



Commission Agenda Report

Planning Commission
Meeting
09-20-21

**Item
5.B.**

To: Chair Jennings and Members of the Planning Commission

Prepared by: Philip Coronel, Assistant Planner

Approved by: Adrian Fernandez, Assistant Planning Director

Date prepared: September 9, 2021 Meeting date: September 20, 2021

Subject: Conditional Use Permit No 21-006 – An application to allow temporary parking lot to serve the construction activities of nearby construction sites

Location: 3542 Coast View Drive
APN: 4458-021-003
Owner: Wave Properties, Inc.
Applicant: DP Planning and Development, Inc.

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 21-66 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Conditional Use Permit (CUP) No. 21-006 to allow the establishment of a one-acre temporary parking lot with 75 parking spaces to serve the construction activities of nearby construction sites, a shuttle service between the temporary parking lot and construction sites, continued use of low voltage solar lighting in compliance with the Dark Sky Ordinance, and temporary storage of boxed trees located in the Community Commercial (CC) zoning district at 3542 Coast View Drive (Wave Properties, Inc.).

DISCUSSION: On July 14, 2021, the applicant submitted a request pursuant to Malibu Municipal Code (MMC) Chapter 17.66 to allow the establishment of a one-acre temporary parking lot with 75 parking spaces to serve the construction activities of nearby construction sites with a shuttle service between the temporary parking lot and construction sites.

This agenda report provides a project overview, project description, summary of surrounding land uses and project setting, and analysis of the recommended project's consistency with the applicable provisions of the MMC, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the recommended project is consistent with the MMC.

Background and Existing Approvals

Below is a list of existing approvals that have been issued for the subject property:

- Over-the-Counter (OC) No. 07-214 approved a new chain-link fence to replace a fire destroyed fence.
- Administrative Coastal Development Permit (ACDP) No. 11-016 was issued to allow for soil remediation grading and drainage.
- CUP No. 11-009 and Administrative Plan Review No. 11-063 (Resolution 12-04) allowed the establishment of a 1.5-acre temporary parking lot with 152 parking spaces to serve the construction activities of nearby construction sites, operation of a shuttle service between the temporary parking lot and construction sites, new access gate, fencing, temporary guard house, low voltage solar lighting, minor grading and temporary storage of boxed trees. CUP No. 11-009 is no longer valid because a condition was added that the CUP shall expire on December 31, 2015, unless an extension is granted by the Planning Commission prior to expiration. A CUP Amendment to extend the previous CUP's deadline was never applied for therefore a new CUP is required to continue the proposed temporary parking lot.

Subject Property and Surrounding Land Uses

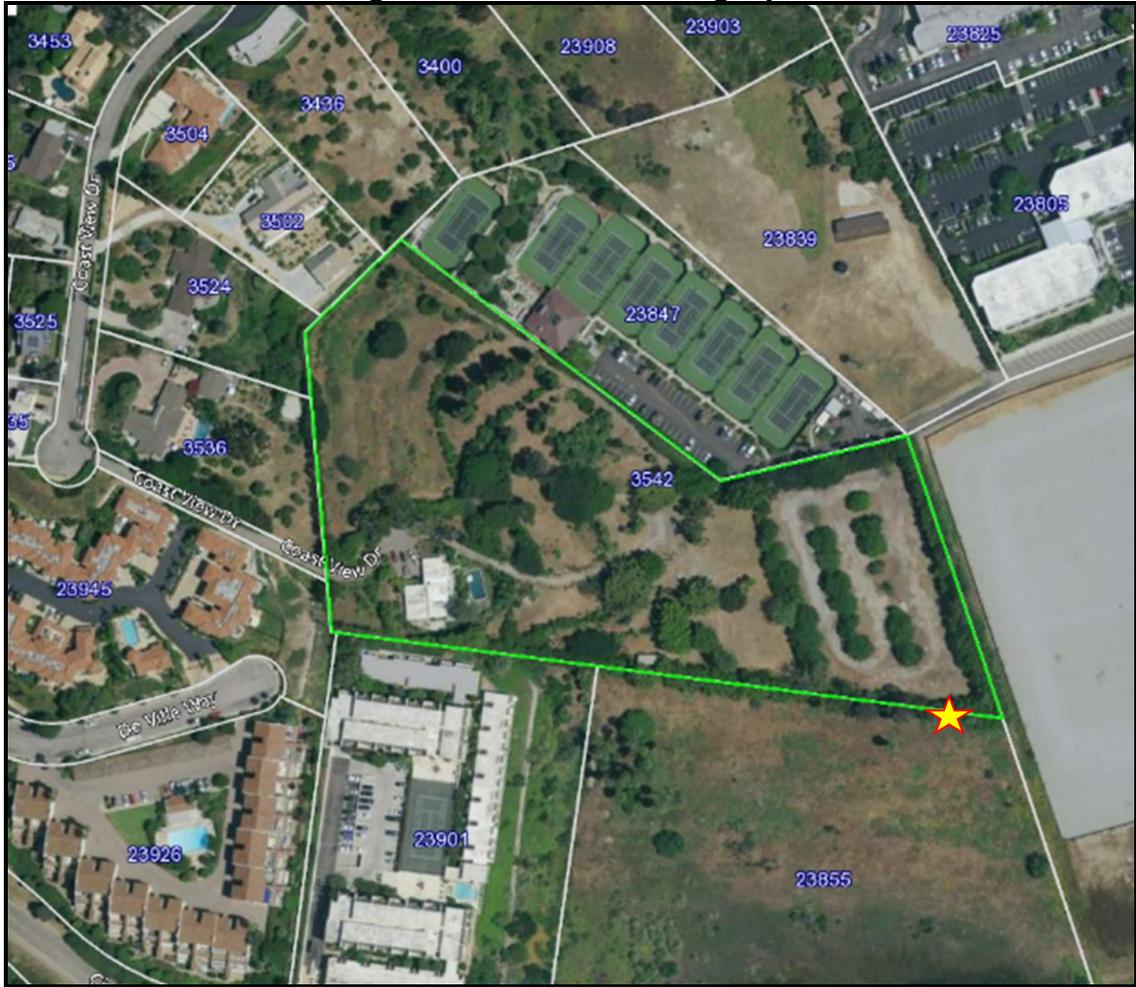
The subject parcel is located along Stuart Ranch Road and Coast View Drive. A 2,144 square foot building has been developed on the southwestern portion of the parcel. The eastern portion of the parcel has been developed as a parking lot with an existing guard house, perimeter fencing, boxed trees, and low voltage solar lighting. These improvements were previously approved by Resolution No. 12-04 and submitted by the same applicant, DP Planning and Development, Inc. for the same purpose as the proposed CUP.

The subject property is located in the Community Commercial (CC) and is bordered by other Community Commercial (CC) zoned properties as well as Multiple Family (MF), and Rural Residential One-Acre (RR-1) zoned parcels. Table 1 below describes land uses adjacent to the subject property.

Table 1 – Adjacent Land Uses				
Direction	Address	Parcel Size	Zone	Land Use
North	23847 Stuart Ranch Road	123,044 sq. ft.	CC	Malibu Racquet Club
South	23855 Civic Center Way	310,594 sq. ft.	CC	Vacant Lot
South	23901 Civic Center Way	166,825 sq. ft.	MF	Condominium Complex
East	APN: 4458-021-175	316,842 sq. ft.	CC	Vacant Lot
West	23945 De Ville Way	156,906 sq. ft.	MF	Condominium Complex
West	3536 Coast View Drive	52,622 sq. ft.	RR-1	Single Family Residence
West	3524 Coast View Drive	43,322 sq. ft.	RR-1	Single Family Residence
West	3502 Coast View Drive	31,052 sq. ft.	RR-1	Single Family Residence
West	3436 Coast View Drive	60,452 sq. ft.	RR-1	Single Family Residence

Figure 1 shows the location of the subject property. The red and yellow star in Figure 1 indicates the approximate location of the temporary parking lot.

Figure 1 – Aerial Photograph



Source: GovClarity 2021

Project Description

The applicant is proposing to re-occupy one acre of the subject parcel that was already re-purposed as a temporary parking lot in 2012. The applicant is proposing no additional development and is requesting to continue to utilize the temporary parking lot as previously approved by the Planning Commission in 2012 for an initial three-year term with two possible one-year extensions approvable by the Planning Director. The current application proposes a smaller temporary yard as compared to the previously approved construction parking area. Currently 75 parking spaces are proposed in a one-acre portion of the parcel as compared to the previously approved 152 parking spaces in a one-and-a-half-acre portion of the parcel. The applicant is also proposing the operation of a shuttle service between the temporary parking lot and various construction sites served. This purpose of the project is to provide a centralized area for construction workers to park rather than occupying parking spaces in the respective construction sites that belong to neighboring properties.

Given that the proposed use is similar to the previously approved use, the conditions of approval contained in Planning Commission Resolution No. 12-04 will be incorporated into Planning Commission Resolution No. 21-66.

The temporary parking lot includes the following ancillary development and operations:

- a) The operation of a shuttle service between the temporary parking lot and construction sites throughout the day. The highest level of activity is proposed from 6 a.m. to 8 a.m. and 3 p.m. to 4 p.m. and shuttle service will end at 8 p.m.;
- b) Continued use of existing access gate and fencing for security reasons;
- c) Continued use of 100 square foot, nine foot 10 inches tall guard house with no foundation; a maximum of two security guards to manage the guard house at any time;
- d) Temporary storage of boxed trees;
- e) Two portable restrooms; and
- f) Low voltage solar lights along the pathways in the parking lot that conform to the Dark Sky Ordinance.

Hours of Operation

The shuttle service between the temporary parking lot and construction sites will occur throughout the day. The hours of operation are from 6 a.m. to 8 p.m. and will not be in operation during days in which construction is not permitted (Sundays or City designated holidays).

CUP ANALYSIS AND RECOMMENDED CONDITIONS

The applicant is requesting a CUP to allow for the operation of a temporary parking lot that consists of 75 spaces at an existing parcel previously developed for temporary parking lot use. Pursuant to MMC Sections 17.24.30 (J) a temporary parking lot for neighborhood construction services is conditionally permitted. The CUP can be supported based on the analysis herein and the findings contained in Planning Commission Resolution No. 21-66.

Conditional Use Permit Findings (MMC Section 17.66.080)

The Planning Commission may approve, deny and/or modify an amendment to 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.

Staff recommends that the Planning Commission approve CUP No. 21-006 based on the findings 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.

Pursuant to MMC Section 17.24.030, neighborhood-serving construction services located on a parcel that is at least five-acres in net lot area is conditionally permitted in the CC zone. The MMC does not provide a specific definition for neighborhood-serving construction services; however, the proposed temporary parking lot and ancillary operations is a use similar in nature because the temporary parking lot would concentrate construction related impacts to an area located around commercial development and prevent parking and traffic impacts to nearby residential streets. The 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.

The proposed project is located at 3542 Coast View Drive, a parcel in the CC designation. MMC Section 17.24.010 identifies parcels within the CC designation as parcels "...intended to provide for the resident serving needs of the community similar to the Commercial Neighborhood district, but on parcels of land more suitable for concentrated commercial activity." The proposed parking lot and all ancillary development and operation are temporary in nature and serve nearby construction sites and prevent construction related impacts such as obstruction of public or private right-of-way by construction vehicles or other access issues. The proposed use would concentrate construction related vehicles on the subject parcel where it is more suitable for commercial activity; therefore, the project would not impair the integrity and character of the CC zoning designation.

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

The area where the temporary parking lot is being proposed has already been utilized previously as a temporary parking lot by the same applicant in 2012 (CUP No. 11-009, Resolution No. 12-04). No complaints were submitted to the City relating to the operation of the previously existing construction parking lot on the subject parcel. Furthermore, the scope of the proposed temporary parking lot is less than what was previously approved of the subject parcel. Therefore, the subject site is physically suitable for the proposed use.

Finding 4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

Although an existing non-conforming residence remains on the property, the proposed temporary parking lot and ancillary operations will be located on the eastern portion of the parcel, away from the existing single-family residence that is located toward the western portion of the parcel. The eastern portion of the subject parcel was previously used as a commercial nursery which stored potted plants and other earthen materials and then subsequently as a temporary parking lot for construction workers which ceased operation on December 31, 2015. The temporary parking lot is proposed in the same area as the previously approved temporary parking lot. Both the previous and proposed temporary parking have similar functions in that they both served construction projects in the surrounding neighborhood. The proposed use is compatible with the land uses presently on the subject property and those 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 use is compatible with existing land uses within the zoning district because the subject property is zoned commercial and was previously used as a temporary parking lot for construction services. The proposed use is temporary and is not anticipated to impact future land uses within the zoning district. The proposed temporary use is compatible with the general area in which it is located in that the surrounding land uses are comprised of a wide range of commercial uses. Furthermore, while there are residential properties located adjacent to the parcel, the bordering residential properties are located along the western property line, away from the proposed temporary parking lot and ancillary operations that will be limited to the eastern portion of the parcel.

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 the staff.

The project proposes two portable restrooms located adjacent to the existing guard house. The portable restrooms will be serviced by a private company contracted by the applicant or property owner. The two portable restrooms shall be removed upon expiration of this CUP. No significant impacts on city services are anticipated. No permanent structure is permitted with this application with the exception of the existing access gate and fencing which have been conditioned to comply with the height restriction in MMC Section 17.40.030; therefore, the proposed project will not affect solar access or impact existing public and private views.

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

The entrance to an existing driveway which serves the single-family residence is located approximately 64 feet west of the proposed access to the temporary parking lot. The proposed project will re-use of the existing driveway apron, gate and fencing located in the eastern portion of the parcel. Furthermore, the gate and fencing will not obstruct patrons of the Malibu Racquet Club from the Club's parking lot. The proposed use will have adequate parking for public access and will not obstruct public traffic circulation.

Finding 8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The use is a conditionally permitted commercial use in the CC zoning district and, as conditioned, is consistent with goals, objective and polices of the General Plan.

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

The proposed project will comply 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.

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

The proposed project is a request for the establishment of a temporary parking lot and ancillary operations. The City Public Works Department has reviewed the project and has placed conditions of approval not requiring Grading, Drainage and Storm Water Pollution Prevention plans since there is no proposed grading or changes to the drainage. As conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or 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 change in use at an existing, developed property. No new development is proposed. The project will result in 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 project is categorically exempt from the provisions of CEQA pursuant to Section 15304(e) – Minor Alterations to Land. 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).

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on August 26, 2021, and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

CORRESPONDENCE: To date, staff has not received public comments regarding this application.

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, staff is recommending approval of this project subject to the conditions of approval contained in Section 7 (Conditions of Approval) of Planning Commission Resolution No. 21-66. The project has been reviewed and conditionally approved for conformance with the MMC.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-66
2. Planning Commission Resolution No. 12-04
3. Project Plans
4. Department Review Sheets
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-66

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. 21-006 TO ALLOW THE ESTABLISHMENT OF A ONE-ACRE TEMPORARY PARKING LOT WITH 75 PARKING SPACES TO SERVE THE CONSTRUCTION ACTIVITIES OF NEARBY CONSTRUCTION SITES, A SHUTTLE SERVICE BETWEEN THE TEMPORARY PARKING LOT AND CONSTRUCTION SITES, CONTINUED USE OF LOW VOLTAGE SOLAR LIGHTING IN COMPLIANCE WITH THE DARK SKY ORDINANCE AND TEMPORARY STORAGE OF BOXED TREES LOCATED IN THE COMMUNITY COMMERCIAL ZONING DISTRICT AT 3542 COASTAL VIEW DRIVE (WAVE PROPERTIES, INC.)

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

SECTION 1. Recitals.

A. On July 14, 2021, DP Planning and Development, Inc., on behalf of Wave Properties, Inc., submitted Conditional Use Permit (CUP) No. 21-006 for the establishment of a temporary parking lot and ancillary operations to serve nearby construction sites.

B. On August 12, 2021, the application was deemed complete.

C. On August 13, 2021, a Notice of Posting was posted at the project site.

D. On August 26, 2021, a Notice of 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.

E. On September 20, 2021, 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 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 categorically exempt from the provisions of CEQA pursuant to Section 15304 (e)– Minor Alterations to Land. The Planning Commission 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).

SECTION 3. Conditional Use Permit Findings of Fact.

The applicant is requesting a CUP to allow the establishment of a temporary one-acre parking lot. Pursuant to Malibu Municipal Code (MMC) Section 17.66.080, the Planning Commission may approve, deny and or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. Based on evidence in the

record including all written and oral testimony and pursuant to MMC Section 17.66.080, the Planning Commission hereby makes the following findings of fact and approves CUP No. 21-006.

1. Pursuant to MMC Section 17.24.030, neighborhood-serving construction services located on a parcel that is at least five acres in net lot area is conditionally permitted in the CC zone. The MMC does not provide a specific definition for neighborhood-serving construction services; however, the proposed temporary parking lot and ancillary operation is a use similar in nature because the temporary parking lot would concentrate construction related impacts to an area located around commercial development. The project has been conditioned to comply with all applicable provisions of the MMC.

2. The proposed project is located at 3542 Coast View Drive, a parcel in the CC designation. MMC Section 17.24.010 identifies parcels within the CC designation as parcels "...intended to provide for the resident serving needs of the community similar to the Commercial Neighborhood district, but on parcels of land more suitable for concentrated commercial activity." The proposed parking lot and all ancillary development and operation are temporary in nature and shall only exist to serve construction sites and prevent construction related impacts such as obstruction of public or private right-of-way by construction vehicles or other access issues. The proposed use would concentrate construction related vehicles on the subject parcel where it is more suitable for commercial activity; therefore, the project would not impair the integrity and character of the CC zoning designation.

3. The area where the temporary parking lot is being proposed has already been utilized previously as a temporary parking lot by the same applicant in 2012 (CUP No. 11-009, Resolution No. 12-04). No complaints were submitted to the City relating to the operation of the previously existing construction parking lot on the subject parcel. Furthermore, the scope of the proposed temporary parking lot is less than what was previously approved of the subject parcel. Therefore, the subject site is physically suitable for the proposed use.

4. Although an existing nonconforming residence remains on the property, the proposed temporary parking lot and ancillary operations will be located on the eastern portion of the parcel, away from the existing single-family residence located toward the western portion of the parcel. The eastern portion of the subject parcel was previously used as a commercial nursery which stored potted plants and other earthen materials and then subsequently as a temporary parking lot for construction workers which ceased operation on December 31, 2015. The temporary parking lot is proposed in the same area. Both the previous and proposed temporary parking have similar functions in that they both served construction projects in the surrounding neighborhood. The proposed use is compatible with the land uses presently on the subject property and those in the surrounding neighborhood.

5. The proposed use is compatible with existing land uses within the zoning district because the subject property is zoned commercial and was previously used as a temporary parking lot for construction services. The proposed use is temporary and is not anticipated to impact future land uses within the zoning district. The proposed temporary use is compatible with the general area in which it is located in that the surrounding land uses are comprised of a wide range of commercial uses. Furthermore, while there are residential properties located adjacent to the parcel, the bordering residential properties are located along the western property line, away from the proposed temporary parking lot and ancillary operations that will be limited to the eastern portion of the parcel.

6. The project proposes two portable restrooms located adjacent to the existing guard house. The portable restrooms will be serviced by a private company contracted by the applicant or property owner. The two portable restrooms shall be removed upon expiration of this CUP. No significant impacts on city services are anticipated. No permanent structure is permitted in this application with the exception of the existing access gate and fencing which have been conditioned to comply with the height restriction in MMC Section 17.40.030; therefore, the proposed project will not affect solar access or impact existing public and private views.

7. The entrance to an existing driveway which serves the single-family residence is located approximately 64 feet west of the proposed access to the temporary parking lot. The proposed project includes re-use of the existing driveway apron, gate and fencing closer to the eastern portion of the parcel to concentrate the proposed use in a location as far from the existing residence and other residential uses near the western property line as possible. Furthermore, the gate and fencing will not obstruct patrons of the Malibu Racquet Club from the Club's parking lot. The proposed use will have adequate parking for public access and will not obstruct public traffic circulation.

8. The use is conditionally permitted commercial use in the CC zoning district and, as conditioned, is consistent with goals, objection and polices of the General Plan.

9. The proposed project will comply 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.

10. The proposed project is a request for the establishment of a temporary parking lot and ancillary operations. The City Public Works Department has reviewed the project and has placed conditions of approval not requiring Grading, Drainage and Storm Water Pollution Prevention plans since there is no proposed grading or changes to the drainage. As conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare.

11. The project will not be at risk from earth movement and flood hazards since the application only involves a change in use at an existing, developed property. No new development is proposed. The project will result in no new impact 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. 21-006 subject to the following conditions. Given that the proposed use is similar to the previously approved use, the conditions of approval contained in Planning Commission Resolution No. 12-04 will be incorporated into Planning Commission Resolution No. 21-66.

SECTION 5. Conditions of Approval.

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 approval is for the establishment of a once-acre temporary parking lot in the eastern portion of the subject to service the construction activities at 22224 Pacific Coast Highway, 3469 Cross Creek Road, and at 23847 Stuart Ranch Road (the Malibu Racquet Club).

The temporary parking lot includes the following ancillary development and operations:

- a) The operation of a shuttle service between the temporary parking lot and construction sites throughout the day. The highest level of activity is proposed from 6 a.m. to 8 a.m. and 3 p.m. to 4 p.m. and shuttle service will end at 8 p.m.;
 - b) Continued use of existing access gate and fencing for security reasons;
 - c) Continued use of 100 square foot, nine foot 10 inches tall guard house with no foundation; a maximum of two security guards to manage the guard house at any time;
 - d) Temporary storage of boxed trees;
 - e) Two portable restrooms; and
 - f) Low voltage solar lights along the pathways in the parking lot that conform to the Dark Sky Ordinance.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **July 14, 2021**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 5 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
5. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).

6. 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.
7. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
8. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Environmental Health Administrator, City Public Works Department, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
9. 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 Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
10. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
11. The property owner shall comply with all provisions of the MMC and Local Coastal Program.

Site Specific Conditions

12. The temporary parking lot may not provide temporary parking for any special events unless otherwise approved in a temporary use permit.
13. The temporary parking lot shall not be utilized for parking for the Malibu Racquet Club unless otherwise approved in a temporary use permit.
14. The temporary parking lot shall not be in operation during days in which construction is not permitted (Sundays or City-designated holidays), unless otherwise approved in a Temporary Use Permit.
15. The shuttle operation shall be limited to hours between 6 a.m. to 8 p.m.
16. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features. 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 guard house 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.
17. All temporary development, including the guard house and two portable restrooms, shall be removed within 30 days of the CUP expiration date.
18. No 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.

Public Works

19. The site plan submitted with this application shows no new grading or changes to the drainage, therefore a grading and drainage plan is not required and there shall be no grading or soil disturbance on site.
20. BMPs and regular maintenance shall be required to ensure the mulch and parking lot remains in compliance with all stormwater regulations over the duration of the conditional use permit.
21. Trash barrels, for the convenience of the parking lot users, shall be placed at the entrance and every 50 feet along the parking aisles, shall be collected and maintained regularly.

Lighting

22. 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 and lighting of the shore are prohibited.
23. Night lighting for sports courts or other private recreational facilities shall be prohibited.

24. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.
25. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.
26. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
27. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
28. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor lighting fixture(s) from the site.

Construction

29. Prior to construction, the applicant shall receive Planning Department approval for compliance with conditions of approval.
30. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and federal, state and local holidays.
31. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.
32. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
33. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

Fixed Conditions

34. If it has cause to believe that grounds for revocation or modification 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.
35. All other conditions of Planning Commission Resolution No. 12-04 are incorporated herein by reference.
36. The conditional use permit shall expire on December 31, 2024, or the date of issuance of a certificate of occupancy for the structures the subject temporary parking lot proposes to serve (22224 Pacific Coast Highway, 3469 Cross Creek Road, and 23847 Stuart Ranch Road), whichever is earlier, unless an extension is granted by the Planning Director prior to expiration.

Prior to Final Inspection

37. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
38. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. Final Building and Safety Division approval shall not be issued until the Planning Department has determined that the project complies with this administrative plan review permit.
39. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval.

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

PASSED, APPROVED AND ADOPTED this 20th day of September 2021.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

PATRICIA SALAZAR, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action), 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 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms and fee schedule may be found online at www.malibucity.org/planningforms, in person, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-66 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 20th day of September 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PATRICIA SALAZAR, Recording Secretary