spreading	30'	60	18	9
Australian willow	5'	E		moderate	upright/spreading	25'	60	15	7.5
Pink trumpet tree	5'	BD		mod-low low	spreading	40'	50	20	10
Jacaranda	5'	BD		mod-low low	open spreading	40'	50	20	10
Chinese flame tree	6'	D		moderate mod-low	round headed	35'	60	21	10.5
Brisbane box	5'	E		mod-dense	narrow/upright	40'	60	24	12
Catalina ironwood	3'	E	yes	mod-dense	narrow/upright	15'	60	9	4.5
NZ Christmas tree	5'	E		mod-dense	upright/spreading	35'	60	21	10.5
Western sycamore	7'	D	yes	dense moderate	irregular	50'	60	30	15
Coast live oak	10'	E	yes	mod-dense	spreading	70'	40	28	14
Valley oak	10'	D	yes	moderate	upright/spreading	70'	40	28	14
Firewheel tree	3'	E		dense	narrow/upright	15'	50	7.5	3.75
Tipu	9'	BD		mod-dense moderate	broadly spreading	60'	50	30	15
Calif bay laurel	6'	E	yes	dense	round headed	25'	40	10	5
Shiny xylosma	3'	E		dense	vase shaped	15'	60	9	4.5

## **Exhibit B – Tree Planning Guide**

### **City of Malibu Tree Planting Guide**

**Drainage-** Before planting trees in an area, it is important to test the soil's drainage characteristics (see below). In many sites, especially where topsoil has been removed or soil compaction has been done (intentionally or inadvertently), drainage may not be sufficient to allow for healthy tree growth. If this is the case the planting holes will need supplemental drainage installed, or the trees may have to be planted in another location.

**Irrigation systems-** If an underground irrigation system will be installed it should be in place before trees are planted. Irrigation systems can be useful in providing water to establish the trees but may not serve a purpose once the trees are well established. Typically placing bubblers in each tree basin to flood the basin as needed is most effective.

**Planting-** Trees should be planted at approximately the same depth or a bit higher than they are in the nursery container, so that the soil level of the root ball is at or slightly above the level of the undisturbed ground around it. The holes should be dug only as deep as the root ball requires. Do not dig the holes deeper and then backfill to the correct depth as this may lead to the root ball settling over time and being too deep in the ground. The diameter of the hole should be at least three times the diameter of the root ball. (For a #15 or 15-gallon tree this would be about 3.5-4 feet wide).

Once the hole is dug, carefully remove the tree from its pot. Inspect the roots to see if they are circling the outside of the root ball. If they are, carefully slice the roots on the outside of the root ball approximately 1" deep with a sharp tool, and then set the tree gently in the center of the hole. Backfill around the tree with native soil. Soil amendments should not be used unless the project arborist specifies that they are required. Gently compress the soil around the root ball with your hands and build a strong basin around the outside edge of the hole.

Water thoroughly. After the first filling of the basin, soil will settle, and you may need to add additional soil to fill around the root ball to the desired depth. Fill the basin with water again once soil has been added as needed. After this water is absorbed into the soil, see if everything looks good as far as soil level. If so, the entire basin should be filled with mulch, such as shredded tree trimmings or wood chips.

**Staking-** Remove all nursery stakes when planting is completed. If the tree requires re-staking, place two or three stakes just outside the root ball of the new tree driven securely into the soil below the backfill material. Tie the trunk loosely to the stakes so that the tree can flex in the wind and gain strength. Do not use wire, string, rope,

or anything that will girdle the tree if not removed. Be sure that none of the ties completely encircle the trunk as this may cause the tree to be girdled over time as it grows. All stakes should be removed as soon as the tree is able to stand on its own without bending or uprooting.

Establishment irrigation- Trees will need to be irrigated weekly or so for several months, depending on time of year planted, soil conditions, drainage, species of tree, etc. to allow them to become established. Once trees are established, watering can be reduced, and within a few years it may be appropriate to cease watering the trees altogether, depending again onsite conditions and tree species.

#### Testing Soil Drainage

(Source: Bartlett Tree Research Laboratories, Technical Report, "Soil Drainage" by Smiley and Martin)

A simple method of testing soil drainage is by doing a "percolation test". Soil should not be excessively dry or saturated when testing for drainage. The following steps are adapted from Bartlett Tree Research Laboratories:

1. With a shovel or post hole digger, dig a hole 18-24" deep. Width is not important.
2. "Pre-wet" the soil around the hole by filling the hole with water to the top and letting it sit for several hours. Ideally it should be allowed to sit overnight.
3. Refill the hole to within two inches of the top.
4. To aid in measurement, place a stick across the top of the hole and use a second stick or tape measure to record the periodic drops in water level.
5. Measure the drop in water level from the starting height after 30 minutes and after one hour. If possible, measure the drop in water level the next day as well.
6. Determine the average drop in water level per hour and refer to the table below.

<b>If water level drops:</b>	<b>The planting locations is:</b>
Less than ½ inch per hour	Poorly drained
½ to 1 inch per hour	Moderately well drained
More than 1 inch per hour	Well drained

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-65

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE AMENDMENT TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND RECOMMENDING THAT THE CITY COUNCIL APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 17-005 AND ZONING TEXT AMENDMENT NO. 17-005, AMENDMENTS TO THE LOCAL COASTAL PROGRAM AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO ALLOW STAND-ALONE SURFACE PARKING LOTS IN THE COMMERCIAL GENERAL, COMMUNITY COMMERCIAL, AND COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS AS A CONDITIONALLY PERMITTED COMMERCIAL USE (CITYWIDE)

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

SECTION 1. Recitals.

A. On May 22, 2017, the City Council adopted Resolution No. 17-21 to: 1) initiate Zoning Text Amendment (ZTA) No. 17-005 and Local Coastal Program Amendment (LCPA) No. 17-005, consider allowing stand-alone surface parking lots in the Commercial General (CG), Community Commercial (CC), and Commercial Neighborhood (CN) zoning districts as a conditionally permitted commercial use and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA and LCPA and provide a recommendation to the Council whether to approve, modify, or reject the amendment.

B. On May 29, 2018, the City Council provided additional direction on the amendment and directed staff to 1) allow surface parking in the CN, CC, and CG zoning districts, 2) require individual projects to conduct parking and circulation assessments, and 3) address subterranean parking.

C. On September 26, 2018, and November 1, 2018, a draft amendment was scheduled for review by Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) of the City Council, but the meetings were cancelled due to lack of quorum.

D. On March 17, 2020, the amendment was rescheduled for review by ZORACES, but the meeting was cancelled due to the COVID-19 pandemic.

E. On August 6, 2020, ZORACES met to discuss the proposed amendments and recommended the following: 1) include a mechanism to ensure long-term compliance; 2) canopy coverage should cover both permeable and non-permeable vehicular areas; 3) seek input from a landscape professional on the types and size of trees to require and whether to plant more mature or younger trees; 4) for parking lots above two acres, seek input from Planning Commission on whether the canopy coverage percentage should increase as the size of the parking lot increases; 5) provide examples of typical tree canopy coverage; 6) lifts, subterranean, and structured parking should be addressed in a future amendment, as needed; 7) no compact spaces should be allowed; and 8) compliance with Art in Public Places Ordinance should be required.

F. On August 27, 2020, a Notice of Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu.

G. On September 21, 2020, the Planning Commission held a duly noticed public hearing on ZTA No. 17-005 and LCPA No. 17-005, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At the conclusion of its deliberations, the Planning Commission voted to recommend that the Council adopt the LCPA and ZTA, with modifications as shown in Exhibits A and B, and made two additional recommendations, first that the City study parking needs in the City and impose caps in some form to limit the total area taken up by stand-alone surface parking lots, and second that the stand-alone surface parking lot ordinance not be implemented until such caps are put in place.

## SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

The Planning Commission has analyzed the project proposal described herein. CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment as the proposed amendments will not accommodate required parking or increase parking demand, but will accommodate existing demand, and accordingly, the exemption set forth in Section 15061(b)(3) applies.

## SECTION 3. Local Coastal Program Findings

Based on evidence in the whole record, the Planning Commission hereby finds that the proposed LCPA (Exhibit A) meets the requirements of and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. The amendments address policies for coastal resource protection through environmentally sustainable design such as permeable surfaces and rainwater capture and more extensive tree coverage to provide shade to reduce the heat island potential of paved surfaces.

The amendments will provide more opportunities for public parking lots to absorb the demand for visitor parking for coastal resource access and for private lots to serve as employee or overflow parking for local businesses thus freeing up on-street parking for the public. Stand-alone parking lots can also be utilized for park and ride lots, ride-share/ride-hail services and bicycles, giving people a place to store cars and use active modes of transportation. The amendments enhance

sustainability by addressing requirements for permeable surfaces and rainwater capture, and more extensive tree coverage and landscaping, including required tree cover to provide 50% shade coverage within 10 years.

B. The amendments will be consistent with the following LUP Land Use Policies:

#### Chapter 2 - Public Access and Recreation

2.24 The extension of public transit facilities and services, including shuttle programs, to maximize public access and recreation opportunities shall be encouraged, where feasible.

*Stand-alone parking lots can serve as a car storage facility and shuttle pickup location to enhance public access to coastal resources that do not have sufficient onsite parking.*

2.25 New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.

*Stand-alone parking lots provide the opportunity for existing and new uses to create locations to accommodate surplus and overflow parking that will relieve the pressure on existing on-street parking, making it more available for coastal access and recreation.*

#### Chapter 6 - Scenic and Visual Resources

6.35. New commercial development that includes a parking lot visible from Pacific Coast Highway shall include landscaping and/or berming to screen the view, so long as such measures do not obscure or block views of the ocean.

*The parking lot screening requirements dictate maintaining a low height of 42 to 72 inches that would not obscure views of the ocean. Tree canopies would become part of the scenic landscape and would be designed not to block ocean views.*

#### Chapter 7 - Public Works

7.6. Measures to improve public access to beaches and recreation areas through the use of transit and alternative means of transportation should be developed in coordination with state and national park agencies, Los Angeles County, Caltrans, and any other appropriate transit providers. Measures may include but not be limited to:

d. Development of park-and-ride or other staging facilities at points along the Ventura Freeway (Highway 101), Pacific Coast Highway and cross-mountain roads during peak use hours shall be supported and encouraged.

*Making stand-alone parking lots a conditionally permitted use provides opportunities for interagency collaboration to further this policy.*

7.7. Use of public transit modes (bus or van pool service) by commuters to and from metropolitan Los Angeles to reduce congestion on Pacific Coast Highway and cross-mountain roads during peak use hours shall be supported and encouraged.



*Making stand-alone parking lots a conditionally permitted use provides opportunities for interagency collaboration to further this policy.*

SECTION 4.      Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code (MMC) Section 17.74.040, the Planning Commission hereby makes the following findings and recommends to the City Council that the MMC be amended as stated in Exhibit B of this resolution.

A.      The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendments serve to enhance the Malibu General Plan Mission Statement by requiring environmentally sustainable design and increased landscaping and shade coverage for stand-alone parking lots. The amendment will require new stand-alone parking lots to comply with the Dark Sky Ordinance which will protect the aesthetic views along Pacific Coast Highway, and from Malibu Canyon Road and other designated scenic roads. The amendment addresses the need to provide parking for visitors to reduce traffic congestion and hazards along Pacific Coast Highway consistent with Section 4.2.4 of Circulation and Infrastructure Element, and requires stand-alone parking lots to accommodate alternative modes of transportation consistent with Policy 1.2.2 of Circulation and Infrastructure Element. The amendment is also consistent with Conservation Implementation Measure 74 which requires landscaping to screen public parking from Pacific Coast Highway.

B.      The Planning Commission held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5.      Additional Recommendations.

The Planning Commission hereby makes the following additional recommendations for City Council consideration as part of its deliberations on the proposed amendments.

A.      The Planning Commission recommends that the City Council direct that parking needs be studied in throughout the City and that caps be imposed in some form to limit the total area taken up by stand-alone surface parking lots.

B.      The Planning Commission recommends that the subject LCPA and ZTA not be implemented until such caps are put in place.

SECTION 6.      Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby recommends that the City Council approve the LCPA and ZTA detailed in Exhibits A and B.

SECTION 7. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of September, 2020.

  
\_\_\_\_\_  
JOHN MAZZA, Planning Commission Chair

ATTEST:

  
\_\_\_\_\_  
KATLEEN STECKO, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-65 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 21<sup>st</sup> day of September, 2020, by the following vote:

AYES:	5	Commissioners:	Jennings, Uhring, Weil, Marx, Mazza,
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		

  
\_\_\_\_\_  
KATHLEEN STECKO, Recording Secretary

**Exhibit A: Local Coastal Program Amendments**

**Exhibit B: MMC Title 17 – Zoning Code Amendments**

## EXHIBIT A

### DRAFT LCP AMENDMENTS – LOCAL IMPLEMENTATION PLAN

*The amendments are presented in underline/strikethrough format where underlined text will be added and ~~stricken~~ text will be deleted.*

## CHAPTER 2 – DEFINITIONS

### 2.1 – GENERAL DEFINITIONS

KIOSK – a structure for the shelter of a parking lot attendant.

STAND ALONE SURFACE PARKING LOT – a parking area established or operated to provide off-street parking and/or use, for which a fee may or may not be charge, and is not required parking for a related use.

## CHAPTER 3 – ZONING DESIGNATIONS AND PERMITTED USES

### 3.8 COMMERCIAL DEVELOPMENT STANDARDS

A. All commercial development shall be subject to the following development standards:

#### 5. Site Development Criteria.

Site Development Criteria. All proposed commercial construction shall comply with the following site development standards:

- a. The gross square footage of all buildings on a given parcel shall be limited to a maximum floor area ratio (F.A.R.) of 0.15, or fifteen (15) percent of the lot area (excluding any street rights-of-way). The city council shall have the authority to approve additional gross square footage, up to the maximum allowed for the parcel under the general plan, provided the increase complies with the provisions of subsection (A)(8)(e) of this section.
- b. Forty (40) percent of the lot area shall be devoted to landscaping. An additional twenty-five (25) percent of the lot area shall be devoted to open space. Open space areas may include courtyards, patios, natural open space and additional landscaping. Parking lots, buildings, exterior hallways and stairways shall not qualify as open space. This requirement shall not apply to stand-alone surface parking lots.
- c. Commercial buildings and stand-alone surface parking lots located within floodplains, liquefaction or earthquake fault zones shall comply with any other site specific hydrologic, geologic and seismic conditions based on the required hydrology soils and geotechnical reports and final recommendations from the city geologist or city engineer.

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### 3.14 PARKING REGULATIONS

#### 3.14.5 Development Standards

The following development standards shall apply to all parking areas with six or more spaces:

##### A. Location

1. Required parking facilities shall be on the same lot as the structure they are intended to serve, except that with proper legal agreement, the planning commission may approve parking on a separate lot. In no event shall required parking be farther than three hundred (300) feet from the use it is required to serve. This distance shall be measured along a legal and safe pedestrian path from the parking space to the nearest entrance of the building or use for which the parking is required.
2. The required parking spaces may be located in interior side and rear setbacks. Except for stand-alone surface parking lots, schools and public safety facilities, no parking space, either required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.
3. Kiosks or automated pay structures for stand-alone surface parking lots may be located within required setbacks. Kiosks shall not exceed ten feet in height and 50 square feet in area.

- ##### B. Access.
- There shall be a minimum ten (10) foot wide, three-inch thick, asphaltic or cement concrete, paved, vehicular accessway from a public street or alley to off-street parking facilities.

##### C. Screening

1. Where a parking area abuts or is across the street from a residential district, it shall be separated therefrom by a solid masonry wall not less than forty-two (42) inches in height. The planning commission may waive this wall requirement if additional setback and screening planting, or landscaped berms are to be provided.
2. Where a parking area is across the street from a residential district, there shall be a border of appropriate landscaping not less than five feet in depth, measured from the street right-of-way line, along the street frontage.
3. Parking areas shall be screened from view from all designated highways.

4. Additional screening shall be required for stand-alone surface parking lots in the form of landscape screening that has the effect of a solid hedge that obstructs the view of vehicles. Said screening shall be forty-two (42) inches high along where the front or street side yard lot line abuts a street and not less than forty-two (42) inches and not more than seventy-two (72) inches along a rear and side yard that does not abut a street and may incorporate trees at appropriate intervals to break up the solid hedge effect.

D. Layout and Paving

1. Parking areas shall provide for a twenty-five (25) foot outside turning radius within the facility and a thirty (30) foot outside turning radius into public alleys.
2. Except in residential parking facilities with less than six spaces, parking spaces shall be arranged so that vehicles need not back onto or across any public sidewalk.
3. Off-street parking facilities shall be designed so that a vehicle within the parking facility shall not be required to enter a street to move from one location to any other location within that parking facility. Separate noncontiguous parking facilities may be provided with independent entrances for employee and visitor parking, provided the use of each lot is clearly identified on proposed plans and at the entrances to each lot.
4. No dead end parking aisles serving more than five stalls shall be permitted unless the aisle is provided with a turnaround area installed in a manner meeting the approval of the director.
5. Tire stops shall be provided within all parking areas.
6. All parking areas shall be surfaced with asphaltic or cement concrete paving which is at least three inches thick or permeable paving of comparable load-carrying capacity and durability.
7. Parking stalls shall be at least nine feet by twenty (20) feet minimum, and shall be marked with lines or indicated with special paving materials. The access lanes shall be clearly defined and shall include directional arrows to guide internal movement traffic. Compact parking spaces are permitted, but shall not exceed twenty (20) percent of the total number of required spaces. Compact stalls shall be a minimum of eight feet by fifteen (15) feet six inches and shall be marked for compact use only. Compact parking spaces are not permitted in stand-alone surface parking lots.
8. Off-street parking facilities shall be designed so that provision is made, to the satisfaction of the director, for the accommodation of vans, motorcycles, and bicycles.

9. Stand-alone surface parking lots shall:

- a. Support safe and efficient transportation access, minimize curb cuts, support safe pedestrian pathways and access, minimize heat island effect and accommodate alternative modes of transportation, as determined by the director, with input from the Public Works Director and Building Official;
- b. Address and incorporate where appropriate and feasible the potential for alternative transportation such as ride share/ride-hail services, bicycles and personal transport devices, and to accommodate pickup and drop off for shuttles and other private or public high occupancy vehicles; and
- c. Clean energy sources to service the facility.

E. Landscaping and Drainage.

1. A landscaped planter bed of at least five feet in width with a six-inch high cement concrete berm shall be installed along the entire perimeter except for those areas devoted to perpendicular access ways.
2. A minimum of five percent of the paved parking area shall be devoted to interior planting areas. Extensive use of trees is encouraged. All planting areas shall be at least three feet wide. Perimeter planting shall not be considered part of this required interior planting.
3. Where topography and gradient allow, parking lots should be depressed and/or screened from view by landscaped berms and hedges.
4. Where trees already exist on the property, the design should make the best use of this growth and shade. Such trees shall be protected by a tree well with a diameter sufficient to insure their continued growth.
5. Planting areas should be distributed throughout the lot as evenly as possible, but variations from this pattern may be granted by the director when a different pattern would result in the overall aesthetic improvement of the project. Innovation in design and materials is encouraged.
6. Wherever a center divider separates parking stalls facing each other, tree wells shall be established not more than fifty (50) feet apart for large trees (exceeding twenty (20) feet spread at maturity), or not more than thirty (30) feet for small and medium-sized trees.
7. All plantings shall be permanently and regularly maintained free of debris and in conformity with the accepted practices for landscape maintenance.
8. Required landscaping shall be irrigated with greywater, where feasible.
9. Stand-alone surface parking lots shall comply with the following additional landscaping standards:

- 
- a. Provide one tree per twelve hundred (1,200) square feet of area that accommodates vehicular circulation and parking for parking lot shade. Trees shall be dispersed throughout the vehicular circulation and parking areas. The tree planting in compliance with this section shall be designed to result in canopy coverage of fifty (50) percent of the vehicular and parking surface areas, whether permeable or impermeable, within ten (10) years and shall be approved by the City Arborist. Exceptions to this requirement to avoid planting under overhead utility easements may be approved by the director. Tree placement shall avoid blocking views of the ocean from public viewing areas at maturity.
  - b. Parking lot shade trees planted to meet this section shall be a fifteen (15) gallon or twenty-four (24) inch box. The use of native trees is highly encouraged.
  - c. Subsection (E)(6) above shall not apply. Trees planted in conjunction with the screening required in Subsection (C)(4) may contribute to this requirement.
  - d. The canopy coverage is calculated by using the expected diameter of the tree crown at 10 years. Canopy coverage area is determined by using the appropriate percentage of the crown that shades the parking area. Only trees approved by the City Arborist may be used as parking lot shade trees. Trees shall receive 25 percent, 50 percent, 75 percent or 100 percent shading credit based on the amount of the tree crown that shades the parking area. Areas where canopies overlap shall not be counted twice.
  - e. Upon completion of the installation of shade trees, the project landscape architect or arborist shall certify that the trees were planted in compliance with all requirements of this section.
  - f. A Landscape Maintenance Agreement shall be approved by the director and executed and recorded against the property prior to final project sign off and commencement of use. A Landscape Maintenance Agreement shall contain landscape maintenance requirements and a set of "as built" irrigation and landscape plans, and any other pertinent information to facilitate achievement and ongoing maintenance of the fifty (50) percent canopy coverage requirement.
  - g. A report shall be provided to the Planning Commission at the end of the tenth (10<sup>th</sup>) year from the date of final project sign off. The report shall be prepared by the property owner and provide evidence that all of the trees shown on the final landscape plan, as documented in the Landscape Maintenance Agreement, are still planted unless a replacement tree has been approved by the City Arborist, and also that the trees are growing at the expected growth rate. If the trees appear to be growing at a slower rate, recommendations to improve the health of the trees shall be provided.

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- h. All major tree pruning work for maintenance shall be supervised by a City-approved International Society of Arboriculture (ISA) Certified Arborist. All pruning shall be performed with an overall goal of providing maximum tree canopy development. The topping of trees is prohibited. Pruning to reduce the canopy coverage of a tree is also prohibited unless approved by the City Arborist.
  - i. Permeable surfaces, as determined by the Building Official, shall constitute not less than thirty (30) percent of the lot area, excluding perimeter planting areas, unless evidence demonstrates best management practices support a lower percentage. Permeable surfaces should be landscaped wherever feasible.
  - j. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than five (5) percent slope. Permeable surfaces are specifically encouraged in areas of low traffic or infrequent use wherever feasible.
  - k. The parking area shall be properly drained, consistent with the requirements of the Regional Water Quality Control Board and subject to the approval of the Director of Public Works.
  - l. Parking areas shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
  - m. Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.
  - n. Landscape areas, excluding drivable surfaces, shall be protected by a curb at least 6 inches wide and 6 inches high. Such curbs shall be designed to allow storm water runoff to pass through.



**TABLE B – PERMITTED USES****GENERAL SERVICES**

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Bakeries (no on-site seating) Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Bakeries (no on-site seating) Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Stand-alone surface parking lot	•	•	•	•	•	•	•	CUP <sup>21</sup>	CUP <sup>21</sup>	•	•	CUP <sup>21</sup>	•	•	•	•

21. Subject to the development standards of Section 3.8 and Section 3.14.5

## EXHIBIT B

### DRAFT MMC AMENDMENTS – TITLE 17 - ZONING

*The amendments are presented in underline/strikethrough format where underlined text will be added and ~~stricken~~ text will be deleted.*

#### **Chapter 17.02 INTRODUCTORY PROVISIONS AND DEFINITIONS**

##### 17.02.060 Definitions.

As used in this title:

“Kiosk” means a structure for the shelter of a parking lot attendant.

“Stand-alone surface parking lot” means a parking area established or operated to provide off-street general parking and/or use, for which a fee may or may not be charged, and is not required parking for a related use.

#### **Chapter 17.22 CN COMMERCIAL NEIGHBORHOOD DISTRICT**

##### 17.22.040 Conditionally permitted uses.

The following uses may be permitted subject to obtaining a conditional use permit:

Q. Stand-alone surface parking lot

#### **Chapter 17.24 CC COMMUNITY COMMERCIAL DISTRICT**

##### 17.24.030 Conditionally permitted uses.

The following uses may be permitted subject to obtaining a conditional use permit:

L. Stand-alone surface parking lot.

#### **Chapter 17.30 CG COMMERCIAL GENERAL DISTRICT**

##### 17.30.030 Conditionally permitted uses.

The following uses may be permitted subject to obtaining a conditional use permit:

I. Stand-alone surface parking lot.

## Section 17.40.080 COMMERCIAL DEVELOPMENT STANDARDS

A. All commercial development shall be subject to the following development standards:

8. Site Development Criteria. All proposed commercial construction shall comply with the following site development standards:

a. The gross square footage of all buildings on a given parcel shall be limited to a maximum floor area ratio (F.A.R.) of 0.15, or fifteen (15) percent of the lot area (excluding any street rights-of-way). The city council shall have the authority to approve additional gross square footage, up to the maximum allowed for the parcel under the general plan, provided the increase complies with the provisions of subsection (A)(8)(e) of this section.

b. Forty (40) percent of the lot area shall be devoted to landscaping. An additional twenty-five (25) percent of the lot area shall be devoted to open space. Open space areas may include courtyards, patios, natural open space and additional landscaping. Parking lots, buildings, exterior hallways and stairways shall not qualify as open space. This requirement shall not apply to stand-alone surface parking lots.

c. Commercial buildings and stand-alone surface parking lots located within floodplains, liquefaction or earthquake fault zones shall comply with any other site specific hydrologic, geologic and seismic conditions based on the required hydrology soils and geotechnical reports and final recommendations from the city geologist or city engineer.

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## Chapter 17.48 OFF-STREET PARKING AND LOADING REQUIREMENTS

### 17.48.050 Development standards.

The following development standards shall apply to all parking areas with six or more spaces:

A. Location.

3. Required parking facilities shall be on the same lot as the structure they are intended to serve, except that with proper legal agreement, the planning commission may approve parking on a separate lot. In no event shall required parking be farther than three hundred (300) feet from the use it is required to serve. This distance shall be measured along a legal and safe pedestrian path from the parking space to the nearest entrance of the building or use for which the parking is required.

4. The required parking spaces may be located in interior side and rear setbacks. Except for stand-alone surface parking lots, schools and public safety facilities, no parking space, either required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.
3. Kiosks or automated pay structures for stand-alone surface parking lots may be located within required setbacks. Kiosks shall not exceed ten feet in height and 50 square feet in area.

B. Access. There shall be a minimum ten (10) foot wide, three-inch thick, asphaltic or cement concrete, paved, vehicular accessway from a public street or alley to off-street parking facilities.

C. Screening.

5. Where a parking area abuts or is across the street from a residential district, it shall be separated therefrom by a solid masonry wall not less than forty-two (42) inches in height. The planning commission may waive this wall requirement if additional setback and screening planting, or landscaped berms are to be provided.
6. Where a parking area is across the street from a residential district, there shall be a border of appropriate landscaping not less than five feet in depth, measured from the street right-of-way line, along the street frontage.
7. Parking areas shall be screened from view from all designated highways.
8. Additional screening shall be required for stand-alone surface parking lots in the form of landscape screening that has the effect of a solid hedge that obstructs the view of vehicles. Said screening shall be forty-two (42) inches high along where the front or street side yard lot line abuts a street and not less than forty-two (42) inches and not more than seventy-two (72) inches along a rear and side yard that does not abut a street and may incorporate trees at appropriate intervals to break up the solid hedge effect.

D. Layout and Paving.

10. Parking areas shall provide for a twenty-five (25) foot outside turning radius within the facility and a thirty (30) foot outside turning radius into public alleys.
11. Except in residential parking facilities with less than six spaces, parking spaces shall be arranged so that vehicles need not back onto or across any public sidewalk.
12. Off-street parking facilities shall be designed so that a vehicle within the parking facility shall not be required to enter a street to move from one location to any other location within that parking facility. Separate noncontiguous parking facilities may be provided with independent entrances for employee and visitor parking, provided the use of each

- lot is clearly identified on proposed plans and at the entrances to each lot.
13. No dead end parking aisles serving more than five stalls shall be permitted unless the aisle is provided with a turnaround area installed in a manner meeting the approval of the director.
  14. Tire stops shall be provided within all parking areas.
  15. All parking areas shall be surfaced with asphaltic or cement concrete paving which is at least three inches thick or permeable paving of comparable load-carrying capacity and durability.
  16. Parking stalls shall be at least nine feet by twenty (20) feet minimum, and shall be marked with lines or indicated with special paving materials. The access lanes shall be clearly defined and shall include directional arrows to guide internal movement traffic. Compact parking spaces are permitted, but shall not exceed twenty (20) percent of the total number of required spaces. Compact stalls shall be a minimum of eight feet by fifteen (15) feet six inches and shall be marked for compact use only. Compact parking spaces are not permitted in stand-alone surface parking lots.
  17. Off-street parking facilities shall be designed so that provision is made, to the satisfaction of the director, for the accommodation of vans, motorcycles, and bicycles.
  18. Stand-alone surface parking lots shall:
    - a. Support safe and efficient transportation access, minimize curb cuts, support safe pedestrian pathways and access, minimize heat island effect and accommodate alternative modes of transportation, as determined by the director, with input from the Public Works Director and Building Official;
    - b. Address and incorporate where appropriate and feasible the potential for alternative transportation such as ride share/ride-hail services, bicycles and personal transport devices, and to accommodate pickup and drop off for shuttles and other private or public high occupancy vehicles; and
    - c. Clean energy sources to service the facility.

E. Landscaping and Drainage.

10. A landscaped planter bed of at least five feet in width with a six-inch high cement concrete berm shall be installed along the entire perimeter except for those areas devoted to perpendicular access ways.
11. A minimum of five percent of the paved parking area shall be devoted to interior planting areas. Extensive use of trees is encouraged. All planting areas shall be at least three feet wide. Perimeter planting shall not be considered part of this required interior planting.
12. Where topography and gradient allow, parking lots should be depressed and/or screened from view by landscaped berms and hedges.

13. Where trees already exist on the property, the design should make the best use of this growth and shade. Such trees shall be protected by a tree well with a diameter sufficient to insure their continued growth.
14. Planting areas should be distributed throughout the lot as evenly as possible, but variations from this pattern may be granted by the director when a different pattern would result in the overall aesthetic improvement of the project. Innovation in design and materials is encouraged.
15. Wherever a center divider separates parking stalls facing each other, tree wells shall be established not more than fifty (50) feet apart for large trees (exceeding twenty (20) feet spread at maturity), or not more than thirty (30) feet for small and medium-sized trees.
16. All plantings shall be permanently and regularly maintained free of debris and in conformity with the accepted practices for landscape maintenance.
17. Required landscaping shall be irrigated with greywater, where feasible.
18. Stand-alone surface parking lots shall comply with the following additional landscaping standards:
  - a. Provide one tree per twelve hundred (1,200) square feet of area that accommodates vehicular circulation and parking for parking lot shade. Trees shall be dispersed throughout the vehicular circulation and parking areas. The tree planting in compliance with this section shall be designed to result in canopy coverage of fifty (50) percent of the vehicular and parking surface areas, whether permeable or impermeable, within ten (10) years and shall be approved by the City Arborist. Exceptions to this requirement in order to meet the fire protection standards of Chapter 17.53 pertaining to planting under utility easements may be approved by the director. Tree placement shall avoid blocking views of the ocean from public viewing areas at maturity.
  - b. Parking lot shade trees planted to meet this section shall be a fifteen (15) gallon or twenty-four (24) inch box. The use of native trees is highly encouraged.
  - c. Subsection (E)(6) above shall not apply. Trees planted in conjunction with the screening required in Subsection (C)(4) may contribute to this requirement.
  - d. The canopy coverage is calculated by using the expected diameter of the tree crown at 10 years. Canopy coverage area is determined by using the appropriate percentage of the crown as indicated on the approved Parking Lot Tree Selection List on file with the City. Only trees from this list may be used as parking lot shade trees unless otherwise approved by the City Arborist. Trees shall receive 25 percent, 50 percent, 75 percent or 100 percent shading credit based on the amount of the tree crown

- that shades the parking area. Areas where canopies overlap shall not be counted twice.
- e. Trees shall be planted consistent with the approved Tree Planting Guide on file with the City.
  - f. Upon completion of the installation of shade trees, the project landscape architect or arborist shall certify that the trees were planted in compliance with all requirements of this section.
  - g. A Landscape Maintenance Agreement shall be approved by the director and executed and recorded against the property prior to final project sign off and commencement of use. A Landscape Maintenance Agreement shall contain landscape maintenance requirements and a set of "as built" irrigation and landscape plans, and any other pertinent information to facilitate achievement and ongoing maintenance of the fifty (50) percent canopy coverage requirement.
  - h. A report shall be provided to the Planning Commission at the end of the tenth (10<sup>th</sup>) year from the approval of final project sign off. The report shall be prepared by the property owner and provide evidence that all of the trees shown on the final landscape plan, as documented in the Landscape Maintenance Agreement, are still planted unless a replacement tree has been approved by the City Arborist, and also that the trees are growing at the expected growth rate as shown in the Parking Lot Tree Selection List. If the trees appear to be growing at a slower rate, recommendations to improve the health of the trees shall be provided.
  - i. All major tree pruning work for maintenance shall be supervised by a City-approved International Society of Arboriculture (ISA) Certified Arborist. All pruning shall be performed with an overall goal of providing maximum tree canopy development. The topping of trees is prohibited. Pruning to reduce the canopy coverage of a tree is also prohibited unless approved by the City Arborist.
  - j. Permeable surfaces, as determined by the Building Official, shall constitute not less than thirty (30) percent of the lot area, excluding perimeter planting areas, unless evidence demonstrates best management practices support a lower percentage. Permeable surfaces should be landscaped wherever feasible.
  - k. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than five (5) percent slope. Permeable surfaces are specifically encouraged in areas of low traffic or infrequent use wherever feasible.
  - l. The parking area shall be properly drained, consistent with the requirements of the Regional Water Quality Control Board and subject to the approval of the Director of Public Works.

- m. Parking areas shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
- n. Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.
- o. Landscape areas, excluding drivable surfaces, shall be protected by a curb at least 6 inches wide and 6 inches high. Such curbs shall be designed to allow storm water runoff to pass through.

...

## CHAPTER 17.66 CONDITIONAL USE PERMITS

### 17.66.030 Application requirements for commercial development.

In addition to all other required information, any proposed commercial development which involves new development or expansion of existing buildings totaling at least five hundred (500) square feet shall submit the following information:

A. A market analysis indicating a clear and compelling economic and social need in the city for the proposed development, and demonstrate its economic viability, and impact on city services; this requirement shall not apply to stand-alone surface parking lots;

B. A geotechnical and hydrological report to be reviewed by the city geologist and other appropriate city representatives;

C. Reports indicating anticipated impacts on existing utility service, sewage and wastewater systems;

D. Applications for stand-alone surface parking lots within one thousand (1,000) feet of other parking facilities must provide an access and utilization analysis that demonstrates any potential opportunities for more efficient usage through shared use or access.

E. Applications for stand-alone surface parking lots shall include a traffic study and a needs assessment.

D.F. Submittal of other studies or environmental analysis as provided for under the California Environmental Quality Act (CEQA), as determined by the city. The city shall also have the authority to require the submittal of appropriate fees to cover the cost of independent analysis of such issues.

...

### 17.66.080 Findings.

Following a public hearing on the conditional use permit application, the director or the planning commission shall record their decision in writing and shall recite therein the findings of fact upon which their decision is based.

The commission may approve and/or modify a conditional use permit application in whole or in part, with or without conditions, provided that all of the



following findings of fact are made in a positive manner:

L. For stand-alone surface parking lots, the proposed project minimizes the heat island effect to the extent feasible.

## **CHAPTER 17.68 TEMPORARY USE PERMITS**

### **17.68.040 Temporary uses requiring permit.**

A temporary use permit may be issued by the planning director for the following uses:

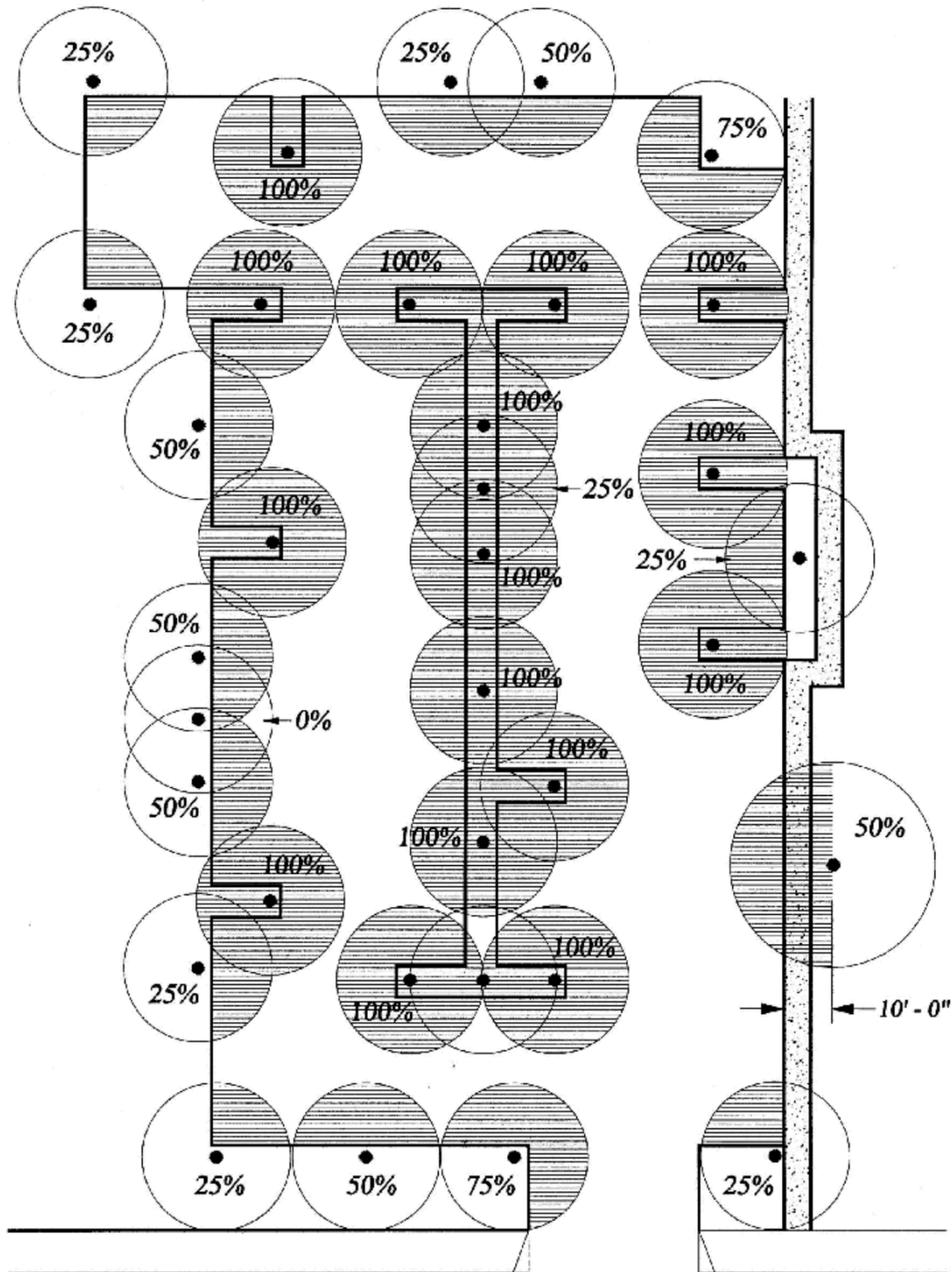
- A. Real estate sales offices within approved development projects;
- B. Model homes and temporary tract sales offices for a project opened to the public for the first time;
- C. Christmas tree and pumpkin sales lots; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid city business license, provided such activity shall be permitted for a period not to exceed thirty consecutive calendar days;
- D. Circuses and carnivals;
- E. Special events related to an existing business with temporary outdoor display/sales of merchandise in any commercial zone, provided there shall be no more than four displays/sales in any calendar year, and not more than two consecutive days, and that the displayed merchandise is customarily sold on the premises, and that such premises are utilized for a permanently established business;
- F. Indoor and outdoor entertainment and assembly events including but not limited to weddings, fund-raisers, retreats, fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as: auditoriums, stadiums or other public assembly facilities, or private clubhouse facilities not associated with public cultural or recreational facilities;
- G. Art, cultural, and educational exhibits and displays;
- H. Swap meets for no more than two consecutive days;
- I. Off-site contractors' construction yards;
- J. Outdoor sporting events;
- K. Similar temporary uses which, in the opinion of the director, are compatible with the zone and surrounding land uses;
- L. Off-site surface parking on a vacant commercially zoned lot for the farmers market within 350 feet of the farmers market to replace required parking displaced by construction. The dates for this use shall not count against the maximum sixty (60) calendar days within one calendar year for which a site can be used for temporary uses. This provision shall expire the earlier of the issuance of a certificate of occupancy for Santa Monica College or on January 1, 2022.
- M. Stand-alone surface parking lots used for event parking when the event does not have a Temporary Use Permit or Special Event Permit.

**APPENDIX 1 – PERMITTED USES TABLE****GENERAL SERVICES**

USE	RR	SF	MF	MFBF	MHR	CR	BP O	CN	CC	CV-1	CV-2	CG	OS	I	PR F	RVP
Bakeries (no on-site seating) Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Bakeries (no on-site seating) Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P <sup>4</sup>	P <sup>4</sup>	P	•	•	•	•
Stand-alone surface parking lot	•	•	•	•	•	•	•	<u>CUP<sup>32</sup></u>	<u>CUP<sup>32</sup></u>	•	•	<u>CUP<sup>32</sup></u>	•	•	•	•

32. Subject to Chapter 17.66.030 and the standards of Section 17.40.080 and Section 17.48.50.

# PARKING LOT TREE SHADE CALCULATION EXAMPLE



## PARKING LOT

- NOTES:**
1. This diagram is intended to reflect the manner in which shade is credited under various conditions. It is not necessarily an illustration of 50% coverage.
  2. Trees may receive 25%, 50%, 75% or 100% credit as shown.
  3. Shade overlap is not counted twice.

## Kathleen Stecko

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**Subject:** Triangle/Island parcel?

**From:** K Hill

**Sent:** Monday, September 21, 2020 5:04 PM

**To:** Bonnie Blue

**Cc:** John Mazza; Chris Marx; Jeffrey D Jennings; Steve Uhring; David Weil; Kathleen Stecko

**Subject:** Re: Triangle/Island parcel?

Received

9/21/20

Planning Dept.

Thanks, Bonnie! So the Triangle in effect 1.5 acres, not 1.1.

On Sep 21, 2020, at 4:56 PM, Bonnie Blue <[bblue@malibucity.org](mailto:bblue@malibucity.org)> wrote:

The City owns both pieces. Hope that helps.

Bonnie Blue

Planning Director

310-456-2489 ext. 258

**From:** K Hill

**Sent:** Monday, September 21, 2020 4:49 PM

**To:** Bonnie Blue

**Cc:** John Mazza; Chris Marx; Jeffrey D Jennings; Steve Uhring; David Weil; Kathleen Stecko

**Subject:** Triangle/Island parcel?

Hi Bonnie,

A quick clarification in advance of tonight's meeting, please. The Triangle/Island parcel is stated as 1.1 acres in the staff report on the parking lot item. In the past, I've heard it called 1.5 acres. Looking at the assessor's parcel viewer, I see there are actually two parcels, AIN 4458-020-900 (which corresponds to the ROW of the old roadway) and 4458-020-904. The Assessor Map (PDF, 2019, copied below) shows parcel -904 as being 1.1 acres, and -900 as 21080 sq.ft. or 0.48 acre. That would total to 1.5 acres.

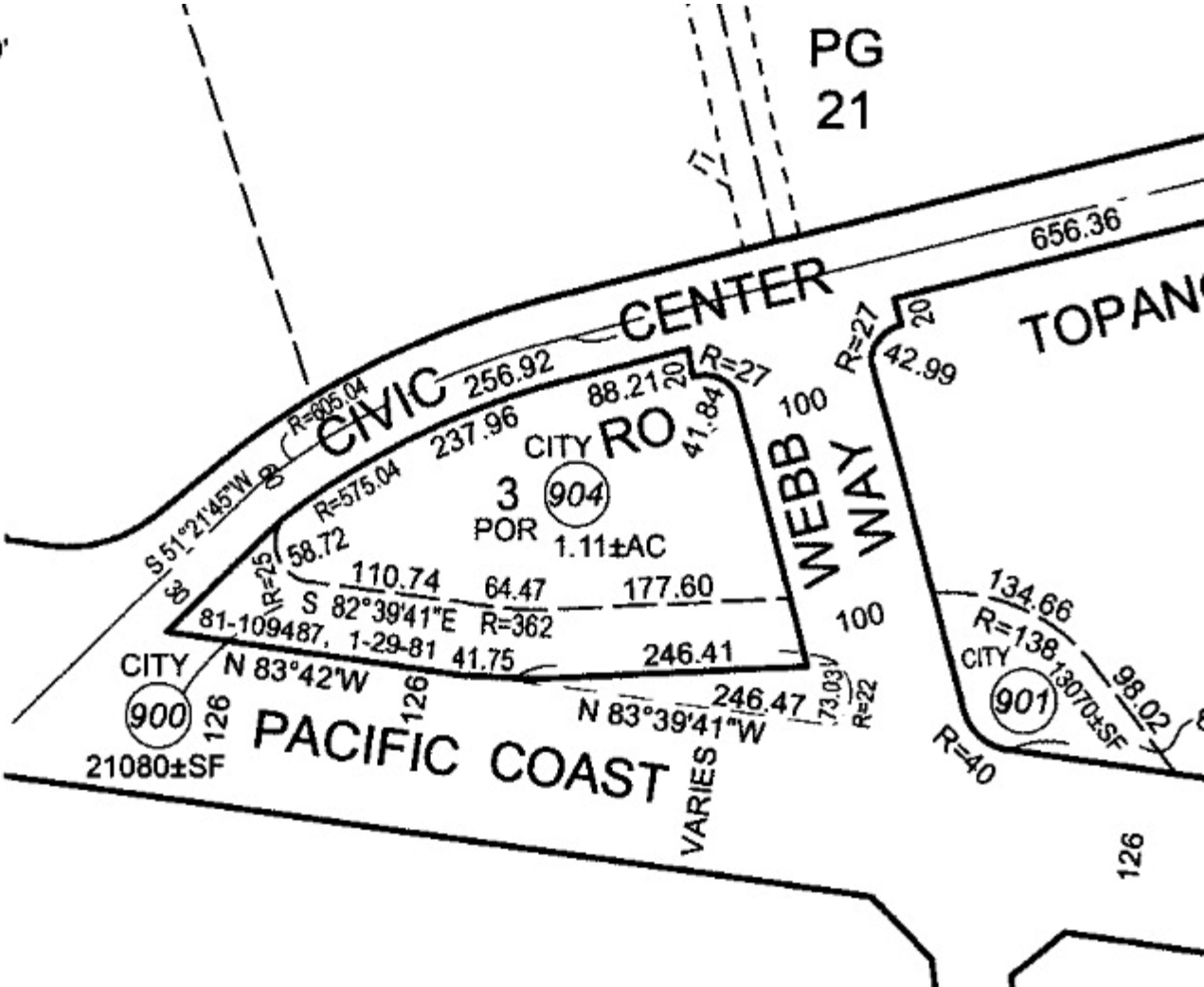
Is AIN 4458-020-900 held by the City, or is that still County or perhaps Caltrans? The recording date is in 2016, so maybe it's not City land? If it's not, what could or would happen on that half acre if the City develops AIN 4458-020-900?

Thanks,  
Kraig

Date Received 9/21/20 Time 5:15 PM  
Planning Commission meeting of 9/21/20  
Agenda Item No. 5A  
Total No. of Pages 3

CC: Planning Commission, PD, Recording  
Secretary, Reference Binder, File

Attachment E



This shows the two parcels more clearly, with info for parcel -900:

### Property Information

**Assessor's ID No:** 4458-020-900  
**Address:** Address Not Available  
**Property Type:** Vacant Land  
**Region / Cluster:** 25 / 25698  
**Tax Rate Area (TRA):** 10850

- [View Assessor Map](#)
- [View Index map](#)

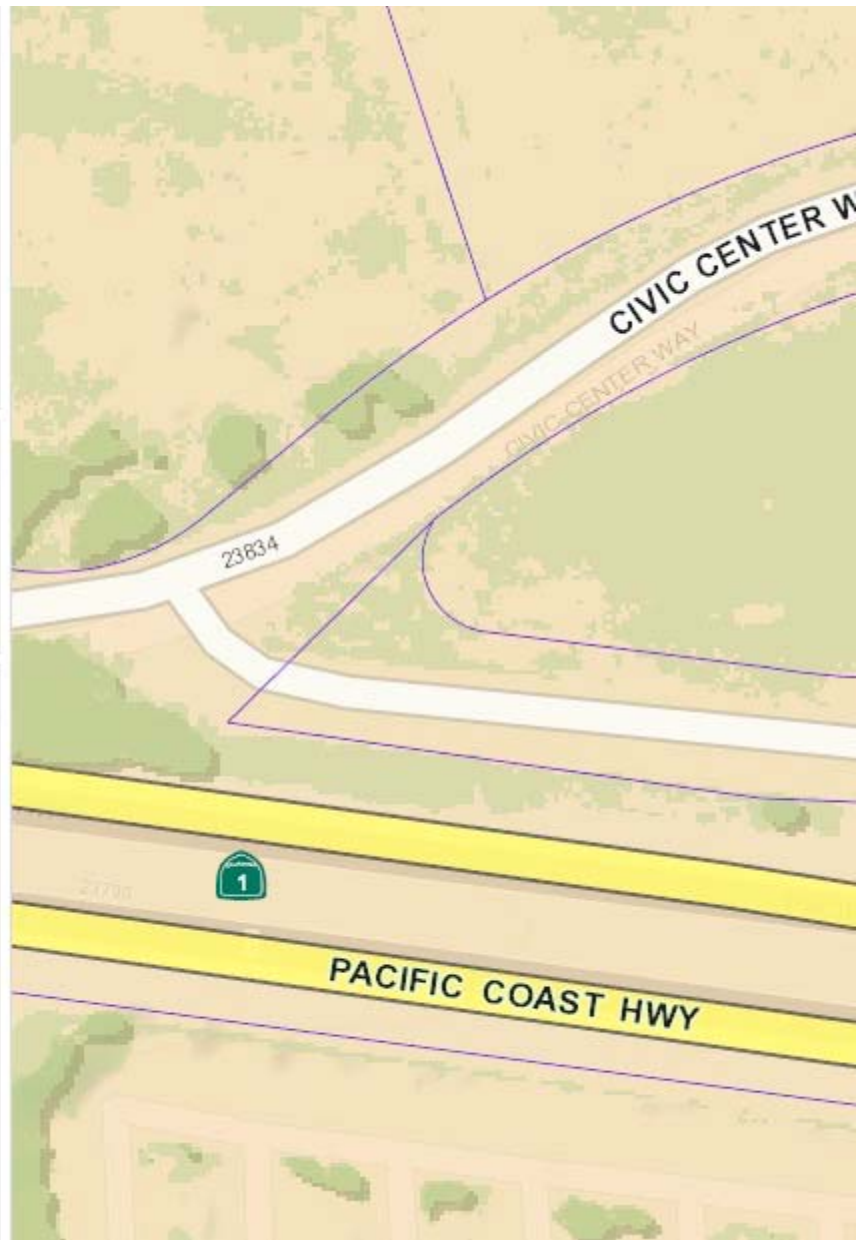
### Recent Sales Information

**Latest Sale Date:**  
**Indicated Sale Price:**

[Search for Recent Sales](#)

### 2020 Roll Values

**Recording Date:** 06/16/2016  
**Land:** \$0  
**Improvements:** \$0  
**Personal Property:** \$0  
**Fixtures:** \$0  
**Homeowners' Exemption:** \$0  
**Real Estate Exemption:** \$0  
**Personal Property Exemption:** \$0  
**Fixture Exemptions:** \$0





**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.** on the project identified below. This meeting will be held via teleconference 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 October 5, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

**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](mailto:citycouncil@malibucity.org) before the meeting begins.

**How To Participate During The Meeting:** Members of the public may also 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.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**LOCAL COASTAL PROGRAM AMENDMENT NO. 17-005 and ZONING TEXT AMENDMENT NO. 17-005** – The City Council will consider amendments to the Local Coastal Program and Title 17 (Zoning) of the Malibu Municipal Code, and the Planning Commission's recommendation regarding stand-alone surface parking lots in the Commercial General, Community Commercial, and Commercial Neighborhood zoning districts as a conditionally permitted commercial use

Applicant:	City of Malibu
Location:	Citywide
Case Planner:	Richard Mollica, Assistant Planning Director (310) 456-2489, extension 346

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an Local Coastal Program (LCP) amendment. This application is for an LCP amendment which must be certified by the California Coastal Commission before it takes effect. Local Implementation Plan Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCP amendment and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption. In addition, the Planning Director has analyzed

the proposed amendments. CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Director has determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

A written staff report will be available at or before the hearing. All persons wishing to address the City Council will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Richard Mollica, at (310) 456-2489, extension 346.

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Bonnie Blue, Planning Director

Publish Date: October 15, 2020