



Council Agenda Report

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Joyce Parker-Bozylinski, Contract Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: April 21, 2021 Meeting Date: May 10, 2021

Subject: Amendments to the Local Coastal Program and Malibu Municipal Code Allowing Stand-Alone Surface Parking Lots in Commercial Zones as a Conditionally Permitted Commercial Use

RECOMMENDED ACTION: 1) Adopt Ordinance No. 475 (Exhibit 1) 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 May 24, 2021 Regular City Council meeting; and 3) Adopt Resolution No. 20-58 (Exhibit 2) 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.¹ As part of its direction, the Council

¹ 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.

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 were incorporated into the attached proposed ordinance (Exhibit 1), with the exception of a parking needs assessment. The Planning Commission recommended that the City Council conduct a parking needs assessment 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 of the November 23 City Council report. As discussed later in this report, the City's Traffic Engineer informed staff that it would not be possible to conduct that type of study without a defined set of parameters and an understanding of how much parking should be provided.

On November 9, 2020, prior to opening the hearing, the City Council continued the item to the November 23, 2020 Regular City Council meeting.

On November 23, 2020, the City Council held a public hearing on the amendments and directed staff to 1) incorporate the recommendations of the Planning Commission and John Mazza, who submitted correspondence during the hearing, into the ordinance and

2) bring the updated ordinance back in the first quarter of 2021. The staff report and minutes are attached hereto as Exhibits 4 and 5.

DISCUSSION: At its November 23, 2020 meeting, the City Council directed staff to incorporate the recommendations of the Planning Commission and John Mazza. When the Planning Commission recommended approval of the proposed ordinance (Exhibit 5) they recommended changes to several sections of the ordinance and all of those changes were incorporated into the ordinance considered by the Council at its November 23rd hearing. The Planning Commission also recommended the City Council study parking needs in the City and the ordinance not be implemented until caps to limit the area taken by stand-alone parking are implemented.

This recommendation was also reiterated by Mr. Mazza during the Council hearing. Three additional recommendations from Mr. Mazza include 1) require the 30% pervious surface requirement apply to the parking lot only not to the overall lot; 2) clarify that the height of landscape screen along the front and side property lines, which abut a street, cannot exceed 42 inches in height; and 3) add language that bans storage lots, sales lots, and non-transient parking. These three recommendations have been incorporated into the ordinance.

During the November 23 hearing, the Council discussed whether a needs assessment should be considered before the ordinance was approved or as part of the Conditional Use Permit (CUP) process. The discussion centered, in part, around the question of whether allowing a stand-alone parking lot as a new land use would have a negative impact on the character of Malibu and result in a proliferation of parking lots in the City.

Typically a study to determine parking need would take into account both existing and planned development. Staff spoke to the City's Traffic Engineer about the preparation of a needs assessment prior to adoption of the ordinance and he stated that due to the high level of assumptions that would need to be made, a study prior to the adoption of the ordinance would not be useful and have limited value. He further indicated that the best option would be to require a needs assessment as part of the CUP process because at that time there would be information available on the expected demand, a defined area for the study of traffic impacts as well as a specific parcel where the Commission could consider the impacts as part of their CUP review. Lastly the applicant would be required to demonstrate the need and provide supporting documentation to the City.

However, should the Council want staff to conduct a study prior to adoption of this ordinance, this item could be sent back to ZORACES to define the parameters of a needs assessment to allow for a Request For Proposals to be issued for a parking needs assessment.

The November 23, 2020 City Council Staff Report (Exhibit 4) discusses how the amendments further policy goals, and then summarizes how implementation, compliance

and maintenance would work. The minutes from the Council meeting are provided as Exhibit 5.

Summary of Proposed Amendments

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 (CUP).

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.

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. This will ensure that lighting utilized in stand-alone parking lots will preserve dark skies that contribute to the rural character of Malibu consistent with the General Plan. New stand-alone surface parking lots would also be required to comply with the Art in Public Places Ordinance (MMC Chapter 17.59).

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

Needs Assessment

The proposed amendments require that stand-alone surface parking lots be approved with a CUP by the Planning Commission. This requirement ensures each project can be considered individually and conditioned appropriately to avoid adverse impacts on the community. In order to obtain a CUP, applicants for stand-alone parking lots must submit a traffic study and needs assessment. A traffic study will help determine potential traffic impacts based on the proposed use of the parking lot and a needs assessment will ensure that there is a balance of uses in the area and no one area is dominated by parking lots.

In addition, an applicant would need to submit a utilization study which analyzes other parking within 1,000 feet of the proposed parking lot. By analyzing the other parking nearby, the applicant will be able to design the project and staff will be able to determine and ensure compatible access and the potential for shared use parking, thus allowing 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.

In order to approve a CUP, several findings must be made in the positive². These include a finding that 1) the proposed use would not impair the integrity and character of the zone in which it is located; 2) the proposed use is compatible with the surrounding neighborhood; 3) the proposed use would be compatible with existing and future land uses within the zone; and 4) the proposed use is consistent with the goals, objectives, policies, and general land uses in the General Plan. The CUP process, including a requirement for a needs assessment and traffic study, is the best method of ensuring there is an appropriate balance between the number of proposed parking lots and other land uses and that no one area is dominated by parking lots.

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.

Enhanced Parking Lot Landscaping

In addition to requiring perimeter landscape screening from all streets adjacent to the parking lot, 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. Very few cities in California have parking lot shade ordinances and the majority of cities that do, require 50% shade coverage in 15 years. The 50% canopy coverage requirement in 10 years was included to ensure that stand-alone parking lots enhance the visual appearance of the area and blend into the existing character of Malibu.

² MMC Section 17.66.080 (Findings)

The code currently has the following landscape requirements for parking lots:

- a landscape planter bed of at least 5 feet along the perimeter of the parking lot
- a minimum of 5 percent of the paved parking areas must be devoted to interior planting areas
- all planting areas must be at least 3 feet wide
- in a center divider that separates parking stalls facing each other, tree wells must be not more than 50 feet apart for large trees (exceeding twenty feet spread at maturity), or not more than thirty feet for small and medium-sized trees

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. The landscaping standards proposed in the ordinance would result in tree cover that would provide shade to reduce the heat island potential of paved surfaces and provide nesting bird and wildlife habitat.

Resolution 20-58 (Exhibit 2) adopts guidelines and standards for parking lot tree selection and planting. Exhibit A of the Resolution provides a parking lot tree selection list. In order to accomplish the 50 percent canopy coverage, the minimum size tree that can be planted is 15 gallon but a mix of 15 gallon and 24-inch box must be utilized. 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.

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. In order to ensure the health of the trees, the guidelines identify the minimum width of the planting area. The vast majority of the 23 trees on the parking lot tree selection list must be planted in planters that range from 5 feet to 10 feet in width. 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.

Additionally, a minimum of 30 percent of the parking lot must be permeable area which is consistent with the LIP and results in a more environmentally sustainable design and allows for rainwater capture.

Compliance and Maintenance

The proposed ordinance requires a 10-year report to the Planning 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.

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, 50 percent 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. This would allow more efficient use of the site for parking, without the unappealing aesthetic effects as these are mitigated by perimeter screening, tree canopy, interior landscaping and the permeability requirements.

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

Use of Stand-Alone Surface Parking Lot

While the ultimate use of a proposed stand-alone surface parking lot would be considered as part of the needs assessment, the draft amendment includes language to address parking use that supports the rise of ride-share/ride-hail services and bicycles, with

requirements to accommodate pick-up and drop-off sites. Also included are requirements for bus or other high occupancy vehicle access that could support park and ride uses. All of these measures ensure that longer-term transportation changes can be accommodated in the new parking lots.

The Planning Commission also 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.

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 (Exhibit 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.

Summary

Requiring each individual project to submit a needs assessment and traffic study as part of the CUP process is the best method to ensure new stand-alone parking lots are built only to meet an identified need and, along with the required CUP findings, will ensure no one area is dominated by parking lots. Additionally, requiring each parking lot to provide additional landscaping to accomplish a 50% tree canopy in 10 years, requiring compliance with the Dark Skies Ordinance and with the Art in Public Places Ordinance will ensure stand-alone parking lots will not have a negative impact on the aesthetics or character of the community.

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 from the November 23, 2020 (Exhibit 6).

PUBLIC NOTICE: On April 15, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City (Exhibit 7).

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.

EXHIBITS:

1. Ordinance No. 475
2. Resolution No. 20-58
3. Redline Version of Proposed Ordinance
4. November 23, 2020 City Council Staff Report
5. November 23, 2020 City Council Meeting Minute Excerpt
6. Correspondence
7. Public Hearing Notice

ORDINANCE NO. 475

AN ORDINANCE OF THE CITY OF MALIBU AMENDING THE LOCAL COASTAL PROGRAM (LOCAL COASTAL PROGRAM AMENDMENT NO. 17-005) AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE (ZONING TEXT AMENDMENT NO. 17-005) 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 was published in a newspaper of general circulation within the City of Malibu.

I. On November 9, 2020, prior to opening the hearing, the City Council continued the item to the November 23, 2020 Regular City Council meeting.

J. On November 23, 2020, the City Council held a public hearing on the amendments and directed staff to 1) incorporate the recommendations of the Planning Commission and John Mazza, who submitted correspondence during the hearing, into the ordinance and 2) bring the updated ordinance back in the first quarter of 2021.

K. On April 15, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu.

L. On May 10, 2021, 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. A stand-alone surface parking lot shall not include the use of the lot for storage or sales of vehicles or other non-transient parking uses.

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 more 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 (10th) 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 parking 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 ²¹	CUP ²¹	•	•	CUP ²¹	•	•	•	•

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. A stand-alone surface parking lot shall not include the use of the lot for storage or sales of vehicles or other non-transient parking uses.

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 more 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 (10th) 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 parking 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 ³²	CUP ³²	•	•	CUP ³²	•	•	•	•

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 ____ 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, Acting City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

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

JOHN COTTI, Interim City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.

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.

PASSED, APPROVED AND ADOPTED this 10th day of May 2021.

EXHIBIT 2

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, Acting City Clerk
(seal)

APPROVED AS TO FORM:
THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim 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.

If water level drops:	The planting locations is:
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

REDLINE VERSION

Added text are shown as underline. Deleted text is shown in ~~strikethrough~~.
ORDINANCE NO. 475

AN ORDINANCE OF THE CITY OF MALIBU AMENDING THE LOCAL COASTAL PROGRAM (LOCAL COASTAL PROGRAM AMENDMENT NO. 17-005) AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE (ZONING TEXT AMENDMENT NO. 17-005) 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 was published in a newspaper of general circulation within the City of Malibu.

I. On November 9, 2020, prior to opening the hearing, the City Council continued the item to the November 23, 2020 Regular City Council meeting.

J. On November 23, 2020, the City Council held a public hearing on the amendments and directed staff to 1) incorporate the recommendations of the Planning Commission and John Mazza, who submitted correspondence during the hearing, into the ordinance and 2) bring the updated ordinance back in the first quarter of 2021.

K. On May 10, 2021, 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. A stand-alone surface parking lot shall not include the use of the lot for storage or sales of vehicles or other non-transient parking uses.

- 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~~ more 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 (10th) 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 parking 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 ²¹	CUP ²¹	•	•	CUP ²¹	•	•	•	•

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. A stand-alone surface parking lot shall not include the use of the lot for storage or sales of vehicles or other non-transient parking uses.

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 more 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 (10th) 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 **parking** 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 ³²	CUP ³²	•	•	CUP ³²	•	•	•	•

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 _____ 2021.

MIKKE PIERSON, Mayor

ATTEST:

KELSEY PETTIJOHN, Acting City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

JOHN COTTI, Interim City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.



Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Joyce Parker-Bozylinski, Contract Planner

Reviewed by: Richard Mollica, Acting Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: November 10, 2020 Meeting Date: November 23, 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 (Continued from November 9, 2020)

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 December 14, 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.¹ 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.

¹ 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 deciduous² 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

² 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 (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 7, 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 was published in a newspaper of general circulation within the City of Malibu.

I. On November 9, 2020, prior to opening the hearing, the City Council continued the item to the November 23, 2020 Regular City Council meeting.

J. On November 23, 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 flow 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 buffers 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 20 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 landscaped 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 mode (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 (10th) 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	CU	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Stand-alone surface parking lot	•	•	•	•	•	•	•	CU ²¹	CUP ²¹	•	•	CUP ²¹	•	•	•	•

21. Subject to the development standards of Section 3.14.4 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 seven (7) 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:
- 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;
 - 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
 - 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 (10th) 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 to slow storm water flow and to direct storm water toward landscaping, detention areas, or other water collection/treatment areas.
- o. Landscape areas including 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 17.66.020 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 ³²	CUP ³²	•	•	CUP ³²	•	•	•	•

32. Subject to Chapter 17.66.030 and the standards of Section 17.0.080 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.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASEK, 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. This 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 23rd day of November 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

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

CHRISTI HOGIN, City Attorney

DRAFT

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		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	10'	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	30'	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		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	umbrella 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 #5 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 16-24" 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.

If water level drops:	The planting locations is:
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 21st 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 21st 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 (10th) 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 ⁴	P ⁴	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P ⁴	P ⁴	P	•	•	•	•
Bakeries (no on-site seating) Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P ⁴	P ⁴	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P ⁴	P ⁴	P	•	•	•	•
Stand-alone surface parking lot	•	•	•	•	•	•	•	CUP ²¹	CUP ²¹	•	•	CUP ²¹	•	•	•	•

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.

...

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 (10th) 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.

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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.

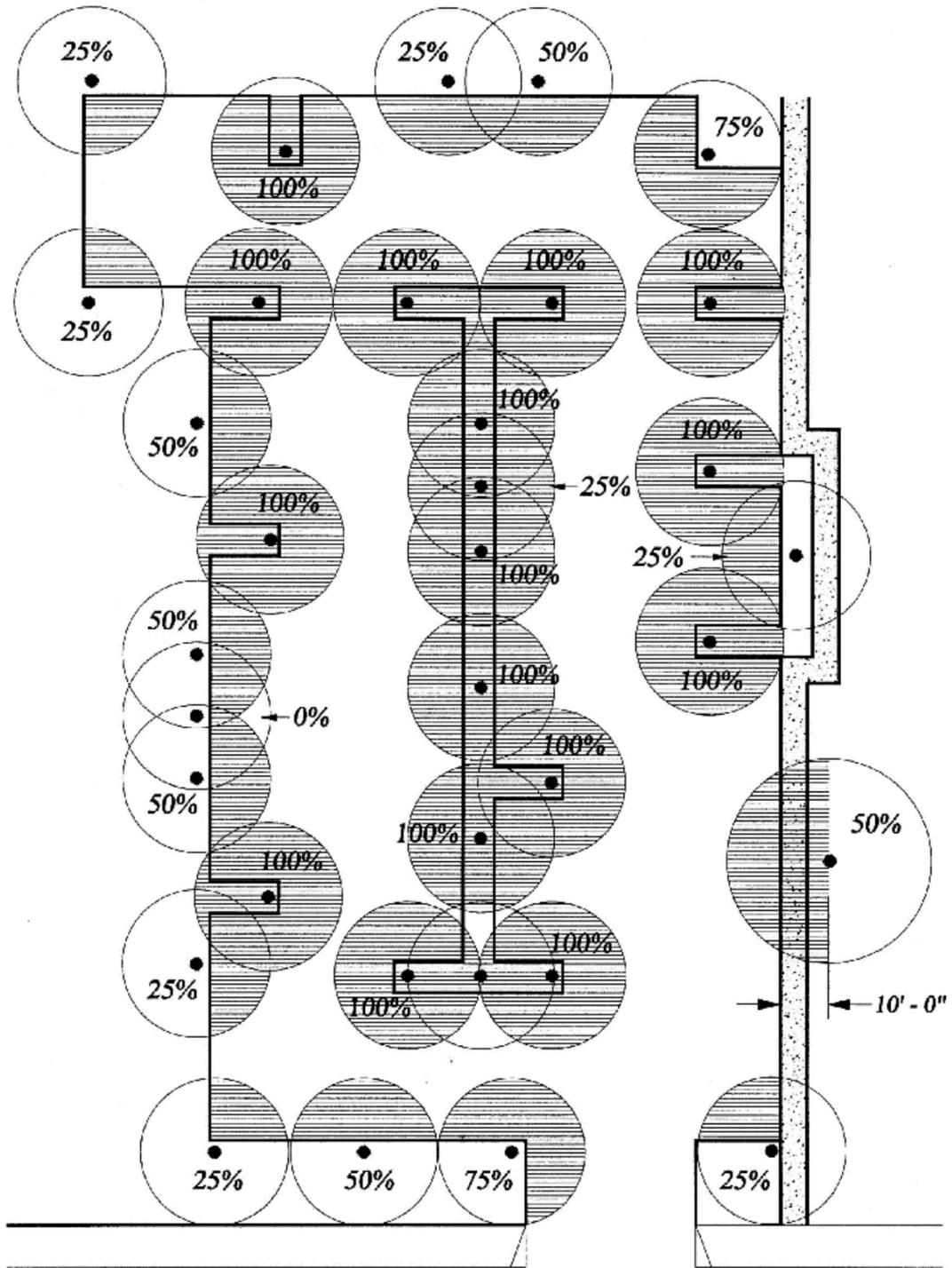
APPENDIX 1 – PERMITTED USES TABLE

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 ⁴	P ⁴	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P ⁴	P ⁴	P	•	•	•	•
Bakeries (no on-site seating) Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P ⁴	P ⁴	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P ⁴	P ⁴	P	•	•	•	•
Stand-alone surface parking lot	•	•	•	•	•	•	•	<u>CUP³²</u>	<u>CUP³²</u>	•	•	<u>CUP³²</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

Subject: Triangle/Island parcel?

Received

9/21/20

Planning Dept.

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?

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> 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?

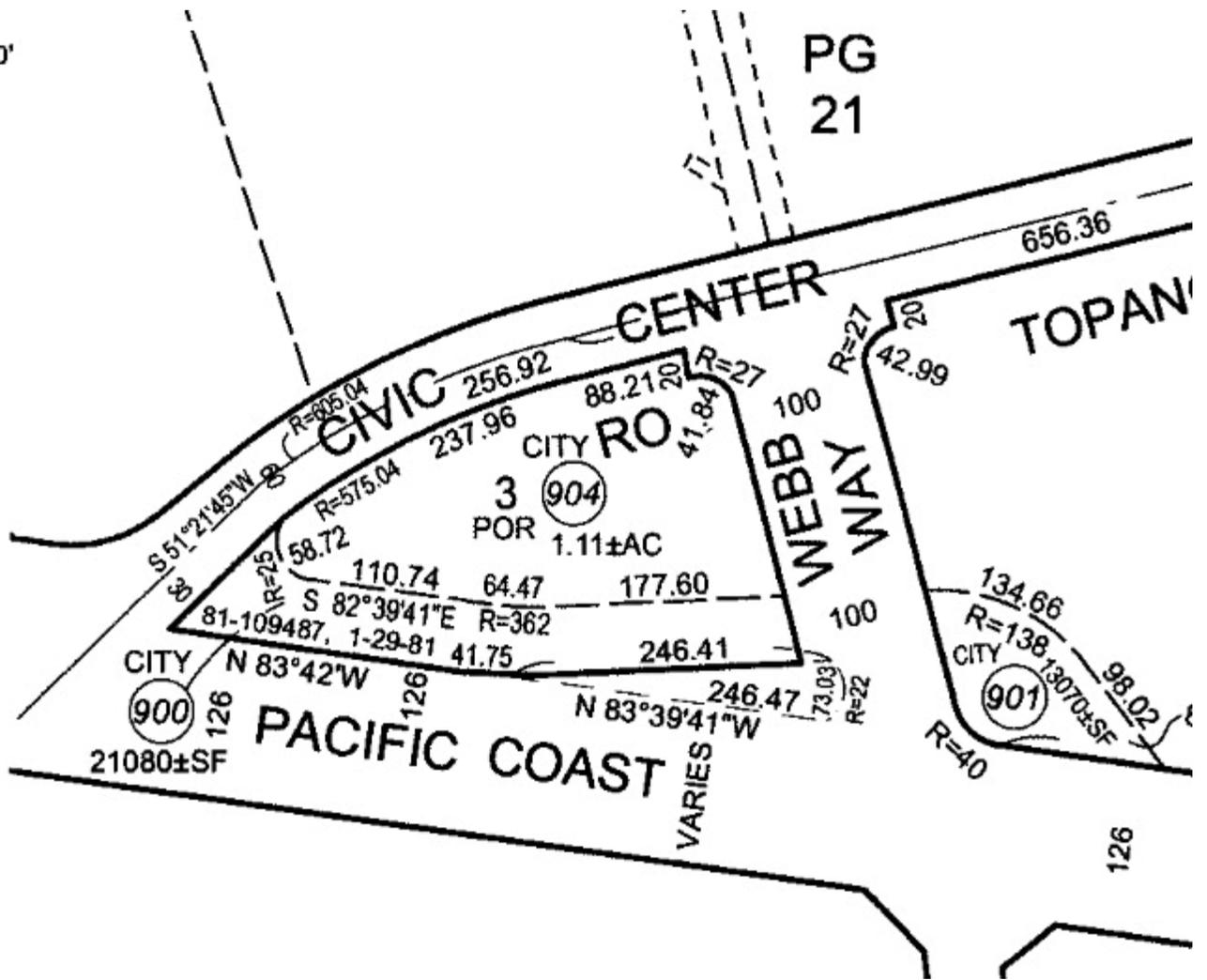
Thanks,
Kraig

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

SERVICES
SCALE 1" = 200'



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](#)

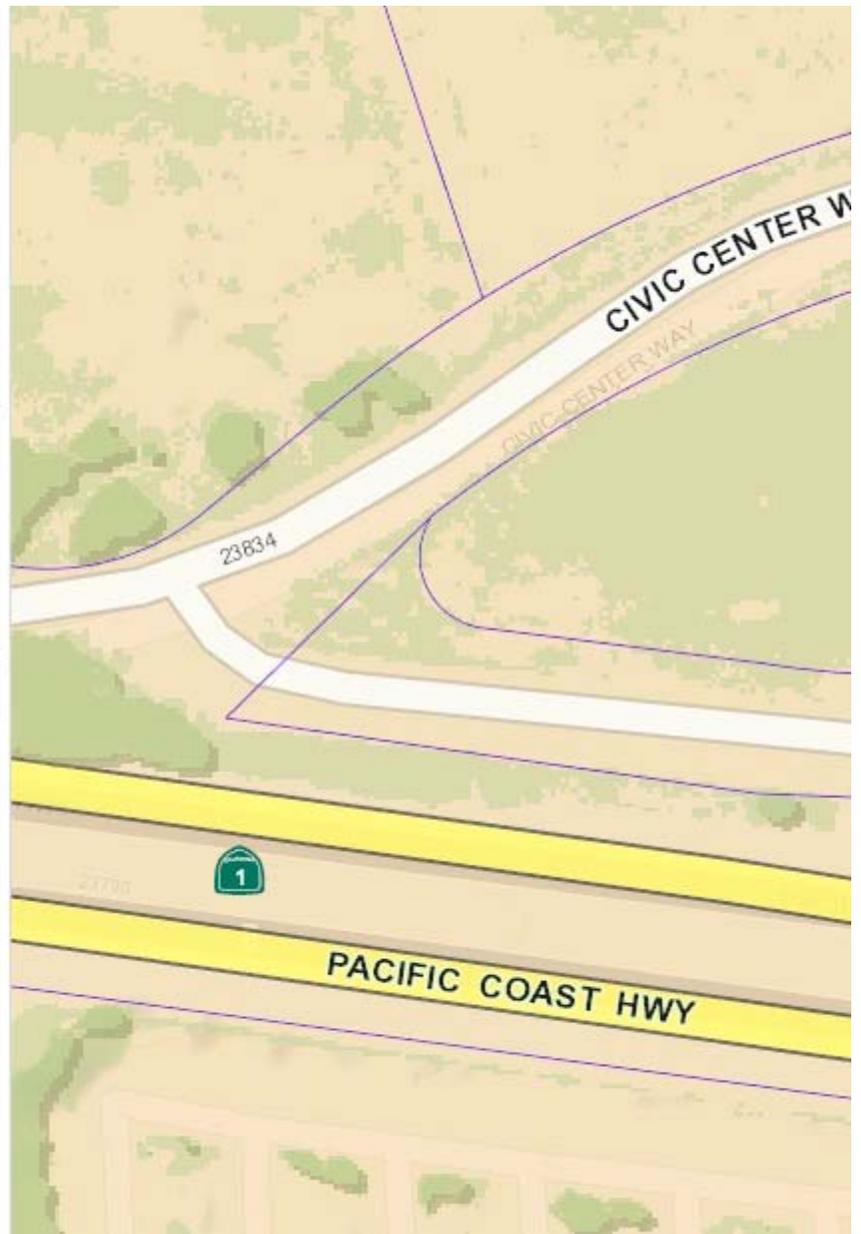
Recent Sales Information

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 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.

Bonnie Blue, Planning Director

Publish Date: October 15, 2020

Section 17.060.020(C) to extend the deadlines by one year to initiate the planning application process, obtain building permits, and the total time allotted for an extension to rebuild a legal nonconforming structure that was damaged or destroyed in the Woolsey Fire; and 2) direct staff to schedule a second reading and adoption of Ordinance No. 476 for the December 14, 2020 Regular City Council meeting.

City Attorney Hogin read the title of the ordinance.

The question was called, and the motion carried unanimously.

C. Schedule of Parking Citation Penalties (Continued from November 9, 2020)

Recommended Action: 1) Conduct the Public Hearing; 2) Adopt Resolution No. 20-59 amending the City’s Schedule of Parking Citation Penalties, repealing Resolution No. 15-09, and finding the action to be exempt from the California Environmental Quality Act; and 3) Direct the Public Safety Commission to review the Schedule of Parking Citation Penalties annually, or at another frequency determined by the City Council.

Public Safety Manager Dueñas presented the staff report.

Chris Frost discussed the Public Safety Commission’s recommendation. He stated some people freely violated parking ordinances and were not deterred by the citation fine. He stated he hoped the new fines could be implemented before the next heavy visitor season in 2021.

Mayor Pierson thanked Mr. Frost and the rest of the Public Safety Commission for their service.

Councilmember Mullen thanked Mr. Frost for his comments.

MOTION

Councilmember Mullen moved and Councilmember Farrer seconded a motion to: 1) adopt Resolution No. 20-59 amending the City’s Schedule of Parking Citation Penalties, repealing Resolution No. 15-09, and finding the action to be exempt from the California Environmental Quality Act; and 2) direct the Public Safety Commission to review the Schedule of Parking Citation Penalties annually.

Mayor Pro Tem Peak recommended the Public Safety Commission review the parking citation penalties early enough in the year so changes could be implemented before summer.

The question was called, and the motion carried unanimously.

*Start Here:

D. 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 (Continued from November 9, 2020)

Recommended Action: 1) Adopt Ordinance No. 475 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 and the Malibu Municipal Code 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 December 14, 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.

Acting Planning Director Mollica presented the staff report.

Bruce Silverstein encouraged the Council to consider his written comments on this item. He stated the item was not urgent and should not be considered at a virtual meeting. He stated the Council spent more time responding to his public comments than addressing small cell concerns. He recommended the Council reject this ordinance.

Doug Stewart stated the City received millions of visitors every year and needed to minimize impacts to residents. He stated this ordinance could allow parking lots in key areas that had regular parking problems. He stated complaints about Nobu and neighboring business had generated the idea to create a shuttle lot for employees that would reduce parking congestion and improve pedestrian safety.

Lynn Norton stated the tree coverage requirement should be met immediately and should not be based on projected future growth. She stated creating more parking would create the potential for more people to visit the City. She stated creating new parking should only be allowed if the City could remove some more dangerous and less desirable parking.

Kraig Hill stated this ordinance went against the vision and mission statements of the City. He stated residents did not need more parking and there were already provisions for commercial parking requirements. He questioned what the motivation for the ordinance was. He stated a flat lot was a waste of space and the Council should consider adding provisions for underground parking and limiting the percentage of a lot that could be dedicated to parking. He indicated support for requiring more of the lot to be permeable. He stated compact parking spaces created problems.

Scott Dittrich stated he assumed he was on camera whenever he left the house. He stated City Manager Feldman should allow presumptive Councilmember-elect Bruce Silverstein to record their meeting. He stated this ordinance was not in the character of the City. He stated residents did not need parking, but restaurant

employees may. He stated this ordinance did not include any provisions for impacts to resident's views. He stated the trees should be required to be live oaks for the sake of aesthetics and fire safety. He stated the tree canopy requirements should be required to be met immediately, not in 10 years.

John Mazza stated this was a complicated issue. He stated there were approximately 40 acres of vacant land in the Civic Center area. He recommended the ordinance create a limit on the total amount of standalone parking allowed in the City. He stated car show dealerships should not be allowed in shopping centers and the ordinance should only allow transient day-use parking. He stated the terms parking lot and property lot were used confusingly in the ordinance. He stated his written correspondence included recommendations to change the ordinance.

Patt Healy indicated opposition to the ordinance. She stated the ordinance did not follow the mission or vision statements of the City. She indicated support for open space. She stated if the City was required to develop a park and ride lot it would also be used for restaurant employees and beach goers. She stated the City-owned properties should be used for the benefit the residents. She stated if parking lots were approved as a standalone use the property should be 65% landscaped open space.

Ryan Embree stated the item needed more public input. He stated he had not heard any Pepperdine representatives speak in favor of the item. He stated there was a zone text amendment process if Pepperdine needed revisions to the zoning code for one lot. He stated there should be separate provisions for public and private parking. He stated if multiple lots chose to develop standalone parking it would have significant impacts. He stated the view of the Civic Center would be negatively impacted by large parking lots. He stated pedestrians crossing PCH had traffic impacts and should not be encouraged. He recommended requiring parking lots to be attended.

Councilmember Wagner stated the Civic Center Task Force had decided a use for a parking lot should be determined before a parking lot was created. He stated Pepperdine representatives had attended a few meetings and discussed their intention to develop a parking lot to shuttle visitors for big games and events.

Mayor Pro Tem Peak stated it seemed like creating some additional parking could help reduce congestion. He stated he understood the concerns that had been raise, but a lot of time had been spent on the item and there had already been multiple public hearings. He stated the City should consider having standalone parking as an acceptable use for certain properties as described in the staff report. He stated the Council could bring the item back in a few months if it wanted to allow more time for public input.

Councilmember Mullen stated it was important to carefully consider ordinances that may have unintended consequences. He stated the item could use more

deliberation. He stated it was good for the Council to remember that County Measure R funds were used to purchase some property in the City and there was an obligation to use those funds for transportation purposes. He stated the City would either need to pay the County back or find a specific way to develop some land for transportation.

Councilmember Farrer stated the item was heard by Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) in August 2020 and approved unanimously by the Planning Commission after a few revisions in September 2020. She stated she was not sure what had changed for Mr. Mazza since the Planning Commission hearing. She stated the Triangle parcel, Chili Cook-off parcel, and Heathercliff parcel were purchased as a package and some Measure M and County Measure R funding was used for that purchase. She stated the City could look at selling the Triangle parcel but there may not be an interested buyer and people may not want to see it developed. She stated the City had spent a lot of time dealing with parking issues at the SoHo House and Nobu. She discussed dangerous parking conditions in the City. She stated public safety and traffic issues could be addressed by this ordinance. She stated she was not sure underground parking was even viable in the Civic Center area.

Mayor Pro Tem Peak stated ZORACES decided not to address underground parking because it added a lot of variables that needed more study.

Councilmember Wagner stated undergrounding was not considered by ZORACES because it created load complications. He stated ZORACES should have considered how many acres in the City could be devoted to parking. He stated the ordinance should be remanded back to the Planning Commission to consider issues it may have overlooked. He discussed the importance of having a traffic study.

Councilmember Mullen stated it was significant that the ordinance was unanimously approved by the Planning Commission.

In response to Councilmember Mullen, Acting Planning Director Mollica stated the ordinance did include a requirement for a traffic study. He stated he agreed with Mr. Mazza's correction to the height limit for landscaping. He stated it would be good to set a cap on total parking and there would need to be a study for the area to determine the cap.

Councilmember Mullen stated an overall traffic study of the Civic Center area would be important before any individual development could be considered.

Mayor Pro Tem Peak stated studies for each new project considered all built and entitled development.

In response to Mayor Pro Tem Peak, Acting Planning Director Mollica stated some items in Mr. Mazza's letter would need further study, but small corrections like the landscaping height limit could be incorporated without rehearing the item.

In response to Councilmember Mullen, Acting Planning Director Mollica stated the limitations on the size of the parking lot would be the landscape requirements and the requirement for a permeable surface area. He stated a need had to be demonstrated to have a Conditional Use Permit (CUP) issued. He stated the landscaping requirements were very specific and would help limit the size of parking lots.

In response to Mayor Pro Tem Peak, Acting Planning Director Mollica stated there were landscaping requirements for open space on the property, surrounding the parking lot, and inside the parking lot. He stated the ordinance had options for what the open space could be. He stated 65% of the property could not be parking.

Mayor Pro Tem Peak this item had started years ago to provide options for parking that may be useful in a variety of situations. He stated applicants who could prove there was a need for parking should have a mechanism to permit that project.

Mayor Pierson indicated support for a needs assessment. He stated the City would still need to address obligations on the Triangle parcel. He stated successful businesses in the City did not always have enough parking and it created traffic impacts. He stated the public speakers made good points.

In response to Mayor Pro Tem Peak, Acting Planning Director Mollica stated the Planning Commission had concerns about over concentration of parking lots and the goal of a cap was to prevent that. He stated overconcentration would have a traffic and visual impact. He stated the cap was focused on the Civic Center area where there were several vacant commercial lots.

Mayor Pro Tem Peak stated traffic impacts could be studied and mitigated by a traffic study.

In response to Mayor Pro Tem Peak, Acting Planning Director Mollica stated discussion on the cap focused on how it could be addressed as part of the CUP process.

Mayor Pro Tem Peak stated there would be multiple levels of review before a parking lot could be created.

Councilmember Wagner suggested deferring this item to be considered by the new Council. He recommended waiting to see how traffic was impacted by the Santa Monica College (SMC) satellite campus.

Mayor Pierson stated the Council needed to find some way to address the County Measure R fund obligations tied to the Triangle parcel.

Mayor Pro Tem Peak suggested paying the County back for the Measure R funds.

Councilmember Wagner stated the Council needed more information on the options for the Triangle parcel. He stated the SMC satellite campus would have a big impact on traffic in the Civic Center area.

In response to Mayor Pierson, City Manager Feldman discussed the City's land purchase in 2018. She stated the parcels were only available to be purchased as a package and in order to come up with the funding the City used Measure M and County Measure R grant funds. She stated the Triangle parcel was purchased with County Measure R funds, which required a nexus to transportation. She stated during initial discussions with the County it was suggested a shuttle service of some type may be an appropriate option. She stated discussions of the use of vacant parcels had been delayed by the Woolsey Fire and COVID-19.

In response to Councilmember Mullen, City Manager Feldman stated she was not aware of a deadline to develop the land for a transportation nexus, but she would confirm that with the County.

City Attorney Hogin stated there were multiple options to permit development of a parking lot on the Triangle parcel.

In response to Councilmember Mullen, City Attorney Hogin stated the City could create an overlay district to create additional conditionally permitted uses for the Triangle parcel.

Mayor Pro Tem Peak indicated support for bringing this item back in the first quarter of 2021 with clerical corrections from staff.

In response to Mayor Pierson, Mayor Pro Tem Peak stated he believed the item did not need to go back to the Planning Commission.

Councilmember Wagner stated the item could wait until there was more information. He stated an overlay district may be an effective tool.

Councilmember Farrer recommended bringing the item back to the Council instead of the Planning Commission. She indicated support with Mayor Pro Tem Peak's suggestion.

In response to Acting Planning Director Mollica, Mayor Pro Tem Peak stated it was worth exploring a cap, but it may be challenging because permitting a lot would be based on need. He stated the studies for an individual project must consider all existing and entitled developments.

Councilmember Mullen indicated support for incorporating Mr. Mazza's recommendations and the Planning Commission recommendations and bringing

the revised ordinance back to the Council. He suggested considering an overlay district for the Triangle parcel.

Councilmembers Wagner and Farrer indicated support for Councilmember Mullen's comments.

Mayor Pro Tem Peak stated an overlay district for the Triangle parcel should only be considered if the Council could not find a version of this ordinance it could approve.

Councilmember Mullen indicated support for Mayor Pro Tem Peak's comments.

In response to Mayor Pierson, Councilmember Mullen stated a traffic study would identify parking needs.

Mayor Pierson stated parking should not be added to encourage future development.

Councilmember Farrer stated the City already had parking and traffic issues that needed to be addressed.

MOTION Councilmember Mullen moved and Councilmember Farrer seconded a motion to direct staff to: 1) incorporate the recommendations of the Planning Commission and John Mazza into Local Costal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 allowing stand-alone surface parking lots in commercial zones as a conditionally permitted commercial use; and 2) bring the updated ordinance back in the first quarter of 2021. The question was called, and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

- A. Malibu Film Society Drive-In Movie Event Fee Waiver and Sponsorship
Recommended Action: Consider whether to approve the request from the Malibu Film Society to waive event fees and provide City sponsorship for a two-night drive-in movie event at the Ioki Property.

Community Services Director Bobbett presented the staff report.

Kelsey Pettijohn



Subject: Item 4D ZTA Parking Lots 11/23/20

From: John Mazza [REDACTED]
Sent: Thursday, November 19, 2020 4:27 PM
To: Heather Glaser <hglaser@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Skylar Peak <speak@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; [REDACTED]; Karen Farrer <kfarrer@malibucity.org>
Subject: Fwd: Item 4D ZTA Parking Lots 11/23/20

NEW COMMENTS

- Council Members
Comments on 4D Parking Lots
- Recent potential uses being considered
- Car Dealerships

FILED
City of Malibu
Office of the City Clerk

Meeting Date 11/23/20

Agenda Item # 4D

At the 11/16/20 Planning Commission meeting the planning manager indicated that he was considering allowing a car dealership showroom and limited demonstration cars to in a commercially zoned shopping center in the civic center. Although this determination has not yet been madand appeals of this possible decision have not been heard, it may have a very detrimental effect on the makeup of the civic center area if stand alone parking lots are allowed to be used as car lots in which new cars occupy parking lots for more than day use. I believe that car storage lots , and car showroom lots are not the intended use contemplated by this ZTA. .The ZTA is meant to provide transient parking facilities. Under this potential use the civic center could be turned into showrooms in shopping centers connected to large lots of sales cars similar to an auto mall like the one in Thousand Oaks.s

Please add language that specifically bans storage lots, sales lots and non transient parking. this is VERY important.

Parking Needs Study

It is very important to note that the planning commission (see page one of the staff report) made the following recommendation:

" 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"

This recommendation was made after serious discussion of several facts

1. There are approximately 40 acres of vacant commercial lots in the civic center area which approximates the developed area.
2. The general plan contemplated that, unless regulated, Malibu could lose its' rural nature even in the civic center area unless commercial development was of a scale appropriate for Malibu.
3. Paving over paradise (Joni Mitchell) is not in the best interest of Malibu and there are limited resources in the area that could handle forty acres of cars without major changes in the existing infrastructure. This is ot to say that the correct amount of parking is appropriate.

4. Apparently there are land owners interested in event parking that unless fully understood could cause surges in traffic which our streets are presently not prepared to handle.

FOR THESE REASONS PLEASE DO NOT FINALIZE THIS ZTA UNTIL A THOROUGH PARKING UTILIZATION AND TRAFFIC STUDY IS COMPLETED AND REVIEWED BY THE PLANNING COMMISSION, THE PUBLIC WORKS DEPARTMENT AND THE CITY COUNCIL. THE ITEM SHOULD BE CONTINUED UNTIL THAT PROCESS HAS TAKEN PLACE. THIS OUR LAST CHANCE TO GET IT RIGHT IN THE CIVIC CENTER.

Of lesser importance but also very important is what I consider a misunderstanding by members of the planning commission of the meaning of one part of the resolution sent on to the city council for this meeting.

During the discussion of permeability of the parking lot the planning commission members discussed sheet flow of water, drainage and health of the landscaping of the lot. It was decided that instead of 20 percent permeability the planning commission would recommend a 30 percent requirement. In my opinion this was always discussed as 30 percent of the parking lot. In the resolution presented to you , because of the way the vote was taken , the resolution refers to this requirement as the whole lot not the parking lot section of the property. As you know many of the properties zoned commercially have many areas that are not flat and the 30 percent under the present resolution could count unparkable steep grades and the parking lots would be totally covered by impermeable surfaces (as is presently the case on the Bell property) thus causing excessive runoff and a Dodger Stadium like appearance.

PLEASE CHANGE THIS REQUIREMENT TO REFER TO THE PARKING LOT AREA OF THE LOT NOT THE WHOLE LOT

Personal comments and not comments officially associated with the planning commission .

Thank you for reading

John Mazza

Kelsey Pettijohn

Subject: Comments on +Item 4D

FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/20</u> Agenda Item # <u>4D</u>



From: John Mazza [REDACTED]

Sent: Monday, November 23, 2020 2:55 PM

To: Heather Glaser <hglaser@malibucity.org>; [REDACTED]; Skylar Peak <speak@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>

Subject: Comments on +Item 4D

specific corrections needed in ZTA 4D

There is a conflict in the proposed ZTA that needs correction in that :

LCP Chapter 3 Marine Resources as changed by the ZTE (page 3 of15) states:

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.

Note

"at least 30 percent of the parking lot to be permeable surfaces "

Note this is in conflict with The LIP amendment on page 7 of 15 of the staff report that states

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:

li. 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

Note that this says

thirty (30) percent of the lot area,
which is in conflict with Section 3 Marine Resources which says parking lot area

These are mixed definitions since many lots will not be filled with parking lots or have sloped areas that cannot be used as parking lots. They are two different definitions that must be reconciled. Both should say "parking lot".

Section LIP 3.14.5 (c)has an error that was corrected by the planning commission resolution in that it does not limit front hedge height and height can be any height.

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. 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.

This section should be changed as bu eliminating

Said screening shall be not less than forty-two (42) inches high **nor more than seventy two (72) 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

Thank you for correction this language since it will make the planning commission's job more easily defined in the future.

John Mazza

Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda Item 4.D.

FILED	
City of Malibu Office of the City Clerk	
Meeting Date	<u>11/23/20</u>
Agenda Item #	<u>4D</u>



From: Bruce Silverstein [REDACTED]
Sent: Thursday, November 19, 2020 1:29 PM
To: Mikke Pierson <mperson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>; Reva Feldman <rfeldman@malibucity.org>; Steve Uhring [REDACTED]
Subject: Public Comment to November 23, 2020 City Council Agenda Item 4.D.

Members of City Council

I write to urge the City Council either to table or vote to reject Ordinance No. 475, which would, if adopted and approved by the Coastal Commission, permit the creation of stand-alone parking lots in Malibu that currently are prohibited.

As explained more fully below, I object to the City Council’s approval of this proposed ordinance for multiple reasons, including, but not limited to the following:

- (i) The proposed ordinance is ill conceived and spits in the face of the Malibu Mission Statement.
- (ii) The proposed ordinance is an inappropriate “gift” to the owners of property that will become more valuable if the proposed ordinance is adopted.
- (iii) The City Council lacks adequate information to make an informed decision to approve the proposed ordinance.
- (iv) The City Council is now a “lame duck” legislature on the eve of having a new majority, and should not be passing on substantive legislation that has no urgency attached to it.

The foregoing issues are addressed, in turn, below.

Moreover, inasmuch as there plainly is insufficient time for me to discuss my many problems with this proposed Ordinance during my 3-minute public comment period, I am largely relying on these written comments to explain my views.

(i) The Proposed Ordinance Spits in the Face of the Malibu Mission Statement.

If adopted, the proposed ordinance will facilitate the reduction of open space in Malibu in direct contravention to the Mission Statement, which explicitly requires that “Malibu will plan to preserve its . . . open spaces . . . that contribute to Malibu’s special natural and rural setting.”

Aside from running afoul of the Malibu Mission Statement, the proposed ordinance has multiple other problems, including, but not limited to the fact that the proposed CEQA finding is borderline fraudulent and not supportable by the facts.

The Staff Report and Planning Commission recommendation includes, states, among other things, that “there is no possibility” that the proposed Ordinance “will have a significant effect on the environment.” I could not disagree more, and I believe that I would be unable to honestly make such a finding as a member of the City Council if such a finding were a prerequisite to the approval of Ordinance No. 475. I seriously doubt that any current Member of the City Council honestly and competently can make this finding based on the facts of record.

The Staff Report also states that the “There is no fiscal impact associated with the recommended action.” That is a patently inaccurate, if not false and misleading, assertion. At a bare minimum, the proposed Ordinance will increase the potential cost of reviewing and approving applications to develop stand-alone parking lots that currently cannot be developed, and also will invariably increase enforcement costs if such parking lots are permitted to occur. That is plainly a fiscal impact of the recommended action. To the extent that stand alone parking lots result in additional tourism in Malibu, there also will be both costs and income associated with such a development – the net fiscal impact of which has not been studied, much less resolved in any meaningful manner. Finally, there is the very real potential that the adoption of the proposed Ordinance in its current iteration and based on the current record before the City Council will result in opposition before the Coastal Commission and potentially litigation. That also is potential fiscal impact associated with the recommended action. For the foregoing reasons, and others, City Council must reject the Staff’s assertion that “[t]here is no fiscal impact associated with the recommended action,” and direct Staff to conduct a proper analysis of the potential fiscal impact of the proposal.

Because I am working hard to review City Council Policies, hundreds of resolutions passed by the City Council over the past 30 years, and the Malibu Municipal Code, I have neither the time nor energy to catalog the numerous other problems with the proposed Ordinance at this time. Unfortunately, time I could be devoting to substantive matters also has been diverted by the fact that I have had to deal with problematic legal advice gratuitously provided by the City Attorney that may have been developed to help protect the City Manager from criticism or removal when the new Members of City Council are seated, and which is that is sloppy and unreliable, at best. I also am hard at work developing initiatives that I intend to propose to make the work of City Council, as well as the work of the City Manager, City Attorney and City Staff more transparent and to ensure greater accountability to the public.

(ii) The Proposed Ordinance is an Improper “Gift” to Private Property Owners.

I question why there has been no thought given to what, if any, financial concessions the City of Malibu might receive from a property owner who desires to construct a stand-alone parking lot that will enhance the value of the property.

I do not know what the law is in this regard, but I understand that the current lay of the land is that stand-alone parking lots are not permitted – which means that this legal restriction is the correlative to a property right. If the City were to remove the restriction, it would be “creating” a property right, which enhances the value of property (theoretically at least, if not in a very real sense).

I understand that the City cannot extract a financial concession for honoring a property right, but I question whether the City can do so when it creates a new property right – just as the City has done with the proposed hotel project on PCH at Carbon Beach.

In my experience, when someone has a legal right to deny something, they tend to have the legal right to place any reasonable condition on the waiver or the denial right. Before approving a blanket elimination of an existing prohibition, I would think you would want to understand the limits, if any, to what the City may obtain in return for doing so from any property owner who seeks to avail itself of the new property right.

If this matter were to come before me as a Member of the City Council, I would want to receive a formal legal opinion from the City Attorney that addresses the question of whether the City may lawfully condition a newly created zoning privilege upon the payment of financial consideration to the City.

(iii) The City Council Lacks an Adequate Record to Make an Informed Decision.

In addition to the inadequate information discussed above, the Staff Report fails to provide the following information:

(i) Identification every property in Malibu that potentially could be made into a parking lot if the proposed ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;

(ii) Identification of the owner(s) of each property in Malibu that potentially could be made into a parking lot if the proposed ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;

(iii) Estimate of the impact, if any, on the value of each property that potentially could be made into a parking lot if ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;

(iv) Explanation of the role, if any, the City Manager and any other person not identified in the Staff Report played in the development of the proposed ordinance and in the Staff's recommendation that the proposed ordinance be approved;

(v) Explanation of the consideration, if any, given to an alternative that would provide discrete authorization of discrete lots needed to meet Measure M obligations, without providing a blanket authorization for stand-alone parking lots; and

(vi) Explanation of how, if at all, the City can satisfy its discreet obligations to develop two parking lots pursuant to Measure M without any alteration of the zoning code; and

Also, before the City proceeds irrevocably with the Measure M lots, I also hope that the City Council will explore ways to "undo" the commitment to do so in a manner that is economically viable. In my view, the park 'n ride lots the City Manager committed the City to build are not consistent with the Mission Statement. In that connection, it also would be helpful to understand how much, if anything, construction of the Measure M Parking Lots will cost the City.

(iv) The “Lame Duck” City Council Should Table the Proposed Ordinance.

This City Council is now a “lame duck” legislature. The majority of you will no longer be Members of the City Council a few short weeks from now, and this is the last meeting of the City Council at which you will be voting on any matter of any substance. As such, you ought not to be passing on new legislation that will have long-lasting impact on Malibu and its residents. Because the vote of at least one lame duck Member is required for a majority vote, and because the other two Members will not have the benefit of active input and debate with the incoming Members of City Council whose election will be certified in November 30, the proposed Ordinance should be tabled until after December 14 and/or rejected without prejudice to its being brought back after the newly elected City Council has been seated.

As I am sure you are well aware, one of many issues of contention in the campaign for City Council was a division among some candidates over the issue of converting Malibu's open spaces into parking lots for visitors. I was decidedly against the creation of stand-alone parking lots in Malibu – for the benefit of visitors or otherwise. The most vocal proponent of the creation of such parking lots was Lance Simmens. As things now stand, I have received more votes than any other candidate for City Council and Mr. Simmens received the least number of votes. That should tell you something.

From the day I announced my candidacy for City Council, I stressed the importance of City Council rededicating itself to honoring the Mission Statement – which I have seen City Council honor in the breach and through lip service far more often than by enforcing the letter and spirit of this primary and central aspect of our City’s zoning law. Indeed, and as I noted at a meeting of City Council in 2018, one member of City Council (who is one of the two members who will remain on City Council for the next two years) has expressed to me the mistaken view that the Mission Statement is aspirational and not legally binding. I certainly hope that this member of the City Council has learned since then that this view is incorrect.

I could be mistaken, but it is my understanding that the Planning Commission did not, of its own initiative, recommend a zoning amendment to permit stand-alone parking lots in Malibu. Rather, the Planning Commission was directed to propose an ordinance that would accomplish that directive, and proposed Ordinance No. 475 is the least negatively impactful alternative the Planning Commission was able to develop given their mandate – as was the case with the proposal to limit the square footage of dwellings, which was met with serious community opposition, and hostility toward the Planning Commission even though they were just doing as directed by the City Council.

If I am correct about the historical development of the proposed Ordinance, it suggests to me that is all the more reason to table this matter until the new majority of City Council is seated, as the new majority of City Council also will bring a potentially new majority of the Planning Commission.

There are many substantive problems with the proposed Ordinance that warrant its outright rejection without prejudice to its potential revision and resubmission if the new City Council wishes to pursue this initiative that I submit to be contrary to the will of the community. As such, I am hopeful that this and other matters remain "on the table" when the new majority of the City Council is seated, and that the City Council does not pull a Mitch McConnell and ram these matters through the agenda during your lame duck sessions.

Jefferson, Rick & Skylar, don’t let your final legacy be that you defied the electorate and took one last action before the formal expiration of your terms that will leave a lasting scar on the landscape of Malibu. Mikke and Karen, please show that you have open minds and are willing to wait until the new majority of City Council is seated before you approve any material actions that might be opposed by the incoming Members of City Council.

* * *

For the foregoing reasons, I urge you to table or reject proposed Ordinance No. 475.

Stay Safe & Stay Well,

Bruce Silverstein

Kelsey Pettijohn

Subject: CORRECTION: Item 4D. Stand-Alone Parking Lots

<p style="text-align: center;">FILED</p> <p style="text-align: center;">City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/20</u></p> <p>Agenda Item # <u>4D</u></p>



From: K Hill [REDACTED]
Sent: Thursday, November 19, 2020 9:14 PM
To: Mikke Pierson <mperson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Skylar Peak <speak@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Heather Glaser <hglaser@malibucity.org>
Cc: [REDACTED] Bruce Silverstein [REDACTED]; Paul Grisanti [REDACTED]
Subject: CORRECTION: Item 4D. Stand-Alone Parking Lots

CORRECTION: I inadvertently sent this message with an incorrect subject line. This version supercedes the previous one (it's the same except for the subject line).

Dear Councilmembers,

A few notes on parking lots.

With this ordinance, the City is intending to contravene the Vision and Mission statements' mandate to preserve open space. So it had best be for a definite and narrowly-tailored purpose. Do a study first, figure out what the need is.

Yes, there's a provision for a "needs assessment" for any given CUP application. But what would be the standard for that, given that the baseline is to prioritize maintaining open space? *Residents* don't need more parking. And if any apparent need would be to serve commercial establishments, there are already parking provisions in the code and in their CDP's.

Is the main point to enable the park n' ride lot? I don't recall seeing a needs assessment of that. Not to call too much attention to the elephant in *that* room, but I imagine the number of Malibu residents who will be inclined to get out of their cars and onto a Metro bus will be minimal.

In May 2018, Council asked for underground lots to be considered. Somehow, staff recommendations left that behind. But a single flat parking lot is a waste of space. And given that Sustainability is a criteria, you shouldn't allow use of twice as much land as necessary. If you would require half the parking to be underground, then on the other half of a given parcel, you could preserve open space, or have room for a museum, a gallery, a tennis court, visitor center and/or a revenue-generating outdoor café. Even if you don't want to go underground, there should at least be a provision that a parking lot can't cover more than a certain percentage of a parcel, say, 50%.

Also, the amount of impermeability allowed is more than what the planning commission recommended. They said 30% of the whole lot should be permeable, not just the parking area. The confusion may have turned on the double meaning of the word "lot" – that is, the parking lot or the whole parcel.

Finally, ZORACES actually said no compact spaces – I agree. The tiny spaces don't work at City Hall, not when the lot

actually fills up. Spaces narrower than 9 feet cause trouble – you might recall the headaches of the veterinarian who came in front of you several times with the lot with too-narrow spaces.

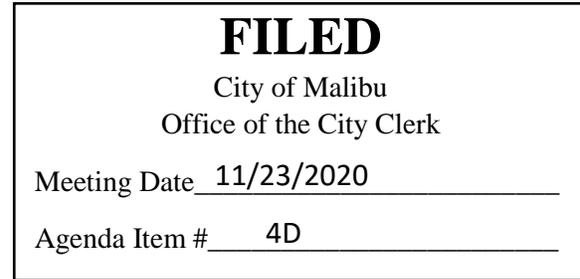
Best,
Kraig

Heather Glaser

Subject: Public Comment to November 23, 2020 City Council Agenda



From: Andrew Ferguson [REDACTED]
Date: November 22, 2020 at 7:22:10 PM PST
To: Karen Farrer <kfarrer@malibucity.org>
Subject: Public Comment to November 23, 2020 City Council Agenda



Hi Karen,

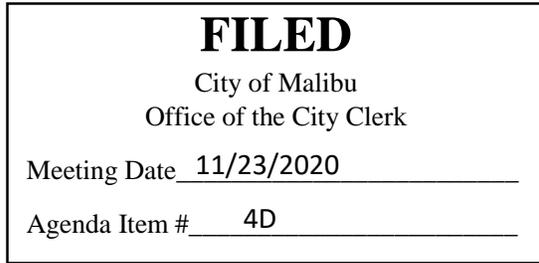
I wanted to let you know that I'm strongly opposed to all stand-alone parking lots in Malibu. I was very disturbed to learn that a parking lot is going to be put in near Heathercliff and PCH. Who allowed that? I'm really concerned with the direction Malibu is headed. Please vote NO on Item 4D/ Ordinance 475 tomorrow night. Stand-alone parking lots are the last thing we need in Malibu.

Thank you,
Andrew Ferguson

Heather Glaser



From: Anne Russell [REDACTED]
Sent: Sunday, November 22, 2020 7:11 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak; Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda



Council,

We implore you: Please VOTE NO ON ITEM 4.D.

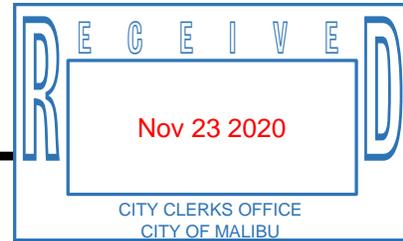
Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu.

Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting."

We do not want these parking lots. Please represent your constituents and not special interests.

Thank you,
Anne & Nick Shurgot
[REDACTED]

Heather Glaser



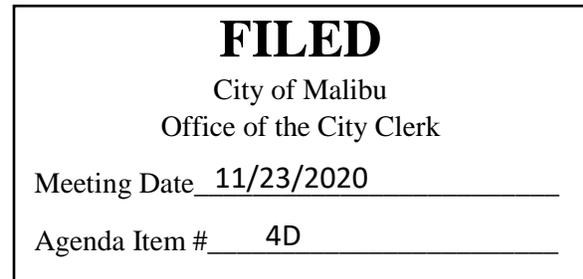
From: B. Wadkins [REDACTED]
Sent: Monday, November 23, 2020 11:00 AM
To: Mikke Pierson; Karen Farrer; Skylar Peak; Jefferson Wagner; Rick Mullen
Cc: Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: NO ON ITEM 4D

Dear City Council Members,

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces other resources that contribute to Malibu's special natural and rural setting.

Thank you for taking care of Malibu.

Sincerely,
Barbara Wadkins
Wink Roberts
Jennifer Reese
Steve Zirnite



Heather Glaser

Subject: Tonight's Ordinance #475



From: Beatrix Zilinskas [REDACTED]
Sent: Monday, November 23, 2020 9:57 AM
To: Mikke Pierson <mpierson@malibucity.org>
Subject: Tonight's Ordinance #475

Dear Mayor Pierson:

I am contacting you to respectfully request you deny Ordinance No. 475 based on the fact that it is too broad of an ordinance and as written will result in too many unintended negative consequences. Not to mention it is completely contrary to the Malibu Mission Statement.

I realize that the council is in a difficult position because the council members rely on staff to provide “expert” research and analysis on which to base its decisions and the “experts” that the current staff has hired in the recent past include a company that has found that there was less traffic on Pacific Coast Highway in Malibu in 2013 than there was 20 years prior, a trash collection company to monitor short term rental complaints, an accounting firm that is not capable of even basic level city government accounting projections and a semi-retired one-man architectural firm to create a complex solar study when that is not that architect’s area of expertise (I am naming just a handful of baffling and harmful choices on the part of the city staff in providing the needed data on which the council made decisions with long-lasting and far-reaching consequences which I have witnessed firsthand).

Please put this decision on hold until the new city council members are sworn in. I believe there needs to be a serious analysis of the processes and criteria of the city staff in regard to third party hires prior to voting on an issue like this which will have longterm ramifications on the environment, safety and economic aspects of the city of Malibu.

Thank you for your time and attention,
Beatrix Zilinskas

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
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Heather Glaser



FILED

City of Malibu
Office of the City Clerk

Meeting Date 11/23/2020

Agenda Item # 4D

From: Christopher Cunningham
Sent: Sunday, November 22, 2020 8:49 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda

Dear Council Members:

I am writing to you regarding my opposition to Ordinance 475. I am concerned about the impact that stand-alone parking lots will have on the Malibu environment. So, I strongly request that you please VOTE NO ON ITEM 4.D. Honor Malibu's Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that are currently prohibited in Malibu. Please do your duty to protect Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Thank you very much.

Regards,
Christopher Cunningham

Christopher Cunningham

November 20, 2020



CHARLOTTE M FRIEZE

November 20, 2020

RE: November 23, 2020 City Council Agenda Item 4.D.

<p>FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
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Mayor Pierson and Honorable Council Members,

I urge the City Council either to table or vote to reject Ordinance No. 475, which would, if adopted and approved by the Coastal Commission, permit the creation of stand-alone parking lots in Malibu’s hard fought for open space.

One of the joys of Malibu is its rural setting, open space within the city that allows one to breathe, to be visually connected to the mountains and ocean. The glorious setting is what attracts visitors to Malibu. Malibu should not aspire to being like cities in Orange County that crowd the coastal road with commercial establishments and multi-story structures.

You Council members are entrusted with a precious responsibility: the preservation of Malibu’s beauty and healthy lifestyle.

The City Council’s goal should be to maintain Malibu’s unique character.

Mikke, on the invitation for the Meet & Greet at our home we listed that you would **“continue to help protect Malibu from over-development and ensure environmental sustainability”**.

Jefferson, Skylar and Rick: We were delighted to support TEAM MALIBU. Our invitation declared you **“knew the laws that were already in place to preserve Malibu’s character and how to enforce them.”** That you **“have the knowledge and experience to support the Malibu Vision and Mission Statements.”**

Skylar and Jefferson: You were both listed as an **“Advocate and leader during the campaigns for “Your Malibu-Measure R” and “No on W”**.

Rick: You were listed as a **“Primary supporter of Save Malibu”**.

These are among the reasons the citizens of Malibu voted you into office.

Upon moving to Malibu in December 2012, it did not take long to understand that the prohibition of stand-alone parking was a mechanism for controlling development in Malibu. The prohibition of stand-alone parking supported the Malibu Vision and Mission Statements.

You are members of a “lame duck” City Council. Three of you will be replaced on December 14th. This is not the time to make new legislation that will have a long-lasting impact on Malibu, its residents, its environment and the traffic on PCH.

MALIBU CALIFORNIA 90265

November 20, 2020

Jefferson, Skylar and Rick, we want to remember you as being supportive of the Malibu you all love.

Mikke and Karen, please be patient and wait for the new City Council to be seated before taking such a radical and community changing vote. Allow the new Council members to join with you in the discussion. Give the residents time to thoroughly consider and respond to what is being proposed.

Again, I urge you to table or reject Proposed Ordinance No. 475.

On Thanksgiving please be grateful for the beautiful community in which we live.

Be well,

Charlotte M. Frieze

Heather Glaser



From: Carlin Glucksman [REDACTED]
Sent: Sunday, November 22, 2020 5:55 PM
To: Mikke Pierson; Jefferson Wagner; Rick Mullen; speak@malibucity.com; Reva Feldman; Heather Glaser; christi.hogan@bbtlaw.com
Subject: Public Comment to November 23, 2020 City Council Agenda

For my birthday today (Monday) I ask you to please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

In the decades of my life I have seen unacceptable changes occur in Santa Monica and down coast in Newport, Laguna and other beach communities where burgeoning growth has reduced verdant public spaces into concrete communities built to accommodate temporary vehicle "housing", spaces which become vacant, empty zones once dark falls. An inhospitable and potentially dangerous environment.

This beloved community is a gem that should be preserved not only for its residents, but for its visitors who value nature more than commerce.

Do the right thing. I don't forget.

Sincerely,
Carlin Glucksman
[REDACTED]

<p>FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Kelsey Pettijohn



Subject: Vote No on Item 4.D.-stand alone parking lots

From: [REDACTED]

Sent: Monday, November 23, 2020 12:47 PM

To: Skylar Peak <speak@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Heather Glaser <hglaser@malibucity.org>

Subject: Vote No on Item 4.D.-stand alone parking lots

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/20</u></p> <p>Agenda Item # <u>4D</u></p>
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Kelsey Pettijohn

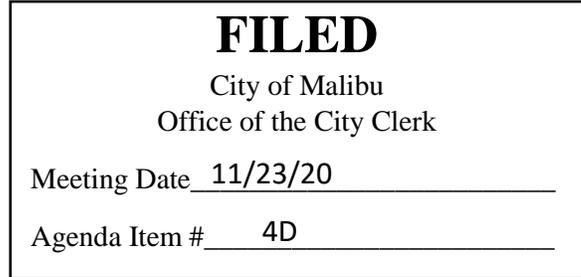
Subject: No more parking lots!!!!



-----Original Message-----

From: charlotte quinn [REDACTED]
Sent: Saturday, November 14, 2020 12:45 PM
To: Heather Glaser <hglaser@malibucity.org>
Subject: No more parking lots!!!!

Sent from my iPhone



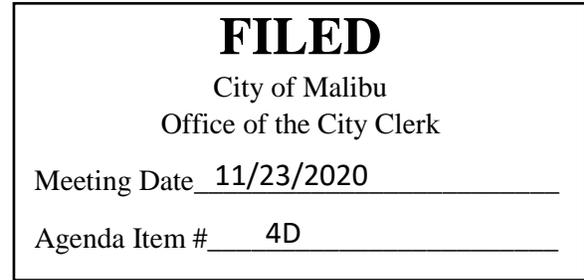
Heather Glaser



From: charlotte quinn [REDACTED]
Sent: Sunday, November 22, 2020 10:59 AM
To: Heather Glaser
Subject: NO on 4.D.

Vote NO. Please. Otherwise, incur the anger of long term residents. We WILL rise up!!!!

Sent from my iPhone



Kelsey Pettijohn

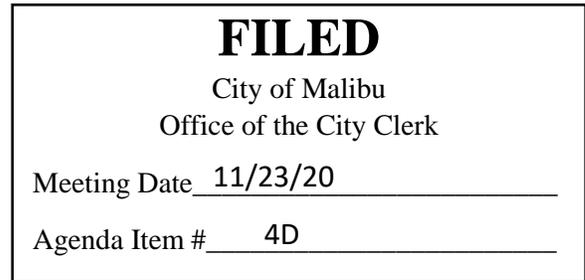
Subject: No on 4.D



From: charlotte quinn [REDACTED]
Date: November 22, 2020 at 10:56:41 AM PST
To: Skylar Peak <speak@malibucity.org>
Subject: No on 4.D

Vote no Skyler. For me and Andy and Matt. For our kids. It's what your Dad would want. NO 4.D.

Sent from my iPhone



Heather Glaser



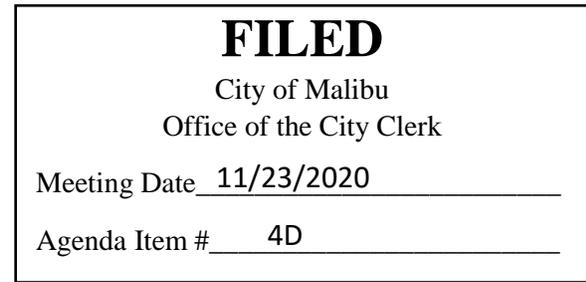
Subject: Public Comment to November 23 City Council Agenda

From: Reynolds, Cheryl [REDACTED]
Sent: Monday, November 23, 2020 7:45 AM
To: Mikke Pierson <mperson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>
Subject: Public Comment to November 23 City Council Agenda
Importance: High

I am a 40-year homeowner in Malibu and am deeply concerned over the future of our town. Please **VOTE NO ON ITEM 4.D**. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Cheryl Reynolds
[REDACTED]

Cheryl Reynolds | BLANKROME
[REDACTED] Los Angeles, CA 90067
[REDACTED]



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Heather Glaser



From: charles skouras [REDACTED]
Sent: Sunday, November 22, 2020 5:15 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

Members of City Council:

I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s beautiful natural and rural setting.

#SAVEMALIBU

Thank you,

Charlie Skouras
[REDACTED]

FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

Charlie Skouras
[REDACTED]

Heather Glaser



From: Deborah Frankel [REDACTED]
Sent: Sunday, November 22, 2020 1:12 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak; Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda

Hi All,

Hope you're doing well.

Please vote NO on item 4D. Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's beautiful natural and rural setting.

Please know that preserving the land and beauty of nature here is the best thing we can do for all of us and the coming generations.

Thank you!

Deborah

<p>FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Deborah Frankel Photography



www.deborahfrankel.com
www.beautybeforeme.com
[REDACTED]

Heather Glaser



From: Dominick Guillemot [REDACTED]
Sent: Sunday, November 22, 2020 6:28 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak; Heather Glaser; Reva Feldman; Christi Hogin - Office
Cc: Judith Guillemot; Danelle Rondberg
Subject: "Public Comment to November 23, 2020 City Council Agenda."

Hello.

"Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting."

FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

The large majority of your constituents are against item 4.D. Please work for your constituents and not against them.

Sincerely,

Dominick Guillemot.

[REDACTED]
Dominick Guillemot
Dominick Photography
[REDACTED]

Heather Glaser



From: Georgia Goldfarb, MD [REDACTED]
Sent: Sunday, November 22, 2020 9:14 PM
To: Mikke Pierson; Jefferson Wagner; Karen Farrer; Skylar Peak; Rick Mullen
Cc: Heather Glaser
Subject: Comment on Item 4D, November 23

Dear Mayor and Councilmembers,

I oppose using land that has been taken from native habitat, degraded and then PAVING it. We should be moving in the other direction, restoring our dwindling wildland habitat.

In order to allow more parking for visitors, perhaps restricting at least some PCH parking to use for recreation instead of, essentially, housing or parking for employees of businesses, e.g. Nobu, should be considered.

Malibu's mission states that the rural nature should be preserved. We seem to be moving in the opposite direction.

Please VOTE NO on ITEM 4 D.

Thank you,

Georgia Goldfarb, MD

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Kelsey Pettijohn

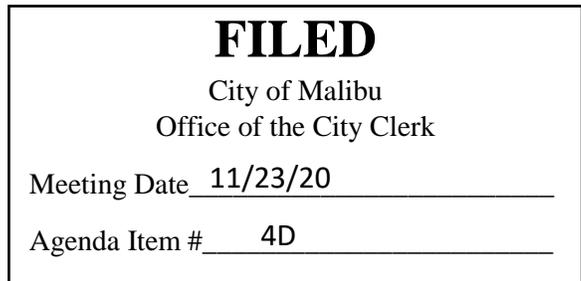
Subject: VOTE NO ON ITEM 4D

From: Geliann Kitsigianis [REDACTED]
Sent: Monday, November 23, 2020 7:34 PM
To: Heather Glaser <hglaser@malibucity.org>
Subject: VOTE NO ON ITEM 4D



Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces other resources that contribute to Malibu's special natural and rural setting.

Sent from my iPad



Heather Glaser



Subject: Vote NO

From: jennifer annis [REDACTED]

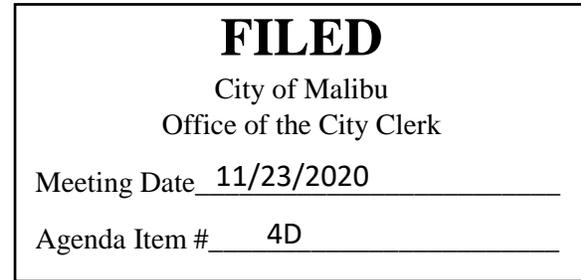
Date: November 23, 2020 at 7:52:31 AM PST

To: Mikke Pierson <mpierson@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Reva Feldman <rfeldman@malibucity.org>, Christi Hogin - Office <christi.hogin@bbklaw.com>, Rick Mullen <rmullen@malibucity.org>, Skylar Peak <speak@malibucity.org>, Jefferson Wagner <jwagner@malibucity.org>

Subject: Vote NO

Please vote NO on 4D.
Thank you, jenn annis

Sent from my iPhone



Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.



From: [REDACTED]
Sent: Monday, November 23, 2020 2:31 PM
To: Mikke Pierson <mperson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

Dear Members of City Council:

I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

If parking lots are ultimately necessary, please develop the undeveloped properties that have been purchased by the City for Park and Ride parking lots.

Sincerely yours,

Jamie Dixon

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/20</u> Agenda Item # <u>4D</u></p>
--

Heather Glaser



From: Jo Drummond [REDACTED]
Sent: Sunday, November 22, 2020 11:16 AM
To: Karen Farrer; Mikke Pierson; Jefferson Wagner; City Council; Rick Mullen; Skylar Peak
Cc: Heather Glaser; Colin Drummond
Subject: Public Comment to November 23, 2020 City Council Agenda

Honorable Mayor Mikke & City Council,

Please VOTE NO ON ITEM 4.D Monday night. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Please protect Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s special natural and rural setting.

You are basically asking for more cars to come into Malibú by allowing this ordinance to pass. CEQA exemptions should not apply as this would indeed cause a significant impact to the environment.

As it says in the famous song by Joni Mitchell, there’s no need to “pave paradise and put up a parking lot!”

Thanks very much,

Colin & Jo Drummond

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Heather Glaser

Subject: Re: VOTE NO ON ITEM 4.D."



From: Jane Fileff [REDACTED]
Sent: Monday, November 23, 2020 9:52 AM
To: jane fileff [REDACTED]

Cc: Karen Farrer <kfarrer@malibucity.org>; Skylar Peak <speak@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; jwagner@malibucity.org; Mikke Pierson <mpierson@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>

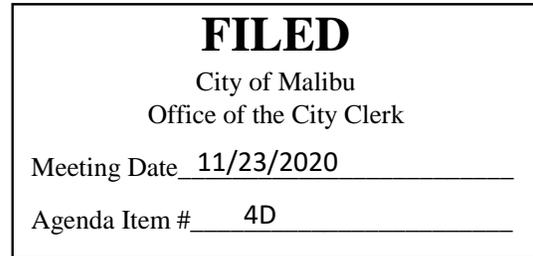
Subject: Re: VOTE NO ON ITEM 4.D."

VOTE NO On Item 4D

Dear City Council .

I reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces other resources that contribute to Malibu's special natural and rural setting."

Jane Fileff
President
Malibu Canton Village HOA



Heather Glaser



From: Janet Fulk [REDACTED]
Sent: Sunday, November 22, 2020 4:45 PM
To: Karen Farrer; Jefferson Wagner; Skylar Peak
Cc: Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: Public Comment to November 23, 2020 City Council Agenda

Councilmembers Ferrer, Wagner and Peak,

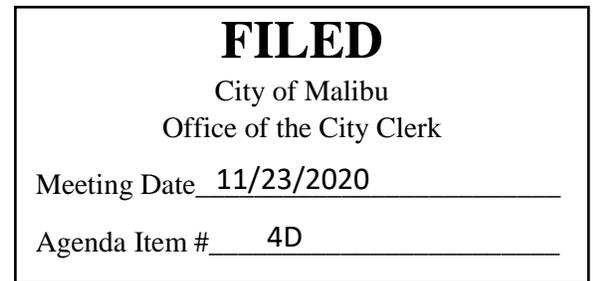
Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the hired Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Please do what **we elected you for**: protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

This is one more time we depend on your good choices for critical issues.

Thanks so much for all you do for us.

Janet Fulk

[REDACTED] resident and BRMPOA Board Member



*Professor Emerita of Communication, Annenberg School for Communication and Journalism
Professor Emerita of Management and Organization, Marshall School of Business
University of Southern California*

Heather Glaser



From: Jinya [REDACTED]
Sent: Sunday, November 22, 2020 3:32 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: Public Comment to November 23, 2020 City Council Agenda.

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.
Honor Joni Mitchell and the Malibu Mission Statement – Tell City Council “No Parking Lots” for Tourists and Commercial Interests.

FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

Heather Glaser

Subject: Item 4.D.



<p>FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
--

From: Julie Jacoby [REDACTED]

To: Mikke Pierson <mpierson@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Jefferson Wagner <jwagner@malibucity.org>, Rick Mullen <rmullen@malibucity.org>, Skylar Peak <speak@malibucity.org>

Subject: Item 4.D.

Please vote NO on item 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu. Please protect Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s natural, rural setting.

Thank you,
Steve and Julie Jacoby
[REDACTED]
Malibu

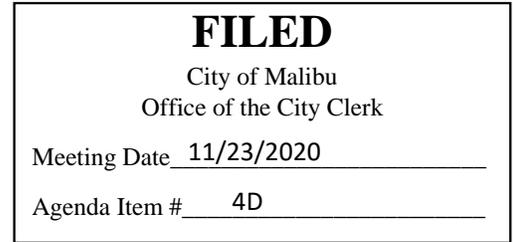
Sent from my iPhone

Heather Glaser



Subject: RE: Ordinance No.475, Item 4B on Agenda20201109275399

From: Joe Patterson [REDACTED]
Date: November 19, 2020 at 9:46:17 PM PST
To: Mikke Pierson <mperson@malibucity.org>, Jefferson Wagner <jwagner@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Skylar Peak <speak@malibucity.org>, Rick Mullen <rmullen@malibucity.org>
Cc: Reva Feldman <rfeldman@malibucity.org>
Subject: Re: Ordinance No.475, Item 4B on Agenda20201109275399



Members of Malibu City Council,

I am resending my previous email from last week to remind you that I strongly oppose the proposed ordinance No. 475 which comes before you in the City Council Meeting on Nov 23rd.

Vision

“Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area’s natural resources for present and future generations.”

Mission

“Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu’s special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefit or deteriorate the public values of its natural, cultural and rural resources.

Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use.”

Please do the right thing and give the citizens of Malibu something to be Thankful for next week. Honor Malibu's Mission & Vision Statements, vote NO for the adoption of Ordinance No. 475 and protect our open space, do not pave paradise.

Thank you,

Joseph Patterson
Resident, Western Malibu

Get [Outlook for iOS](#)

From: Joe Patterson [REDACTED]
Sent: Monday, November 9, 2020 1:35 PM
To: Mikke Pierson; jwagner@malibucity.org; Karen Farrer; speak@malibucity.org; rmullen@malibucity.org
Cc: Reva Feldman
Subject: Ordinance No.475, Item 4B on Agenda20201109275399

Members of Malibu City Council,

I write to implore and encourage you to table or Reject Ordinance No.475 as I believe it does not conform with the City of Malibu's Vision and Mission ;

Vision

"Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations."

Mission

"Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefit or deteriorate the public values of its natural, cultural and rural resources.

Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural

and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use.”

I believe that the adoption of Ordinance No. 475 would directly contradict the spirit and purpose of the guiding principles upon which the City of Malibu was originally established.

Allowing stand alone parking lots in our city, which are not currently allowed by city codes and zoning will only allow further profit to be made on the back of our natural resources and environment without offering substantial protections for the same. Until more effort is put forth by the city to curb the overwhelming parking and safety issues along PCH it is pointless to pursue additional parking in our city. The city must demonstrate to its citizens that it is serious about solving these issues first. The establishment of additional parking lots for visitor use will only act as overflow for additional visitors to crowd our beaches and trails after all available legal and illegal parking options are exhausted. To add this overflow option will only contribute to the further detriment of our natural playgrounds. At some point in the future one could argue that remote lots with transportation to our natural playgrounds and attractions may be part of the solution, to date I have not seen any meaningful proposal or plan to demonstrate that position. Until such a plan is presented and discussed by the City and its residents it is premature to start “paving” the way to its ultimate adoption.

I believe it is your civic duty as custodians of our city and representatives of Malibu residents to oppose this action. I also disagree with the city staff’s assertion that there are no fiscal or environmental impacts associated with this change in zoning and use permit.

As custodians of Malibu we should be focused to the restoration of our open spaces, not on removing protections and obstacles to their destruction.

Thank you,

Joseph Patterson

Resident, Western Malibu

Heather Glaser



Subject: "Public Comment to November 23, 2020 City Council Agenda."

From: John Paul [REDACTED]
Date: November 22, 2020 at 8:25:30 PM PST
To: Mikke Pierson <mperson@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Rick Mullen <rmullen@malibucity.org>, Skylar Peak <speak@malibucity.org>
Subject: "Public Comment to November 23, 2020 City Council Agenda."

"Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting."

John Densmore
Malibu

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
--

Kelsey Pettijohn

Subject: Please vote NO on item 4.D this evening!

From: Jenny Rusinko [REDACTED]
Date: November 23, 2020 at 3:12:38 PM PST
To: Karen Farrer <kfarrer@malibucity.org>
Subject: Please vote NO on item 4.D this evening!



Dear Karen-

Please honor the Malibu Mission Statement and reject the recommendation to adopt proposed Ordinance 475 that will allow stand-alone parking lots that are currently prohibited in Malibu. I so greatly enjoy the natural landscapes of our city - especially down in the Civic Center area. I would feel deeply saddened if Malibu lost its rural charm for more paved surfaces that I don't feel we really need.

I appreciate you taking the time to read this and considering my request.
Gratefully,
Jenny Rusinko, Mitch Taylor, and our kids :-)

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/20</u> Agenda Item # <u>4D</u></p>
--

Heather Glaser



From: [REDACTED]
Sent: Monday, November 23, 2020 11:26 AM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda."

To Malibu City Council members,

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Thank you,

James Sarantinos

[REDACTED]

Malibu

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Heather Glaser



From: Judy Villablanca [REDACTED]
Sent: Sunday, November 22, 2020 10:34 PM
To: Mikke Pierson; Rick Mullen; Skylar Peak; Jefferson Wagner; Karen Farrer; Heather Glaser
Subject: Item 4D for council meeting Nov 23

Dear Council members,

I urge you to vote **NO** on item 4.D and reject Staff recommendation to adopt proposed Ordinance 475 that would allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. This proposed ordinance is against preserving the rural nature of Malibu and is against the spirit of our city mission statement.

In addition to opposing the ordinance in general, it is poorly designed to actually achieve the requirement of landscaping with trees that could mitigate the tremendous negative impacts:

1. The report on tree status needs to be done earlier than ten years or the tree requirement is not be enforceable. For example, if after 3 years from planting, 40% of trees are not growing or have died, this would not be corrected until after ten years. This makes the review irrelevant and ineffective for compliance. A report should be required every two years for the first ten years.
2. In addition, native trees and shrubs should be required to be used for the majority of the planting (at least 80%) since there are suitable choices and this would better mitigate the negative effects of a parking lot and create some habitat.

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Heather Glaser



From: Kevin Gasser [REDACTED]
Sent: Sunday, November 22, 2020 1:41 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak; Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: public comment to nov 23 2020 city council agenda

Please vote no on Item 4.D

please honor the malibu mission statement and reject teh recommendation of the staff to adopt proposed Ordinance 475 that will allow construction of standalone parking lots that currently are prohibited in Malibu. Please do you job of protecting Malibu's natural and cultural resources which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

thank you.

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
--

Heather Glaser



From: Karen Hartuv [REDACTED]
Sent: Monday, November 23, 2020 10:28 AM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak; Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Please protect Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

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FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

Heather Glaser



Subject: PUBLIC COMMENTS to November 23 2020 City Council Agenda

From: Katharine Marinaro [REDACTED]
Sent: Monday, November 23, 2020 7:51 AM
To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>
Subject: PUBLIC COMMENTS to November 23 2020 City Council Agenda

Hello All,

Regarding ORDINANCE NO. 475, ITEM 4 B on Agenda 2020110927539

Please vote NO for the adoption of this Ordinance NO.475. PLEASE protect our open space and do not turn this city into a paved parking lot.

You were all voted in to do the right thing by honoring Malibu's Mission & Vision Statements.

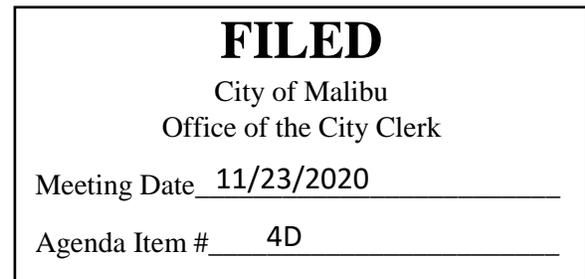
I am not sure why the staff would recommend such a proposal.
This does not align itself with the Mission and or the Vision Statement.
Maybe a quick refresher read through to the STAFF on Malibu's Mission & Vision Statement is called for!

Perhaps the focus should be on getting tenants into all the abandoned spaces through out the City and then possibly more parking maybe needed in the future.

Thank you for your time.

Regards,

katharine marinaro
[REDACTED]



Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.



-----Original Message-----

From: Kyle Mlodzik [REDACTED]
Sent: Monday, November 23, 2020 6:22 PM
To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

Members of City Council:

I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's beautiful natural and rural setting.

#SAVEMALIBU

Sent from my iPhone

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/20</u> Agenda Item # <u>4D</u></p>
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Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda Item 4.D.

From: Leticia Aloï [REDACTED]
Sent: Friday, November 20, 2020 9:08 AM
To: Mikke Pierson <mperson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Skylar Peak <speak@malibucity.org>
Subject: Fwd: Public Comment to November 23, 2020 City Council Agenda Item 4.D.

Dear Members of the city Council ,
I agree with Bruce. .PLEASE STOP THE BUILDNG ! Malibu is being ruined .

Thank you
Leticia Aloï
Malibu Canyon Village
Homeowner

FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/20
Agenda Item # 4D



Members of City Council

I write to urge the City Council either to table or vote to reject Ordinance No. 475, which would, if adopted and approved by the Coastal Commission, permit the creation of stand-alone parking lots in Malibu that currently are prohibited.

As explained more fully below, I object to the City Council’s approval of this proposed ordinance for multiple reasons, including, but not limited to the following:

- (i) The proposed ordinance is ill conceived and spits in the face of the Malibu Mission Statement.
- (ii) The proposed ordinance is an inappropriate “gift” to the owners of property that will become more valuable if the proposed ordinance is adopted.
- (iii) The City Council lacks adequate information to make an informed decision to approve the proposed ordinance.
- (iv) The City Council is now a “lame duck” legislature on the eve of having a new majority, and should not be passing on substantive legislation that has no urgency attached to it.

The foregoing issues are addressed, in turn, below.

Moreover, inasmuch as there plainly is insufficient time for me to discuss my many problems with this proposed Ordinance during my 3-minute public comment period, I am largely relying on these written comments to explain my views.

(i) The Proposed Ordinance Spits in the Face of the Malibu Mission Statement.

If adopted, the proposed ordinance will facilitate the reduction of open space in Malibu in direct contravention to the Mission Statement, which explicitly requires that “Malibu will plan to preserve its . . . open spaces . . . that contribute to Malibu’s special natural and rural setting.”

Aside from running afoul of the Malibu Mission Statement, the proposed ordinance has multiple other problems, including, but not limited to the fact that the proposed CEQA finding is borderline fraudulent and not supportable by the facts.

The Staff Report and Planning Commission recommendation includes, states, among other things, that “there is no possibility” that the proposed Ordinance “will have a significant effect on the environment.” I could not disagree more, and I believe that I would be unable to honestly make such a finding as a member of the City Council if such a finding were a prerequisite to the approval of Ordinance No. 475. I seriously doubt that any current Member of the City Council honestly and competently can make this finding based on the facts of record.

The Staff Report also states that the “There is no fiscal impact associated with the recommended action.” That is a patently inaccurate, if not false and misleading, assertion. At a bare minimum, the proposed Ordinance will increase the potential cost of reviewing and approving applications to develop stand-alone parking lots that currently cannot be developed, and also will invariably increase enforcement costs if such parking lots are permitted to occur. That is plainly a fiscal impact of the recommended action. To the extent that stand alone parking lots result in additional tourism in Malibu, there also will be both costs and income associated with such a development – the net fiscal impact of which has not been studied, much less resolved in any meaningful manner. Finally, there is the very real potential that the adoption of the proposed Ordinance in its current iteration and based on the current record before the City Council will result in opposition before the Coastal Commission and potentially litigation. That also is potential fiscal impact associated with the recommended action. For the foregoing reasons, and others, City Council must reject the Staff’s assertion that “[t]here is no fiscal impact associated with the recommended action,” and direct Staff to conduct a proper analysis of the potential fiscal impact of the proposal.

Because I am working hard to review City Council Policies, hundreds of resolutions passed by the City Council over the past 30 years, and the Malibu Municipal Code, I have neither the time

nor energy to catalog the numerous other problems with the proposed Ordinance at this time. Unfortunately, time I could be devoting to substantive matters also has been diverted by the fact that I have had to deal with problematic legal advice gratuitously provided by the City Attorney that may have been developed to help protect the City Manager from criticism or removal when the new Members of City Council are seated, and which is that is sloppy and unreliable, at best. I also am hard at work developing initiatives that I intend to propose to make the work of City Council, as well as the work of the City Manager, City Attorney and City Staff more transparent and to ensure greater accountability to the public.

(ii) The Proposed Ordinance is an Improper “Gift” to Private Property Owners.

I question why there has been no thought given to what, if any, financial concessions the City of Malibu might receive from a property owner who desires to construct a stand-alone parking lot that will enhance the value of the property.

I do not know what the law is in this regard, but I understand that the current lay of the land is that stand-alone parking lots are not permitted – which means that this legal restriction is the correlative to a property right. If the City were to remove the restriction, it would be “creating” a property right, which enhances the value of property (theoretically at least, if not in a very real sense).

I understand that the City cannot extract a financial concession for honoring a property right, but I question whether the City can do so when it creates a new property right – just as the City has done with the proposed hotel project on PCH at Carbon Beach.

In my experience, when someone has a legal right to deny something, they tend to have the legal right to place any reasonable condition on the waiver or the denial right. Before approving a blanket elimination of an existing prohibition, I would think you would want to understand the limits, if any, to what the City may obtain in return for doing so from any property owner who seeks to avail itself of the new property right.

If this matter were to come before me as a Member of the City Council, I would want to receive a formal legal opinion from the City Attorney that addresses the question of whether the City may lawfully condition a newly created zoning privilege upon the payment of financial consideration to the City.

(iii) The City Council Lacks an Adequate Record to Make an Informed Decision.

In addition to the inadequate information discussed above, the Staff Report fails to provide the following information:

- (i) Identification every property in Malibu that potentially could be made into a parking lot if the proposed ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;
- (ii) Identification of the owner(s) of each property in Malibu that potentially could be made into a parking lot if the proposed ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;
- (iii) Estimate of the impact, if any, on the value of each property that potentially could be made into a parking lot if ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;
- (iv) Explanation of the role, if any, the City Manager and any other person not identified in the Staff Report played in the development of the proposed ordinance and in the Staff's recommendation that the proposed ordinance be approved;
- (v) Explanation of the consideration, if any, given to an alternative that would provide discrete authorization of discrete lots needed to meet Measure M obligations, without providing a blanket authorization for stand-alone parking lots; and
- (vi) Explanation of how, if at all, the City can satisfy its discreet obligations to develop two parking lots pursuant to Measure M without any alteration of the zoning code; and

Also, before the City proceeds irrevocably with the Measure M lots, I also hope that the City Council will explore ways to "undo" the commitment to do so in a manner that is economically viable. In my view, the park 'n ride lots the City Manager committed the City to build are not consistent with the Mission Statement. In that connection, it also would be helpful to understand how much, if anything, construction of the Measure M Parking Lots will cost the City.

(iv) The "Lame Duck" City Council Should Table the Proposed Ordinance.

This City Council is now a "lame duck" legislature. The majority of you will no longer be Members of the City Council a few short weeks from now, and this is the last meeting of the City Council at which you will be voting on any matter of any substance. As such, you ought not to be passing on new legislation that will have long-lasting impact on Malibu and its residents. Because the vote of at least one lame duck Member is required for a majority vote,

and because the other two Members will not have the benefit of active input and debate with the incoming Members of City Council whose election will be certified in November 30, the proposed Ordinance should be tabled until after December 14 and/or rejected without prejudice to its being brought back after the newly elected City Council has been seated.

As I am sure you are well aware, one of many issues of contention in the campaign for City Council was a division among some candidates over the issue of converting Malibu's open spaces into parking lots for visitors. I was decidedly against the creation of stand-alone parking lots in Malibu – for the benefit of visitors or otherwise. The most vocal proponent of the creation of such parking lots was Lance Simmens. As things now stand, I have received more votes than any other candidate for City Council and Mr. Simmens received the least number of votes. That should tell you something.

From the day I announced my candidacy for City Council, I stressed the importance of City Council rededicating itself to honoring the Mission Statement – which I have seen City Council honor in the breach and through lip service far more often than by enforcing the letter and spirit of this primary and central aspect of our City's zoning law. Indeed, and as I noted at a meeting of City Council in 2018, one member of City Council (who is one of the two members who will remain on City Council for the next two years) has expressed to me the mistaken view that the Mission Statement is aspirational and not legally binding. I certainly hope that this member of the City Council has learned since then that this view is incorrect.

I could be mistaken, but it is my understanding that the Planning Commission did not, of its own initiative, recommend a zoning amendment to permit stand-alone parking lots in Malibu. Rather, the Planning Commission was directed to propose an ordinance that would accomplish that directive, and proposed Ordinance No. 475 is the least negatively impactful alternative the Planning Commission was able to develop given their mandate – as was the case with the proposal to limit the square footage of dwellings, which was met with serious community opposition, and hostility toward the Planning Commission even though they were just doing as directed by the City Council.

If I am correct about the historical development of the proposed Ordinance, it suggests to me that is all the more reason to table this matter until the new majority of City Council is seated, as the new majority of City Council also will bring a potentially new majority of the Planning Commission.

There are many substantive problems with the proposed Ordinance that warrant its outright rejection without prejudice to its potential revision and resubmission if the new City Council wishes to pursue this initiative that I submit to be contrary to the will of the community. As such, I am hopeful that this and other matters remain "on the table" when the new majority of the City Council is seated, and that the City Council does not pull a Mitch McConnell and ram these matters through the agenda during your lame duck sessions.

Jefferson, Rick & Skylar, don't let your final legacy be that you defied the electorate and took one last action before the formal expiration of your terms that will leave a lasting scar on the landscape of Malibu. Mikke and Karen, please show that you have open minds and are willing to wait until the new majority of City Council is seated before you approve any material actions that might be opposed by the incoming Members of City Council.

* * *

For the foregoing reasons, I urge you to table or reject proposed Ordinance No. 475.

Stay Safe & Stay Well,

Bruce Silverstein

Heather Glaser



Subject: VOTE NO ON ITEM 4.D."

From: Leticia Aloï [REDACTED]

Sent: Monday, November 23, 2020 9:22 AM

To: Karen Farrer <kfarrer@malibucity.org>; Skylar Peak <speak@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; jwagner@malibucity.org; Mikke Pierson <mpierson@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>

Subject: VOTE NO ON ITEM 4.D."

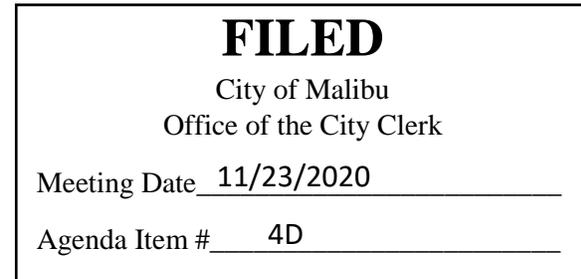
Dear City Council .

I reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces other resources that contribute to Malibu's special natural and rural setting."

Please stop the building and ruining our city !

Thank you
Sincerely,

Leticia Aloï
[REDACTED] Homeowner



Heather Glaser



From: Lonnie Gordon [REDACTED]
Sent: Sunday, November 22, 2020 4:04 PM
To: Heather Glaser
Subject: Copy of email sent to Council

I forgot to copy you on this Heather. It is for the public record. Thanks.

Dear Council Members,

Please remember the mission statement of our city. This is not Santa Monica, or West L.A. This used to be a beautiful rural area and that's why most of us moved here.

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Thank you,

Lonnie Gordon
(For the Public Record)

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
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"The world is not dangerous because of those who do harm,
but because of those who look at it without doing anything".
Albert Einstein

Heather Glaser



From: Lori Jacobus [REDACTED]
Sent: Sunday, November 22, 2020 5:47 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Reva Feldman; Heather Glaser; christi.hogan@bbklaw.com
Subject: Public Comment to November 23, 2020 City Council Agenda

Honorary Council Members

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting

Thank you

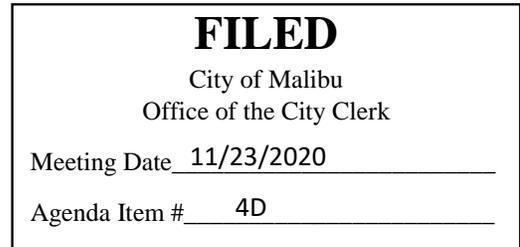
Lori Jacobus

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
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Heather Glaser



From: Lisa Nugent [REDACTED]
Sent: Sunday, November 22, 2020 1:58 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda



Dear City Council Members

Please VOTE NO ON ITEM 4.D.

Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu.

Do your job of protecting Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s special natural and rural setting.

Besides stand-alone parking lots being an eyesore, they pose other issues that erode our environment. For example, required night lighting will compromise goals for Malibu’s Dark Sky Ordinance. Other examples that will change the character of our rural neighborhood are remedies to reduce parking lot theft such as (more) lighting, surveillance, fences, and security.

I’m rebuilding in Malibu Park my home that was lost in the Woolsey Fire. I want to preserve the beauty of Malibu and improve the health of our environment. Stand-alone parking lots should remain prohibited. I ask you again to VOTE NO on ITEM 4.D.

Sincerely,

Lisa Nugent

Kelsey Pettijohn

Subject: Ordinance #475

FILED

City of Malibu
Office of the City Clerk

Meeting Date 11/23/20

Agenda Item # 4D



From: Lori Reisman [REDACTED]

Sent: Thursday, November 19, 2020 9:39 PM

To: Karen Farrer <kfarrer@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Skylar Peak <speak@malibucity.org>; Rick Mullen <rmullen@malibucity.org>

Cc: Reva Feldman <rfeldman@malibucity.org>

Subject: Ordinance #475

Members of Malibu City Council,

I write to implore and encourage you to table or Reject Ordinance No.475 as I believe it does not conform with the City of Malibu's Vision and Mission ;

Vision

"Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations."

Mission

"Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefit or deteriorate the public values of its natural, cultural and rural resources.

Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use."

I believe that the adoption of Ordinance No. 475 would directly contradict the spirit and purpose of the guiding principles upon which the City of Malibu was originally established.

Allowing stand alone parking lots in our city, which are not currently allowed by city codes and zoning will only allow further profit to be made on the back of our natural resources and environment without offering substantial protections for the same. Until more effort is put forth by the city to curb the overwhelming parking and safety issues along PCH it is pointless to pursue additional parking in our city. The city must demonstrate to its citizens that it is serious about solving these issues first. The establishment of additional parking lots for visitor use will only act as overflow for additional visitors to crowd our beaches and trails after all available legal and illegal parking options are exhausted. To add this overflow option will only contribute to the further detriment of our natural playgrounds. At some point in the future one could argue that remote lots with transportation to our natural playgrounds and attractions may be part of the solution, to date I have not seen any meaningful proposal or plan to demonstrate that position. Until such a plan is presented and discussed by the City and its residents it is premature to start "paving" the way to its ultimate adoption.

I believe it is your civic duty as custodians of our city and representatives of Malibu residents to oppose this action. I also disagree with the city staff's assertion that there are no fiscal or environmental impacts associated with this change in zoning and use permit.

As custodians of Malibu we should be focused to the restoration of our open spaces, not on removing protections and obstacles to their destruction.

Thank you,

Cantor Lori Patterson

Resident, Western Malibu

Lori

Sent from my iPhone

Heather Glaser

Subject: No to parking lots

From: marshall coben [REDACTED]

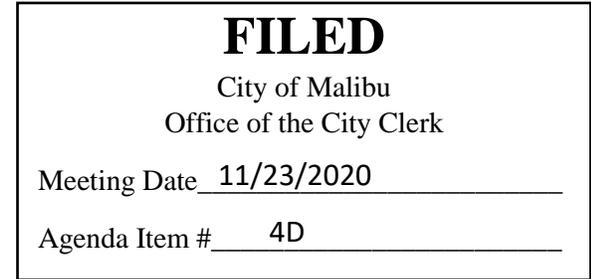
Date: November 22, 2020 at 4:39:26 PM PST

To: Karen Farrer <kfarrer@malibucity.org>

Subject: No to parking lots

Karen, please vote no on item 4D.
Marshall Coben, Malibu Colony

Sent from my iPhone



Heather Glaser



From: Margo Lane [REDACTED]
Sent: Sunday, November 22, 2020 1:09 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser
Subject: Public Comment/Ordinance 475

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that would allow the construction of stand-alone Parking Lots currently prohibited in Malibu. We are confident that you all share the desire to protect Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Hoping you and your loved ones are staying healthy,

Margo Lane
[REDACTED]

FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

Heather Glaser



From: Margaret Lech-Loubet [REDACTED]
Sent: Sunday, November 22, 2020 4:21 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

Members of City Council:

I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's beautiful natural and rural setting.

#SAVEMALIBU

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
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Heather Glaser



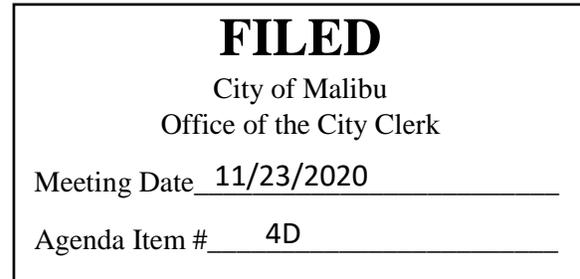
From: Maggie Lückerath [REDACTED]
Sent: Sunday, November 22, 2020 8:56 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Skylar Peak; Rick Mullen
Cc: Maggie Lückerath; Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: Public Comment to November 23, 2020 City Council Agenda.

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu.

Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Thank you....

Maggie Lückerath
[REDACTED]



Heather Glaser



From: Mark Olsen [REDACTED]
Sent: Monday, November 23, 2020 10:35 AM
To: Reva Feldman; Christi Hogin - Office; Heather Glaser; Skylar Peak; Rick Mullen; Jefferson Wagner; Karen Farrer; Mikke Pierson
Subject: Public Comment to November 23, 2020 City Council Agenda

FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

Dear Council Members,

I am writing to as you to vote "No" on Item 4.D.

The construction of stand alone parking lots is an absolutely irresponsible undertaking and spitting in the eyes of the locals to appease development... and only development. It will do nothing more than drive additional traffic to Malibu and lead to further construction and environmental devastation. Please take a little time and listen to "Big Yellow Taxi" tonight before you vote... maybe check out the City Mission statement again as well.

<https://www.youtube.com/watch?v=94bdMSCdw20>

Thanks

Mark Olsen (One of your constituents)

Heather Glaser



From: Matt Rapf [REDACTED]
Sent: Sunday, November 22, 2020 12:39 PM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser
Subject: Vote no on Item 4D

Dear Council members,
Please vote no on ITEM 4D.
Please honor the Malibu Mission Statement and protect our natural habit and stand up for our open spaces.
Please don't allow or adopt proposed ordinance 475 that will allow the construction of stand alone parking lots.
" They paved paradise and put up a parking lot... You don't know what you got until its gone." Joni Mitchell,
Big Yellow Taxi.

Thank you,

Matt Rapf
Broker Associate
Pritchett Rapf and Associates



FILED
City of Malibu
Office of the City Clerk
Meeting Date 11/23/2020
Agenda Item # 4D

Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.



From: nkearson [REDACTED]
Sent: Tuesday, November 24, 2020 5:38 AM
To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

Members of City Council:

I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's beautiful natural and rural setting.

#SAVEMALIBU

Nancy A. Kearson, CPA

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/20</u></p> <p>Agenda Item # <u>4D</u></p>
--

Heather Glaser



From: Peggy Hall Kaplan [REDACTED]
Sent: Sunday, November 22, 2020 10:31 AM
To: Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting.

Peggy Hall Kaplan
[REDACTED]

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
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FILED	
City of Malibu Office of the City Clerk	
Meeting Date	11/23/2020
Agenda Item #	4D

To: Members of the city Council
From: Patt Healy for Malibu Coalition for Slow Growth (MCSG)
Date: 11-23-20
Re: 4D LCP Amendment- Parking

Honorable City Council Members,

The malibu Coalition for Slow Growth asks you reject this idea of ground level parking for the following reasons.

Residential Quality of Life

1.The May 29, 2018 Council meeting was a discussion of the city publicly owned properties. The Council directed the Chili Cookoff property to meet its Park and Ride requirements be partially underground and the Heathercliff property to have complete underground parking. The Triangle parcel was to be surface stand alone. Parking. In stating this the former city council was thinking of its residents. To the greatest extent possible the previous council wanted to limit the blight of surface parking lots and preserve as much open space as possible. They were taking about meeting the Park and Ride requirements only.

2.The August 2020 Zoraces meeting the staff report states ***“staff is recommending several changes to the draft originally published (but not reviewed) in 2018. These changes include: 1) having the amendments focus solely on surface parking lots and not addressing semi-subterranean parking facilities at this time; and 2) removing language that limited the use to public parking lots only.***

Staff on its own initiative is altering the direction of the former city council and suggesting surface parking contrary to the Mission and Vision statement.

3.***The two council members who received the most votes in this year’s election ran on preserving Malibu supporting its Mission and Vision Statement and the Quality of Life of its residents. The majority of Malibu residents clearly want malibu’s open spaces preserved to the greatest extent possible. Three current Council Members ran on the Mission and Vision statement and keeping Malibu rural. Mikke and Karen said they want to preserve Malibu too. Well allowing above ground stand alone parking lots is not the way to do it.***

4. ***The August Zoraces staff report further states: “The 2018 draft allowed only public stand-alone parking lots as a conditionally permitted use, and also addressed “semi-subterranean” parking facilities. Expanding the ordinance to allow public ~ private stand-alone parking lots will provide more opportunities to increase parking in the City. For example, private stand-alone parking lots could allow a business to propose a parking lot that would provide additional parking spaces (overflow spaces) beyond the code-required spaces to accommodate***

employee parking. These parking lots could also be rented out by the parking lot owner to provide additional beach or visitor parking.”

5. The intention of the staff suggested stand-alone public and private parking lots is not for the benefit of the residents but solely for expanding overflow parking for visitors to the beaches and shopping centers and for the benefit of commercial owners.

6. The residents' desire for open space and keeping Malibu rural are being totally ignored by this staff recommendation. Furthermore, the expansion of parking lots will only bring more visitors to Malibu and making PCH traffic even worse and overburdening our civic center road system. Where again are the desires of the residents being considered?

7. Furthermore, it is not fair to put the parking problems of Nobu and other underparked centers on to the backs of the residents. When the approval of Nobu was being considered, the applicant stated they could park everyone one on site by using stacked valet parking. Since they mischaracterized their parking situation, they could cure it by cutting back their service area.

8. Preserving a community's rural character and quality of life is not about the city or the owners of commercial centers making money from parking lots to the detriment of its residents. The owners who bought commercially zoned property knew the zoning restrictions and choose to buy knowing the zoning rules. The city purchased with tax payer dollars the Malibu Bay Company properties for public amenities not to make money from parking.

City Owned Commercially Owned Properties.

1. Of course, the city unless they return the money they received for "park and ride parking" has to put a park and ride parking lot on the triangle property and 1 acre of parking on IOKI (chili cook off) and 2 acres on Heathercliff.

On Heathercliff the previous council wanted Heathercliff parking to be put underground. As for IOKI, the council required parking should be partially undergrounded.

2. The reason IOKI and Heathercliff were purchased was to preserve the undeveloped Bluffs ESHA and to put in parks for both active and passive recreation on the city purchased Malibu Bay Company properties. It was never part of any plan to have these two properties be turned into above ground parking lots with a CUP.

3. The 2010 Parks and Recreation Plan survey indicated by far first and foremost residents wanted land to be acquired for open space. Residents valued most Malibu's open spaces followed by amenities in these parks that enhance residents and their families quality of life.

4. Also, for IOKI and Heathercliff there was to be citizen outreach to figure out what amenities the residents wanted to see placed on these 2 properties. Property Owners would be shocked to find out these city properties purchased with their tax dollars could be turned into above ground parking lots for overflow commercial parking purposes and public beach access. Already, our fragile PCH infrastructure is overburdened and to have more visitor parking will only add more traffic on this highway. Besides, most likely, the commercial shopping centers will have plenty of parking as more and more people buy on line.

5. The Civic Center now looks like a blighted area with the Edison Lot which the Owner said at a public meeting he would like to continue to use it as a parking lot until he decided to develop it. Since the city purchased it, the IOKI (Chili Cookoff) property has evolved into a blighted area. Both of these parcels were to be temporarily used for as emergency staging areas. Prior to the Woolsey fire both these properties were open space with wildlife foraging on the grasslands and with wildflowers blossoming in the spring. Now they are just eyesores and an embarrassment to our city. The civic center is the commercial heart of Malibu and should not be burdened with above ground parking lots. Both should be required to be restored as natural open space and not made into above ground parking lots.

Privately Owner Commercial Properties

1. The Mission and Vision statement was to preserve the rural nature of Malibu. Right now a commercial owner has the right to develop his property but not as a stand alone parking lot. No matter how well screened, it will not be the same as looking at natural open space.

2. Commercial property owners knew what they were purchasing and should not be allowed to make money off of their open space by putting in above ground parking lot.

Study Stand Alone above Ground Parking Lots

1. The staff report states: " 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.

2. If the council is considering allowing this type of parking further study is needed including but not limited to impacts on resident quality of life, traffic impacts, public and private view impacts, reduction of natural open space.

3. To do otherwise is compromising the residents quality of life in favor of the business interest of the city and the commercial property owners.

Conclusion

This staff report reminds me of the Joni Mitchell song “ Big Yellow Taxi ” The most memorable line from it is ‘They paved paradise put up a parking lot.’ We sincerely hope you will allow this happen to Malibu.

Kelsey Pettijohn

Subject: Vigorous objection to approval of Stand Alone Parking Lot Proposal

From: Peggy Hall Kaplan [REDACTED]
Sent: Thursday, November 19, 2020 4:42 PM
To: Mikke Pierson <mperson@malibucity.org>
Cc: Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Heather Glaser <hglaser@malibucity.org>
Subject: Vigorous objection to approval of Stand Alone Parking Lot Proposal

I am writing to vehemently object to the council's approval of the stand alone parking lot proposal.

First, you are now a lame duck council with new members to be sworn in who should definitely have a vote and a say to this question.

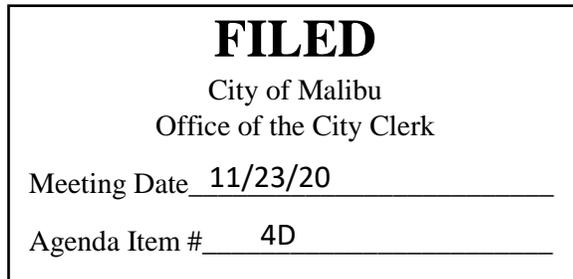
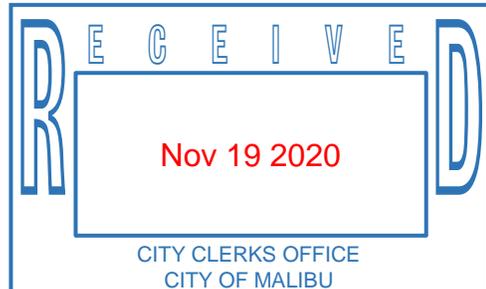
Secondly, it flies in the face of Malibu's Mission Statement.

This ordinance needs to be examined and vetted before it is pushed through to the benefit of certain property owners.

I am ready for the city council to start fulfilling its mandate to protect and preserve our special town and get off its current trajectory of ignoring its mission statement and our laws.

Peggy Hall Kaplan

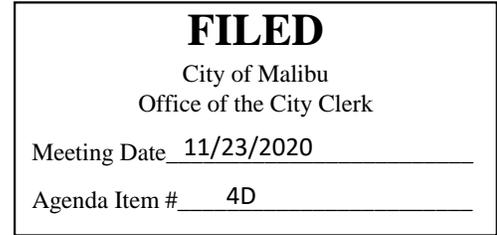
[REDACTED]
[REDACTED]



Heather Glaser



From: Peter Monge [REDACTED]
Sent: Sunday, November 22, 2020 5:24 PM
To: Mikke Pierson; Jefferson Wagner; Rick Mullen; "Skylar Peak Council speak"@malibucity.org; Karen Farrer
Cc: Reva Feldman; Heather Glaser
Subject: Public Comment to November 23, 2020 City Council Agenda



Dear City Council Members,

Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu. Please continue with the great job you have been doing to protect Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s special natural and rural setting.

Cordially,

Peter Monge

--
Peter Monge
Professor Emeritus of Communication
Annenberg School for communication and Journalism, and
Professor Emeritus of Management and Organization
Marshall School of Business
University of Southern California

Heather Glaser



Subject: Public Comment to November 23, 2020 City Council Agenda Item 4.D.

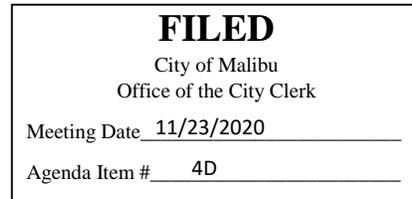
From: Paul Taublieb [REDACTED]
Date: November 19, 2020 at 2:54:00 PM PST
To: Mikke Pierson <mperson@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Jefferson Wagner <jwagner@malibucity.org>, Skylar Peak <speak@malibucity.org>, Rick Mullen <rmullen@malibucity.org>
Cc: Reva Feldman <rfeldman@malibucity.org>, Christi Hogin - Office <christi.hogin@bbklaw.com>
Subject: Fw: Fwd: Public Comment to November 23, 2020 City Council Agenda Item 4.D.

Dear City council members and other interested parties,

I believe bruce makes a very solid case here I'd very much appreciate a response as to what you're thinking and plans are in this regard. Until I hear otherwise with a logical explanation I stand with Bruce that at the very least this should be tabled until the new city Council has taken seats.

Paul
Please wxcuse the inevitab@ble - [Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:



On Thursday, November 19, 2020, 2:16 PM, Bruce Silverstein [REDACTED] wrote:

FYI -- as you requested

----- Forwarded message -----
From: Bruce Silverstein [REDACTED]
Date: Thu, Nov 19, 2020 at 1:29 PM
Subject: Public Comment to November 23, 2020 City Council Agenda Item 4.D.
To: Mikke Pierson <MPierson@malibucity.org>, Karen Farrer <KFarrer@malibucity.org>, Wagner Council <jwagner@malibucity.org>, Mullen Council <rmullen@malibucity.org>, Skylar Peak Council <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>, Christi Hogin - Office <Christi.Hogin@bbklaw.com>, Reva Feldman <rfeldman@malibucity.org>, Steve Uhring [REDACTED]

Members of City Council

I write to urge the City Council either to table or vote to reject Ordinance No. 475, which would, if adopted and approved by the Coastal Commission, permit the creation of stand-alone parking lots in Malibu that currently are prohibited.

As explained more fully below, I object to the City Council's approval of this proposed ordinance for multiple reasons, including, but not limited to the following:

- (i) The proposed ordinance is ill conceived and spits in the face of the Malibu Mission Statement.
- (ii) The proposed ordinance is an inappropriate "gift" to the owners of property that will become more valuable if the proposed ordinance is adopted.
- (iii) The City Council lacks adequate information to make an informed decision to approve the proposed ordinance.
- (iv) The City Council is now a "lame duck" legislature on the eve of having a new majority, and should not be passing on substantive legislation that has no urgency attached to it.

The foregoing issues are addressed, in turn, below.

Moreover, inasmuch as there plainly is insufficient time for me to discuss my many problems with this proposed Ordinance during my 3-minute public comment period, I am largely relying on these written comments to explain my views.

(i) The Proposed Ordinance Spits in the Face of the Malibu Mission Statement.

If adopted, the proposed ordinance will facilitate the reduction of open space in Malibu in direct contravention to the Mission Statement, which explicitly requires that "Malibu will plan to preserve its . . . open spaces . . . that contribute to Malibu's special natural and rural setting."

Aside from running afoul of the Malibu Mission Statement, the proposed ordinance has multiple other problems, including, but not limited to the fact that the proposed CEQA finding is borderline fraudulent and not supportable by the facts.

The Staff Report and Planning Commission recommendation includes, states, among other things, that “there is no possibility” that the proposed Ordinance “will have a significant effect on the environment.” I could not disagree more, and I believe that I would be unable to honestly make such a finding as a member of the City Council if such a finding were a prerequisite to the approval of Ordinance No. 475. I seriously doubt that any current Member of the City Council honestly and competently can make this finding based on the facts of record.

The Staff Report also states that the “There is no fiscal impact associated with the recommended action.” That is a patently inaccurate, if not false and misleading, assertion. At a bare minimum, the proposed Ordinance will increase the potential cost of reviewing and approving applications to develop stand-alone parking lots that currently cannot be developed, and also will invariably increase enforcement costs if such parking lots are permitted to occur. That is plainly a fiscal impact of the recommended action. To the extent that stand alone parking lots result in additional tourism in Malibu, there also will be both costs and income associated with such a development – the net fiscal impact of which has not been studied, much less resolved in any meaningful manner. Finally, there is the very real potential that the adoption of the proposed Ordinance in its current iteration and based on the current record before the City Council will result in opposition before the Coastal Commission and potentially litigation. That also is potential fiscal impact associated with the recommended action. For the foregoing reasons, and others, City Council must reject the Staff’s assertion that “[t]here is no fiscal impact associated with the recommended action,” and direct Staff to conduct a proper analysis of the potential fiscal impact of the proposal.

Because I am working hard to review City Council Policies, hundreds of resolutions passed by the City Council over the past 30 years, and the Malibu Municipal Code, I have neither the time nor energy to catalog the numerous other problems with the proposed Ordinance at this time. Unfortunately, time I could be devoting to substantive matters also has been diverted by the fact that I have had to deal with problematic legal advice gratuitously provided by the City Attorney that may have been developed to help protect the City Manager from criticism or removal when the new Members of City Council are seated, and which is that is sloppy and unreliable, at best. I also am

hard at work developing initiatives that I intend to propose to make the work of City Council, as well as the work of the City Manager, City Attorney and City Staff more transparent and to ensure greater accountability to the public.

(ii) The Proposed Ordinance is an Improper “Gift” to Private Property Owners.

I question why there has been no thought given to what, if any, financial concessions the City of Malibu might receive from a property owner who desires to construct a stand-alone parking lot that will enhance the value of the property.

I do not know what the law is in this regard, but I understand that the current lay of the land is that stand-alone parking lots are not permitted – which means that this legal restriction is the correlative to a property right. If the City were to remove the restriction, it would be “creating” a property right, which enhances the value of property (theoretically at least, if not in a very real sense).

I understand that the City cannot extract a financial concession for honoring a property right, but I question whether the City can do so when it creates a new property right – just as the City has done with the proposed hotel project on PCH at Carbon Beach.

In my experience, when someone has a legal right to deny something, they tend to have the legal right to place any reasonable condition on the waiver or the denial right. Before approving a blanket elimination of an existing prohibition, I would think you would want to understand the limits, if any, to what the City may obtain in return for doing so from any property owner who seeks to avail itself of the new property right.

If this matter were to come before me as a Member of the City Council, I would want to receive a formal legal opinion from the City Attorney that addresses the question of whether the City may lawfully condition a newly created zoning privilege upon the payment of financial consideration to the City.

(iii) The City Council Lacks an Adequate Record to Make an Informed Decision.

In addition to the inadequate information discussed above, the Staff Report fails to provide the following information:

(i) Identification every property in Malibu that potentially could be made into a parking lot if the proposed ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;

(ii) Identification of the owner(s) of each property in Malibu that potentially could be made into a parking lot if the proposed ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;

(iii) Estimate of the impact, if any, on the value of each property that potentially could be made into a parking lot if ordinance is adopted, as well as the properties that may be benefitted by being able to utilize a stand-alone parking lot in place of on-site parking;

(iv) Explanation of the role, if any, the City Manager and any other person not identified in the Staff Report played in the development of the proposed ordinance and in the Staff's recommendation that the proposed ordinance be approved;

(v) Explanation of the consideration, if any, given to an alternative that would provide discrete authorization of discrete lots needed to meet Measure M obligations, without providing a blanket authorization for stand-alone parking lots; and

(vi) Explanation of how, if at all, the City can satisfy its discreet obligations to develop two parking lots pursuant to Measure M without any alteration of the zoning code; and

Also, before the City proceeds irrevocably with the Measure M lots, I also hope that the City Council will explore ways to "undo" the commitment to do so in a manner that is economically viable. In my view, the park 'n ride lots the City Manager committed the City to build are not consistent with the Mission Statement. In that connection, it also would be helpful to understand how much, if anything, construction of the Measure M Parking Lots will cost the City.

(iv) The “Lame Duck” City Council Should Table the Proposed Ordinance.

This City Council is now a “lame duck” legislature. The majority of you will no longer be Members of the City Council a few short weeks from now, and this is the last meeting of the City Council at which you will be voting on any matter of any substance. As such, you ought not to be passing on new legislation that will have long-lasting impact on Malibu and its residents. Because the vote of at least one lame duck Member is required for a majority vote, and because the other two Members will not have the benefit of active input and debate with the incoming Members of City Council whose election will be certified in November 30, the proposed Ordinance should be tabled until after December 14 and/or rejected without prejudice to its being brought back after the newly elected City Council has been seated.

As I am sure you are well aware, one of many issues of contention in the campaign for City Council was a division among some candidates over the issue of converting Malibu’s open spaces into parking lots for visitors. I was decidedly against the creation of stand-alone parking lots in Malibu – for the benefit of visitors or otherwise. The most vocal proponent of the creation of such parking lots was Lance Simmens. As things now stand, I have received more votes than any other candidate for City Council and Mr. Simmens received the least number of votes. That should tell you something.

From the day I announced my candidacy for City Council, I stressed the importance of City Council rededicating itself to honoring the Mission Statement – which I have seen City Council honor in the breach and through lip service far more often than by enforcing the letter and spirit of this primary and central aspect of our City’s zoning law. Indeed, and as I noted at a meeting of City Council in 2018, one member of City Council (who is one of the two members who will remain on City Council for the next two years) has expressed to me the

mistaken view that the Mission Statement is aspirational and not legally binding. I certainly hope that this member of the City Council has learned since then that this view is incorrect.

I could be mistaken, but it is my understanding that the Planning Commission did not, of its own initiative, recommend a zoning amendment to permit stand-alone parking lots in Malibu. Rather, the Planning Commission was directed to propose an ordinance that would accomplish that directive, and proposed Ordinance No. 475 is the least negatively impactful alternative the Planning Commission was able to develop given their mandate – as was the case with the proposal to limit the square footage of dwellings, which was met with serious community opposition, and hostility toward the Planning Commission even though they were just doing as directed by the City Council.

If I am correct about the historical development of the proposed Ordinance, it suggests to me that is all the more reason to table this matter until the new majority of City Council is seated, as the new majority of City Council also will bring a potentially new majority of the Planning Commission.

There are many substantive problems with the proposed Ordinance that warrant its outright rejection without prejudice to its potential revision and resubmission if the new City Council wishes to pursue this initiative that I submit to be contrary to the will of the community. As such, I am hopeful that this and other matters remain "on the table" when the new majority of the City Council is seated, and that the City Council does not pull a Mitch McConnell and ram these matters through the agenda during your lame duck sessions.

Jefferson, Rick & Skylar, don't let your final legacy be that you defied the electorate and took one last action before the formal expiration of your terms that will leave a lasting scar on the landscape of Malibu. Mikke and Karen, please show that you have open minds and are willing to wait until the new majority of City Council is seated before you approve any material actions that might be opposed by the incoming Members of City Council.

* * *

For the foregoing reasons, I urge you to table or reject proposed Ordinance No. 475.

Stay Safe & Stay Well,

Bruce Silverstein

Heather Glaser



Subject: No on Item 4.D.

From: S A Splendore [REDACTED]
Date: November 22, 2020 at 2:17:56 PM PST
To: Mikke Pierson <mpierson@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Jefferson Wagner <jwagner@malibucity.org>, Rick Mullen <rmullen@malibucity.org>
Subject: No on Item 4.D.

“Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s special natural and rural setting.”

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
--

Kelsey Pettijohn

Subject: parking lots



----- Forwarded message -----

From: **Scott Dittrich** [REDACTED]

Date: Thu, Nov 19, 2020 at 1:58 PM

Subject: parking lots

To: jwagner@malibucity.org <jwagner@malibucity.org>, Rick Mullen [REDACTED]
[REDACTED] Mikke Pierson [REDACTED] kfarrer@malibucity.org
<kfarrer@malibucity.org>

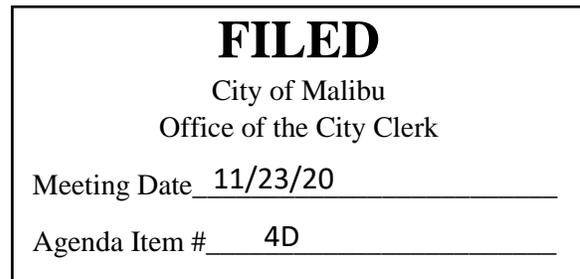
Hi everyone,

On Monday I will be speaking to Council to suggest agendizing hiring an enforcement officer to deal with STR problems, paid for by a small portion of the added TOT taxes we will collect. I will also encourage you to direct staff to prioritize hiring someone who lives in Malibu, which seems particularly appropriate when that person might be getting a call at 3am on a Saturday morning about some illegal party.

Secondly, you have parking lots on the agenda for Monday. I believe this should be moved to the next Council since several candidates ran on this issue. This is a wide ranging issue that deserves careful consideration. We know, for example, that Nobu employees alone take most of the street parking in Central Malibu, and RVs sit all day in the summer at Surfrider. We should also consider trading the triangle lot bought with measure M money. That is such a prime piece of land it would be a shame to see it used for cars. I am additionally very concerned that we allow one of our large parcels to be used "temporarily" for parking. We will become addicted to the income derived therefrom and be unable in the future to convert it to recreation, which is the reason those lots were purchased in the first place.

Thanks

Scott Dittrich



Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.



-----Original Message-----

From: Steve Panagos [REDACTED]
Sent: Tuesday, November 24, 2020 2:33 AM
To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

Members of City Council:

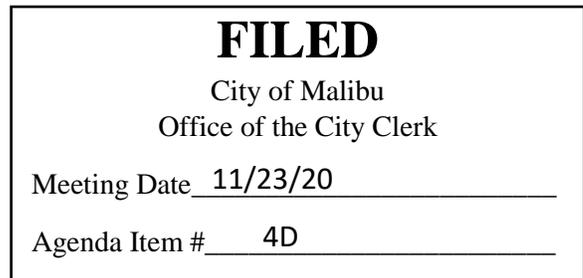
I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's beautiful natural and rural setting.

#SAVEMALIBU

Steven Panagos
[REDACTED]



Kelsey Pettijohn

Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.



-----Original Message-----

From: Stephanie Sunwoo [REDACTED]
Sent: Monday, November 23, 2020 8:53 PM
To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>
Subject: Public Comment to November 23, 2020 City Council Agenda ITEM 4.D.

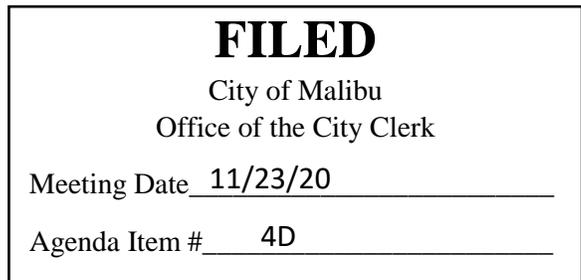
Members of City Council:

I am writing to add my support to that of other members of the community who have written to urge you to vote NO on item 4D.

Please honor the Malibu Mission Statement and reject the recommendation of the staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone parking lots that currently are prohibited in Malibu.

Please do your job in protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's beautiful natural and rural setting.

#SAVEMALIBU



Heather Glaser



From: Tori Delli Santi [REDACTED]
Sent: Monday, November 23, 2020 11:27 AM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen; Skylar Peak
Cc: Heather Glaser; Reva Feldman; Christi Hogin - Office
Subject: No More Parking Lots

City Council,

Please **VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu’s natural and cultural resources, which include open spaces and other resources that contribute to Malibu’s special natural and rural setting. We moved to Malibu from San Francisco to enjoy the beautiful landscape. Malibu does not need more parking lots or buildings. Please help keep Malibu's beautiful open space and vote no on Item 4.D.**

Sincerely,
Tori Delli Santi
Malibu Resident

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk</p> <p>Meeting Date <u>11/23/2020</u></p> <p>Agenda Item # <u>4D</u></p>
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Kelsey Pettijohn

Subject: "Public Comment to November 23, 2020 City Council Agenda."



-----Original Message-----

From: Thereza v [REDACTED]

Sent: Monday, November 23, 2020 5:31 PM

To: Mikke Pierson <mpierson@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Rick Mullen <rmullen@malibucity.org>; Skylar Peak <speak@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Christi Hogin - Office <christi.hogin@bbklaw.com>

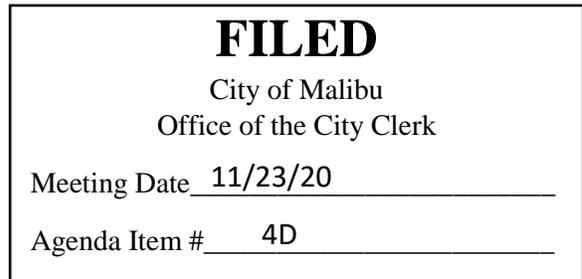
Subject: [SPAM] "Public Comment to November 23, 2020 City Council Agenda."

"Please VOTE NO ON ITEM 4.D. Honor the Malibu Mission Statement and reject the recommendation of the Staff to adopt proposed Ordinance 475 that will allow the construction of stand-alone Parking Lots that currently are prohibited in Malibu. Do your job of protecting Malibu's natural and cultural resources, which include open spaces and other resources that contribute to Malibu's special natural and rural setting."

Thereza Verboon

Malibu resident since 1987

<mailto:hglaser@malibucity.org>



Heather Glaser



From: Walt Keller [REDACTED]
Sent: Sunday, November 22, 2020 10:49 AM
To: Mikke Pierson; Karen Farrer; Jefferson Wagner; Rick Mullen
Cc: Heather Glaser
Subject: Vote no on 4D - no stand alone parking lots

Staff is recommending adoption of an ordinance to amend Malibu's zoning laws permitting construction of parking lots in Malibu that currently aren't permitted.

VOTE NO ON ITEM 4.D Council Nov. 23 agenda - proposed Ordinance 475 to allow stand alone parking lots in Malibu. This violates Malibu's General Plan. Malibu will be nothing but short term rentals and parking lots.

Thank you. Walt and Lucile Keller

<p style="text-align: center;">FILED City of Malibu Office of the City Clerk Meeting Date <u>11/23/2020</u> Agenda Item # <u>4D</u></p>
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**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, MAY 10, 2021** 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. 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 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.

PARKING AS A STAND-ALONE USE

Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 – The City Council will consider implementing an amendment to the Local Coastal Program (LCP) and Title 17 (Zoning) of the Malibu Municipal Code and the Planning Commission's recommendation as discussed at its September 21, 2020 regular meeting allowing stand-alone surface parking lots in the Commercial General, Community Commercial, and Commercial Neighborhood zoning districts as a conditionally permitted commercial use

On November 23, 2020, the City Council held a public hearing on this matter, recommended changes to the draft ordinance, and directed staff to come back with a revised ordinance.

Location:	Citywide
Applicant:	City of Malibu
Case Planner:	Richard Mollica, Planning Director (310) 456-2489, ext. 346 rmollica@malibucity.org

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 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 Commission 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 Commission 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.

LCP Local Implementation Plan Section 19.3.1 requires review drafts be made readily available for public perusal in local libraries, in the City administrative offices, and at the California Coastal Commission District office. Please note that facility closures due to protocols to prevent the spread of COVID-19 may preclude the LCP amendment documents being available for review in person, but documents will be available by contacting the case planner during regular business hours. For availability of documents from the Coastal Commission, please contact them directly at 805-585-1800 for the status of their protocols.

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.

Oral and written comments may be presented to the City Council on, or before, the date of the meeting.

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

Richard Mollica, Planning Director

Publish Date: April 15, 2021