Subject: Conditional Use Permit No. 17-005 – An application to memorialize an existing community stage theater use (Malibu Playhouse), including a change to the existing weekend (Friday and Saturday) closing hours of operation from 8:00 p.m. to 10:00 p.m.

Location: 29243 Pacific Coast Highway
APN: 4467-022-009
Owner: Rainforest Malibu, LLC
Tenant: Malibu Playhouse

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-20 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Conditional Use Permit (CUP) No. 17-005 to allow for the establishment and continued operation of a community stage theater (Malibu Playhouse) for the use in the Rural Residential – 5 acres (RR-5) zoning district located at 29243 Pacific Coast Highway (Rainforest Malibu LLC).

DISCUSSION: On May 3, 2017, the applicant submitted a CUP application to allow the continued operation of the Malibu Playhouse, a community stage theater. This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff’s analysis of the proposed project’s consistency with Malibu Municipal Code (MMC) and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the proposed project is consistent with the MMC.
Project Overview

The project proposes the continued operation of the Malibu Playhouse, a community stage theater. Prior to the operation of a community stage theater, the property was utilized as a church. On February 16, 1996 TUP No. 96-001 allowed for the operation of a community stage theater.

On March 23, 1998, the City Council adopted Ordinance No. 172, which amended the standards of the Rural Residential zoning district to include small community theaters as conditionally permitted uses. After the passage of this ordinance, the applicant was granted CUP No. 97-008 on May 4, 1998. This CUP allowed the operation of a community stage theater, with a maximum of 99 seats. This permit was only valid for a one-year period.

On July 16, 2001, a TUP was granted for an indefinite period of time until a final decision was made on CUP No. 01-001. On January 28, 2003, the Planning Commission adopted Resolution No. 02-24 approving CUP No. 01-001 to allow for the continued operation of a community stage theater for a three-year duration.

On February 6, 2003, the applicant filed a timely appeal of the approval, specifically the condition of approval, limiting the number of performances that can occur during a calendar year. On April 23, 2004, the City Council upheld the appeal and approved CUP No. 01-001, limiting the number of performance days to 102 per year. CUP No. 01-001 allowed for a three year operation and expired April 23, 2006.

On May 3, 2017, CUP No. 17-005 was submitted for the continued operation of the community theater, maintaining the current number of seats, including a modification to the existing weekend (Friday and Saturday) closing hours of operation, the applicant is requesting to close at 10:00 p.m. rather than 8:00 p.m.

Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is located along the western side of PCH at 29243 PCH. Adjacent uses include a vacant parcel to the east; residential uses to the north and west; and a commercial office and retail center to the south (Point Dume Plaza).
Table 1 below describes land uses adjacent to the subject property.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>6106 Bonsall Drive</td>
<td>2.74 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td></td>
<td>6112 Bonsall Drive</td>
<td>1.93 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>South</td>
<td>6238 Bonsall Drive</td>
<td>3.82 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td></td>
<td>6132 Bonsall Drive</td>
<td>1.17 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td></td>
<td>6152 Bonsall Drive</td>
<td>1.25 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td></td>
<td>6172 Bonsall Drive</td>
<td>1.56 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td></td>
<td>6200 Bonsall Drive</td>
<td>2.19 acres</td>
<td>RR-5</td>
<td>Single-Family Residence</td>
</tr>
<tr>
<td>East</td>
<td>29191 Pacific Coast Highway</td>
<td>9.83 acres</td>
<td>RR-5</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

Source: GovClarity 2019

Figure 1 – Aerial Map

Source: City GIS 2019
**Project Description**

The proposed project includes the continued operation of the Malibu Playhouse, a community stage theater. The existing community theater is 3,131 square feet with 99 fixed seats and 1,995 square feet of office space (Attachment 2 – Project Plans). The hours of operation will be Monday – Thursday from 8:00 a.m. – 8:00 p.m., Friday and Saturday 8:00 a.m. – 10:00 p.m. and Sunday 8:00 a.m. – 8:00 p.m.

As proposed and conditioned, the theater does not include outdoor amplified or live music. The application does not propose any new development or other operational modifications that would intensify or otherwise change the development or use.

Table 2 provides a summary of the proposed project.

<table>
<thead>
<tr>
<th>Table 2 – Malibu Playhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Area (Theater and Office)</strong></td>
</tr>
<tr>
<td><strong>Seating Capacity</strong></td>
</tr>
</tbody>
</table>
| **Hours of Operation** | Monday – Thursday, Sunday 8:00 a.m. – 8:00 p.m.  
Friday and Saturday 8:00 a.m. – 10:00 p.m. |
| **Number of Employees** | 1 – 4 (varies upon production) |

**Parking**

The only change to the onsite parking that is proposed is the addition of two employee spaces. Currently, the Malibu Playhouse with the exception of employee parking meets the requirement of the MMC Section 17.48.030(D) which states that one space is required for each three fixed seats or for every 21 square feet of seating area where there are not fixed seats. Currently 33 parking spaces exist to serve the theater which contains 99 fixed seats. An additional two parking spaces will be created as part of this approval to provide the required staff parking. With the inclusion of the proposed staff parking, the Malibu Playhouse would be consistent with all applicable parking requirements. The City Public Works department has reviewed and approved the proposed parking plan.

Upon approval of the proposed CUP, the owner will be required to submit an Over-the-Counter application to allow for the striping to create the two new employee parking spaces.
Conditional Use Permit Findings

The proposed CUP will allow for the continued operation of Malibu Playhouse, a community stage theater. The Planning Commission may approve, deny, and/or modify a CUP in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. All of the CUP findings are provided below.

Finding 1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

The proposed use is consistent with the provisions of Title 17 of the MMC. Pursuant to MMC Section 17.08.040(F) small community stage theaters are conditionally permitted uses in the RR zoning district provided that the subject property is a minimum of five acres and no more than 100 seats are provided. The subject property is 6.54 acres and the theater provides 99 seats. Therefore, the proposed project has been conditioned to comply with all applicable provisions of the MMC.

Finding 2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

Pursuant to MMC Section 17.66.010, conditional uses are those uses which are regarded as compatible with uses which are automatically permitted in a zoning district but which have a special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance. On October 6, 2019 a compliant was filed with City Code Enforcement staff regarding an unpermitted event. The Code Violation was addressed and closed on October 17, 2019. To date, no complaints have been received.

It is not expected that continued operation of the Malibu Playhouse and the proposed extended hours of operation on Friday and Saturday nights will impact surrounding residences and commercial development located adjacent to the subject property. The CUP will not result in the expansion of the existing operation and the only new development that will be associated with the CUP is the addition of two employee parking spaces to the existing onsite parking lot. Therefore, the proposed use is not expected to impair the integrity and character of the zoning district in which it is located.

Finding 3. The subject site is physically suitable for the type of land use being proposed.

The Malibu Playhouse property was previously developed as a church and in 1996, before the Playhouse began operation. With the exception of the proposed extension to the hours of operation and two additional employee parking spaces, no changes to the existing development or use are proposed. Given the operational history of the Malibu Playhouse
Finding 4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

The subject property is currently developed as a community stage and has been in operation since 1996 and the subject CUP will allow for the continued operation. The Malibu Playhouse will continue to offer community entertainment to both visitors and surrounding residents and is therefore complimentary to the surrounding neighborhood with consists of both commercial and residential uses. In addition, the subject use is consistent with the land use designation for the site and neighboring properties. Therefore, this proposed use is compatible with the land uses in the surrounding neighborhood.

Finding 5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

The proposed community theater is located within an existing structure on a property zoned for this use and the subject property is surrounded by properties developed and zoned for both commercial and residential uses.

Finding 6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by staff.

With the exception of the two additional employee parking spaces, no exterior improvements are being proposed on the subject property, and the community theater will continue operation within the existing buildings. Additionally, the onsite wastewater treatment system has an active operating permit that is valid until January 23, 2020 and has been determined to adequately serves the site. Therefore, the proposed use will not adversely impact existing public and private views, or solar access, and is not detrimental to public health and safety.

Finding 7. There would be adequate provisions for public access to serve the subject proposal.

The subject property is accessed from Pacific Coast Highway; no changes to the site’s access or circulation, for pedestrians or vehicles, is proposed. Furthermore the requirement of the ‘Right Turn Only’ sign for vehicles leaving the parking lot as conditioned by CUP 01-001 will be included as condition of the subject CUP. The subject site adequately provides public access.
Finding 8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The proposed CUP will not change the nature of the existing conditionally permitted use. The community stage is a conditionally permitted community use in the RR zoning district. The subject property is designed RR in the General Plan. The RR zoning district allows for a community stage theater, as a conditionally permitted use, the subject CUP is for continued operation of a community theater, which is consistent with the General Plan.

Finding 9. The proposed project complies with all applicable requirements of state and local law.

The proposed use complies with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies. Additionally, the City has issued past CUP approvals for the existing use, and the community theater has been operational for a number of years, and has remained compliant with state and local law.

Finding 10. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare.

Community theaters are conditionally permitted uses in the RR zoning district. The continued operation of the community theater is not expected to be detrimental to the public interest, health, safety, convenience and welfare.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The project will not be at risk from earth movement and flood hazards since the application only involves a minor modification to the existing parking lot and continued operation of a community theater within an existing structure. The existing building will not change; therefore, there is no new impact related to earth movement, flooding or liquefaction.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15301 – Existing Facilities. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).
CORRESPONDENCE: To date, staff has not received correspondence regarding this application.

PUBLIC NOTICE: On December 5, 2019, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: The required CUP findings can be made. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report, and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-20. The proposed project has been reviewed and conditionally approved for conformance with the MMC.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-20
2. Project Plans
3. Department Review Sheet
4. Resolution 02-24
5. Resolution 03-52
6. Public Hearing Notice
CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING CONDITIONAL USE PERMIT NO. 17-005 TO ALLOW AN EXISTING COMMUNITY STAGE THEATER USE (MALIBU PLAYHOUSE), INCLUDING A CHANGE TO THE EXISTING WEEKEND (FRIDAY AND SATURDAY) CLOSING HOURS OF OPERATION FROM 8:00 PM TO 10:00 PM FOR THE USE IN THE RURAL RESIDENTIAL – 5 ACRE ZONING DISTRICT LOCATED AT 29243 PACIFIC COAST HIGHWAY

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

SECTION 1. Recitals.

A. On May 3, 2017, an application for Conditional Use Permit (CUP) No. 17-005 to permit the establishment and continued operation of a community stage theater (Malibu Playhouse) was submitted to the Planning Department, on behalf of the property owner, Rainforest Malibu, LLC. The application was routed to the Public Works Department for review.

B. On October 7, 2019, the application was deemed complete.

C. On December 5, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

D. On January 6, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is exempt from the provisions of CEQA according to CEQA Guidelines Section 15301 — Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Conditional Use Permit Findings of Fact.

Pursuant to Malibu Municipal Code (MMC) Section 17.66.080, a CUP may be approved if the Planning Commission makes all of the required findings. CUP No. 17-005 is to allow an existing community stage theater (Malibu Playhouse), including a change to the existing weekend hours (Friday and Saturday) closing hours of operation from 8:00 PM to 10:00 PM. The Planning Commission hereby approves CUP No. 17-005 based on the findings of fact as follows:
A. Conditional Use Permit Findings (MMC Chapter 17.66)

1. The proposed use is consistent with the provisions of Title 17 of the MMC. Pursuant to MMC Section 17.08.040(F) small community stage theaters are conditionally permitted uses in the RR zoning district provided that the subject property is a minimum of five acres and no more than 100 seats are provided. The subject property is 6.54 acres and the theater provides 99 seats. Therefore, the proposed use complies with the intent of all of the applicable provisions of Title 17 of the MMC.

2. The proposed project is located at 29243 Pacific Coast Highway, within the RR-5 zoning district, and is currently operating as the Malibu Playhouse, a small community stage theater. The CUP will allow for the continued operation of the existing community stage theater; it is not expected that continued operation of the Malibu Playhouse and the proposed extended hours of operation on Friday and Saturday nights will impact surrounding residences and commercial development located adjacent to the subject property. Therefore, the proposed use is not expected to impair the integrity and character of the zoning district in which it is located.

3. The proposed continued operation of the community stage theater will be within the interior of the existing building, which is located in an area designated by the Land Use Policy map and the Zoning Map as a Rural Residential (RR) zoning district, which conditionally allows for a small community stage theater with a maximum of 100 fixed seats. With the exception of the proposed extension to the hours of operation and two additional employee parking spaces, no changes to the existing development or use are proposed. Given the operational history of the Malibu Playhouse and its consistency with the MMC, City's Land Use Map and the Zoning Map the subject site is physically suitable for the proposed project.

4. The subject property is currently developed as a community stage and has been in operation since 1996 and the subject CUP will allow for the continued operation. The Malibu Playhouse will continue to offer community entertainment to both visitors and surrounding residents and is therefore complimentary to the surrounding neighborhood which consists of both commercial and residential uses.

5. The proposed continued operation of the community theater will be located entirely within the existing structures on a property zoned for such a use and that the subject property is surrounded by properties developed and zoned for commercial and residential uses.

6. The proposed continued operation of the community stage theater has been determined to not adversely affect public utilities, water, or sanitation services because the use would not generate a greater demand for services than what was anticipated. Additionally, the continued operations are within the existing buildings on the premises and will not affect solar access or adversely impact existing public or private views as no new development is proposed.

7. No changes to the site's access or circulation, for pedestrians or vehicles, are proposed. The subject property provides ingress and egress from Pacific Coast Highway. The subject site adequately provides public access.
8. The subject property is designed RR-5 in the General Plan Land Use Map and Zoning Map, which conditionally permits a small community stage theater, containing a maximum of 100 fixed seats. The proposed continued operation of the community stage theater complies with the conditionally permitted use for this zone and is consistent with the General Plan.

9. The proposed use complies with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies.

10. The operation of a small community stage theater is a conditionally permitted use in the RR-5 zoning district and would not be detrimental to the public interest, health, safety, convenience, or welfare because the use complies with applicable requirements of state and local law.

11. The proposed continued operation of the community stage theater does not propose any new site development and therefore, there are no new impacts related to earth movement, flooding or liquefaction.

SECTION 4. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CUP No. 17-005, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City’s actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City’s actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.

2. This conditional use permit shall not be effective until all appeals are exhausted and the property owner, applicant and the business operator execute the Affidavit of the Acceptance of Conditions. Said documents shall be recorded with the Los Angeles County Recorder and a certified copy of said recordation shall be filed with the Planning Department within 10 days of the effective date of the approval.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department associated with CUP No. 17-005, dated December 19, 2019. In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

5. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

6. The property owner shall comply with all provisions of the MMC.

7. No new exterior lighting is proposed or permitted.

8. No exterior modifications to the building shall be permitted without obtaining City approvals.

Operations

9. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.

10. The approved hours of operation are limited to Monday through Thursday 10:00 a.m. to 8:00 p.m., Friday and Saturday, and 10:00 a.m. through 10:00 p.m. and Sunday 10:00 a.m. to 8:00 p.m.

11. All play reading shall occur entirely within the interior of the existing structure.

12. No exterior (outdoor) activities or performances shall be permitted.

13. The use of amplifying systems is prohibited outside the existing building.

14. Any proposed use, directly related to theatrical performances, shall not generate noise levels that are audible beyond the property lines.

15. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
   a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
   b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
   c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
   d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
   e. Site perimeter lighting shall be prohibited; and
   f. Outdoor decorative lighting for aesthetic purposes is prohibited.
16. Thirty-five (35) parking spaces shall be provided at all times.

17. Activities shall be restricted to only readings, performances, plays and rehearsals of the Malibu Playhouse or through the auspices of the Malibu Playhouse, and no more than 18 production days for children performances, 82 productions days for non-children performances, and two days for fundraising activities.

18. A review of the proposed playhouse operations shall be conducted by Planning Department staff and reported to the Planning Commission within one year of commencement of operations.

19. The property owner / operator shall adhere to a “good neighbor” policy, meaning that the operator and employees must respect the rights of neighboring properties and, to the best of their ability, shall ensure their patrons’ compliance with the City’s noise and smoking regulations and all conditions of approval for the subject use relating to parking, smoking, litter, noise, loitering, etc.

20. The property owner / tenant shall comply with the requirements set forth in MMC Chapter 9.28 (Plastic Bag Ban). No retail establishment, restaurant, vendor or nonprofit vendor shall provide plastic bags or compostable bags to customers. This requirement applies to plastic or compostable bags provided at the point of sale for the purpose of carrying away goods.

21. Staff shall inspect the property as needed after approval of the CUP to verify compliance with the conditions of approval.

22. The Planning Department shall conduct a review of restaurant operations and compliance with conditions of approval. The report shall be presented to the Planning Commission five years after CUP approval.

Environmental Health

23. **Expiring Operating Permit:** The Operating Permit for the existing onsite wastewater treatment system (OWTS) on the subject property is set to expire on January 23, 2020. An active Operating Permit is required for the property per the Malibu Municipal Code, Chapter 15.44.

Signs

24. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Department prior to installation of any new sign.

Fixed Conditions

25. The conditions under which this conditional use permit was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.
26. A conditional use permit that is valid and in effect and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

27. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.

28. This conditional use permit shall become subject to revocation should the use for which the conditional use permit was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

29. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C). The conditional use permit may be revoked if the Planning Commission finds that one or more of the following conditions exists:

   a. The conditional use permit was obtained in a fraudulent manner.
   b. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months.
   c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 6th day of January 2020.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-20 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 6th day of January 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
PARKING PLAN

29243 PACIFIC COAST HWY
MALIBU, CA 90265
APN: 4466 022 009

RAINFOREST

PARKING BREAKDOWN

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING REQUIRED per LP Section 6-14 (Specific Parking Requirements)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theater, restaurant</td>
<td>3 of 15 square feet, or for every 10,000 ft² of food-serve area, 1 space for each 200 FTEs, and 1 space for each 200 employees</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>NO. OF OCCUPANTS</th>
<th>PARKING SPACES REQUIRED</th>
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</thead>
<tbody>
<tr>
<td>90 fixed seats</td>
<td>33</td>
</tr>
<tr>
<td>2 employees</td>
<td>2</td>
</tr>
</tbody>
</table>

33 TOTAL

PARKING SPACES PROVIDED

<table>
<thead>
<tr>
<th>NO. OF SPACES</th>
<th>TYPE OF SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>28 STANDARD PARKING SPACES (9' x 20')</td>
<td></td>
</tr>
<tr>
<td>7 COMPACT PARKING SPACES (8' x 10')</td>
<td></td>
</tr>
<tr>
<td>2 ADA COMPLIANT PARKING SPACES</td>
<td></td>
</tr>
</tbody>
</table>

Note: The number of required parking spaces is based on the number of employees at 100% occupancy. For 75% occupancy, the number of required parking spaces is reduced by 25%. For 50% occupancy, the number of required parking spaces is reduced by 50%.

LEGEND

- Existing Structures (no changes proposed)
- Existing Asphalts to remain (25.210 SP)

*Topography lines in this plan represent lift of elevation changes.

RAIN FOREST
29243 PACIFIC COAST HWY
MALIBU, CA 90265
APN: 4466 022 009

PARKING PLAN

Project No. 1202025
Date: 01-28-2010
Scale: 1/100
Drafting:

Revised
A3
PARKING PLAN

NO. OF SPACE
SPACES

26 STANDARD PARKING SPACES 9' x 20'
7 COMPACT PARKING SPACES 6' x 15' 4"
2 ADA COMPLIANT PARKING SPACES

TOTAL

LEGEND

- Existing Structures (no divisions proposed)
- Existing Asphalt to remain (26,210 SF)

RAINFOREST
29243 PACIFIC COAST HWY
MALIBU, CA 90265
APN: 4466-022-009

PARKING BREAKDOWN

USE
PARKING REQUIRED per LUP Section 5.14.3 Specific Parking Requirements
Theater, Auditoriums, naming rights, occupying part of the area, or numbered part of the area
1 space for each 250 square feet of gross floor area, plus 1 space for each 2 employees

NO. OF OCCUPANTS
PARKING SPACES REQUIRED
3 employees
59 fixed seats
2

PARKING SPACES PROVIDED

NO. OF SPACES
TYPE OF SPACES
26 STANDARD PARKING SPACES 9' x 20'
7 COMPACT PARKING SPACES 6' x 15' 4"
2 ADA COMPLIANT PARKING SPACES

TOTAL

Note: The number of parking spaces provided exceeds the parking spaces required by Code Section 12.
TO: Public Works Department
FROM: City of Malibu Planning Department
DATE: 5/3/2017

PROJECT NUMBER: CUP 17-005
JOB ADDRESS: 29243 PACIFIC COAST HWY, Parcel
APPLICANT / CONTACT: Nicole Farnoush, Schmitz and Associates, Inc.
APPLICANT ADDRESS: 28118 Agoura Road, Ste. 103
Agoura Hills, CA 91301
APPLICANT PHONE #: (818) 338-3636
APPLICANT FAX #: (818) 338-3423
APPLICANT EMAIL: nfarnoush@schmitzandassociates.net
PROJECT DESCRIPTION: CUP for Malibu Playhouse

TO: Malibu Planning Department and/or Applicant
FROM: Public Works Department

The following items described on the attached memorandum shall be addressed and resubmitted:

The project was reviewed and found to be in conformance with the City’s Public Works and LCP policies and CAN proceed through the Planning process.

[Signature]

DATE: 12/12/19

No PW Plan Check or Conditions of Approval Required
RESOLUTION NO. 02-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING CONDITIONAL USE PERMIT NO. 01-001 TO ALLOW FOR THE CONTINUED OPERATION OF A COMMUNITY STAGE THEATER FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPROVAL, ON PROPERTY LOCATED AT 29243 PACIFIC COAST HIGHWAY.

The Planning Commission of the City of Malibu does hereby Find, Order, and Resolve as follows:

Section 1. Application: On April 9, 2001, Conditional Use Permit No. 01-001 was duly filed by Geoffrey Ortiz on behalf of the Malibu Stage Company and the property owner, James Cowan, requesting an extension of time and amended conditions for the operation of a stage theater seating no more than 99 persons within the interior of an existing structure.

Section 2. CEQA: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has determined that this project is listed among the classes of projects which have been determined to not have a significant impact on the environment and which shall therefore be exempt from the provisions of CEQA. Accordingly, a Categorical Exemption, Class 1, Item E, has been issued.

Section 3. Public Hearing: On January 21, 2003, the Planning Commission held a duly noticed public hearing regarding the subject conditional use permit.

Section 4. Conditional Use Permit Findings - Having heard all oral and written testimony and considered all relevant evidence and argument, the Planning Commission, in accordance with Chapter 17.66.080 of the Malibu Municipal Code, finds as follows:

A. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of the IZO.

The subject property is designated by the General Plan Land Use Map and the Zoning Map as Rural Residential-5 (RR-5) which conditionally allows for community stage theaters serving no more than 100 persons.

B. The proposed use will not impair the integrity and character of the zone in which it is to be located.

The proposed stage theater will be located within an existing structure, previously used as a church, which is located on a property zoned for the proposed use.

1

Agenda Item 4.A.
Attachment I
C. The subject site is physically suitable for the type of land use being proposed.

The proposed use will be located within the interior of the existing building, which is located in an area designated by the Land Use Policy map and the Zoning Map as a Rural Residential (RR) zoning district, which conditionally allows a small community stage theater containing 99 fixed seats.

D. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

The subject property is developed with existing structures, formerly used as the Malibu Lutheran Church and currently used as an office for a wholesale nursery, and as a community theater. The subject property is currently zoned to allow for a small community stage theater to be maintained. Furthermore, the surrounding properties are zoned for commercial and residential uses. However, there are topographic features, including significant elevation differences, which separate the proposed use from the surrounding properties, thus minimizing any impacts created by the stage theater.

E. The proposed use will be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.

The proposed stage theater will be located within an existing structure on property zoned for such a use and that the subject property is surrounded by properties developed and zoned for commercial and residential uses.

F. There will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use will not be detrimental to public health and safety and that the project does not affect solar access or adversely impact existing public and private views, as defined by staff.

All utilities including water and sanitation currently exist on property and the proposed use will be located within an existing building. No exterior improvements are being proposed or required that will adversely impact public or private views.

G. There will be adequate provisions for public access to serve the subject proposal.

The subject property provides ingress and egress from Pacific Coast Highway and that no future improvements are required.

H. The proposed use is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan.
The proposed stage theater is located in an area designated by the General Plan Land Use Map and the Zoning Map as a Rural Residential zoning district, which conditionally permits a small community stage theater, containing a maximum of 100 fixed seats.

I. The proposed project complies with all applicable requirements of state and local law.

Since the Conditional Use Permit has already been approved previously, and the community theater has been operational for a number of years, the applicant has already received approvals from the California Coastal Commission, the Los Angeles County Fire Department, Department of Alcohol Beverage Control and the City of Malibu Department of Building and Safety.

J. The proposed use will not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed stage theater has been originally conditioned to preserve and protect the public interest, health, safety, convenience and welfare.

K. If the project is located in an area determined by the City to be at risk from earth movement, flooding, or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The project, although located within an area determined by the City to be at risk from earth movement, flooding or liquefaction, would not involve any new construction that could increase the potential for such impacts.

Section 5. Conditional Use Permit Approval - Based on the foregoing findings, the Planning Commission hereby approves Conditional Use Permit No. 01-001 to allow for the continued operation of a community stage theater, seating no more than 99 persons, within the interior of an existing structure, subject to the following conditions:

1. Any signs shall be approved by the Planning Department, pursuant to Chapter 17.52.010 of the Malibu Municipal Code, prior to installation.

2. All play reading shall occur entirely within the interior of the existing structure.

3. No exterior (outdoor) activities or performances shall be permitted.

4. The hours of performances shall be limited to noon through 10:00 p.m., Thursday through Sunday.
5. Ancillary activities, directly related to theatrical performances, shall occur between 9:00 a.m. and 10:00 p.m. Monday through Saturday.

6. The use of amplifying systems is prohibited outside the existing building.

7. Any proposed use, directly related to theatrical performances, shall not generate noise levels that are audible beyond the property lines.

8. No exterior lighting fixture shall be installed or used other than what presently exists on the property.

9. All existing outdoor lighting shall be screened, hooded and low intensity so as not to cause a nuisance either to highway traffic or to adjacent properties.

10. No exterior modifications to the building shall be permitted without obtaining City approvals.

11. The applicant shall post a “Right Turn Only” sign for vehicles leaving the parking lot.

12. Thirty-three (33) parking spaces shall be provided at all times.

13. Each parking stall shall be a minimum of nine feet by twenty feet. Compact parking spaces are permitted but shall not exceed twenty (20%) percent of the total number of required spaces and shall be a minimum of 8 feet by fifteen feet six inches. All compact stalls shall be marked “for compact use only.”

14. Parking areas shall be screened from view from Pacific Coast Highway, and headlights shall be screened from view from surrounding properties.

15. Tire stops shall be provided within all parking areas.

16. The serving of alcohol shall be limited to beer and wine and approvals shall be obtained from the Department of Alcohol Beverage Control (ABC).

17. Environmental Health approval shall be re-issued for the septic system prior to the Conditional Use Permit becoming effective.

18. This permit shall be valid for three (3) years from the effective date of approval. The applicant shall prepare an annual report to the Planning Director, over the life of the Conditional Use Permit, indicating full compliance with the conditions of this approval. This report shall be submitted prior to the anniversary date of the effective date of approval.
19. Activities will be restricted to only performances and rehearsals of the Malibu Stage Company.

20. The City of Malibu shall retain continuing jurisdiction over the conditional use permit and may reconsider, modify or revoke the permit if it finds that the conditions of approval are not being met or if the activity is creating public health, safety and welfare impacts.

21. The permit and rights conferred in this approval shall not be effective until the applicant signs and returns the affidavit accepting the conditions set forth below, and provides proof of recordation of said affidavit with the County Recorder. The applicant shall file this form with the City Clerk within 60 days of the Planning Commission’s decision.

Section 6. The Planning Commission Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 21st day of January 2003

RICHARD CARRIGAN, Chair

ATTEST:

DREW D. PURVIS
Planning Commission Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 02-24 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 21st day of January 2003, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
ATTEST:

DREW D. PURVIS
Planning Commission Secretary
Any person aggrieved by this decision or by any portion of this decision may appeal to the City Council. Pursuant to Section 17.04.220 of the Malibu Municipal Code, any such appeal must be filed with the City Clerk no later than 10 days following January 21, 2003, the date of final action.
RESOLUTION NO. 03-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU UPHOLDING APPEAL NO. 03-001 TO ALLOW 18 PRODUCTION DAYS FOR CHILDREN PERFORMANCES, 82 PRODUCTION DAYS FOR NON-CHILDREN PERFORMANCES AND 2 DAYS FOR FUNDRAISING ACTIVITIES FOR THE MALIBU STAGE COMPANY AT 29243 PACIFIC COAST HIGHWAY (MALIBU STAGE COMPANY)

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On January 28, 2003, the Planning Commission adopted Resolution No. 02-24 approving Conditional Use Permit No. 01-001 to allow the continued operation of a community stage theater at 29243 Pacific Coast Highway. This approval included a condition which limited the Malibu Stage Company to 18 production days for children performances, 60 production days for non-children performances, and 2 days for fundraising activities.

B. On February 6, 2003, the applicant filed a timely appeal of the approval, specifically the condition of approval number 19, limiting the number of performances that can occur during a calendar year.

C. On September 22, 2003, the City Council continued the appeal request to the October 27, 2003 City Council meeting.

D. On October 27, 2003, the City Council held a duly noticed public hearing considering the staff report, public testimony and written correspondences.

E. Pursuant to the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the Planning Manager has determined that this project is listed among the classes of projects which have been determined to not have a significant adverse effect on the environment and which shall therefore be exempt from the provisions of CEQA. Accordingly a Categorical Exemption, Class 1, has been issued.

Section 2. Findings

Based upon the evidence in the record including all written and oral testimony, the City Council hereby approves Conditional Use Permit No. 01-001, upholding Appeal No 03-001 to allow a community stage theater limited to 18 production days for children performances, 82 production
days for non-children performances, and 2 days for fundraising activities, subject to the conditions contained in Section 3, based upon the following findings:

A. The subject property is designated by the General Plan Land Use Map and the Zoning Map as Rural Residential-5 (RR-5) which conditionally allows for community stage theaters serving no more than 100 persons.

B. The proposed community stage theater will not impair the integrity and character of the zone in which it is to be located because it is within an existing structure, previously used as a church, and is located on a property zoned for the proposed use.

C. The subject site is physically suitable for the type of land use being proposed.

D. With the conditions listed in Section 3 of this resolution, the proposed community stage theater is compatible with the land uses presently on the subject property and in the surrounding neighborhood. The subject property is developed with existing structures, formerly used as the Malibu Lutheran Church and currently used as an office for a wholesale nursery, and as a community theater. The surrounding properties are zoned for commercial and residential uses. Furthermore, there are topographic features, including significant elevation differences, which separate the proposed use from the surrounding properties, thus minimizing any impacts created by the community stage theater.

E. The proposed community stage theater will be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located because it will be located within an existing structure on property zoned for such a use, and that the subject property is surrounded by properties developed and zoned for commercial and residential uses.

F. There provisions for water, sanitation, and public utilities and services currently exist on the property. This will ensure that the proposed community stage theater will not be detrimental to public health and safety. The project does not affect solar access or adversely impact existing public and private views because it will be located within an existing building, and no exterior improvements are being proposed or required.

G. There will be adequate provisions for public access to serve the subject proposal because the subject property provides ingress and egress from Pacific Coast Highway and no future improvements are required.

H. The proposed use is consistent with the goals, objectives, policies, and general land uses of the Malibu General Plan. The proposed community stage theater is located in an area designated by the General Plan Land Use Map and the Zoning Map as a Rural Residential zoning district, which conditionally permits a small community stage theater, containing a maximum of 100 fixed seats.
I. Since the Conditional Use Permit has already been approved previously, and the community stage theater has been operational for a number of years, the applicant has already received approvals from the California Coastal Commission, the Los Angeles County Fire Department, Department of Alcohol Beverage Control and the City of Malibu Environmental & Community Development Department’s Environmental and Building Safety Division.

J. The proposed community stage theater has been conditioned to preserve and protect the public interest, health, safety, convenience and welfare.

K. Although proposed use is located within an area determined by the City to be at risk from earth movement, flooding or liquefaction, the proposal does not involve any new construction that may increase the risk for potential impacts as a result of these hazards.

Section 3. Conditions of Approval

On the basis of the foregoing findings, the City Council hereby approves Conditional Use Permit No. 01-001, upholding Appeal No. 03-001 to allow a community stage theater limited to 18 production days for children performances, 82 production days for non-children performances, and 2 days for fundraising, subject to the following conditions:

1. Any signs shall be approved by the Planning Division, pursuant to Chapter 17.52.010 of the Malibu Municipal Code, prior to installation.

2. All play reading shall occur entirely within the interior of the existing structure.

3. No exterior (outdoor) activities or performances shall be permitted.

4. The hours of performances shall be limited to 11:00 a.m. through 10:00 p.m., Thursday through Sunday, provided there shall be no more than one matinee performance per week.

5. Ancillary activities, directly related to theatrical performances, shall occur between 9:00 a.m. and 10:00 p.m. Monday through Saturday.

6. The use of amplifying systems is prohibited outside the existing building.

7. Any proposed use, directly related to theatrical performances, shall not generate noise levels that are audible beyond the property lines.

8. No exterior lighting fixture shall be installed or used other than what presently exists on the property.
9. All existing outdoor lighting shall be screened, hooded and low intensity so as not to cause a nuisance either to highway traffic or to adjacent properties.

10. No exterior modifications to the building shall be permitted without obtaining City approvals.

11. The applicant shall post a “Right Turn Only” sign for vehicles leaving the parking lot, or such other means of traffic control as approved by the California Department of Transportation (Caltrans).

12. Thirty-three (33) parking spaces shall be provided at all times.

13. Each parking stall shall be a minimum of nine feet by twenty feet. Compact parking spaces are permitted but shall not exceed twenty (20%) percent of the total number of required spaces and shall be a minimum of 8 feet by 15 feet 6 inches. All compact stalls shall be marked “for compact use only.”

14. Parking areas shall be screened from view from Pacific Coast Highway, and headlights shall be screened from view from surrounding properties.

15. Tire stops shall be provided within all parking areas.

16. The serving of alcohol shall be limited to beer and wine and approvals shall be obtained from the Department of Alcohol Beverage Control (ABC).

17. Environmental Health approval shall be re-issued for the septic system prior to the Conditional Use Permit becoming effective.

18. This permit shall be valid for three (3) years from the effective date of approval. The applicant shall prepare an annual report to the Planning Manager, over the life of the Conditional Use Permit, indicating full compliance with the conditions of this approval. This report shall be submitted prior to the anniversary date of the effective date of approval. This report will be sent by Planning Staff to all property owners abutting the Malibu Stage Company property, as indicated on Attachment A.

19. Activities shall be restricted to only readings, performances, plays and rehearsals of the Malibu Stage Company or through the auspices of the Malibu Stage Company, and no more than 18 production days for children performances, 82 production days for non-children performances, and 2 days for fund raising activities.

20. The City of Malibu shall retain continuing jurisdiction over the conditional use permit and may reconsider, modify or revoke the permit if it finds that the conditions of approval are not being met or if the activity is creating public health, safety and welfare impacts.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 03-52 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 27th day of October, 2003, by the following vote:

AYES: 5  Councilmembers:  House, Jennings, Stern, Barovsky, Kearsley
NOES: 0
ABSTAIN: 0
ABSENT: 0

LISA POPE, City Clerk
(seal)
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on Monday, January 6, 2020, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

CONDITIONAL USE PERMIT NO. 17-005 - An application to memorialize an existing community stage theater use (Malibu Playhouse), including a change to the existing weekend (Friday and Saturday) closing hours of operation from 8:00 PM to 10:00 PM; outdoor amplified is not permitted per the previously approved conditional use permit nor is it proposed with this application.

LOCATION / APN / ZONING: 29243 Pacific Coast Hwy, Parcel / 4467-022-009 / Rural Residential-Five Acre (RR-5)
APPLICANT / OWNER: Clark Cowan / Rainforest Malibu, LLC
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15301
APPLICATION FILED: May 3, 2017
CASE PLANNERS: Jessica Thompson, Associate Planner, jthompson@malibucity.org
(310) 456-2489, ext. 280

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City’s action is challenged in court, testimony may be limited to issues raised before or at the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 245.

BONNIE BLUE, Planning Director

Date: December 12, 2019